

A Dialogue across Paradigms

The European Commission's Autonomous Power within the Open Method of Coordination

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To my parents, Alison and Gilbert.

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The European Commission's Autonomous Power within the Open Method of Coordination

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Thesis Abstract

This research project seeks to gauge the autonomous power of the European Commission within the Open Method of Coordination (OMC), a new mode of governance coined at the Lisbon European Council in March 2000 and based on the principle of the voluntary cooperation of Member States. Two cases form the basis of this inquiry, namely, quality in work, a policy issue addressed under the banner of the European Employment Strategy, and child poverty and social exclusion, a key item on the agenda of the OMC for Social Inclusion. A primary impetus at the heart of this project is one of ontological pluralism. Rejecting a zero-sum interpretation of the rationalist/constructivist debate, this study constitutes a plea for a conversation across paradigms. The domain-of-application model employed here works by preserving the integrity of individual theories while specifying a particular scope condition under which constructivist and rationalist insights are likely to prevail. Selecting two cases on the basis of the critical scope condition of issue sensitivity, a central postulate informing this integrative research design is that high issue sensitivity (quality in work) invites strategic interaction among pre-constituted social actors driven by a behavioural logic of utility-maximization, while low issue sensitivity (child poverty and social exclusion) allows for a fundamentally norm-guided behaviour.

Concretely, in effecting this theoretical dialogue, two sets of causal hypotheses are examined. On the one hand, rational choice institutionalism (principal-agent theory) offers a number of suppositions about the Commission's institutional power, that is, its ability to transform the conditions of action of self-seeking national governments. On the other hand, sociological institutionalism conceptualizes the Commission's productive power (i.e. its power to constitute the interests and identities of individual agents) through the lens of discourse analysis.

Testing theoretical predictions against collected data makes plain the superior explanatory value of independent variables and causal mechanisms of rationalist lineage in capturing the essence of the Commission's autonomous power in the case of quality in work and the congruity of sociological institutionalism's original conjectures in the area of child poverty and social exclusion. Crucially, this strict correspondence corroborates the pertinence of the critical scope condition of issue sensitivity in delineating the explanatory ambit of both theories and attests to the co-existence of different forms of autonomous power wielded by the Commission within the framework of the OMC.

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Abbreviations and Acronyms

APR	Annual Progress Report
BEPG	Broad Economic Policy Guidelines
CEC	Commission of the European Communities
COM	Commission Communication
COREPER	Committee of Permanent Representatives
CPSE	Child Poverty and Social Exclusion
DG	Directorate General
DG EMPL	Directorate-General Employment, Social Affairs and Equal Opportunities
DG Enlargement	Directorate-General for Enlargement
DG ECFIN	DG Economic and Financial Affairs
EAPN	European Anti-Poverty Network
EC	European Communities
ECB	European Central Bank
ECHP	European Community Household Panel
ECJ	European Court of Justice
EES	European Employment Strategy
EFC	Economic and Financial Committee
EIE	European in Europe Report
EMCO	Employment Committee
EMU	European Monetary Union
EP	European Parliament
EPC	Economic Policy Committee
EPSCO	Employment, Social Policy, Health and Consumer Affairs Council
ESF	European Social Fund
ESM	European Social Model
ESN	European Social Network
ETUC	European Trades Union Confederation
ETUI	European Trade Union Institute
EU	European Union
EU-SILC	EU Statistics on Income and Living Conditions
Eurofound	European Foundation for the Improvement of Living and Working Conditions
Euronet	European Children's Network
Eurostat	Commission Directorate-General responsible for providing statistical information at the EU level and promoting the harmonisation of statistical methods across the Member States of the EU, candidate countries and EFTA countries.
FEANTSA	European Federation of National Organisations working with the Homeless
FP6	Sixth Framework Programme
GDP	Gross Domestic Product
GNP	Gross National Product

ILO	International Labour Organization
IO	International Organizations
IR	International Relations
ISG	Indicators Sub-Group
JER	Joint Employment Report
JR	Joint Report
MS	Member States
M&E	Monitoring and Evaluation
NAP	National Action Plan
NAPincls	National Action Plan for Social Inclusion
NAPempl	National Action Plan for Employment
NGO	Non-Governmental Organizations
NI	New Institutionalism
NRP	National Reform Programme
NSR	National Strategy Reports (for Social Protection and Social Inclusion)
OECD	Organisation for Economic Co-operation and Development
OMC	Open Method of Coordination
OMC/SI	Open Method of Coordination in the Field of Social Inclusion
OMC/SPSI	Open Method of Coordination in the Fields of Social Protection and Social Inclusion
PROGRESS	Programme for Employment and Social Solidarity
PSE	Poverty and Social Exclusion
P-T	Process-Tracing Method
P-A Theory	Principal-Agent Theory
QMV	Qualified Majority Voting
QWE	Quality in Work and Employment
RECWOWE	“Reconciling Welfare and Work in Europe”, A Network of Excellence of the European Commission’s 6 th Framework Programme
RCI	Rational Choice Institutionalism
R&D	Research and Development
SEA	Single European Act
SEC	Commission Staff Working Document
SI	Sociological Institutionalism
SPC	Social Protection Committee
SSR	Social Situation Report
TLM	Transitional Labour Market
UK	United Kingdom
UNCRC	United Nations Convention on the Rights of the Child
UNECE	United Nations Economic Commission for Europe
UNICEF	United Nations Children’s Fund

1 Introduction and overview

In recent years, so-called new modes of governance¹ have gained salience within the European Union (EU), both in the real world of a few select policy areas and as the focus of academic debate on the reform of EU governance. Though the terminology varies - governance by objectives², post-regulatory governance³ and neo-voluntarism⁴ - the precept remains the same: that of a mode of governance no longer based on the axiom of compulsory regulation, but rather on the principle of voluntary performance of Member States.

Coined at the Lisbon European Council on 23-24 March 2000, the Open Method of Coordination (OMC) is widely recognized as constituting a specific but representative component of these new modes of governance⁵. Unlike the classic Community Method, which is based on the principle of regulation through legislation, OMC procedures allow Member States to agree on a set of policy objectives (guidelines) but remain free to translate these objectives within their national contexts in ways which they consider to be the most appropriate. The OMC's sudden irruption into the workings of the Union sparked lively debates among practitioners and researchers alike surrounding the potential of such a method. While preliminary empirical studies in this field are still in their infancy, considerable emphasis has been placed on examining the OMC as an ideal-type

¹ Governance is an essentially contested concept for which no single definition exists; Rhodes 2000. Within the field of EU studies, it has been used to describe the steering activities of the EU institutions. In its White Paper on Governance, the Commission offers the following definition: "rules, processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence", CEC 2001a: 8. For an overview of the significant purchase of the term within EU studies and the debates surrounding it, Kohler-Koch and Rittberger 2006.

² Ekengren and Jacobsson 2000.

³ Mosher 2000.

⁴ Streeck 1996.

⁵ Ekengren and Jacobsson 2000, Eberlein and Kerwer 2002, Scott and Trubek 2002, Goetschy: 2004, Trubek and Mosher 2003, Radaelli 2003, Sabel and Zeitlin 2007.

and numerous accounts of its novel institutional set-up have led to the formulation of an extensive list of expectations about its democratic qualities and potential in terms of governance. Yet, a cursory overview of this blossoming academic literature brings to light a somewhat unwieldy assumption: that of the centrality of national governments within the OMC and the principally intergovernmental nature of their relations. The Council of the European Union, so the argument goes, remains at the heart of the OMC processes, thus barring the European Commission from any form of substantial power within this new mode of governance.

The commonly held view of the Commission's ineffectual standing within the OMC stems from a primarily legal reading of its mandate. Indeed, compared to the Community Method, in which the Commission enjoys a range of significant constitutional powers, the innovative institutional design of the OMC has largely relegated the so-called engine of European integration to the role of backbencher⁶. Its prominent legislative, executive and judicial responsibilities within the Community Method have been substituted - at least on paper - by a more discrete mediative role aimed at drawing out consensus among Member States and facilitating the unanimous endorsement of collective guidelines and objectives. However, this thin conception of the Commission's role within the OMC repudiates a substantial body of literature within EU studies replete with case studies demonstrating how the Commission has time and again exerted fundamentally autonomous power in the processes of European policy-making and integration. Rejecting the rudimentary inference of the Commission's powers made purely on the basis of the legal provisions stipulated in the Treaty, this study sets out to offer a comprehensive account of the reality of the power games at play in the day-to-day workings of the OMC.

⁶ On the Commission's position at the heart of the EU system of governance, see Nugent 2000: 6-11, Dehousse 2011.

Concretely, the primary impetus behind this research project stems from the seeming incongruity between the manifestly constrictive institutional architecture enforced upon the Commission in the case of the OMC⁷ and preliminary empirical findings demonstrating how the Commission has autonomously impacted on decision-making processes within this particular instance of new governance. The notion that the Commission is an obedient agent - kept under close check by national governments - quickly runs afoul of a number of documented instances in which it has sought to pursue its own agenda⁸. Although tentative, these early findings provide a preliminary validation of certain suppositions loosely articulated by scholars and an encouraging first step for future research⁹. Thus, the original *puzzle* at the heart of this study can be articulated in the following terms: Why, if the original institutional design of the OMC purposively sought to constrict the role of the Commission, has it been able to independently assert itself as a notable actor within this new institutional framework?

1.1 Research question, analytical goals and theoretical framework

Directly flowing from the empirical puzzle cited above is the central research question guiding this project, namely: *Has the European Commission effectively exerted autonomous power on decision-making within the OMC?* Since the purpose of this study

⁷ Kassim and Dimitrakopoulos 2007: 1264-5, see also Kassim and Menon 2004.

⁸ While studies that focus exclusively on the powers of the Commission within the OMC are scarce (Borrás 2007, Deganis 2006a, Jobelius 2003), many empirical studies in connection with the OMC indirectly evidence the Commission's autonomous power and influence within the method's coordinative processes (Zeitlin 2005b).

⁹ Theoretical speculations surrounding the Commission's power within the OMC can be found in the following works: Dehousse 2002: 14, De la Porte and Pochet 2004: 72, 2003, Schmidt 2000b, Goetschy 1999, Jacobsson and Vifell 2005, 2007, Trubek and Mosher 2003, Jabko 2004.

is to examine the Commission's autonomous power, we need to ask how and when such power has been exerted.

A central impetus at the heart of this research project is one of ontological pluralism. Rejecting a zero-sum interpretation of the rationalist/constructivist debate (as well the associated tendency among theoretical purists for methodological fundamentalism, which often leads to important questions or answers being heedlessly ignored if they do not fit easily within a favoured paradigmatic fashion), this study constitutes a plea for a dialogue across paradigms. A central contention is that rationalism and constructivism are most fruitfully viewed as analytical tools or lenses which may be employed in unison in order to obtain more compelling answers and sketch a more comprehensive picture of social reality. Thus, in relying on a theoretical framework that integrates the two approaches, a central ambition of this research project is to provide a truer picture of the Commission's autonomous power within the OMC by engaging in middle-range theorizing.

To ask "how" requires that one thinks about mechanisms, that is, the intermediate processes along which the Commission has been able to independently impact on OMC decision-making procedures¹⁰. Given this study's overarching concern for promoting theoretical dialogue across the rationalist/constructivist divide, two distinct categories of causal mechanisms will be examined. On the one hand, a constructivist reading of the OMC will emphasize processes of arguing/persuasion and the Commission's ideational influence communicated by means of policy discourse (productive power); while on the other hand, a rationalist approach will conceptualize change as induced by the Commission's ability to work through rules and procedures to transform the conditions of

¹⁰ On causal mechanisms, see Hovi 2004, Zürn and Checkel 2005: 1048-9.

action of self-seeking national governments (institutional power). Likewise, intimately linked to the question of how such processes unfold is the issue of “when” these distinct causal mechanisms are triggered. Identifying a particular scope condition delineating the relevance of rationalist or constructivist processes is an important step towards this project’s ambition of theoretical synthesis through the advancement of domain-of-application propositions. Thus, at its outset, this research project has three principal analytical goals:

- To explore the European Commission’s ability to exert autonomous power within the OMC;
- To theorise and document a set of independent variables and associated causal mechanisms, inspired by both a rationalist and constructivist reading of OMC procedures;
- To identify a critical scope condition able to effectively demarcate the domain-of-application of both rationalist and social constructivist theoretical prisms.

Rational choice and social constructivism are best conceived as broad approaches to social theory. Their fundamental concern with ontological and epistemological questions means that neither approach can be practically supported or falsified by empirical evidence; rather, they form instances of what Wendt terms second-order theories¹¹. By contrast with second-order theories, first-order theories are both substantive and domain-specific. Their specificity is derived from their ability to marry broader second-order assumptions to the analysis of particular social systems (family, Congress, international systems, the EU), while their substantive quality means that they offer a broad range of

¹¹ Wendt 1999: 6.

auxiliary specifications about, *inter alia*, the nature of actors, the origin of their preferences and the strategic setting in which they evolve¹².

In view of the considerable panoply of first-order theories derived from both rational choice and constructivist paradigmatic assumptions, new institutionalism has been purposefully chosen to constitute the particular prism (or first-order theory) through which this empirical investigation will be mediated. New institutionalist analysis is centred on the central postulate that *institutions matter*, that is to say, that the study of institutional configurations provides valuable analytical leverage in understanding political outcomes. Consistent with the fundamental meta-theoretical divide expounded upon above, rational choice institutionalism (RCI) and sociological institutionalism (SI) indubitably constitute the centrepiece of the new institutionalist theoretical landscape¹³. Traditionally, these two strains of analysis have been plotted against one another, as researchers have engaged in a ruthless game of competitive testing or sought to establish one approach as a logical subsumption of the other¹⁴. However, more recently scholars have begun to theoretically and empirically explore the greyer area of pragmatic dialogue¹⁵. This conversation across paradigms has been most fruitfully specified by proponents of a domain-of-application approach which works “by identifying the respective turfs and “home domains” of each theory, by specifying how each explanation works, and finally by bringing together each home turf in some larger picture”¹⁶. Concretely, this model of theoretical dialogue seeks to preserve the integrity of individual theories while specifying a particular scope condition under which constructivist and

¹² Pollack 2007: 33, Snidal 2002: 75.

¹³ On the reasons vindicating the use of new institutionalism and why historical institutionalism has been discounted from this study, see *Section 3.1. The Origins and Merits of New Institutionalism*.

¹⁴ For an overview of the method of incorporation (subsumption) see Jupille *et al.* 2003: 23-24.

¹⁵ Fearon and Wendt 2002, March and Olsen 1998, Risse 2000, 2002, Schneider and Aspinwall 2001, Aspinwall and Schneider 2000, Jupille *et al.* 2003, Checkel 1999.

¹⁶ Jupille *et al.* 2003: 21.

rationalist insights are likely to prevail and effectively provide the primary explanantia of political outcomes in the empirical world. Crucially, the integrative research design employed in this study will employ the scope condition of “issue sensitivity” in order to demarcate the explanatory ambit (i.e. domain-of-application) of both strands of new institutionalist theory. The result, if successful, is a comprehensive composite in which different explanatory variables and divergent causal mechanisms coexist alongside one another. Ultimately, this theoretical synthesis – if carefully specified – will capture different facets of a same empirical reality, thus providing a truer picture of the social world¹⁷.

In terms of methodology, this study adopts a process-tracing approach that promises to reconcile both a macro and micro institutional perspectives in view of capturing all facets of the Commission’s autonomous power within the OMC. In practice, consideration is given both to (1) decisions taken at the level of the European Council aimed at setting the general direction and thematic priorities of the OMC, and (2) policy-coordinative decisions secured within OMC central advisory committees. Crucially, process-tracing takes seriously the principle that “correlation is not causation”, claiming instead that causal mechanisms are central to scientific explanation. In so doing, it seeks to disassociate itself from an entrenched proclivity among EU scholars for a broader analytical approach that underscores end states and demonstrates a clear affinity towards correlational arguments. Dispelling the notion of a case study providing a single observation of the principal outcome of interest, proponents of process-tracing claim that within-case analysis can yield a diverse array of other observations pertinent to the testing

¹⁷ This additive logic is acclaimed by Checkel, who notes: “Constructing European institutions is a multifaceted process, with both rationalist and sociological toolkits needed to unpack and understand it [...] by itself, each school explains important elements of the integration process; working together, or at least side-by-side, they will more fully capture the range of institutional dynamics at work in contemporary Europe”, 1999: 545-6.

of a theory. Indeed, two OMC strands will be examined as part of this project, namely the OMC for Employment (also known as the European Employment Strategy (EES)) and OMC Social Protection and Social Inclusion (OMC/SPSI); within them, two particular policy issues will be singled out as individual case studies, namely, quality in work (high issue sensitivity) and child poverty and social exclusion (low issue sensitivity). In practice, these two cases will be broken down into a set of theoretically conjectured intermediate steps (operating both at the level of the European Council and the OMC Committees) covering the period 2000-10, which will subsequently be tested against relevant data with a view to reaching a judgement about the superiority of one theory over the other in cases which load differently on the scope condition of issue sensitivity. Crucially, a central postulate informing this integrative research design is that high issue sensitivity (quality in work) invites strategic interaction among pre-constituted social actors driven by a behavioural logic of utility-maximization where the Commission will seek to exert *institutional power* by working through rules and procedures to manipulate national governments cost-benefit calculations and transform their behaviour (rational choice institutionalism), while low issue sensitivity (child poverty and social exclusion) allows for a fundamentally norm-guided behaviour and a dynamic process of preference formation where the Commission's *productive power* will depend on its capacity to dynamically (re)construct national administrations' preferences by means of a carefully crafted discourse (sociological institutionalism).

Finally, this research project's key contributions are fundamentally of two types. Theoretically, it explores the possibility of a conversation across paradigms by employing a problem-driven instead of a method-driven approach to empirical research. Rather than seeking to score debating points, emphasis is placed on broadening one's repertoire of

answers by viewing rationalist and constructivist theories as pragmatic analytical tools which may be employed in conjunction with one another to obtain a more compelling account of social phenomena. Empirically, this project marks a first step towards exploring the Commission's autonomous power within the EU's rapidly changing governance landscape. To date, commentators in the field have systematically sought to investigate and theorize the Commission's role within the traditional Community Method - a hard law "command and control" model premised on the Commission's exclusive right of legislative initiative - that has been its main domain of action for the past five decades¹⁸. However, this academic bias appears more and more untenable in view of the growing importance of new modes of governance, of which the OMC is the most prominent example, within the political landscape of the EU. This steady movement towards a gradual transformation of the EU system of governance readily transpires in the Commission's 2001 White Paper on Governance, which states that "the Union must renew the Community Method by following a less top-down approach and complementing the EU's policy tools more effectively with non-legislative instruments"¹⁹. Accordingly, certain questions arise. How has the European Commission sought to adapt to these new modes of governance? Has the OMC weakened the Commission's autonomous power within the EU? What means has it employed to gain influence within such a novel institutional framework? This study's findings seek to offer a first insight into the impact of the OMC's adaptational pressures on the Commission's role and autonomous power within the EU.

¹⁸ Scott and Trubek 2002.

¹⁹ CEC 2001a: 4.

1.2 Thesis outline

This study proceeds in six steps. Chapter two lays the foundations of this project's theoretical framework. Following a brief overview of the OMC architecture and a *précis* of early normative/empirical research in this area, this opening chapter underlines the central commitment to ontological pluralism at the heart of this study and draws attention to the rationale and practical execution of the domain-of-application approach when gauging the Commission's autonomous power within the OMC. Chapter three sets forth the theoretical framework that will serve to guide this research project. Emphasis is placed on outlining the central tenets of new institutionalist analysis and transposing its abstract theoretical template to the case of the OMC. A close examination of the institutional specificities of the OMC will allow for a pragmatic specification of the independent variables affecting the degree of Commission's autonomy within this new mode of governance. Both rational choice and sociological institutionalist accounts will be addressed in turn and two distinct sets of causal hypotheses will be fleshed out. Chapter four outlines this research project's methodology; vindicating the use of a process-tracing methodology, defending the case selection on which this study is founded and expounding on data collection methods and multi-source triangulation. Chapters five and six present the results of the empirical research. Findings are organized in two separate chapters, each one corresponding to a particular case study (quality in work and child poverty and social exclusion). Rejecting an antagonistic form of research design, this project sets out to comparatively gauge the explanatory capacity of both rationalist and constructivist strands of new institutionalism, in view of documenting the pertinence of the critical scope condition of issue sensitivity. Finally, this study's closing chapter (chapter seven) concludes and expands on the relevance and generalizability of this study's findings and potential avenues for future research.

2 Conceptualizing the Commission’s autonomous power within the Open Method of Coordination

The opening chapter aims to establish the foundations of this project’s theoretical framework; it is organized in two parts. A first section (*Section 2.1*) offers an initial *précis* of the fundamental qualities of the OMC and draws attention to the state of the art in theory and empirics surrounding this new mode of governance, laying particular emphasis on the manner in which the Commission is portrayed within this burgeoning academic literature. Though principally descriptive in nature, this overview provides a crucial backdrop to this research project by sketching in broad lines the OMC’s unique institutional architecture. A second section (*Section 2.2*) draws attention to an overarching exigency of ontological pluralism and the ambition of theoretical synthesis at the heart of this project. In effecting this pragmatic dialogue across the rationalist/constructivist divide, emphasis is placed on the practical execution of the domain-of-application approach in the case at hand. Finally, issue sensitivity is singled out as a critical scope condition capable of delineating the explanatory ambit of both RCI and SI.

2.1 The open method of coordination: state of the art in theory and empirics

2.1.1 The open method of coordination: policy-making without legislating

Unlike the traditional Community Method that is based on the principle of regulation through legislation, OMC procedures allow Member States to agree on a set of policy objectives (guidelines) but remain free to translate these objectives within their national

contexts in ways that they think most appropriate²⁰. Emphasis is on mutual recognition (rather than harmonization) and the method aims to achieve convergence of results while allowing a diversity of national policies²¹. In the words of Goetschy, the OMC is a new regulatory method “which insists on the non compulsory character of rules, their flexibility, and openness, their decentralised character, the plurality of actors involved which contrasts with the main characteristics of the traditional “Community Method””²². The OMC was officially coined at the Lisbon European Council (23-24 March 2000) and is implemented in a variety of areas both social and economic with the aim of achieving the objectives of the Lisbon Strategy. The Lisbon agenda aims to provide a medium term coherent project for EU integration; it set Member States the goal of making the EU, within ten years, “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”²³; a phrase which has become something of a mantra in European Studies post-Lisbon. While the OMC allows for considerable variations in formats and rationales across policy areas, the Lisbon European Council Conclusions established an abstract template organized as a set of iterative procedures, namely:

- Fixing common guidelines for the EU combined with specific timetables for achieving the establishing goals which they set in short, medium and long term,
- Establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practice,

²⁰ For a contextualization of the OMC as one of several modes of governance, see Wallace *et al* 2010: chapter 4

²¹ For an overview of the rich body of literature on the OMC, see Armstrong 2006c, Cini and Rhodes 2007, Dehousse 2004a, 2004b, Tholoniati 2010.

²² Goetschy 2004: 1.

²³ European Council 2000a.

- Translating these European guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences,
- Periodic monitoring, evaluation and peer review organized as mutual learning processes²⁴.

The OMC distinguishes itself from the classic Community Method with regard to several of its fundamental attributes²⁵. Firstly, the OMC is characterized by its flexibility since it does not claim to impose blanket solutions suitable for all Member States but rather to draw up guidelines that each government is required to translate into specific action plans, in accordance with its own particular situation. A second distinctive feature of the OMC is its participative and decentralized nature. The “open” nature of the method means that “the Union, the Member States, the regional and local levels, as well as the social partners and civil society”²⁶ are to work collectively together. Thirdly, the OMC is a fundamentally iterative process where procedural routines facilitate the pooling of knowledge and include the regular (re)defining of guidelines and indicators, periodic monitoring of national reports and the search for best practices. Finally, the OMC is devoid of any binding character. In the absence of any strong coercive mechanisms, the OMC relies essentially on the goodwill of national governments. Although it is useful to examine the OMC as an ideal-type, its features vary considerably across policy areas, allowing for considerable variation in terms of formats, rationales and results. In the words of Vandenbrouke, the OMC “is not some kind of fixed recipe that can be applied to

²⁴ European Council 2000a: paragraph 37.

²⁵ Jacobsson 2001, Jacobsson and Schmid 2003, Scott and Trubek 2002, Borrás and Jacobsson 2004: 189.

²⁶ European Council 2000a: paragraph 38.

any issue [...] Policy co-ordination and open co-ordination together constitute a cookbook that contains various recipes, lighter and heavier ones”²⁷.

2. 1. 1. 1 Classifying the OMC across different policy areas

If the OMC is a cookbook, the exact number of recipes it contains remains unknown. In fact, the rapid proliferation of the method across disparate policy areas is a key feature of its development as a new mode of governance. As mentioned previously, the OMC originally started out as an instrument of predilection for the implementation of the Lisbon Strategy. Yet before its official coining at Lisbon in 2000, OMC-like processes were already in place across a range of policy areas, most notably, macro-economic policy, employment policy, fiscal surveillance, immigration and taxation. On the basis of these pilot measures of the 1990s, the Lisbon European Council established a template of the method and launched it in the areas of enterprise promotion, education and vocational training, social inclusion, R&D/innovation and information society/eEurope. However, its ability to capture the imagination of academic commentators and practitioners alike meant that the OMC quickly gained in relevance across a range of domains far removed from “Lisbon Europe”. In 2001, the European Council launched the OMC for pension policy²⁸, and in 2004 the method was further extended to the areas of health and long-term care²⁹. Gradually, policy sectors as varied as environment/sustainable development, youth, and tourism policy were brought under the ambit of the OMC.

A number of studies have sought to establish a cross-policy comparison of OMC processes primarily on the basis of their operationalization of policy coordinative

²⁷ Vandenbrouke 2002: 9.

²⁸ Natali 2007.

²⁹ Hervey 2008.

instruments as set out in the original template of the Method³⁰. Delving into the OMC toolbox, Laffan and Shaw identify no less than thirteen “Lisbon instruments” distilled from the list of measures set out by the European Council (*see Annex I*). Crucially, such systematic cross-policy analyses of the OMC draw attention to the varying degree of institutionalization displayed by different strands of the Method. Many OMC processes do not comprise the complete four-stage design defined at Lisbon, rather, they are characterized by “‘lite’ recipes and fragmentary architectures”³¹. Accordingly, different strands of the Open Method can be placed along a continuum - or sliding scale of institutionalization - with at one end weak OMCs (immigration, youth, tourism, taxation) displaying a relatively meagre range of instruments (falling short of the standard necessary for establishing significant coordination among Member States) and at the other end strong OMCs (macro-economic policy, social inclusion, employment, fiscal surveillance) characterized by a near complete set of policy instruments as originally laid down in the OMC’s original formula at Lisbon.

2. 1. 1. 2 The 2005 revamp of the Lisbon Strategy and its consequences for the OMC

Placing the catchphrase of knowledge-based economy at the centre of its vision for future EU development, the Lisbon Strategy set three policy goals for the Union – a competitive economy, more and better jobs and greater social cohesion – and established the OMC as the central operative instrument to realize them. Yet beyond its broad rhetoric, the Lisbon Strategy was a dynamic process where the political hierarchy among separate policy domains (economics, employment, social protection) was not static but could be refashioned by political forces operating within the EU. In fact, since it got underway in

³⁰ Radaelli 2003, Laffan and Shaw 2005.

³¹ Zeitlin 2007: 6.

2000, the Strategy has undergone two phases: before and after the relaunch of the Lisbon process in 2005.

The transient period leading up to the 2005 relaunch was one of vigorous interrogation, where early enthusiasm – both for Lisbon’s ambitious policy agenda and the OMC’s capacity to deliver - gave way to a more cautious and critical assessment by journalists, politicians and academics alike. A series of reviews was undertaken, the most publicized and influential being that of the High Level Group chaired by Wim Kok. The resulting report (commonly referred to as the “Kok report”) expressed strong criticism of the entire process, especially with regard to the Lisbon’s “implementation gap” and “lack of determined political action”. Specifically, the social inclusion elements were singled out as examples of where the Strategy was too “broad” and “about everything and nothing”. The report recommended that the Lisbon programme be revived and re-launched by a closer and exclusive focus on economic growth and jobs³². The Lisbon Strategy *New Start* Communication prepared by the incoming Commission echoed the Kok Report’s critique of the OMC for failing to mobilize governments’ commitment to the implementation of the Lisbon Agenda and endorsed the recommendation made by High Level Group to refocus the Strategy on growth and jobs³³. Behind the impulse to scrap the social side of the Lisbon triangle was the feeling that the Strategy had become too dispersed and that a reprioritization on growth and jobs would enhance the visibility and political commitment to the process³⁴.

³² CEC 2004a: 43.

³³ CEC 2005a.

³⁴ CEC 2005b: 24. In fact, the integration of employment and economic OMC guidelines and processes had been proposed by the Commission as early as 2002, CEC 2002b: 487.

Crucially, the 2005 relaunch radically transformed the architecture of the OMC processes pertaining to the original trinity of the Lisbon Strategy. In effect, the EES guidelines and the Broad Economic Policy Guidelines (BEPG) were drawn together into a single set of twenty-four integrated guidelines for growth and jobs, divided into separate macroeconomic, microeconomic and employment chapters³⁵. Mirroring this architectural shift, reporting obligations were also simplified. On the social side, following a forceful EU-level campaign led by social NGOs with support from key Member States and the European Parliament³⁶, social cohesion objectives were formally reinstated in the Lisbon Strategy at the Spring European Council meeting in 2005³⁷. At the same time, social inclusion was merged with two younger OMC processes in the social field – pensions, health and long-term care – under a single OMC on Social Protection and Social Inclusion (OMC/SPSI), with both common and sector-specific objectives³⁸. This new “streamlined” social OMC established simplified reporting requirements. Since 2005, Member States publish an annual “National Report of Strategies for Social Protection and Social Inclusion” which integrates the previous inclusion and pension reports into a single document. Following the submission of these national reports, an annual Joint Report on SPSI (approved both by the Commission and the Council) serves to assess progress made by governments towards common EU objectives.

2. 1. 2 Mapping early tentative steps in the study of the OMC

The inception of the OMC at Lisbon immediately sparked lively debates in both political

³⁵ Holmes *et al.* 2007.

³⁶ Daly 2006a: 475-6. The reprioritisation of the revised Strategy has been interpreted by many scholars as a regrettable “downgrading” of social cohesion as a priority commitment, “with the former trinity (of jobs, growth and inclusion) being replaced by a duality”, Daly 2007: 14.

³⁷ European Council 2005.

³⁸ The idea of streamlining the OMC’s social strands had been aired by the Commission in 2003, CEC 2003a.

and academic circles alike; a trend that has grown in momentum over the past decade. Below, consideration is given to both normative and empirical strands of the OMC literature, before expounding on a relatively neglected area of inquiry, that is, the Commission's role within the novel institutional framework of the OMC.

2. 1. 2. 1 The OMC as a normative ideal

The OMC is commonly examined in its ideal-typical form in an attempt to theorize its potential as a new form of governance. Three particular aspects are given emphasis to in the literature. Firstly, the normative debate surrounding the OMC draws attention to its democratic legitimacy and its democracy-enhancing capacity. On the one hand, the OMC is considered to enhance the legitimacy of the EU since the responsibility of social policy remains at the national level; the EU merely fulfilling a coordinating role³⁹. On the other hand, the plurality of stakeholder interests feeding into the OMC's decision-making processes is deemed to further its democratic legitimacy⁴⁰. Secondly, much of the rhetoric surrounding the OMC emphasises the potential effectiveness of this method in terms of promoting experimental learning insofar as it systematically obliges Member States to pool information, compare themselves to one another and to reassess their current policies in light of their relative performance⁴¹. Far from being a second-best option relative to the Community Method, the OMC allows for a measure of coordination and cooperation in policy fields where governments do not wish to have their autonomy restricted by a strict legislative framework and where national diversity (in terms of welfare regimes⁴²,

³⁹ Hodson and Maher 2001: 731.

⁴⁰ Jacobsson 2001: 11, Scott and Trubek 2002: 8, Telo 2003: 263, 266.

⁴¹ Trubek and Mosher 2003, Eberlein and Kerwer 2002, De la Porte and Nanz 2004, Jacobsson 2004.

⁴² Offe 2003, Scharpf 2002. For a typology of ideal-typical welfare regimes see Esping-Anderson 1990, Leibfried 1992, Ferrera 1996.

institutional frameworks⁴³ and national sensitivities) does not allow for blanket solutions⁴⁴. Finally, numerous OMC procedures such as regular information exchange, benchmarking, external monitoring and evaluation, short deadlines and strict timetables are considered to apply a certain form of soft pressure on national policy-makers⁴⁵.

Dampening the prevalent enthusiasm among EU scholars, a number of negative indictments have also been made against the Method. The most widespread criticism hinges on the fact that the OMC is considered to be merely a form of symbolic politics which has no real impact on MS policy⁴⁶. Similarly, it has been alternately portrayed as a Trojan horse allowing the EU to encroach unlawfully into policy areas that are the reserve of MS⁴⁷, a potential threat to the classic Community Method (capable of displacing the use of “hard law” in areas where the EU already enjoys legislative powers⁴⁸) or a closed and opaque method of policy coordination dominated by a narrow group of national officials and unaccountable civil servants⁴⁹.

2. 1. 2. 2 *Empirical research: the OMC through the lens of europeanization*

The bulk of preliminary empirical research on the OMC pertains to the nascent debate on Europeanization⁵⁰ since a fundamental concern of EU scholars has been that of evaluating

⁴³ Trubek and Mosher 2003.

⁴⁴ Cohen and Sabel 2003: 368, also CEC 2002a: 37, Laffan 2002.

⁴⁵ This soft pressure can take several forms: the fear of being “named and shamed” (Arrowsmith *et al.* 2004, De la Porte *et al.* 2001), micro-sociological processes (Borrás and Jacobsson 2004, Jacobsson and Vifell 2005, 2007) and temporal disciplining owing to tight timetables and strict deadlines (Goetschy 2003, Jacobsson 2001, Foden 1999a: 203, Jacobsson 2004, Thedvall 2005).

⁴⁶ Zeitlin 2005a: 23-4.

⁴⁷ Syrpis 2002, Szyszczak 2001.

⁴⁸ CEC 2001a, Goetschy 2003; for a discussion see Trubek and Trubek 2005.

⁴⁹ Berghman and Okma 2003, Smismans 2004, De la Porte and Nanz 2004.

⁵⁰ On the concept of Europeanization see Olsen 2002, Featherstone and Radaelli 2003, Risse, Cowles and Caporaso 2001, Börzel and Risse 2003, Kassim 2003; for empirical studies in this area see Ladrech 1994, Zubek 2008.

its domestic impact⁵¹. Crucially, OMC processes are not on an equal footing with regard to this new research agenda since “stronger” (more institutionalized) OMCs enjoy a much greater level of academic interest among EU scholars, a trend evidenced by the abundance of empirical research pertaining to the OMC for Employment (or EES) and OMC for Social Inclusion (OMC/SI) relative to other policy areas. Considered its flagship, the EES is undoubtedly the most widely researched strand of the OMC. Studies in this area have addressed a number of *problématiques* pertaining to its coordinative processes. First, emphasis has been placed on gauging the substance of the Employment Strategy⁵², most notably whether it is associated with a “Third Way” ideal⁵³ or a European Social Model⁵⁴. Second, as noted above, numerous researchers have sought to document the impact of the EES nationally, focusing particularly on its contribution to improving labour market performance⁵⁵ and its consequences on the differential empowerment of domestic policy actors (e.g. ministries, tiers of government, trade unions, civil society organizations)⁵⁶. A strikingly similar research agenda has been pursued in the field of social inclusion. As with the EES, emphasis has been placed on capturing the nature of the Social Model or vision promulgated by the Method⁵⁷ and gauging the effects of the OMC/SI nationally, both with regard to national policy agendas⁵⁸ and actor participation⁵⁹.

⁵¹ Zeitlin 2005b: 450-83.

⁵² Adnett 2001, Ashiagbor 2005, Barbier 2003, Bell 2005, Foden & Magnussen 2000, Raveaud 2007, Watt 2004.

⁵³ Begg 2003, Kenner 1999.

⁵⁴ Ferrera 2001, Pochet 2002, Rodrigues 2002.

⁵⁵ De la Porte and Pochet 2002, Lopez-Santana 2004, 2006, Mailand 2006, Zohlnhoefer and Ostheim 2005, Feronas 2004, Gore 2004, Richardt 2004, Barbier 2006, Büchs 2005, Schmid 2002, Salais *et al.* 2002, Foden and Magnussen 2003, Goetschy 2001, 2002, 2003, Rhodes 2005, Barbier and Sylla 2004, Jacobsson 2004, Jacobsson and Schmid 2003, De la Porte and Pochet 2003, Best and Bossaert 2002, Franzese and Hays 2006.

⁵⁶ Lopez-Santana 2005, Mailand 2006, Barbier and Sylla 2001, Vifell 2004, Lönnroth 2000, Foden 1999a, 1999b, Winterton and Foden 2001, 2002, Casey 2005, Raveaud 2001.

⁵⁷ Bell and Berghman 2002, Ferrera *et al.* 2002, Daly 2006a, 2007.

⁵⁸ Behning 2003, Friedrich 2006, Armstrong 2003, 2006a, 2006b.

⁵⁹ Johansson 2007, Kröger 2007, Brandsen *et al.* 2005.

Empirical evidence is still at its preliminary stages, thus making any form of hasty statements about the effectiveness of the OMC an extremely hazardous affair. Furthermore, the multi-causality of national policy developments and the methodological problems of disentangling the independent causal impact of the OMC make any form of direct influence within national arenas difficult to discern⁶⁰. That said, certain tentative conclusions have emerged in the literature⁶¹. Two forms of positive influences have been attributed to the OMC in the fields of employment and social inclusion. The first of these concerns substance policy change. Among the most widely attested findings is that the OMC has contributed to the development of collective cognitive frameworks upheld by the adoption of a common vocabulary (such as activation, prevention, lifelong learning, gender mainstreaming, and social inclusion), reporting format and set of performance metrics at EU level that are subsequently incorporated into domestic debates (cognitive shifts). Likewise, OMC processes are said to have contributed to changes in national policy agendas (policy shifts) by placing new issues (such as pension reform, childcare provision, gender equality, integration of immigrants) on the domestic agenda and/or raising their relative political salience at the national level. A second form of positive influence relates to procedural shifts in governance and policy-making arrangements⁶².

In sum, a cursory overview of the blossoming academic literature surrounding the OMC brings to light both the principally normative quality of the majority of the studies and the relatively tentative conclusions of early empirical research⁶³. Moreover, while certain suppositions have been loosely formulated concerning the Commission’s autonomous

⁶⁰ For a discussion of these methodological problems, see Zeitlin 2005a: 26-7.

⁶¹ For an overview see Zeitlin 2005b: 449-483, Zeitlin 2007: 4-6.

⁶² Zeitlin 2007: 5.

⁶³ These findings remain controversial since the OMC has also come under vehement attack for its alleged lack of substantive impact, see Zeitlin 2005a: 24, Chalmers and Lodge 2003, Radaelli 2003, Scharpf 2002, 2003, Kelemen and Idema 2006.

power within this new mode of governance, commentators have markedly overlooked this feature of the OMC. It is to this aspect that we now turn.

2. 1. 3 Examining the Commission’s role within the OMC

In everyday speech, the European Commission is typically portrayed as being a single, monolithic entity charged with making informed decisions in line with EU interests and objectives⁶⁴. Yet, beneath this surface presentation of a rational and coherent bureaucracy exists a complex administrative body – made up of twenty-nine Directorates General (DGs) and twelve coordinating services – subject to a wealth of internal divisions and where cohesion is consistently undermined by differences between DGs regarding policy priorities and approaches⁶⁵. In gauging the Commission’s influence within the EU system of governance, scholars must consider its disaggregated structure in view of identifying the relevant DG(s) responsible for initiating and promoting a particular policy initiative. In the case of this research project, the two OMCs under consideration (EES and OMC/SPSI) are both placed under the aegis of the DG Employment, Social Affairs and Equal Opportunities (DG EMPL). Accordingly, in the context of this study, the term “Commission” should be understood as referring to DG EMPL (below, both terms will be used interchangeably).

2. 1. 3. 1 The Commission’s formal role and responsibilities within the OMC

The OMC constitutes an innovative means of collective and non-justiciable cooperation based on the voluntary commitment of MS. The Commission’s “partial delegation of

⁶⁴ Nugent 2000: 2.

⁶⁵ Cini 2000, Kassim and Dimitrakopoulos 2007: 1251-3.

power”⁶⁶ within this system of governance is portrayed as being “informal, open-ended and experimental”⁶⁷. Moreover, though the Commission is unequivocally involved at every stage of the OMC decision-making process (as defined in the ideal-typical formula provided in the Lisbon European Council), a cursory glance at the multiple instances of the OMC across policy areas reveals the remarkably diverse evolutionary trajectories taken by the Method and the different processes employed in its practical operationalization. Indeed, the essentially loose coordinative recipe offered by the OMC template allows for considerable variation in the formats, rationales and particular instruments employed in its execution. Anticipating this research project’s case selection, in what follows we consider the role of the Commission in the cases of “strong” OMC processes in the fields of employment and social inclusion/protection. Broadly speaking, both strands of the OMC considered in this study display a relatively high level of institutionalization. While divergences in their institutional design certainly do exist, the Commission’s mandated powers bear a strong degree of resemblance across both policy domains. Effectively, they fall into three broad categories, initiation, monitoring/enforcement and administration.

First, the Commission enjoys a formal power of policy initiation within the EES and the OMC/SPSI. In practice, Member State principals delegated the right to propose guidelines to the Commission, ultimately decided in the Council by qualified majority voting (QMV). Second, Member governments delegated the power to evaluate, judge, and in certain instances, sanction their performance. Two important enforcement instruments were put at the Commission’s disposal. DG EMPL is charged with the rather sensitive task of monitoring the implementation of OMC guidelines. This involves the

⁶⁶ Wallace 2001: 592.

⁶⁷ Borrás 2009: 98.

initial drafting of joint evaluative reports – ultimately approved both by the Commission and the Council - which serve to assess progress made in the implementation of the OMC nationally, set key priorities and identify good practice and innovative approaches of common interest to Member States. Similarly, in the case of the EES, the Commission enjoys the prerogative of issuing recommendations to individual States that underperform or whose national policies are not deemed in line with shared employment guidelines (recommendations also need to be sanctioned by the Council). Third and finally, administrative responsibilities within the OMC’s original institutional framework refer to the tasks entrusted to the Commission that sustain the Method’s procedural routine and iterative process⁶⁸. Indeed, the coining of the OMC marked the emergence of a new breed of EU Committees uniquely situated between the Council and the Commission⁶⁹. As the sole preparatory bodies before the Council level (operating outside the traditional structure of the Committee of Permanent Representatives (COREPER)), OMC Committees constitute the focal point of the day-to-day proceedings and the *de facto* locus of decision-making within this new mode of governance. In practice, although final decisions (with regard to approving guidelines, sanctioning Joint Reports and delivering recommendations) are reached in the Council by qualified majority voting, such a procedure constitutes a mere stamp of approval on decisions that have been effectively reached within these advisory Committees; as such, they form the needle’s eye through which the work of the Council flows⁷⁰. Four Committees are involved in the OMC system of governance (their central features are summarized in *Annex 2*): the Employment

⁶⁸ Radulova 2007: 16.

⁶⁹ This study joins the ranks of a growing number of scholars whose work focuses on the committee particle of the EU system of governance. As the loci of administrative and political processes preceding formal decision-making, Committees are central components of the Union’s institutional apparatus, see Andenas and Türk 2000, Beyers and Dierickx 1998, Christiansen and Kirchner 2000, Egeberg 1999, Hanny and Wessels 1998, Joerges and Neyer 1997a, 1997b, Joerges and Vos 1999, Lewis 1998, 2003, 2005, Pedler and Schaefer 1996, Pollack 2003a, Trondal and Veggeland 2000, Van Schendelen 1998.

⁷⁰ Lewis 2003: 98.

Committee (EMCO), the Social Protection Committee (SPC), the Economic Policy Committee (EPC) and the Economic and Financial Committee (EFC).

Two in particular, EMCO and SPC, merit further attention since they function as the central decision-making fora for the EES and the OMC/SPSI⁷¹. By design, these two Committees bear strong similarities in terms of membership, operative structure and functional mandate. Existing within a framework of strict deadlines and stringent procedures that makes up the OMC’s annual cycle, their tasks include (1) monitoring the overall social/employment situation within the Union and reporting on national policy in these fields, (2) formulating reports and opinions at the request of either the Council or the Commission, or on its own initiative, and finally, (3) contributing to the preparations of Council proceedings⁷². Committee membership typically consists of two ordinary and two alternate members from each Member State. A chairperson elected from national representatives heads it for a non-renewable term of two years. As well as chairing OMC Committee meetings⁷³, the Chair is also responsible for setting the meeting agenda on the basis of European Council Conclusions (and in close collaboration with the Secretariat). Finally, a Committee Secretariat is crucially responsible for preparing and circulating all documents that are discussed during meetings, as well as drafting Committee opinions (subsequently passed on to the Council for vote). Both EMCO and the SPC are assisted by an Indicators Sub-Group (ISG) responsible for the selection and development of common indicators and providing statistical support. ISGs constitute relatively active bodies since indicators are regularly revised in light of statistical developments and new

⁷¹ Four advisory Committees are formally involved in the OMC, see Jacobsson and Vifell 2005: 119-225.

⁷² EMCO was formally established on 24th January 2000 (Council Decision 2000/98/EC), replacing an interim Employment and Labour Market Committee established in 1996 (Council Decision 97/16/EC). The SPC was set up in 2000 (Council Decision 2000/436/EC).

⁷³ EMCO meets on average seven times a year, while the SPC convenes approximately ten. Meetings typically last two days.

policy priorities. In addition, EMCO has a second sub-group at its disposal; an ad hoc group which engages in preparatory discussions on specific issues in view of formulating eventual opinions within EMCO. Both types of sub-groups consist mainly of technical experts from ministerial level⁷⁴.

At first glance, OMC Committees appear as fundamentally arcane and opaque talking shops of national officials, enjoying (*de jure*) a mere consultative statutory role within the OMC. However, upon closer examination, they are *de facto* decision-making bodies, operating at the institutional and cognitive interface between the national and Community levels. Thus, the Commission's administrative function within them is an important basis on which to further its autonomous power within the OMC decision-making process. Indeed, though not immediately apparent, the Commission has been delegated sizeable administrative powers within the OMC Committee apparatus. Concretely, it enjoys full-membership of these Committees, is responsible for issuing the vast majority of the expert reports informing Committee discussions, and finally designates members of its own staff to fill the ranks of Committee Secretariats.

2. 1. 3. 2 *Early conjectures on the Commission's autonomous power in the OMC*

In view of the importance given in the field of European studies to the role of the Commission in setting the European agenda, it is surprising that so little attention has been given to this particular aspect of the OMC. Indeed, the vast majority of literature tends to overlook the role of the Commission, implicitly assimilating it to an impartial arbitrator, chiefly responsible for "oiling the wheels" of the OMC process. However, it is a heroic conjecture to suppose that the Commission oversees the OMC in an entirely

⁷⁴ The ISG holds approximately six meetings every year and the ad hoc group approximately three.

detached manner. Conceptualising the Commission as a disinterested authority who simply overlooks co-ordinative initiatives taking place among Member States flies in the face of a substantial body of empirical work demonstrating how the Commission, since its inception, has continuously pushed to increase its powers within the EC and promoted a further integrationist agenda in line with its own interests⁷⁵.

Two particular forms of Commission influence have been envisaged by OMC scholars; though both fall short of boasting a comprehensive research agenda. On the one hand, a number of scholars have highlighted the Commission’s scope for hard power within the OMC⁷⁶. First, “naming and shaming” is conjectured to be an important power resource at its disposal since its mandated role of drafting annual Joint Reports provides the Commission with the opportunity to shame national governments by ranking them relative to one another and/or censuring their failure to meet national or European objectives. Similarly, in the case of the EES, the Commission is able to issue individual recommendations to national governments, thus applying strong pressure on governments to comply with the OMC agenda. Second, the Commission is considered to enjoy a first mover advantage in influencing the content and phrasing of OMC guidelines which it proposes to the Council for approval. Empirically however, these two suppositions have not garnered much attention and have thus remained in the realm of abstract theorizing rather than concrete empirical testing. An exception to this trend is Jobelius’ investigation into the Commission’s efforts at influencing the content and phrasing of the 2003 employment guidelines⁷⁷. Challenging the notion that the EES is a fundamentally consensual and deliberative process, his findings suggest that the Commission made use of its agenda-setting power in order to anchor quantitative targets in the employment

⁷⁵ Peters 1994, Nugent 1995, Tallberg 2007.

⁷⁶ De la Porte and Pochet 2003.

⁷⁷ Jobelius 2003.

guidelines. In line with the rationale outlined above, any shift towards quantitative targets will increase the number and effectiveness of monitoring tools available to the Commission, thus enhancing its ability to rein in national governments under the prescriptive ambit of the EES.

On the other hand, certain commentators have also voiced the possibility that the Commission may exert a strong form of soft power⁷⁸. Dehousse contends that the particularities of the OMC require that the Commission “play its cards differently than it does in the context of common policies” coordinated within the Community Method’s legislative framework⁷⁹. Trubek and Mosher claim that by adopting a seemingly more self-effacing attitude, the Commission appears to have gradually increased its influence over employment matters⁸⁰. In the same vein, Jabko notes that in order to compensate for its lack of formal leadership role within the OMC, the “Commission must strive to acquire informal influence based on expertise and its knowledge of policy issues”⁸¹. To date, however, such claims largely remain in the realm of speculation. Commenting on the existing research in the field of the EES, De la Porte and Pochet note that “there have been no empirical tests on the extent of the Commission’s influence as a norm entrepreneur”; this is arguably true for the OMC more generally. The co-existence of hard and soft forms of power is succinctly captured by these authors, who comment that the powers attributed to the Commission within the EES include “its capacity to orient debates, to propose indicators and benchmarks, to advance new ideas, and to pressure

⁷⁸ De la Porte 2002, De la Porte *et al.* 2001, De la Porte and Pochet 2003, Schmidt 2000b, Goetschy 1999, Jacobsson 2004, Jacobsson and Vifell 2004.

⁷⁹ Dehousse 2002: 14.

⁸⁰ Trubek and Mosher 2003.

⁸¹ Jabko 2004, quoted Dehousse 2002: 15.

member states to comply with guidelines, benchmarks and recommendations it issues to individual member states”⁸².

While not formulated in such terms, OMC scholars’ twofold interpretation of the Commission’s autonomous power is fundamentally consistent with the paradigmatic rationalist/constructivist debate shaping the theoretical landscape within the social sciences. Operating at a high level of abstraction, rationalism and social constructivism propound divergent organizing frameworks (or prisms of understanding). Anchored in the empirical world, the tentative distinction made by OMC scholars between hard and soft forms of power echoes this divide, coupling substantive specifications with two ontologies that offer very different accounts of the nature of human agency, its rapport to social structures and the role of ideas in the social world. Consistent with the rationalist paradigm, the hard conception of the Commission’s autonomous power hinges on a coercive-compulsive understanding of its influence. The principal imagery is one of constraining Member governments’ behaviour by manipulating their cost-benefit calculations. Conversely, laying emphasis on its transformative and ideational capabilities, the soft view of the Commission’s autonomous power underlines its ability to provide purposive actors with an understanding of their interests and identities. Conceptualizing rational choice and social constructivism as analytical tools rather than broad metatheoretical paradigms, this study follows in the footsteps of a growing number of commentators who have sought to move from an “either/or” to a “both/and” conception of their rapport. As expounded upon below, this research project sets out to explore and test both conceptions of the Commission’s autonomous power within the OMC.

⁸² De la Porte and Pochet 2004: 72.

2.2 Theorizing the Commission's autonomous power: a conversation across paradigms

2.2.1 Power as a multifaceted concept

Keeping in mind a certain number of fundamental rules surrounding its selection⁸³, this study assumes that the autonomous power of the European Commission within the institutional framework of the OMC is the critical dependent variable that multiple and complementary independent variables conspire to explain. Accordingly, the fundamentally contested concept of power stands at the very heart of this research project.

2.2.1.1 The polymorphous character of power: productive vs. institutional power

Scholars of politics and international relations (IR) have traditionally demonstrated a clear conceptual favouritism towards a realist coercive-compulsive understanding of the notion of power; a disciplinary tendency to associate power with “the ability of states or individual actors to use material resources to get others to do what they otherwise would not”⁸⁴ that has caused scholars to overlook⁸⁴ the multiple forms of power that exist in the empirical world. Countering this trend, a growing number of scholars have begun to lay emphasis on power's polymorphous character. At the forefront of this recent conceptual aperture, Barnett and Duval offer a broad definition - “power is the production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate”⁸⁵ – and argue that conceptual distinctions of power should be represented in terms of two analytical dimensions. The first dimension refers to the nature of the social relations through which power works. These can be viewed as being broadly of two kinds: relations of interaction among previously constituted social actors or

⁸³ King, Keohane and Verba 1994: 107-9.

⁸⁴ Barnett and Duvall 2005: 40.

⁸⁵ Barnett and Duvall 2005: 42.

relations of constitution of actors as particular kinds of social beings. Put differently, “power is either an attribute of particular actors and their interactions or a social process of constituting what actors are as social beings, that is, their social identities and capacities”⁸⁶. The second core analytical dimension concerns relational specificity, that is, the degree to which social relations through which power works are direct and socially specific or indirect and socially diffuse⁸⁷. These two core dimensions generate a fourfold taxonomy of power as illustrated in Figure 1, where each cell represents a conceptual type.

Figure 1. Taxonomy of power⁸⁸

		Relational Specificity	
		Direct	Diffuse
Power works through	Interactions of Specific Actors	Compulsory	Institutional
	Social Relations of Constitution	Structural	Productive

Because it is founded on an explicit and systematic decomposition of the general concept of power, this taxonomy not only encourages scholars to envisage power’s multiple forms, but also alerts them to the fact that different types of power are simultaneously present in international politics. As such, Barnett and Duval’s work is part of an emerging literature that seeks to overcome the “Great Debate” between rationalist and constructivist paradigms. In their words, “scholars can and should draw from various conceptualizations of power that are associated with other theoretical schools. We believe that such poaching and cross-fertilization is healthy, needed, and might, in a small way, help scholars move

⁸⁶ Barnett and Duvall 2005: 45-7.

⁸⁷ Barnett and Duval 2005: 47-8.

⁸⁸ Barnett and Duval 2005: 48.

away from perpetual rivalry in disciplinary “ism” wars and toward dialogue across theoretical perspectives”⁸⁹.

In precluding any form of conceptual favouritism, this taxonomy is well-suited to establishing a pragmatic conversation across paradigms. Such a dialogue rests in large part on the first dimension of Barnett and Duval’s definition of power, that is, the kinds of social relations through which power works. The polar positions of social relations of interaction and social relations of constitution fit the ontological assumptions of rational choice (strategic interaction among pre-constituted social actors driven by behavioural logic of utility-maximization) and social constructivism (norm-guided behaviour and a dynamic process of preference formation), respectively. It follows that compulsory and institutional types of power are compatible with the rationalist paradigm, while structural and productive types of power embrace a constructivist paradigm.

Tying this taxonomy to the new institutionalist framework at the heart of this study, it becomes obvious that two types of power – namely, institutional and productive - will be the central loci of investigation in the case of the Commission’s role within the OMC. Because new institutionalism rests on the central assumption that institutions *matter* in the study of politics, it necessarily correlates with a diffuse and indirect relational specificity of power. Indeed, NI asserts that the study of institutional configurations provides valuable analytical leverage since institutions actively shape social and economic orders by providing stable contexts for the structuring of individual behaviour and, by extension, political outcomes. Thus, NI scholars automatically embrace a conception of power that is socially diffuse and mediated by - formal or informal - institutional rules. Below, we

⁸⁹ Barnett and Duval 2005: 45.

successively examine these two forms of diffuse power, highlighting their added value in the context of this study and identifying suitable proxies that will serve in the practical operationalization of the dependent variable.

Whereas compulsory power entails the direct control of one actor over the conditions of existence and/or the actions of another, institutional power exists in actors’ indirect control of socially distant others. Specifically, the conceptual focus is on the “institutions that mediate between A and B, as A, working through the rules and procedures that define those institutions, guides, steers, and constrains the actions and conditions of existence of others”⁹⁰. The centrality of institutional arrangements in this conception of power gives emphasis to the fact that A and B are socially removed from one another. Moreover, A does not “possess” the resources of power but is advantageously placed in relation to relevant institutional arrangements, so its actions exert a diffuse form of power over B. IR scholars have advanced a range of arguments explaining how institutions enable some actors to shape the circumstances of action of socially distant others. Certain scholars focus on the notion of dependence associated with material processes that limit the choices of dependent others⁹¹; others give attention to who sets the agenda and how that agenda precludes certain possibilities⁹². Crucially, rational choice institutionalist-inspired Principal-Agent theory is wholly compatible with Barnett and Duval’s notion of institutional power. Following an initial act of delegation, the Commission’s autonomous power is derived from its ability to capitalize on a gamut of formal competencies explicitly granted to it within the OMC framework. In exploiting the structural characteristics of this new mode of governance, Commission officials can strategically establish and maintain an (albeit limited) indirect and socially diffuse relationship of

⁹⁰ Barnett and Duval 2005: 51.

⁹¹ Hirschman 1945, Keohane and Nye 1977, Baldwin 1980, Caporaso 1978.

⁹² Mansbach and Vasquez 1981, Krasner 1985, Pollack 2003b.

power in their favour which was not originally foreseen by Member State principals at the inception of the OMC.

Understood through the analytical prism of sociological institutionalism, the autonomous power wielded by the Commission is best conceptualized as a constitutive social process. While RCI's institutional power works through the actions of pre-constituted social actors, SI's productive power places emphasis on social relations of constitution generated through discourse and the systems of knowledge. A central trait of this productive power is the indirect and diffuse nature of the social processes through which it is exercised. While certain relationships of social constitution are fundamentally specific and direct in nature (i.e. structural power), productive power directs our attention away from relationships characterized by social proximity and directly observable connections between A and B and towards more generalized and socially diffuse relations. This attention to meaning and networks of constitutive social forces perpetually influencing one another - rather than direct structural relations - carries two important implications for thinking about productive power. First, productive power concerns discourse, "the social processes and systems of knowledge through which meaning is produced, fixed, lived, experienced, and transformed"⁹³. Thus defined, discourses constitute sites of social relations of power because they serve to classify the world by establishing categories of actors, articulating problems/dilemmas and defining forms of actions that are both imaginable and possible⁹⁴. Second, discursive processes and practices constitute actors' social identities and capacities as they give meaning to them. In practice, discourse consistently shapes the subjectivity of all actors "with their

⁹³ Barnett and Duval 2005: 55.

⁹⁴ Foucault 1983, 1984.

contingent, though not entirely fluid, identities, practices, rights, responsibilities, and social capacities”⁹⁵.

2. 2. 1. 2 *Equifinality and operationalizing the dependent variable*

The polymorphous character of the concept of power allows us to take seriously the phenomenon of equifinality, where a “*same* type of outcome can emerge in different cases via a *different* set of independent variables”⁹⁶. Indeed, while productive and institutional power refer to quite different social processes and causal mechanisms, they ultimately yield very similar (if not identical) observations in the empirical world. Put differently, whether the Commission successfully wields either form of autonomous power over Member States, the discernible effect will be the transformation of national officials’ behaviour and concomitant realignment with the Commission’s advocated policy position (*see Table 1*). Though it may be lacking somewhat in nuance, a parsimonious dichotomy of weak/strong forms of the Commission’s autonomous power demarcates the dependent variable. The table below identifies the appropriate observable proxies associated with both values. Both proxies must be observed to be conclusive. Policy positions will be appraised on the basis of official documentary records produced by Member States (annual National Action Plans (NAPs))⁹⁷ and the Commission.

Table 1. Operationalizing the dependent variable

Dependent Variable	Values	Proxies
Commission’s Autonomous Power	Weak	<ul style="list-style-type: none"> ○ Initially conflicting policy positions between the Commission and Member States AND ○ No realignment of Member States’ policy positions over time with those advocated by the Commission

⁹⁵ Barnett and Duval 2005: 56.

⁹⁶ George and Bennett 2005: 157, emphasis in original.

⁹⁷ From 2005 onwards, NAPs were renamed National Strategy Reports in the case of the OMC/SPSI and National Reform Programmes in the case of the EES

	Strong	<ul style="list-style-type: none"> ○ Initially incongruent policy positions between the Commission and Member States AND ○ Realignment of Member States' policy positions over time with those advocated by the Commission
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If the operationalization of productive and institutional power is captured by a common set of measurable proxies, it appears quite impossible to establish which type of power effectively led to such an outcome. The crux of this seemingly intractable issue is succinctly captured in the following question: Can one disentangle a change in policy position driven by persuasion and socialization from strategic adaptation in the face of changed incentives⁹⁸? The answer to this query is methodological. The use of a process-tracing (P-T) methodology allows for the chronological reconstruction (in successive stages) of the precise causal process leading to a realignment (or continued misalignment) of national governments' policy positions with those originally advocated by the Commission. Equally important, P-T methodology introduces a systematic means of cross-checking data against both (rationalist and constructivist) sets of hypotheses. Thus, the delicate task of discerning which type of autonomous power the Commission exerted calls attention to issues of cognitive processes and agent motivations. The presence of unique features (or independent variables) – that differentially characterize both RCI and SI causal processes – are strong indicators of the type of autonomous power exerted by the Commission and the nature of the intangible cognitive processes operating behind MS discernible actions/behaviour. P-T is central to establishing whether the realignment of Member governments' policy positions (in line with the Commission's desired policy agenda) is an expression of strategic calculations following deferential institutional constraints set up by the Commission or preference transformation following the persuasive discourse articulated by DG EMPL.

⁹⁸ Checkel and Moravcsik 2001: 224.

2.2.2 Overcoming the “Great Debate”

Coming full circle back to this research project’s original theoretical ambitions and staunch commitment to ontological pluralism, the following section considers how a cross-paradigmatic dialogue can be fruitfully established in the empirical world. While scholars have traditionally organized their empirical work as a battle among competing paradigms, this commitment to competitive testing has in recent years come under fire for its blinkered portrayal of social reality. Stepping beyond a zero-sum conception of the rationalist/constructivist debate - where the success one theory is inevitably tied to the failure of the other - this research project joins the ranks of a growing number of scholars whose work constitutes a plea for a conversation across paradigms.

Ostentatiously dubbed the “Great Debate” within the field of IR and EU studies, rational choice and social constructivism have traditionally been pitted against one another⁹⁹. During the 1980s and 1990s, this staunch antagonism filtered through to the level of research design, as scholars methodically organized their empirical work as a battle among competing theories. However, from 2000 onwards, this “Great Debate” began to run out of steam¹⁰⁰. In an influential essay, Fearon and Wendt vigorously condemned the tendency among students of international politics of tying the success of one theory to the inevitable failure of the other. Such an approach, they argued “can encourage scholars to be method-driven rather than problem-driven in their research”, resulting in important questions or answers being heedlessly ignored if they do not fit easily within the preferred paradigmatic fashion¹⁰¹. In place of such a debate, the authors alleged that rationalism and

⁹⁹ Katzenstein, Keohane and Krasner 1998, Christiansen, Jorgensen and Wiener 1999a, 1999b, Moravcsik 1999.

¹⁰⁰ Fearon and Wendt 2002, Snidal 2002: 80, Risse 2000, 2002, Checkel 1997, 1998, 2005a, 2006a: 61, Zürn and Checkel 2005, Pollack 2007, Jupille *et al.* 2003, Checkel and Moravcsik 2001, March and Olsen 1998, 2006, special issue of *International Organization* 2005, Vol. 59(4).

¹⁰¹ Fearon and Wendt 2002: 52.

constructivism are most fruitfully viewed pragmatically as analytical tools or lenses through which to look at social reality.

In recent years, such calls for bridge-building have been followed up at the level of middle-range theorizing by increasingly sophisticated conceptual schemas for integrating the two paradigms¹⁰². One such approach is that of the domain-of-application model where particular scope conditions are employed as a means of reconciling constructivist and rationalist theoretical insights. The added value of such a scheme lies in its capacity to safeguard the integrity of individual theories while specifying particular turfs or “home domains” where constructivist and rationalist insights are likely to prevail as the primary explanantia of political outcomes. The result, if successful, is a comprehensive composite in which different explanatory variables and divergent causal mechanisms co-exist side-by-side. In sum, this theoretical synthesis carries the promise of capturing different facets of a same reality, ultimately providing a “truer” picture of the empirical world. In practice, such an integrative research design presupposes the existence of a single dependent variable causally related to a wide range of independent explanatory variables of rationalist or constructivist lineage. Applied to the research project at hand, the dependent variable – the Commission’s autonomous power within the OMC - is function of a number of rationalist-inspired (information asymmetry, shirking opportunities, control mechanisms) and constructivist-inspired (ideational and interactive dimensions of discourse) variables whose pertinence will depend on the absence/presence of a particular scope condition outlining the explanatory ambit of each theory. Thus, central to this model of theoretical dialogue is the delineation of each theory’s respective domain-of-

¹⁰² Checkel 2006a: 61, Katzenstein, Keohane and Krasner 1998b, Lebow 2001, Leggold and Lamborn 2001, Fearon and Wendt 2002, Hemmer and Katzenstein 2002. For empirical applications see Jupille *et al.* 2003, Beach 2005, Checkel 2005b, Dimitrova and Rhinard 2005.

application by means of a carefully specified scope condition. It is to this task that we now turn.

Shifting the starting point of their research from an “either/or” approach to a pragmatic “both/and” perspective, researchers have set forth a range of possible scope conditions demarcating the domain-of-application of both rationalist and social constructivist-inspired theories. Accordingly, systematic efforts towards establishing some sort of typology of scope conditions have emerged in recent years¹⁰³. Yet, while each scope condition carries the potential for successfully outlining the explanatory realm of individual theories, the convoluted nature of social phenomena means that what may be a critical scope condition in the case of one research design, may be a wholly irrelevant means of seeking to nurture some form of theoretical dialogue in another. While each scope condition offers an alternative and equally compelling means of middle-range theorizing, a crucial task of any researcher is that of gauging the pertinence of individual scope conditions in the context of the research project at hand. In order to discern a ‘critical’ or ‘discriminating’ scope condition among those catalogued below, a student of politics must employ her expert knowledge, as well as findings of prior research within a particular area, in order to provide an educated guess as to which one will provide a credible means of reconciling constructivist and rationalist theoretical insights. The following analysis examines three of the most prevalent scope conditions set forth within the new institutionalist literature, gauging their individual credence and singling out one in particular – namely, that of issue sensitivity – as being particularly pertinent in the research project at hand.

¹⁰³ The term scope condition is defined here as “the circumstances or a set of institutional and political conditions under which a causal mechanism or set-theoretical relationship between causal mechanisms empirically holds”, Aus 2007: footnote 1, see also Ragin 2000: 61, Walker and Cohen 1985: 291.

A first commonly cited scope condition is that of temporality. Effectively, a sequential dialogue is considered possible when rationalist and constructivist “variables work together over time to fully explain a given domain”¹⁰⁴. Legro’s “cooperation two-step”, in which a constructivist account of identity and interest formation precedes a rationalist account of conflict and cooperation (under the condition of stable interests), provides a clear example of this division-of-labour argument¹⁰⁵. However, while dialogue based on the sequencing of constructivist and rationalist accounts is normatively appealing, in the empirical world such a distinction is far from apparent. Two objections can be raised against employing a temporal scope condition as the organizing principle for conversation across paradigms. First, such a distinction is extremely hard to establish empirically; a predicament elegantly captured by Checkel who asks: “how does one know a priori when a state is likely to be in a period of identity formation, where constructivism is appropriate, as opposed to a time when identities and interest are already fixed?”¹⁰⁶. A second objection is the dubious character of a one-shot two-step process. Established merely as a form of analytical convenience, this two-step movement bears little correspondence to the real world where the boundary between preferences and action is relative and unstable¹⁰⁷. Thus, employed by itself - with no further substantive specification informing such temporal sequencing - the notion of temporality offers little analytical credence as a critical scope condition able to nurture a dialogue across constructivist and rationalist theories. Applied to the case of the OMC, temporality appears inconsequential because of the fundamentally iterative nature of the method, where annual routines ((re)defining guidelines, indicators, periodic reporting and

¹⁰⁴ Jupille *et al.* 2003: 22. On sequencing, see Checkel 1998: 345-6, Jepperson, Wendt and Katzenstein 1996: 20, March and Olsen’s 1998: 953, Kowert and Legro 1996: 490-1. For a critique of temporal sequencing arguments, see Fearon and Wendt 2002: 64-5.

¹⁰⁵ Legro 1996.

¹⁰⁶ Checkel 1998: 346.

¹⁰⁷ Fearon and Wendt 2002: 64.

monitoring processes) do not allow for a strict and logical succession between preference formation and bargaining on the basis of fixed interests.

A second domain-of-application proposition advanced by new institutionalist scholars is that of density-of-interaction¹⁰⁸. Two key postulates inform this interpretation of the long-term consequences of repeated interactions, namely, how prolonged and regular interaction will (1) lead to “taken-for-grantedness” of institutionalized practices and behaviours and (2) enhance trust and create a sentiment of common purpose among individual agents thus establishing favourable conditions for argumentative persuasion. A key proxy taken to estimate such density-of-interaction is that of level of institutionalisation, understood as the sum total of the various entrenched practices and procedures that allow for regular and sustained contact among actors involved in the OMC. Since the two OMC strands under consideration (EES and OMC/SPSI) both display a high and relatively equivalent level of institutionalization, the notion of density-of-interaction as a critical scope condition – while theoretically robust - is wholly invalidated in the case of this research project¹⁰⁹. Focus on these strong forms of OMC processes is justified on the basis that weaker versions of the method (for instance, in the fields of immigration, taxation) are characterized by a noticeably debilitated Commission, enjoying very few formal powers within the institutional architecture of the Method, and thus of little value to the research project at hand.

¹⁰⁸ Aspinwall and Schneider 2000: 27, Jupille *et al.* 2003: 21, Checkel 1998: 346, Zürn and Checkel 2005. For empirical applications, see Beyers 2005, Lewis 2005, Gheciu 2005.

¹⁰⁹ This scope condition would be pertinent if the two strands under consideration differed in their level of institutionalization and thus density of interaction.

Finally, a third commonly cited scope condition is that of issue sensitivity¹¹⁰. According to proponents of this approach, it is quite plausible that agents vary their behaviour depending on what they consider to be at stake. Accordingly, as the perceived stakes rise, agents will more readily engage in rational calculations, “as they carefully consider the costs and benefits, risks and opportunities of certain outcomes”¹¹¹. Conversely, relatively low stakes (which characterize more mundane activity) will invite non-calculative decision-making where individual actors are more likely to act according to two constructivist-inspired modes of action, namely, either a logic of appropriateness – that is, by asking themselves how they should act in a manner that is contextually legitimate¹¹² - or a logic of arguing – when identities and interests are transformed in a dynamic process of communication. Following from this analysis, the integrative research design employed in this study will employ the scope condition of issue sensitivity in order to demarcate the domain-of-application of both strands of new institutionalist theory. As will be further explicated in chapter four¹¹³, the two case studies at the centre of this research project will load differently on the critical scope condition of issue sensitivity, where child poverty and social exclusion (coordinated within the framework of the OMC/SPSI) is characterized by low issue sensitivity and quality in work (coordinated under the banner of EES) typifies a policy area of high issue sensitivity.

Having laid the foundations of this research project by underscoring an overarching exigency of ontological pluralism and detailing the value of a domain-of-application approach, a next stage involves the coining of a practicable theoretical framework. It is to this task that we now turn.

¹¹⁰ Aspinwall and Schneider 2000: 27, March and Olsen 1998: 952-3, Sjöblom 1993: 401, Jupille *et al.* 2003: 21.

¹¹¹ Aspinwall and Schneider 2000: 27.

¹¹² March and Olsen 2006.

¹¹³ See Section 4. 1. 3 *Cases of what? Variation along the scope condition of issue sensitivity.*

3 New institutionalism: overview of a theoretical framework

The following chapter sets forth the central tenets of the theoretical framework that will serve to guide this research project – namely, new institutionalism – subsequently inferring a number of concrete causal hypotheses that will steer the study’s empirical investigation. This sequential analysis is organized in five parts. As a backdrop, section one offers a brief summary of the theoretical junctures which preceded the advent of new institutionalism, thus providing a valuable insight into the legacy of these schools of thought in modern-day institutionalist thinking (section 3.1). In a second section, emphasis will be placed on clarifying the metatheoretical underpinnings that demarcate rationalist and social constructivist approaches to social enquiry. Although originally articulated by students of IR in the early 1980s, these two paradigms have largely permeated the associated fields of comparative politics and EU studies, structuring their theoretical landscape and making explicit the hitherto tacit ontological and epistemological bases of academic work within these bodies of literature (section 3.2). Sections three and four bring together the two preceding parts and examine the constructivist and rationalist inspired strains of new institutionalist analysis. Particular attention is given to exploring the fundamental tenets of rational choice institutionalism and sociological institutionalism, surveying their empirical application in the study of the EU, sketching the distinct images of the OMC promulgated by both strands of literature, and finally formulating a number of testable hypotheses about the Commission’s autonomous power within this new mode of governance (sections 3.3 and 3.4). In a fifth and final section, a summary table offers an overview of the causal hypotheses, the independent variables and observable proxies at the heart of this research project (section 3.5).

3.1 The origins and merits of new institutionalism

By virtue of its central position within the EU's decision-making processes, its vast array of constitutional resources, and its unrivalled knowledge of EU policies, the European Commission stands at the heart of the EU system of governance. Accordingly, integration theorists have long debated whether the sizeable powers conferred to the Commission have enabled this supranational executive to autonomously influence the process of European integration. This section traces the disciplinary history of EU integration theory, with an eye on the conceptualization of the Commission's role therein. By and large, the basic thrust of EU studies has been towards a more fine-tuned specification of the Commission's powers.

Early scholarly literature in the field of European studies shared strong intellectual ties with the discipline of International Relations and was marked by a concern for explaining the transfer of national sovereignty from the domestic to the supranational arena. This first phase – roughly lasting from the mid-1960s to the early 1980s – was dominated by a vehement debate between proponents of neofunctionalism and supporters of intergovernmentalism¹¹⁴. In many ways, these two approaches offered stark alternatives. In terms of identifying key actors, neofunctionalists highlighted the importance of transnational interest organizations as driving forces in the process of European integration, whereas intergovernmentalists pointed to the centrality of national executives in maintaining a firm grip over the process of supranational institution-building. Among the plethora of debates that opposed proponents of both approaches, these first-generation grand theorists engaged in a vehement discussion about whether the powers conferred on the Commission enabled it to influence European integration. For neofunctionalist

¹¹⁴ Rosamond 2000, Wiener and Diez 2007: Chapters 3, 4.

scholars, European integration was an almost self-sustaining incremental process. The Commission was conceived as a positive force in the advancement of regional integration by promoting societal demands for European policies, formulating policy proposals and nurturing a process of spill-over¹¹⁵. For students of intergovernmentalism (as well as its most influential offshoot, Moravcasik's liberal intergovernmentalism), the Union was theorized primarily as the creature of Member governments that bargain among themselves to establish a Europe of their liking, keep European institutions on a tight leash and act as gatekeepers between the national and supranational arenas. Far from being the engine of European integration, the Commission was depicted as national governments' passive and neutral agent, charged with facilitating and lowering transaction costs associated with intergovernmental cooperation¹¹⁶. In his influential critique of neofunctionalism, Hoffman submitted that the authority of the Commission was "limited in scope, conditional on Member State approval, reversible if proven unacceptable in its results, and unlikely to be extended to domains of key importance to national interests"¹¹⁷.

While there are valuable insights to be gained from this original theoretical joust, by the mid-1980s, scholars began to question its ability to capture the complex dynamics at the heart of an emerging EU polity. The displacement of IR and the rise to prominence of comparative politics as a parent discipline to EU studies brought about radical changes in the lenses through which the Commission was conceptualized¹¹⁸. New institutionalism became the dominant theoretical approach for a new generation of scholars more

¹¹⁵ Haas 1958, Lindberg 1963, Lindberg and Scheingold 1970, Tallberg 2007: 196.

¹¹⁶ Moravcasik 1993: 507.

¹¹⁷ Hoffmann 1966.

¹¹⁸ Kassim 2010. Recounting the story of integration theory in similar terms to those presented here is not uncommon among students of EU studies; see Caporaso and Keeler 1995, Bache and George 2001, Rosamond 2006.

concerned with shedding light on different facets of the EU polity, than with promulgating competing scenarios about the future trajectory of European integration¹¹⁹.

Emerging from the disciplinary confines of comparative political science, new institutionalism is based on the core assumption that *institutions matter*, in other words, the study of institutional configurations provides valuable analytical leverage in understanding political outcomes¹²⁰. Far from simply being “passive vessels within which politics occurs”¹²¹, institutions actively shape social and economic orders by providing stable contexts for the structuring of individual behaviour. Yet behind the apparently banal contention that institutions matter lies a plethora of distinct interpretations about the ways in which they mould individual behaviour. Far from constituting a unified body of thought, new institutionalism is best conceived as an umbrella term under which several approaches coexist. While a commonly cited classification is that of Hall and Taylor’s time-honoured distinction between rational choice, historical and sociological institutionalism¹²², certain scholars have sought to compound these variants and create dichotomous categorizations¹²³, while other have been keen to emphasize a much richer array of literature operating under the ambit of the new institutionalist label¹²⁴. However, the accumulation of distinct research programmes under the same intellectual umbrella runs the risk of obfuscating the principal rationalist-constructivist divide which has fundamentally recast the discipline of political science since the 1980s. Indeed, rational choice institutionalism and sociological institutionalism indubitably constitute the centrepiece of the new institutionalist landscape since both branches are directly informed

¹¹⁹ Jupille and Caporaso 1999, Aspinwall and Schneider 2000, Jupille *et al.* 2003.

¹²⁰ On the theoretical roots of new institutionalism, see Apter 1991, Immergut 1998, Peters 2001: 1-25.

¹²¹ Rosamond 2000: 114.

¹²² Hall and Taylor 1996.

¹²³ Certain commentators broadly distinguish between historical and rational choice institutionalism; Armstrong and Bulmer 1998, Bulmer 1994, Shepsle 1989, Moe 1991, Norgaard 1996.

¹²⁴ Peters (2001) offers perhaps the most comprehensive categorization, identifying no less than six strands.

by the broader paradigms of rational choice and social constructivism¹²⁵. Historical institutionalism is a hybrid body of literature characterized by a broad concern for recognizing social processes as historical phenomena unfolding over time¹²⁶. Indeed, it can be swayed either side of the rationalist/constructivist divide and is best interpreted as a theoretical “big tent”, “capable of accommodating the insights of the rival rationalist and sociological institutionalist research programmes”¹²⁷. This ontological elasticity places historical institutionalism largely at the periphery of the rationalist/constructivist debate, as a type of auxiliary strand of literature (shedding light on the temporal dimension of institutional analysis) which may be affixed to either paradigm and will, accordingly, be discounted from the theoretical framework employed in this study.

Why is new institutionalism particularly well suited to the study of the Commission’s autonomous power within the EU? First, unlike other theories, new institutionalism (NI) has no inherent bias towards a particular level of analysis since institutions structure political life at every level of decision-making. This point is clearly expressed by Aspinwall and Schneider who claim that “since rules affect behaviour at all level of societal interaction, neo-institutionalism has no theoretical bias towards either “high” or “low” politics or towards either vertical or horizontal forms of cooperation”¹²⁸. Thus, NI is well suited to capturing the Commission’s autonomous power at different decision-making levels of the OMC (European Council, OMC Committees). Second, grand theories of European integration display a patent lack of concern for grounding theory

¹²⁵ Pollack 2004: 137-55.

¹²⁶ Thelen 1999

¹²⁷ Pollack 2004: 139; historical institutionalism’s ambiguous ontological heritage is underscored by Pierson 1996: 131, 2000, 2004.

¹²⁸ Aspinwall and Schneider 2000: 5. Similarly, NI is able to capture the domestic-international linkages that increasingly undermine the distinction between political dynamics at play within states and the politics among states, a development particularly ubiquitous within the EU; see Jupille *et al.* 2003: 10, Jupille and Caporaso 1999: 431, Caporaso 1997.

within the structuring paradigmatic space of rational choice and social constructivism¹²⁹. In contrast, NI allows for a clear delineation of the metatheoretical commitments of both rationalist and sociological strands of analysis and provides the possibility of cross-paradigmatic dialogue. Third, classic integration theories and public policy analysis offer few practical routes for investigating the Commission's autonomous power. Indeed, the former advance sweeping statements, while the later body of literature tends to overemphasize the specificities of each policy area to the detriment of a solid theoretical model that can be applied across case studies¹³⁰. In contrast, new institutionalism allows for the development of middle-range testable hypotheses and offers a practical analytical toolkit for investigation.

3.2 Meta-theoretical backdrop: rational choice vs. social constructivism

Following the preceding overview of the origins and merits of new institutionalist theory, this second section investigates the metatheoretical underpinnings of rationalist and social constructivist approaches to social inquiry that underpin the two strands of new institutionalism employed in this study.

¹²⁹ Crucially, neither of these two theories were explicit about their metatheoretical commitments; for an excellent analysis see Pollack 2007: 35-6.

¹³⁰ Case studies depicting the Commission's entrepreneurial role within individual policy areas were especially prevalent in the early 1990s, following the period 1985-92 when it did much to expand EU-level policy competences under the aegis of the general internal market programme. These case studies testified to the Commission's entrepreneurial role across a broad range of fields, most notably, the internal market (Sandholtz and Zysman 1989), Economic and Monetary Union (Ross 1995), telecommunications policy (Sandholtz 1992, 1993, Fuchs 1994, 1995), social policy (Cram 1993, 1997), equal opportunities policy (Mazey 1995), regional policy (Hooghe and Keating 1994, Smyrl 1998), research policy (Peterson 1995), technology policy (Cram 1997, Peterson 1992), competition policy (McGowan 2000) and energy policy (Matlary 1997).

3. 2. 1 Central tenets of rational choice

In its broadest sense, rational choice is best conceived as “a methodological approach that explains both individual and collective (social) outcomes in terms of individual goal-seeking under constraints”¹³¹. On closer inspection, this formulation encompasses three fundamental theoretical assumptions: methodological individualism, goal-seeking or utility-maximization and the existence of various strategic constraints on individual choice¹³². Each will be examined in turn. The first of these elements, methodological individualism, posits individual agents as the basic units of social analysis. Accordingly, social phenomena (both individual and collective) are explained in terms of the aggregation of individual actions; actions which are in turn the expression of fixed, transitive and exogenously given preferences. Second, embracing the notion of homo economicus promulgated by economic thinking, individual agents are conceptualized as calculating machines who act in order to maximize their expected utility, choosing courses of action (subject to constraints) that they believe to be the best means available to attain their preferred outcome. Finally, a third canonical assumption contends that strategic actors evolve within a reality organized as a system of exogenous constraints. These constraints, whether “material (e.g. resource limitations), informational, institutional, or even social”¹³³, fundamentally demarcate the strategic context within which individual agents act. Crucially then, in seeking to maximize their utility, actors will incorporate these constraints (and their associated causal effects) into their strategic calculus.

While rational choice largely operates as a causal theory within the empirical world, its ability to formulate specific substantive predictions about political outcomes should not

¹³¹ Snidal 2002: 74.

¹³² Pollack 2007: 32-33.

¹³³ Jupille *et al.* 2003: 13.

obscure the centrality of equilibrium analysis within its methodological framework¹³⁴. An equilibrium is a “statement of consistency among specific elements, that there is no pressure on any of the elements to change given the values of the other elements”¹³⁵. The goal then is to determine the impact of change in one element on another, while making sure that all other elements are held constant. Crucially, the choice of determining which components of equilibrium are static and which fluctuate is not dictated by rational choice but varies according to an individual researcher’s interpretation of the model. In applying this model to the empirical world however, rational choice theorists have traditionally assumed that actors and their individual preferences remain fixed, thus imputing change to the transformation of constraints. Often criticized by their social constructivist counterparts of bracketing one of the most significant considerations in the study of politics, proponents of rational choice justify the principle of exogeneity of actor preferences by means of the superior analytical leverage rendered by this assumption. Effectively, while constraints are readily observable to the outside researcher, the fundamentally elusive nature of individual preferences means that their systematic analysis remains an uncertain and arduous task. Under these conditions, only theoretical propositions/hypotheses derived from a model in which preferences are held constant allow for causal relationships to be formulated in an empirically falsifiable manner¹³⁶. In sum, rational choice at this broad metatheoretical level of analysis provides a versatile and comprehensive methodological framework through which to interpret social phenomena. Indeed, hasty and categorical charges of “ontological blindness” made

¹³⁴ Marshall 1910.

¹³⁵ Snidal 2002: 76.

¹³⁶ Stigler and Becker 1977. A partial relaxation of the principle of fixed preferences has recently been introduced by certain rational choice theorists in an effort to address the constructivist critique; see Snidal 2002: 84-5. A key approach has been to consider aggregate state preference change as the expression of shifting influence of underlying domestic constituencies; see Milner 1998, Walsh 2001, Moravcsik 1993: 481, 1997, 1998.

against it fail to recognize the value of parsimony and the merit of self-imposed limitations.

3. 2. 2 Central tenets of social constructivism

Like rational choice, social constructivism is not a substantive theory of politics but a broad approach to social inquiry that stresses how structures and processes of social life are “constructed” by collectively held ideas. In this view, “material resources only acquire meaning for human action through the structure of shared knowledge in which they are embedded”¹³⁷. Following from this, one can identify at least four characteristics and inter-related features of constructivist thinking. First, the material world is given meaning by widely shared or intersubjective beliefs, which are not reducible to individual agents. Constructivism’s emphasis on the role of ideas in social life challenges a materialist conception of reality understood as a collection of brute material conditions¹³⁸. While not denying the existence of “brute facts” existing independently of human thought, social constructivists lay particular emphasis on “social facts” whose reality depends on human consciousness and language and on the grafting of collective knowledge onto physical reality¹³⁹. Second, shared beliefs – be it norms (“collective expectations about proper behaviour for a given identity”¹⁴⁰) or collective knowledge about cause-and-effect relationships – not only regulate behaviour but also provide purposive actors with an understanding of their interests and identities¹⁴¹. Instead of taking agent preferences as given, social constructivism endogenizes them, making them the dependent variable at the centre of their analysis. In practice, then, a primary focus of social inquiry in

¹³⁷ Wendt 1995: 73.

¹³⁸ Fearon and Wendt 2002: 57.

¹³⁹ Searle 1995: 35, Adler 2002: 100.

¹⁴⁰ Jepperson, Wendt and Katzenstein 1996: 54.

¹⁴¹ Onuf 1989, Kratochwil 1989, Wendt 1999.

constructivist literature is that of theorizing and empirically documenting the constitutive processes of socialization by which particular agents acquire their identities and interests¹⁴². A third characteristic is social constructivism's commitment to a research strategy of methodological holism rather than methodological individualism. Indeed, social constructivism espouses an ontology of mutual constitution. Proponents of this approach occupy a middle ground between individualism and structuralism by contending that neither agents nor structures should be made ontologically primitive since their relationship is one of a dynamic process of interaction in which parts exist only in relation to wholes¹⁴³. Finally, from these central tenets emerges a particular conception of individual agents commonly subsumed under the heading of *homo sociologicus*. While the *homo economicus* model, promulgated by rational choice, likens individual agents to calculating machines driven by a logic of expected consequences and whose instrumental rationality occasions a careful assessment of different courses of action in view of maximizing their expected utility¹⁴⁴, the *homo sociologicus* model is anchored within a fundamentally social understanding of human behaviour. Instead of means-ends calculations, social constructivists lay emphasis on two logics of action, namely, (1) rule-guided behaviour and (2) argumentation/deliberation. The first of these modes of social action is subsumed under the title of logic of appropriateness¹⁴⁵ where "human actors are imagined to follow rules that associate particular identities to particular situations"¹⁴⁶. This fundamentally rule-guided behaviour rests on a normative conception of human rationality, in which agents act out of habit or by asking themselves "how is a person in

¹⁴² Fearon and Wendt 2002: 57, 62.

¹⁴³ Fearon and Wendt 2002: 53, 58, Jupille *et al.* 2003: 14, Adler 2002: 100-1, Wendt 1999: Chapter 4. On the agency-structure debate more generally, see Wendt 1987, Carlsnaes 1992, Dessler 1989.

¹⁴⁴ Reus-Smit 1999: 159-60.

¹⁴⁵ On the distinction between logic of expected consequences and logic of appropriateness, see Katzenstein, Keohane and Krasner 1998: 674-82, Kahler 1998, Ruggie 1998b.

¹⁴⁶ March and Olsen 1998: 951, 1989.

my role (or with my identity) expected to act under these circumstances?”¹⁴⁷, with norms helping to supply the answer. Thus, unlike their rationalist counterparts who impute a universal instrumental rationality to all social actors, social constructivists stress the culturally contingent quality of normative rationality. More recently, a growing number of scholars have drawn attention to the fact that social constructivism encompasses a second mode of action that accounts for processes of argumentation, deliberation and persuasion. Instead of focusing on the bearing that social structures have on identity and interest formation, the logic of arguing effectively reverses the constitutive dynamic by laying emphasis on how microprocesses of social interaction (agents) result in the emergence and transformation of norms (social structure) over time¹⁴⁸. Far from being competing or conflicting modes of action within the constructivist paradigm, the logic of arguing exists as a corollary to the aforementioned logic of appropriateness. Together they form the two sides of the same coin; occurring simultaneously, they depict the dynamic process of mutual constitution of agency and structure that forms the cornerstone of the constructivist ontology.

Whereas rationalists generally agree on questions of epistemology, students of social constructivism remain fundamentally divided on the issue of the nature of knowledge and truth claims within the social sciences. Traditionally, three distinct strands of constructivist thinking are highlighted in the literature¹⁴⁹, each offering different answers to two distinct epistemological questions: “(1) whether knowledge claims about social life can be given any warrant other than the discursive power of the putative knower (the relativism issue); and (2) whether causal explanations are appropriate in social inquiry

¹⁴⁷ Fearon and Wendt 2002: 60.

¹⁴⁸ Risse 2000, 2002, Kratochwil 1989, Onuf 1989, Alker 1996, Linklater 1996, Lynch 1999, Payne 1999, Checkel 1998, 2003.

¹⁴⁹ For an overview see Checkel 2006a: 58-59, Checkel 2004: 230-1, Adler 1997, Ruggie 1998b.

(the naturalism issues)”¹⁵⁰. First, answering yes to both these questions, modernist (or conventional) constructivism upholds a fundamentally positivist epistemological stance¹⁵¹. As will be detailed below, the sociological institutionalist framework utilized in this research project belongs to this modernist branch of social constructivism, which combines a mutually constitutive agency/structure ontology with a loosely causal epistemological stance. This body of literature is thus “well placed, within the integration literature, to “seize the middle ground” between positivist and agent-centred rational choice, on the one hand, and interpretative and structure centred approaches, on the other”¹⁵². A second strain of constructivist literature, answering yes and no respectively to the questions noted above, has been dubbed interpretivist or modernist linguistic. As its name suggests, it explores the role of language in the social construction of reality¹⁵³. Distancing themselves from the strict causal logic championed by their modernist counterparts (in the sense that A causes B), interpretative constructivists are committed to a fundamentally inductive research strategy that seeks to explore the linguistic constructions (social discourses) making possible the construction and re-construction of state/agent identity¹⁵⁴. Finally, critical/radical constructivists - while sharing the same concern for discursive practices - answer no to both epistemological questions. In so doing, this body of literature injects a fundamentally normative dimension into its work by drawing attention to the power and domination intrinsic to language as well as the researcher’s own role in the reproduction of the social identities and relations of power that exist in the world she is studying¹⁵⁵.

¹⁵⁰ Fearon and Wendt 2002: 56-7.

¹⁵¹ The extraordinarily expansive nature of this school of thought allows for several sub-categories to co-exist under the same modernist heading, see Adler 2002: 2001, Carlsnaes 1992, Wendt 1999, Ruggie 1998b: 880, Barnett 1998, Reus-Smit 1999, Ruggie 1998a, Katzenstein 1996a, Sikkink 1993, Checkel 2000.

¹⁵² Checkel 1999: 546, see also Christiansen *et al.* 1999b: 351-3, 355-7.

¹⁵³ Kratochwil 1989, Onuf 1989.

¹⁵⁴ Banchoff 1999, Hopf 2002.

¹⁵⁵ Cox 1986, Williams and Krause 1997.

Rational choice and social constructivism are, in Wendt's terms, "second-order" theories that operate at a broad level of abstraction and are principally concerned with ontological and epistemological questions such as "the nature of human agency and its relationship to social structures, the role of ideas and material forces in social life, the proper form of social explanations, and so on"¹⁵⁶. Understood in these terms, they constitute social theories, each offering an organizing framework for thinking about the nature of social life and interaction. Rational choice and social constructivism thus remain wide open to alternative specifications in terms of specific substantive content, unable to provide precise explanations or predictions about political phenomena until coupled with an additional set of assumptions that originate outside these two meta-theoretical frameworks¹⁵⁷. These powerful sets of additional assumptions are provided, again in the words of Wendt, by "first-order" theories. Fundamentally anchored in the empirical world, first-order theories are both derived from and consistent with the broader second-order theories to which they belong, but go beyond their abstract conceptualization of social life by wielding a collection of substantive assumptions about, *inter alia*, the nature of actors, their preferences/identities and the content of the social structures/strategic setting in which they evolve. At a broad second-order level of analysis, neither rational choice nor constructivism can be supported or falsified by empirical evidence¹⁵⁸; rather it is the first-order theories, which marry basic metatheoretical assumptions to an additional set of substantive assumptions that provide testable hypotheses about political outcomes and behaviour.

¹⁵⁶ Wendt 1999: 6.

¹⁵⁷ Finnemore and Sikkink 2001: 393, Wendt 1999, Snidal 74-6, Pollack 2007: 32-33.

¹⁵⁸ Pollack 2007: 33, Wendt 1999, Checkel 2006a, Snidal 2002: 79.

3.3 Rational choice institutionalism

Crucially, rational choice and sociological institutionalism constitute specific first-order theories that recognize institutions as basic units of analysis and make causal and interpretative claims about their role in the social world. While both are built around the claim that institutions *matter*, this key postulate effectively raises many questions in its wake; questions to which rationalist and constructivist strains proffer divergent answers. Below, these two classical strains of new institutionalist literature will be considered in turn. Particular attention is given to exploring their fundamental precepts, surveying their empirical application in the field of EU studies and formulating a number of causal hypotheses about the Commission's autonomous power within the OMC. Finally, so that that these hypotheses serve as practical tools of investigation, independent variables will be operationalized. A key task will be to identify suitable observable proxies (or indicators) associated with weak/strong or high/low values of the independent variables at the heart of this research project¹⁵⁹.

3.3.1 Fundamental tenets of rational choice institutionalism

This section sketches the central tenets of the rationalist strand of new institutionalist analysis. First, in line with the rational choice paradigm from which it is derived, much of rational choice institutionalism's (RCI) analytical leverage is derived from its utility-maximizing conception of individual behaviour. Relevant actors are said to possess a fixed set of preferences, established exogenously to the institutional venue and behave in an entirely strategic manner to reach their preferred outcomes. Directly related to this minimalist set of behavioural assumptions and calculative conception of human

¹⁵⁹ For each independent variable, the following analysis will aim to generate as many observable implications as possible, see King, Keohane and Verba 1994: 19.

rationality, RCI offers a particular account of how institutions actually matter. In structure-agency terms, institutions are believed to be external to the agent; influencing (or constraining) her strategies but remaining quite separate from the utility-maximizing rationale commanding her behaviour. In sum, institutions are assumed to have regulative (as opposed to constitutive) effects on individual behaviour¹⁶⁰. A third distinguishing feature of rational choice institutionalism is its narrow and essentially formal portrayal of institutions. Adherents to this approach conceptualize institutions as formal legalistic entities and collections of decision rules that establish the conditions for bounded rationality among utility-maximizing actors¹⁶¹. Far from being trifling features of the political landscape, institutions establish a strategic context, channelling and constraining interactions among self-interested agents and ultimately influencing political outcomes. In practice, individuals react rationally to the various incentives and constraints that institutions impose on their behaviour, working with them to achieve their preferred outcomes¹⁶².

3.3.2 Rational choice institutionalism in the field of EU studies

Originally formulated and employed by students of American politics in the study of congressional behaviour, RCI has since then established itself as a popular investigative lens for a variety of other phenomena across several associated fields of political science¹⁶³. In the domain of comparative government, RCI has been applied to the study of political processes as diverse as cross-national coalition behaviour¹⁶⁴, the development

¹⁶⁰ Risse 2002: 605, 609.

¹⁶¹ Peters 2001: 44, Rosamond 2000: 115, Aspinwall and Schneider 2000: 12.

¹⁶² Hall and Taylor 1996: 945, Thelen and Steinmo 1992: 7.

¹⁶³ On early rational choice literature, see Pollack 2004: 138, 2007: 33-4.

¹⁶⁴ Laver and Shepsle 1990.

of political institutions¹⁶⁵, the intensity of ethnic conflict¹⁶⁶, and the dynamics of democratic transition¹⁶⁷. Similarly, students of IR have drawn on this rationalist-inspired theoretical lens to explain the rise and fall of international regimes, the nature/magnitude of the responsibilities delegated to international organizations (IOs) by nation-states, as well as the institutional configurations of such organizations¹⁶⁸. Notwithstanding this impressive display of RCI's theoretical credentials and empirical fruitfulness, emphasis will be placed here on the remarkable inroads made by such an approach in the field of EU studies.

The rapid surge of interest among students of European integration for RCI was largely fuelled by the facility with which a series of off-the-shelf RCI theories and models could be imported into the study of EU politics. Moreover, the myriad labyrinth of institutions that makes up the EU polity meant that in the late 1980s the Union naturally established itself as an ideal testing ground for new institutionalist analysis. The widespread introduction of RCI into the field of EU studies extends across three core areas of legislative¹⁶⁹, judicial¹⁷⁰ and executive politics; a categorization based on the object of study that is commonplace among commentators in this field¹⁷¹.

In the field of executive politics, a rich research programme has developed around the study of the European Commission and other executive actors. Crucially, principal-agent

¹⁶⁵ North and Weingast 1989.

¹⁶⁶ Weingast 1994.

¹⁶⁷ Przeworski 1991, Geddes 1994, Marks 1992, Cohen 1994, deNardo 1985.

¹⁶⁸ Keohane and Martin 1994, Martin 1992, Oye 1993, Krasner 1991.

¹⁶⁹ For an overview of this literature McElroy 2006: 179-183, Voeten 2005, McElroy 2002, Hix *et al.* 2003, Whitaker 2005, Hosli 1995, 1996, Johnston 1995, Garrett and Tsebelis 1996, 2001, Tsebelis 1994, 1995, Bueno de Mesquita 1994, Stokman and Van Oosten 1994.

¹⁷⁰ On the relative power of the European Court of Justice, see Garrett 1992, Garrett and Weingast 1993, Mattli and Slaughter 1998, Stone Sweet and Brunell 1998, Stone Sweet and Caporaso 1998, Alter 2001, Pollack 2007: 40.

¹⁷¹ Dowding 2000, Pollack 2004, 2007, Jupille and Caporaso 1999, Aspinwall and Schneider 2001, Hix 2005.

(P-A) analysis has become a leading instrument of investigation within this body of literature. Originally formulated in the early 1980s and applied in the study of legislative-executive relations in American politics (and later to model the delegation of authority by the executive to independent regulatory agencies and courts)¹⁷², the migration of P-A analysis into the realm of EU studies establishes this discipline as “the contractual paradigm’s most recent frontier in political science”¹⁷³. The analytical core of P-A theory is the principal-agent relation, which, in the words of Tallberg, “arises whenever one party (principal) delegates certain functions to another party (agent), in the expectation that the agent will act in ways desired by the principal”¹⁷⁴. However, what is originally established as a contractual arrangement between two parties will engender an inherently problematic relationship since agents will hold private interests systematically different from those of their principals¹⁷⁵. Likewise, more often than not, this relationship is characterized by an asymmetric distribution of information that favours the agent, thus providing it with the opportunity to pursue its own interests at the expense of the principal’s (“to shirk” in P-A vocabulary). Examples of such dissymmetry include an agent’s privileged access to superior information regarding the performance, budgetary needs and technical requirements of a given policy proposal¹⁷⁶. Principals, however, are not entirely helpless in the face of agent shirking. Following the initial act of delegation, principals may establish a number of control mechanisms which can mitigate, if not eliminate, the informational asymmetries in favour of the agent and consequently curb agency shirking. In the standard application of the P-A model to the study of EU politics, Member States are conceptualized as principals who have purposefully chosen to delegate

¹⁷² Weingast and Moran 1983, Moe 1984, 1987, McCubbins, Noll and Weingast 1987, 1989, McCubbins and Page 1987, McCubbins and Schwartz 1984, Kiewiet and McCubbins 1991.

¹⁷³ Tallberg 2007: 199; for overviews Doleys 2000, Tallberg 2000a, 2000b, 2007, Kassim and Menon 2003, Pollack 1997, 2000, 2003b.

¹⁷⁴ Tallberg 2007: 199.

¹⁷⁵ Doleys 2000: 537, Moe 1989: 271.

¹⁷⁶ Pollack 1996: 444.

authority for certain functions to a number of agents in the form of supranational institutions (the European Court of Justice (ECJ), the European Commission, the European Central Bank (ECB), EU regulatory agencies) and have (almost ineluctably) been confronted with a control problem. At the foundation of P-A analysis is the recognition that agent autonomy is primarily a question of institutional design. Thus, we set out to apply this abstract theoretical framework to the case of the OMC's institutional architecture. A close examination of the institutional specificities of the OMC will allow for a pragmatic specification of the independent variables (IVs) affecting the degree of Commission autonomy within this new mode of governance. The analysis that follows hinges on a crucial distinction between micro-institutional and macro-institutional levels and the Commission's corresponding ability to exploit its formally mandated powers within the confines of OMC Committees and wield an informal agenda-setting role *vis-à-vis* the European Council.

3.3.3 Formal powers and Commission discretion within OMC micro-institutional framework

Commonly depicted in the form of a simple equation, discretion is said to be the result of the following calculus: delegated powers minus the control mechanisms established by principals (discretion = delegated powers – control mechanisms)¹⁷⁷. Effectively, all principal-agent relationships are likely to entail some measure of agent autonomy since control mechanisms are necessarily difficult and costly to both institute and maintain, thus inevitably granting a limited amount of discretion, or slack, to agents. A question of central analytical importance for P-A theorists has been to explain the variation in the

¹⁷⁷ Tallberg 2007: 199.

degree of discretion from one agent to another, but also across issue-areas and over time within a same P-A relationship¹⁷⁸. In so doing, students of RCI have tended to highlight the institutional design (extent and efficacy) of control mechanisms instituted by guarded principals. Below, the Commission's capacity for autonomous power is theorized in three steps. First, on the basis of its formally mandated powers, a number of conjectures are set forth regarding possible forms that Commission shirking may take within the OMC framework (*hypothesis 1 and 2*). A second section considers the oversight instruments that Member State principals may employ to restore the asymmetry of information in their favour (*hypothesis 3*). Finally, a third section outlines the sanctioning instruments readily available to Member States to compel a recalcitrant Commission to abide by its original mandate (*hypothesis 4 and 5*).

3. 3. 3. 1 *The Commission's mandated powers and opportunities for bureaucratic drift*

As elaborated above, tasks entrusted to the European Commission within the framework of the EES and OMC/SPSI can be categorized under three headings: a power of initiation, administrative powers and monitoring/enforcement powers¹⁷⁹. Employing this tripartite framework, consideration is given to the shirking opportunities flowing from the Commission's formally mandated responsibilities within the OMC.

¹⁷⁸ Epstein and O'Halloran 1999, Huber and Shipan 2002.

¹⁷⁹ P-A theorists take an essentially functionalist approach to delegation where tasks entrusted to an agent can be explained in terms of the rationally anticipated effects for the delegating party; see Peters 2001: 54-56, Hall and Taylor 1996: 945, Thelen and Steino 1992: 10, Moe 1990: 217-8, Pollack 2004, Pollack 1996: 433- 7, Keohane 1984: 97, Sandholtz 1996: 406, Majone 2001. For an overview of the motivations that lead principals to delegate (including guaranteeing credible commitment of contracting parties, reducing information asymmetries, or increasing policy-making efficiency), see McCubbins and Page 1987, Epstein and O'Halloran 1999, Kassim and Menon 2003, Franchino 2002, 2004, 2007.

A weak power of initiation

In seeking to exert autonomous power within the OMC decision-making process, a first potential route available to the Commission concerns its sole right of initiative of OMC guidelines. While at first glance, its formal prerogative to initiate policy proposals for consideration within the Council places the Commission in a unique position to propose its preferred guidelines (provided that it can garner the support of a required majority in the Council), a closer look at the OMC's institutional design reveals that the Commission's scope for discretion is heavily constrained by the European Council. Commenting on the European Council's clear political leadership within the OMC (most notably expressed in the institutionalization of the Spring Summits), Borrás and Jacobsson note "heads of states have increasingly taken the lead as regards policy initiatives, and therefore the Commission's formal monopoly on initiatives has subsequently vanished"¹⁸⁰. The Treaty stipulates that the Commission is required to propose OMC guidelines based on European Council Conclusions, thus granting this intergovernmental body considerable power to narrow the scope of possible policy options and tightly constrain the Commission in its role as formal agenda-setter. In view of the strong institutional constraints placed upon the Commission, its ability to shirk - by injecting its own preferences in the formulation of OMC guidelines - remains considerably limited. It follows that little valuable insight can be gained from empirically investigating this aspect of the Commission's formal mandate within the OMC¹⁸¹.

¹⁸⁰ Borrás and Jacobsson 2004: 198.

¹⁸¹ In his study of the formulation of the 2003 employment guidelines, Jobelius (2003) lays emphasis on the manner in which the Commission sought to make use of its formal agenda-setting prerogative to anchor new quantified targets in the employment guidelines with only limited results.

Power of administration

With regard to its administrative role, a primary contention is that the Commission is well placed to strategically exploit what is generally believed to be an institutional incongruity within the OMC's somewhat experimental institutional architecture. As alluded to above, central advisory Committees operating at the heart of the OMC comprise a Secretariat whose tasks include preparing and circulating all documents to be discussed at plenary meetings, as well as drafting Committee opinions presented to the Council for approval. Paradoxically, although formally accountable to the Chairperson of the Committee, the Secretariat is placed under the aegis of the Commission since it is the Commission that formally designates members of its staff to fill its rank. It follows that the Secretariat relies heavily on the expertise provided by the Commission since DG EMPL supplies the bulk of background material for Committee meetings. This institutional idiosyncrasy raises legitimate concerns about the (im)partiality of Secretariat members. In practice, members of this support team are condemned to “wear two hats” and split their loyalty between the Commission (of which they are members) and the Chairperson (to whom they owe their allegiance). A fundamental concern, voiced by national officials and commentators alike, hinges on the fact that the Commission is well placed to inject its own preferences into Committee proceedings via the Secretariat which it staffs; preferences that may ultimately be inimical to the interests of Member State principals¹⁸². Below, we briefly consider the format of OMC Committee meetings, with an eye on the Secretariat's mandated role in this process, before outlining two possible strategies that it may exploit when pursuing its private interests.

¹⁸² This argument is made by De la Porte and Pochet 2003, Jacobsson 2001.

During OMC meetings, expert reports elaborated by the Commission services typically inform Committee discussions. At the level of the ISG, meetings revolve around two key documents supplied by the Secretariat: a technical note written by Eurostat that introduces and elaborates upon possible statistical indicators and an accompanying options paper that serves to clarify the technical note and expound upon the ramifications of proposed statistical alternatives. Within EMCO and the SPC, the Committee Secretariat regularly submits expert reports on topical issues under consideration as well as draft opinions (initially prepared by the Secretariat and approved by the Chairperson). In the course of Committee proceedings, these opinions are altered (i.e. edited) by the Committee Secretariat to accommodate national representatives' positions in view of reaching a final agreement (forwarded to the Council for vote). All four types of documents are circulated in advance of meetings (usually a few days), giving national representatives the time to formulate their official position "back home". Likewise, the agenda for the meeting is typically decided upon by the Chairperson, in close collaboration with the Secretariat, and usually distributed on the day of the meeting.

At a glance, two possible avenues for autonomous power are available to the Secretariat within Committee proceedings. First, the Secretariat may seek to advance its own interests by manipulating the Committee agenda (which it sets conjointly with the Chairperson), placing particular items onto a meeting's policy agenda that were not originally mandated by the European Council. Here, the Secretariat may either form a strategic alliance with the Chairperson (if the private interests of both parties coincide) or work around her (strategically seeking to shape its proposals in ways that will secure her approval) to place its favoured policy points on the Committee agenda. Second, the Secretariat's prerogative of drafting Committee opinions means that the formulation of

final opinions and reports (transmitted to the Council for vote) lies in the Commission's hands. While certain sensitive or highly political documents (e.g. OMC guidelines) are drafted during Committee meetings in the presence (and with the approbation of all national delegates), others are put into writing in the days following these plenary meetings. In this case, the Secretariat's scope for autonomous action lies in its ability to phrase agreed-upon Committee opinions in a slanted manner, injecting its own policy preferences into the final document for Council consideration. Accordingly, a first causal hypothesis pertaining to the Commission's propensity for agency shirking – directly stemming from its formal administrative powers within the OMC - can be expressed as follows:

Hypothesis 1: The stronger the allegiance borne by Secretariat members towards the European Commission, the more the Commission will be able to inject its own preferences into Committee proceedings, and ultimately the greater its autonomous power will be.

In operationalizing this first independent variable, both the Secretariat's propensity to table documents for discussion within OMC Committees which manifestly aim to orient debates towards the Commission's preferred political priorities (*indicator 1a*) and its ability to phrase OMC Committee opinions in a slanted manner, injecting the Commission's preferences in its draft proposals (*indicator 1b*), will be regarded as key proxies of a strong allegiance of the Secretariat *vis-à-vis* the Commission. Conversely, the Secretariat's tendency to table documents within OMC Committees that are characterized by an overriding concern to balance Member States' preferences and find conciliatory arrangements (*indicator 1c*) and its inclination to phrase OMC Committee opinions in an

impartial manner (*indicator 1d*) will be considered as indicators of a weak allegiance of Secretariat members towards the Commission.

Monitoring and enforcement powers

A second hypothesized route of bureaucratic drift concerns the Commission's ability to apply "unlawful" pressure on national governments in order to comply with what is a voluntary policy-coordinative initiative. Formally, the Commission's mandated powers of monitoring national action plans and preparing policy-evaluation reports (Joint Reports) serve to encourage Member State compliance, thus reducing the problem of credible commitments. As originally envisaged by its national principals, the Commission's delegated powers mean that it is advantageously placed to both denounce and discredit governments either for not abiding by their commitments or for their poor comparative performance relative to other Member States, rendered visible by means of scoreboards and performance ranking. The sanctioning logic underlying this process – and voluntarily surrendered to DG EMPL by MS principals - can be subsumed under the generic title of "naming and shaming", whereby pressure to conform to a non-optimal policy trajectory is triggered by reputational/credibility costs incurred within the European arena resulting from unilateral non-cooperation and/or by electoral cost sustained at the national level when governments are sanctioned for perceived policy failures.

However, because the Commission holds private interests systematically different from those of its principals, in monitoring Member State compliance it will naturally seek to challenge the terms of its original contract. In practice, the Commission's capacity to pursue its private agenda will be heavily conditioned by its ability to step beyond its formal monitoring and enforcement mandate. Thus, it is envisaged that the Commission

will seek to strategically exploit its formal right to collect and summarize performance data, stretching its prerogative beyond circumscribed bounds as originally foreseen by Member State principals.

A first technique available to the Commission involves the improper use of statistical indicators. Particular methods of bureaucratic drift in this regard include failing to respect the terms of use of commonly agreed-upon indicators (are they designed to monitor diachronic changes within a single Member State or establish cross-national comparisons? Can they be reported in Joint Reports?) or employing indicators that have not been sanctioned by the European Council. Second, the Commission may seek to strategically circumvent formal limitations placed on its monitoring power. Concretely, Joint Reports must be sanctioned both by the Commission and the Council (by QMV); a stipulation that confers a strong form of oversight to MS principals. Indeed, the requirement of Council approval grants governments insight into the preparatory proceedings of these annual evaluative reports and the ability to shape the outcome by signalling their preferences, thus avoiding overly disparaging assessments of their national performance. It follows that in order to elude the restrictions placed on its monitoring role, alternative methods for disseminating evaluative analyses may be sought, outside the formal OMC framework. In the case of the EES, a promising medium of communication in this regard is the Commission's Employment in Europe (EIE) report. Mandated by the Strasbourg European Council in December 1989 and published annually since then, this report constitutes DG EMPL's "main tool for the analysis of employment performance and labour market developments [...]. It provides the basic analytical and statistical background to underpin the Joint Employment Report as well as

other instruments key to the EES”¹⁸³. Similarly, since 2000, on the basis of Article 136 and Article 143 of the Treaty, the Commission publishes a Social Situation Report (SSR) that aims to “foster informed public debate on social policy by providing key data and prospective analysis”¹⁸⁴. Crucially, these reports constitute important alternative channels of communication since they allow DG EMPL to diffuse evaluation results, uncircumscribed by government interference. In divulging this information outside the confines of the OMC framework, the Commission is freed from the requirement of securing the support of a qualified majority of Member States in the Council (a result often achieved by curbing the less favourable elements of this analysis), thus granting it much greater autonomy to critically appraise national performance. Accordingly, a second causal hypothesis regarding the Commission’s capacity to pursue its private interests within the institutional context of the OMC can be expressed in the following terms:

Hypothesis 2: The more the European Commission is able to circumvent formal limitations placed on its monitoring power, the more it will be able to place a soft form of pressure on national governments to comply with an essentially voluntary policy-coordinative process, and ultimately the greater its autonomous power will be.

In operationalizing this second instance of Commission shirking, both the improper or distended use of statistical indicators (*indicator 2a*) and its tendency to disseminate evaluative analyses outside the OMC framework (*indicator 2b*) will be regarded as key proxies of the Commission’s strong ability to circumvent formal limitations placed on its monitoring power. Conversely, the appropriate use of statistical indicators (*indicator 2c*)

¹⁸³ <http://ec.europa.eu/social/main.jsp?catId=119&langId=en> (consulted 28/01/10).

¹⁸⁴ <http://ec.europa.eu/social/main.jsp?catId=675&langId=en> (consulted 28/01/10).

and the Commission's propensity to confine its analyses of Member States' performance to joint evaluative reports sanctioned by the Council (*indicator 2d*) will be considered as indicators of a weak ability by the Commission to evade formal constraints placed on its monitoring power.

3. 3. 3. 2 *Overseeing the Commission's actions within the OMC*

A central contention at the heart of P-A analysis is that agent autonomy is not constant but is primarily function of the costs, credibility and relative efficacy of a broad range of control mechanisms established by principals in order to curb agency shirking. Thus, instead of assuming the complete efficacy of agent control mechanisms, the analysis that follows aims to identify the various control procedures (oversight and sanctioning) available to government principals in the framework of the OMC, outlining the costs and difficulties associated with their use in view of formulating a number of testable hypotheses about the factors undermining their efficacy (and thus increasing Commission discretion). Crucially, *ex post* control procedures fall into two broad categories: (1) the overseeing of agent behaviour, where principals seek to mitigate the inherently asymmetrical distribution of information in favour of the agent; and (2) the imposition of sanctions in the face of agency shirking. This section reviews the first of such mechanisms.

Within the traditional Community Method, P-A analysis lays emphasis on a wide range of oversight procedures established by Member State principals in an effort to avoid agency shirking on the part of the European Commission. In practice, governments rely heavily on police-patrol oversight, which takes the form of a complex system of oversight

committees, catalogued under the heading of comitology¹⁸⁵. These committees are charged with closely supervising the Commission's activity in the implementation of secondary legislation, thus providing governments with detailed knowledge of its actions. In addition, the Community Method allows for fire-alarm oversight in the form of institutional checks and judicial review¹⁸⁶. Article 173 of the EC Treaty grants Member governments, and any directly affected individuals, the right to request judicial review of the Commission's actions before the ECJ. Likewise, other European institutions, such as the European Parliament and the Court of Auditors, enforce Commission accountability by means of a close surveillance of its activities. This scrutinizing function provides Member States with additional information about the Commission's behaviour, thereby substantially mitigating the inherent informational bias tilted in its favour¹⁸⁷. Perhaps because the OMC constitutes a non-legislative means of cooperation based on the voluntary commitment of Member States, the monitoring of the Commission's behaviour within the OMC (compared to the Community Method) remains typically weak. With the powerful instrument of judicial review no longer available, below, we consider the more exacting device of police-patrol oversight in both instances of the Commission's monitoring and administrative powers.

First, with regard to the Commission's monitoring powers – that is, its prerogative to publish annual evaluative reports on Member States' performance in relation to OMC guidelines – national governments are individually required to maintain a vigilant watch on the Commission's actions in order to make sure that it does not overstep its official

¹⁸⁵ Gerus 1991, Docksey and Williams 1994.

¹⁸⁶ Police-patrol oversight involves the direct, active and centralized monitoring of agency behaviour by delegating principals, whereas fire-alarm oversight consists of essentially indirect, reactive and decentralized monitoring through third parties, see Tallberg 2007: 200, McCubbins and Schwartz 1984.

¹⁸⁷ Pollack 1996: 445.

mandate. While undoubtedly dissuasive¹⁸⁸, such a procedure is weakened by its relatively reactive and dispersed nature (strong policy-patrol oversight will be direct, (pro)active and centralized). More importantly, the Commission's ability to diffuse evaluation results by means of parallel reports¹⁸⁹ that exist outside the OMC framework (*hypothesis 2*) constitutes an almost insuperable challenge for national governments; rendering ineffective Member States' formal monitoring instrument (i.e. the Council's vetting of evaluative reports) originally designed as part of the OMC. In sum, should the Commission seek to disseminate performance results via such auxiliary reports, government principals would be rendered powerless since they do not have recourse to any effective monitoring instruments in this regard.

A second form of police-patrol oversight is provided by the directly-elected Chairperson. Responsible for overseeing Committee proceedings in a detached manner, the Chairperson's panoply of responsibilities include, *inter alia*, (1) presiding over OMC Committee meetings and discussions, (2) setting the agenda in collaboration with the OMC Secretariat and finally (3) ensuring the correct application of rules of procedure, most notably with regard to communicating collectively agreed-upon Committee opinions to the Council for vote. The Chairperson's impartial status and central standing within the OMC's institutional framework places her in an advantageous position to oversee the Secretariat's actions (an administrative body exclusively staffed by Commission officials and a central medium of bureaucratic drift, see *hypothesis 1*), making it less likely that any breach of its administrative mandate will go unnoticed. Singly responsible for monitoring the Commission's behaviour, the Chairperson must ensure that the Secretariat does not contravene its original mandate and pursue the various avenues of agency

¹⁸⁸ DG EMPL must garner the support of a qualified majority of Member States to see its report accepted in the Council.

¹⁸⁹ The EIE report and SSR.

shirking readily available to it. However, complicating matters, this third-party oversight arrangement immediately raises the problem of bureaucratic drift on the part of an elected Chair, since it too is an agent of Member State principals and may seek to pursue its own private agenda in the execution of its duties. Accordingly, two scenarios are possible. First, noticing that its private interests coincide with that of the Commission's, the Chairperson will purposefully overstep its original mandate. In this instance, both agents will work together to pursue a common agenda against the declared preferences of MS principals. Second, the Secretariat will respect the terms of its mandate¹⁹⁰ and seek to minimize the scope for autonomous action on the part of the Commission by maintaining a strict form of surveillance of the Secretariat's actions. Thus, the following causal hypothesis is set forth as part of this research:

Hypothesis 3: The less willing the Chairperson is to oversee the Secretariat's actions, the greater the scope for the European Commission's autonomous power will be.

Two proxies will serve to operationalize this third independent variable. First, a key assumption is that the unfettered elections of the Chair constitute one of the strongest guarantees of her impartiality. Second, emphasis is placed on the independence of the Chair in the exercise of her functions. It follows, that both the transparent and fair election of the Chair (*indicator 3a*) and her readiness to oversee the Secretariat's proposals and readjust them according to prevalent areas of collective agreement (*indicator 3b*) will be considered as key proxies of the Chairperson's strong willingness to oversee the Secretariat's actions. Conversely, an election marred by a non-transparent process (*indicator 3c*) and the Chairperson's readiness to work alongside the Secretariat

¹⁹⁰ Either because it lacks the incentive (its interest coincide with that of MS principals) or opportunity (strong control mechanisms) to shirk.

to pursue a common agenda, against the collective preferences of MS principals (*indicator 3d*) will be regarded as indicators of a weak willingness on the part of the Chair to oversee the Secretariat's work.

3. 3. 3. 3 *Sanctioning Commission shirking within the OMC*

A second set of control mechanisms employed by Member State principals is the imposition of sanctions in the face of bureaucratic drift. In practice, while oversight serves a dissuasive role by mitigating the informational asymmetries in favour of the agent and reducing the likelihood that shirking will go unnoticed; sanctions encourage the agent to perform its functions faithfully by raising the costs of non-compliance¹⁹¹. P-A theorists have identified a wide panoply of potential sanctioning instruments including, *inter alia*, cutting an agent's budget, repealing appointments, engaging in unilateral non-compliance, overruling decisions through new legislation and, more radically, revising an agent's institutional mandate in order to amend or cut-back its powers¹⁹². Principals may credibly threaten to make use of – or effectively apply – such sanctions against an offending agent, thereby controlling their behaviour and assuring their compliance with their original mandate. However, sanctioning mechanisms are not a panacea against agency shirking; rather, they characteristically constitute imperfect and expensive tools that MS principals must wield carefully, insuring that they “invest in control to the point where the marginal benefit of better agent compliance equals the marginal cost of running the mechanisms”¹⁹³. Furthermore, not only do strict sanctioning mechanisms consume considerable resources, they can also act as a double-edged sword insofar as they may impose costs upon contracting principals as well as agents. The costs of sanctions to

¹⁹¹ Tallberg 2002: 28.

¹⁹² Pollack 1997, 2003b, Kassim and Menon 2003, Gabel and Hix 2002, Costa *et al.* 2003.

¹⁹³ Tallberg 2002: 33.

government principals may in turn limit their credibility and thus increase the discretion available to the Commission¹⁹⁴.

Because of its non-legislative and non-binding quality, sanctioning mechanisms available to MS principals in the case of the OMC differ in quality and quantity from those available in the Community Method. Broadly speaking, practicable sanctioning instruments within the institutional architecture of OMC are of two types: engaging in unilateral non-cooperation and revising the Commission's mandate. Below we consider these two sanctioning procedures in turn, providing a preliminary assessment of their costs (imposed on the Commission and incurred by MS), credibility and overall efficacy in reining in a recalcitrant Commission.

Unilateral non-cooperation

A first means of principal sanctioning is the unilateral non-cooperation of individual Member States. Crucially, non-cooperation within the framework of the OMC should not be understood in binary terms; rather its various forms exist along a continuum ranging from partial involvement to non-participation. Partial involvement covers a wide array of strategies available to EU governments, for instance, selectively partaking in the OMC process by discounting specific guidelines (most notably in drafting annual implementation reports), not respecting agreed-upon reporting standards, or systematically stalling discussions within OMC Committees in view of undermining the decision-making process. At the other end of the spectrum, non-participation would typically translate into non-attendance of Committee meetings (empty-chair strategy) and a complete disregard for reporting requirements. Instead of simply assuming the complete

¹⁹⁴ Pollack 1997: 112.

efficacy of non-cooperation, the following analysis sets out to examine the costs successfully imposed on an unruly Commission (testifying to the effectiveness of this control procedure) and those concurrently incurred by MS principals as a by-product of applying this punitive measure.

On the one hand, from the viewpoint of the European Commission, failure by even one Member State to partake in the OMC's coordinative procedures carries with it the prospect of two damaging consequences. First, dissension is liable to undermine the Commission's formal role within the OMC. Since goodwill forms the cornerstone of this mode of governance, the Commission's status as chief facilitator of the process reposes entirely on the benevolence of national governments. Once removed, the absence of goodwill would expose the Commission's helplessness in the face of dissent and tarnish its status as guarantor of the method. Second, unilateral non-cooperation carries the risk of striking at the foundations of a fragile policy coordinative method whose future within the EU's governance architecture still remains uncertain. Based on the rationalist assumption that the Commission's preferences lie in the expansion of the scope of Community competence and the strengthening of its own standing within decision-making processes, the direct threat to the viability and sustainability of the OMC posed by MS dissension would be vastly inimical to its interests.

On the other hand, brandishing the threat of non-cooperation against an unruly Commission is not entirely costless for Member State principals. Of course, as a variant of the traditional method of unilateral non-compliance to EU legislation, the costs incurred by dissenting governments within the framework of the OMC are less significant than in a hard-law legislative environment. While in the framework of the traditional

Community Method, non law-abiding states may warrant judicial intervention in the form of ECJ proceedings and risk diplomatic antagonism *vis-à-vis* other states for free-riding and violating the terms of the Treaty, unilateral non-cooperation in the context of the OMC involves – comparatively speaking – smaller costs for the dissenting government. Through smaller, these costs are not entirely inconsequential. First, episodic non-cooperation might engender reprobation of other national governments voluntarily partaking in the OMC, effectively weakening the dissenting Member State's bargaining position *vis-à-vis* its peers. Indeed, though this ill-feeling would not carry the intensity required to spill-over into the realm of Community Method, disgruntled Member States may be less accommodating of the defiant government's positions in future rounds of negotiations (of guidelines, opinions, recommendations). In other words, in engaging in non-cooperation, a government takes to risk of being sidelined by its peers in Committee proceedings. Second, sanctioning the Commission by means of non-cooperation runs the risk of undermining EMCO/SPC's political standing within the EU arena. In practice, a dissenting government's decision to stall discussions and agreement may incur important reputational costs for the Committee in its entirety, weakening its standing within the EU arena most notably *vis-à-vis* other OMC Committees (EPC, EFC), all vying for greater visibility at the supranational level.

In sum, sweeping aside the notion of complete efficacy of sanctioning mechanisms, the preceding analysis underscores both the significant detrimental effects that unilateral non-cooperation may inflict on an overzealous European Commission and the costs concomitantly incurred by MS principals in making use of such a punitive device. Crucially, it is also important to remark that the costs sustained by government principals – and which directly threaten the credibility of non-cooperation as a sanctioning

instrument – are not fixed but are function of circumstances and thus can only be assessed on a case-by-case basis. Following this comprehensive exposition of potential costs imposed on both parties, a fourth causal hypothesis pertaining to the Commission's capacity for discretion within the framework of the OMC can be formulated as follows:

Hypothesis 4: The higher the costs incurred by Member State principals as a by-product of engaging in unilateral non-cooperation, the less credible this sanctioning device will appear, and ultimately the greater the European Commission's autonomous power will be.

In operationalizing this fourth independent variable, both the reprobation of national governments voluntarily partaking in the OMC (*indicator 4a*) and the weakening of the EMCO/SPC *vis-à-vis* other OMC Committees (*indicator 4b*) will be taken as key proxies of high costs incurred by MS principals as a by-product of engaging in unilateral non-cooperation. Conversely, the lack of reprobation of national governments partaking in the OMC (*indicator 4c*) and the absence of any risk of weakening the EMCO/SPC *vis-à-vis* other OMC Committees (*indicator 4d*) will be considered as indicators of the relatively low costs incurred by dissenting Member States.

Revising the Commission's mandate

Upon discovering that the Commission is expanding its remit beyond that laid out in its original contract, MS principals may boldly revise its institutional mandate in order to amend or cut-back its powers. Elaborating on the issue of sanctioning by multiple principals, McCubbins, Noll and Weingast lay emphasis on three factors determining whether sanctions are likely to be imposed or whether an agent may escape punitive measures. The first factor concerns the extent of the convergence/divergence of the

principals' preferences. Effectively, an agent like the European Commission can exploit conflicting preferences among its principals to pursue – within limited bounds – its own preferences¹⁹⁵. Second, the ability of the Commission to exploit conflicting preferences among its principals (and thus the extent of its discretion) depends in turn on the decision rules governing the application of sanctions. Here, institutional reform – and, by extension, the application of sanctions – is, *ceteris paribus*, exceptionally difficult where the voting rule is unanimity since any single actor is granted veto power over such decisions¹⁹⁶. By contrast, less exacting decision rules - such as simple or qualified majority voting – make sanctioning correspondingly easier, thus effectively curbing agent autonomy. Finally, a third factor affecting the sanctioning capacity of multiple principals is that of the default condition in the absence of agreement among principals. According to Scharpf, if the default condition is the status quo, institutional change (i.e. the revision of the agent's mandate) is made more difficult since it privileges the existing delegation of powers to the agent. By contrast, where the Commission's formal powers are established by Council regulations with a fixed expiration date, the default condition is not the status quo but the expiration of the programme and with it the Commission's mandate¹⁹⁷. This periodic re-adoption in the Council privileges frustrated Member States, who may support reauthorization on condition that the Commission's formal powers are curbed. Accordingly, a fifth hypothesis states:

Hypothesis 5: The greater the number of institutional hurdles to revising the European Commission's mandate within the framework of the OMC,

¹⁹⁵ McCubbins *et al.* 1989, Pollack 1996: 446.

¹⁹⁶ Scharpf 1988. The greater the number of veto players (i.e. collective or individual actors whose agreement is necessary to change the status quo), the harder significant legislative or constitutional changes will be to achieve, see Tsebelis 1995, 2002.

¹⁹⁷ Pollack 2000: 117.

the less effective this sanctioning method will be, and thus, the greater the scope of the Commission's autonomous power.

In operationalizing this independent variable, a divergence of Member States' preferences (*indicator 5a*), exacting decision rules governing the application of sanctions (*indicator 5b*) and a default condition in the absence of agreement that is the status quo (*indicator 5c*) will be considered as three key proxies indicating high institutional hurdles to revising the Commission's mandate. Conversely, the convergence of Member States' preferences (*indicator 5d*), undemanding decision rules for the application of sanctions (*indicator 5e*), and a default condition in the absence of agreement that is the expiration of the OMC programme (*indicator 5f*) will be regarded as indicators of low institutional hurdles to revising the Commission's formal powers and responsibilities.

3.3.4 An informal agenda-setting power within the OMC's macro-institutional framework

The Commission's ability to pursue its private interests is not exclusively function of the discretion stemming from formal powers bestowed upon it by its principals, but is also derived from the informal powers it is able to independently accumulate in its favour. Of these informal powers, the most significant – and indeed the one which has attracted the most scholarly interest in recent years – concerns its ability to behave as political entrepreneur or informal agenda-setter, “influencing and advancing the integration process by tabling new and innovative proposals which command the assent of the member governments and nudge the Union in a more integrative direction”¹⁹⁸.

¹⁹⁸ Pollack 2000: 123, for general discussion, see Sandholtz 1992, Peters 1994, Nugent 1995.

Accordingly, stepping back from the minutiae of OMC Committee life to gain an overview of the political dynamics operating at a macro-institutional level, this section considers the Commission's faculty to manipulate the OMC agenda from afar.

The term *agenda-setting* is utilized by students of European politics to refer to two distinct types of Commission activity. Formal agenda-setting refers to the Commission's almost exclusive right "to set the Council's formal or procedural agenda by placing before it proposals which can be adopted more easily than amended"¹⁹⁹. As expounded upon above, while the Commission is responsible for proposing OMC guidelines, its scope for discretion in fulfilling its mandate is heavily constrained by the strong political leadership afforded to the European Council in this domain. By contrast, informal agenda-setting refers to the Commission's (non-exclusive) ability to act as a political entrepreneur in setting the EU's substantive agenda, not by means of its formal powers but through its capacity to identify policy problems and formulate proposals which can rally the consensus of European governments²⁰⁰. Here, the Commission will direct its attention upstream to the initial stages of the OMC agenda-setting process, seeking to influence policy outcomes by proposing "constructed focal points"²⁰¹ around which Member State bargaining can converge in the context of European Council proceedings²⁰².

This standard model of informal agenda-setting finds its conceptual roots in Kingdon's seminal work, which explicitly rejects the assumption of hyper-rational agents, enjoying perfect information and powerful calculating abilities and opts instead for an adapted

¹⁹⁹ Pollack 1996: 448.

²⁰⁰ Kingdon 1984: 188, Sandholtz 1993: 250.

²⁰¹ Garrett and Weingast 1993.

²⁰² Pollack 1997: 127.

version of the garbage-can model of organizational decision-making, which underscores the limits to individual agents' capacities to perform calculation and the imperfect information to which they have access. Kingdom suggests that "when policymakers have difficulties identifying problems, drafting appropriate solutions, and finding compromises among varying interests, a policy entrepreneur may secure the adoption of a policy, and influence its content, by stepping forth at the right time (a policy window or window of opportunity) with a proposal that identifies a common problem and proposes an acceptable solution"²⁰³.

While the Commission is not the sole political actor with an incentive to set the OMC agenda, it is nevertheless particularly well placed to do so²⁰⁴. According to Kingdom, a successful entrepreneur must typically possess three characteristics: (1) it must be held in esteem as an expert or a leader; (2) it must be renowned for its political connections or negotiation skills; and (3) it must be persistent and capable of waiting for a policy window to appear. In view of such criteria for success, the Commission's strong record in terms of expertise, brokering skills and institutional persistence gives it a significant comparative advantage over potential informal agenda-setters (i.e. member governments and private actors).

Of these three criteria, it is the first that has attracted the most attention among P-A analysts. Indeed, the Commission's exceptional policy expertise within the institutional framework of the OMC is the upshot of an information asymmetry structure largely tipped in its favour. While it is not in a position of monopoly, since governments and

²⁰³ Pollack 1996: 449, Kingdom 1984: 188.

²⁰⁴ The Commission possesses no monopoly on informal agenda-setting. Indeed, national governments have the necessary resources to act as political entrepreneurs, including access to a wealth of policy-relevant information and the capacity to broker compromises with other member governments, see Moravcsik 1995.

private interest groups also have access to policy-relevant information, the Commission benefits from a place at the hub of a vast network of information sources. As Sbragia notes:

“The Commission obtains information from the numerous policy networks with which it interacts, from a variety of actors in the member-states, from critical international institutions such as the OECD and the various United Nations specialized bodies to which the Commission sends representatives, from research commissioned by the Commission, from the Council of Ministers meetings in which the Commission always participates, from public interest groups, from national political parties with which the Commissioners and their cabinets have contacts, from the European Parliament and the Court of auditors, from sub-national governments, from its delegations abroad”²⁰⁵.

In view of the diversity and sheer quantity of information flowing towards it, the Commission benefits from an extraordinarily comprehensive understanding of Member States’ distinct preferences and national experiences. This vast array of information sources places the Commission in a privileged position *vis-à-vis* other potential agenda-setters since it enjoys more comparative information than any other single actor. In practice then, the Commission is able to strategically exploit this asymmetric balance of information to influence the European Council’s collective policy choices regarding the OMC priorities.

A central contention defended here is that the Commission’s informal agenda-setting power is not given or fixed but will be function of the relative distribution of information that characterizes individual policy issues under consideration in the European Council²⁰⁶. As stated previously, in acting as political entrepreneur, the Commission must take seriously Member States’ preferences, carefully weaving them into its original policy proposals in order to increase the likelihood that they be taken as the basis of a consensual

²⁰⁵ Sbragia 2000: 229.

²⁰⁶ Sandholtz 1992, 1993.

agreement among European governments. It follows that an asymmetric distribution of information favouring the Commission will markedly impact on its ability to informally set the OMC agenda. Concretely, the Commission's influence will be greatest in those areas where "it possesses the greatest policy expertise, and where Member States face imperfect information or uncertainty, or are searching for new policy alternatives"²⁰⁷. Under such conditions, governments are more likely to converge around the Commission's proposal (set out as a constructed focal point) because uncertainty about the effects of alternative proposals provides no clear basis for choice and/or because the Commission's superior technical knowledge about a given subject relative to that of Member States' makes it difficult for the latter to propose practicable alternatives (due to the high costs of amassing sufficient information)²⁰⁸. Conceived in terms of spatial coalition theory, the greater the uncertainty faced by national governments, the bigger the shared winset of outcomes that meets each veto player's requirement of being superior to the status quo (i.e. feasible outcomes)²⁰⁹. As the number of feasible outcomes increases so too does the Commission's informal agenda-setting power as it is able to pick an outcome closest to its own preferences. Thus, in considering the Commission's power to informally influence the OMC agenda, the following conjecture will serve to guide this research project:

Hypothesis 6: The stronger the information asymmetry enjoyed by the European Commission within a particular policy area, the more influence it will wield in informally setting the OMC agenda at the level of the European Council, and ultimately the greater its autonomous power will be.

²⁰⁷ Pollack 2000: 126.

²⁰⁸ Pollack 1996: 449-50.

²⁰⁹ Tsebelis 1995, 2002.

In operationalizing an information asymmetry slanted in the Commission's favour, three key elements will be considered. On the one hand, the existence of an EU Community competence (*indicator 6a*), a concomitant weak national legislative record (*indicator 6b*) as well as a weak national policy debate (*indicator 6c*) within the policy area under consideration will be taken as key indicators of a strong information asymmetry structure tilted in the Commission's favour. On the other hand, the absence or the existence of a weak Community competence (*indicator 6d*), a strong national legislative record (*indicator 6e*) and a marked national policy debate within a particular policy area (*indicator 6f*) will be considered as symptoms of a weak information asymmetry enjoyed by the Commission over Member States.

While the preceding analysis calls attention to the institutional characteristics that afford the Commission a strong informational advantage over other potential political entrepreneurs, consideration should also be given to the strategic means at its disposal to formulate proposals in ways that will command the assent of member governments. At a macro-institutional level, the Commission operates within a system of strict institutional constraints where it must give heed to member governments' preferences and act by stealth to influence the European Council's substantive agenda. Concretely, the Commission's chances of advancing its own interests depend on its capacity to strategically shape its proposals in a manner that will secure the collective approval of all Member governments. In so doing, an important strategic means at the Commission's disposal is that of co-optive justification which, in Tallberg's words, "implies that the Commission, by appealing to principles and beliefs heralded by Member States, justifies decisions or policy proposals in a way that render them more difficult for governments to

reject”²¹⁰. Tallberg’s concept of co-optive justification closely resembles Schimmelfennig’s notion of rhetorical action – defined as “the strategic use of norm-based argument in pursuit of one’s self-interest”²¹¹ – which functions via a mechanism of shaming disobliging Member States into acquiescence. In practice, supporters of a particular policy proposal will appeal to collective standards of legitimacy of the EU and threaten to expose inconsistencies between a national government’s previous declarations (and support for collective norms) and current behaviour. Accordingly, refractory governments “will be concerned with what the public exposure of their illegitimate preferences and behaviour will do to their standing and reputation in the community”²¹² and be shamed into compliance. In sum, some form of rhetorical commitment is a prerequisite to rhetorical action.

3.4 Sociological institutionalism

Having expounded upon rational choice institutionalism’s interpretation of the Commission’s autonomous power within the OMC, this section examines the same issue from the other side of the ontological divide, namely, through the lens of a constructivist-inspired sociological institutionalism. As above, a three-staged analysis examines the central tenets of the approach and its application in the field of EU studies, before formulating a number of testable hypotheses about the Commission’s autonomous power within this new mode of governance.

²¹⁰ Tallberg 2000a: 849.

²¹¹ Schimmelfennig 2001: 63.

²¹² Schimmelfennig 2001: 64. On the costs associated with losing one’s credibility as a community member, see Elster 1989: 100, 103, Elster 1992: 19.

3. 4. 1 Central precepts of sociological institutionalist analysis

Just as rational choice has moulded the substantive assumptions of a rationalist-inspired new institutionalist literature, so to, social constructivism has imparted its philosophical underpinnings to a constructivist version of institutional research, commonly dubbed sociological institutionalism (SI). A first central precept of this body of literature concerns its holist ontology and a fundamentally social understanding of the nature of individual agents. While rational choice institutionalism is premised on a strong form of methodological individualism that conceives interaction to be a form of strategic exchange among actors whose behaviour is dictated by a universal utility-maximizing principle (placed outside the agent and her context)²¹³, sociological institutionalists call attention to a dynamic process of mutual constitution of agency and structure. Accordingly, an individual agent's identity and interests will be endogenously defined by the social context within which she evolves. Not denying that individuals are "purposive, goal-orientated or rational actors"²¹⁴, SI rejects the notion of a universal instrumental reasoning imputed to all social actors, preferring to stress the culturally contingent quality of normative rationality. Conversely, since the agent and her structure are co-determining, individual actors' actions and beliefs may conceivably transform collectively shared norms and values (i.e. social structures) over time. In terms of action theory, students of SI lay emphasis on two logics of action. First, individual agents are said to engage in rule-guided behaviour (or logic of appropriateness)²¹⁵ in which they take cues from their social environment as they construct their identity and select the appropriate behaviour for a given situation based on their own self-image; in other words, they ask themselves "how is a person in my role (or with my identity) expected to act under these

²¹³ Kratochwil and Ruggie 1986: 707.

²¹⁴ Hall and Taylor 1996: 949.

²¹⁵ March and Olsen 1998.

circumstances?”²¹⁶. Second, calling attention to processes of argumentation, deliberation and persuasion, a logic of arguing directly addresses the cognitive microfoundations of sociological institutionalist analysis²¹⁷. Building a two-way bridge between agency and structure, the logic of arguing helps to clarify two issues: (1) to explain how interests and identities of particular agents change (or not) over time (structure > agency) and (2) to reverse the constitutive dynamic by laying emphasis on how microprocesses of social interaction result in the emergence and transformation of collective norms (agency > structure). While such a distinction is analytically valuable, real-life behaviour cannot be organized along such strict lines since human action will be consistently driven by both logics simultaneously. A second distinguishing feature of sociological institutionalism is its fundamentally broad definition of institutions. For proponents of this approach, institutions encompass not just formal rules and procedures, but also informal norms and conventions (or in the words of Hall and Taylor, “symbol systems, cognitive scripts, and moral templates”) that provide “frames of meaning” and define appropriate action by associating particular roles/identities to distinct social situations²¹⁸. Such a broad definition overcomes the traditional conceptual divide between institutions and culture, with two important consequences²¹⁹. First, it challenges the distinction made by political scientists between institutional explanations based on formal organizational structures and cultural explanations that rely on an understanding of culture as collectively shared values²²⁰. Second, it effectively redefines culture as institutions; more than a simple fusion of the two concepts, SI professes the subsumption of the former under the latter²²¹. Finally, a third central tenet of sociological institutionalism relates to the question of how

²¹⁶ Fearon and Wendt 2002: 60.

²¹⁷ Checkel 1998: 344-5, Risse 2000, 2002.

²¹⁸ March and Olsen 1998: 951.

²¹⁹ Hall and Taylor 1996.

²²⁰ Almond and Verba 1963, Hall 1986: Chapter 1.

²²¹ Zucker 1991, Meyer *et al.* 1994.

institutions actually matter. Directly flowing from the model of endogenous preference formation mentioned above; students of SI lay emphasis on the cognitive dimension of institutional influence. Institutions do not simply constrain or regulate behaviour by affecting individuals' strategic calculations - as proponents of RCI contend - but also provide purposive actors with an understanding of their interests and identities²²². Commenting on these constitutive institutional effects, Hall and Taylor note that "institutions influence behaviour by providing the cognitive scripts, categories and models that are indispensable for action, not least because without them the world and the behaviour of others cannot be interpreted"²²³. Effectively then, institutions provide templates for behaviour which not only guide individual action but also contribute to actors' understanding of who they are, as members of a social community, and what their interests must be.

3. 4. 2 Sociological institutionalism and EU studies

3. 4. 2. 1 Structure-centred sociological institutionalism

The sudden advent of social constructivism within the integration literature of the late 1990s was hailed by many as the dawn of a new era in the field of EU studies. Tremendous enthusiasm about the potential of such a method led many scholars to claim that social constructivism would offer a truer picture of EU politics than its rationalist counterpart, charged with ontological blindness *vis-à-vis* the causal impact of intersubjectivity and social context in the process of regional integration²²⁴.

²²² On endogenous preference formation, see Wildavsky 1987. On the difference between exogenous and endogenous preference formation, see March and Olsen 1998.

²²³ Hall and Taylor 1996: 948.

²²⁴ Christiansen *et al.* 1999a, Risse 2004.

What, then, has sociological institutionalism contributed to our understanding of EU politics? A central contention at the heart of SI concerns the transformative impact of European integration. SI scholars typically argue that fundamental agent properties (their identity, and by extension interests and behaviour) have been reshaped by supranational institutions and the prevailing norms embedded within them. Concepts such as socialization and social learning (in which agent properties are said to change as a result of social interaction) have found widespread adoption among many non-rationalist students of EU politics²²⁵. Yet ironically, much sociological institutionalist research downplays or brackets particular processes of social interaction, preferring instead to lay emphasis on end states where rule-governed behaviour is a given and internalization of values and norms is complete²²⁶. In practice, empirical studies have all too often set forth macro-historical or macro-sociological arguments on the identity-shaping influence of European institutions, measured by the simple correlation between the presence of a specific international norm and the existence of corresponding national practices²²⁷. Even scholars seeking to adopt a more process-orientated perspective have tended to advance a narrow (and characteristically underspecified) *contact thesis* to explain the causal relationship between institutions and core agent properties²²⁸. A central contention at the heart of such an approach is that preference change is a function of time. The longer an agent remains within a particular institutional setting, the more likely a shift in her core properties will occur. In other words, “it is the contact – the rubbing of elbows – that

²²⁵ On constructivist definitions of norms, see Checkel 1999: 551, Katzenstein 1996a: Chapter 2. On social learning, see Checkel 1999: 548. On socialization, see Berger and Luckmann 1967: 130, Freedman and Freedman 1981: 258, Ikenberry and Kupchan 1990: 289-90.

²²⁶ Checkel 2003: 211-12, Checkel 2001: 220, Jupille and Caporaso 1999: 433, Risse, Ropp and Sikink 1999: Chapter 1, Risse and Wiener 1999: 778, Kassim and Akman 2010.

²²⁷ Johnston 2001: 492, Checkel 2003: 210, Checkel 2001: 557. For empirical studies employing this correlational argument in EU studies, see Banchoff 1999, Katzenstein 1997, Soysal 1994; in IR studies, see Price 1998, Eyre and Suchman 1996, Finnemore 1996a, Cortell and Davis 1996.

²²⁸ Beyers 1998, Egeberg 1999, Hooghe 1999.

explains such shifts”²²⁹. Clearly then, despite embracing an ontology of mutual constitution of agency and structure, sociological institutionalists have traditionally advanced a structure-centred approach in their empirical work²³⁰.

3. 4. 2. 2 *Bringing agency back in*

Taking issue with the perfunctory contact thesis promulgated by early research, clear steps have been taken in recent years by SI scholars to redress this unwarranted ontological bias towards structured-centred analysis and place greater emphasis on agency. For this second generation of theorists, language and communication are of central importance in understanding how European institutions can construct the identities and interests of national administrators. While rational choice scholars conceptualize language as merely “cheap talk” among agents with fixed preferences²³¹, students of social constructivism set forth a much thicker conception of the term, one where language transforms core agent properties²³². Yet despite this powerful role attributed to language, only a small number of scholars to date have sought to theorize or operationalize its transformative effects²³³.

Recent efforts aimed at addressing this gap have led to the emergence of a coherent body of literature subsumed under the title of *persuasion theory* that has built much needed bridges to other disciplines, borrowing insights from social psychology and communications theory to theorize mechanisms of social interaction overlooked by the

²²⁹ Checkel 2003: 210, Dawes *et al.* 1988, Van de Kragt *et al.* 1983.

²³⁰ Checkel 1998: 341, DiMaggio 1988, DiMaggio and Powell 1991.

²³¹ Calvert 1995: 256-58, Sargent 1993: Chapter 1, Levy 1994, Lupia and McCubbins 1998: Chapter 2, Farkas 1998, Johnson 1993, Midgaard 1980, 1983.

²³² Joerges and Neyer 1997b, Glarbo 1999, Eriksen and Fossum 2000.

²³³ Checkel 2001: 221.

traditional contact thesis²³⁴. Jeffrey Checkel has been at the forefront of early SI efforts at theorizing the conditions under which argumentative persuasion is likely to occur, effectively specifying a series of propositions (concerning the qualities of the persuader, persuadee and institutional environment) for when agents are especially prone to preference change²³⁵. Notwithstanding the worthy contribution made by Checkel's work, his analysis does display two limitations that cannot be dismissed as inconsequential. Firstly, while his propositions effectively make claims about the qualities of three distinct components involved in the process of social interaction, no criterion is offered that would allow for an analyst to easily discern the correct role-structure among agents interacting within a particular institutional setting. Within the context of OMC in-camera Committees, national and Commission officials work alongside one another in such a way that individual actors may indiscriminately take on the role of persuader or persuadee. In view of the strict dichotomy established by persuasion theorists, it is noteworthy that proponents of this approach offer no indication of why one member of an in-group would assume either the role of persuader or that of persuadee. Secondly, it is paradoxical that though the notion of persuasion forms the cornerstone of his analysis, Checkel fails to make explicit the precise pathways and causal mechanisms underlying processes of attitudinal change in the absence of coercion, theorizing instead the facilitating conditions leading to its occurrence. Indeed, while argumentative persuasion – broadly understood as “a process of convincing someone by means of argument and principled debate”²³⁶ – lays emphasis on the ubiquitous role of social learning and the transformation of national administrators' interests in supranational settings, no attempt is

²³⁴ Perloff 1993, Johnston 2001: 496-499, Brody, Mutz and Sniderman 1996: 5-6, Lupia and McCubbins 1998: Chapter 3, Elster 1992, Joergensen, Kock and Roerbeck 1998, Zimbardo and Leippe 1991.

²³⁵ Checkel 2003: 213; see also Moravcsik 1999, Checkel and Moravcsik 2001.

²³⁶ Checkel and Moravcsik 2001: 221.

made to theorize or operationalize precisely how language and communication can act as a conveyor belt for the transmission of ideas.

3. 4. 3 Authority and discourse: the Commission as a privileged persuader

The following section sets out to construct a social constructivist-inspired framework that effectively addresses persuasion theory's two shortcomings outlined above. We proceed by first drawing on the work of Max Weber in order to outline the central sources of Commission authority, derived from its bureaucratic form. In a subsequent section, we introduce the concept of discourse as a valuable means of theorizing mechanisms of social interaction and outline its causal influence within the OMC decision-making process. Finally, we enunciate a number of falsifiable hypotheses surrounding the Commission's instrumental use of EU discourse.

3. 4. 3. 1 Sources of Commission authority and its power of social construction

Persuasion theory's absence of criteria for establishing why an actor, evolving within an international institutional setting, would indiscriminately take on the role of persuader or persuadee is best addressed by considering the broad debate about the nature of bureaucracy and the implications of that social form for international organizations (IOs). Bureaucracy is a ubiquitous feature of contemporary societies and one which has traditionally inspired a great degree of ambivalence among students of the social sciences²³⁷. According to Max Weber, bureaucracies constitute an ideal-typical embodiment of the rationalization processes unfolding in the modern world. While praising them as superior to earlier forms of rule (as well as alternative systems of

²³⁷ Weber 1978a, 1947.

administration or organization), he contends that bureaucracies, far from being deferential and subservient creatures, are purposive actors that may act autonomously from their creators (that they were originally established to serve) by virtue of the normative appeal of rational-legal authority within Western contemporary societies²³⁸.

Before proceeding any further, a parenthesis should be made in order to clarify the meaning of this somewhat elusive term. *Authority* is first and foremost a social construction; that is to say, it exists only by virtue of the web of social relations and shared beliefs that upholds it. Authority is collectively conferred upon an individual or organization and once granted, “helps an actor’s voice be heard, recognized, and believed” over and above the plethora of other opinions voiced by a multitude of actors *à propos* a specific issue of contention²³⁹. Since authority grants the right to speak authoritatively and credibly, it is a valuable and much coveted resource, one which allows its possessor to influence the behaviour and preferences of others in ways that are consistent with the directions originally laid out by that authority. Finally, authority is neither fixed, singular, nor always obeyed. Crises of authority, as well as the vicissitudes and pressures of a competitive environment in which different voices vie to be heard, mean that authority is in a permanent state of flux, forever shifting from one form of social institution to another across epochs.

The framework developed below builds on the fact that the Commission is a bureaucracy to derive propositions about its principal sources of authority within the EU. We draw on the work of social constructivist scholars, Michael Barnett and Martha Finnemore, whose recent writings offer a valuable insight into the power and pathologies of IOs. Borrowing

²³⁸ Schaar 1984: 120, Weber 1978a: 973, Beetham 1985: 69, 1996, Mouzelis 1967, Blau 1963.

²³⁹ For a sample of different perspectives on authority, see Arendt 1968, Lincoln 1994, Raz 1990, Weber 1978b, Barnes 1986, Friedman 1990, Winch 1967, Flathman 1980.

from long-standing Weberian arguments about bureaucracy, these authors lay emphasis on four central sources of international organizations' authority, namely:

- *Delegated authority*, which arises from an explicit mandate from the Member States and is conditional on satisfactory performance of IOs' delegated tasks;
- *Expert authority*, which arises from IOs' control of specialized, policy relevant information;
- *Rational-legal authority*, which arises from the nature of IOs as bureaucracies and rests on their ability to present themselves as neutral and objective creators of impersonal rules; and
- *Moral authority*, which arises from IOs' claim to represent the values and interests of the community rather than the partial, self-seeking interests of individual states²⁴⁰.

Rather than supplanting a rational-choice institutionalist account of Commission authority, the analysis presented here complements it. While expert and delegated authority (concepts that are central to P-A analysis) are duly taken into consideration, the added value of a social constructivist approach resides in the Weberian notion of rational-legal authority and associated concept of moral authority. These socially constructed and collectively held sources of authority lie outside the ontological ambit of rational choice institutionalism and effectively serve to shroud the Commission in a myth of impartiality and neutrality. Together, they establish and sustain the belief that bureaucracies are mandated to serve others by representing the collective interests and championing the shared values of a community of actors. Below, we further consider each in turn.

²⁴⁰ Taken from Pollack 2006, originally Barnett and Finnemore 2004: 20-25.

Firstly, at the most basic level, the European Commission is a bureaucracy, and bureaucracy is – according to Weberian analysis – the archetype of rational-legal authority, a social construct that modern societies regard as particularly legitimate and good²⁴¹. Indeed, “in contrast to earlier forms of authority that were invested in a leader, legitimate modern authority is invested in legalities, procedures, and rules and thus rendered impersonal”²⁴². In essence, rational-legal authority is valued for its neutral quality, where emphasis is placed on the self-effacement of individual action/initiative in favour of a value-neutral technocracy which is seen to serve a legitimate social purpose. Bureaucracy commands deference, not in its own right, but because of the rational-legal authority associated to this particular institutional form. Put differently, the Commission is recognized as a credible and authoritative voice within the EU because it is shrouded in myths of impartiality and depoliticization flowing from the rational-legal authority that it claims to embody. Secondly, moral authority arises from an IO’s claim to be the representative of the interests and the defender of the values of an international community in its entirety, rather than being the agent and purveyor of the sectional interests of a specific constituency existing within it²⁴³. This presentational stance is actively exploited by the Commission, who enthusiastically promotes the image of an impartial and neutral institution charged with being the conscience of the Union. Indeed, the Commission’s moral authority is dependent on a contrary discourse of Member States being driven by fundamentally egotistic concerns and a fundamental goal of national interest promotion.

²⁴¹ For a Weberian analysis of the Commission’s authority in the Union, see Drake 2000.

²⁴² Barnett and Finnemore 2004: 21, Barnett and Finnemore 1999.

²⁴³ Hall 1997.

The Commission's productive power

At the heart of the Commission's productive power is control based on knowledge. Rather than simply manipulating information and incentives to influence the behaviour of pre-constituted social actors (a device central to Principal-Agent analysis and its associated notion of institutional power), the Commission is well placed to transform information into knowledge by giving it meaning²⁴⁴. Both its rational-legal and moral authority place the Commission in an authoritative position to interpret information, ultimately determining how actors come to understand social reality and how they act in the world. First, "an elementary feature of bureaucracies is that they classify and organize information and knowledge"²⁴⁵. Indeed, in naming and labelling social objects and grouping social kinds, IOs render the social world intelligible and therefore amenable to human intervention²⁴⁶. Classification schemes promulgated by the European Commission help to establish a collectively shared social reality, where brute facts of the physical world are transformed into social facts whose existence is wholly dependent on human consciousness and language. Second, IOs are advantageously placed to fashion collective knowledge by constructing problems in the world. Problems do not exist independently of human thought; rather, they are constructed as matters of political concern by purposive actors²⁴⁷. The manufacture of problems renders the world amenable to human action by highlighting areas for intervention, means of involvement and routes leading to practicable solutions. Finally, IOs exercise power by virtue of their ability to place meaning on social kinds, thus establishing the parameters of acceptable action. Meaning is affixed to social categories and events through a process of framing, where frames are

²⁴⁴ On knowledge creation see Holzner 1968: 20, Berger and Luckmann 1967: 3, Burke 2000: 11.

²⁴⁵ Barnett and Finnemore 2004: 31.

²⁴⁶ On bureaucratic power and the classification of objects see Handelman 1995: 280, Hacking 1999, Bowker and Star 1999, Star 1992, Wright 1994, Schneider and Ingram 1993.

²⁴⁷ Barnett and Finnemore 2004: 32, Edelman 1988, Raz 1990.

defined as “specific metaphors, symbolic representations, and cognitive cues used to render or cast behaviour and events in an evaluative mode”²⁴⁸.

Clearly emerging from the preceding analysis, a central contention underpinning the social constructivist framework developed here is that the Commission acts as privileged persuader by virtue of the strong form of authority associated with its bureaucratic form. In effect, the Commission’s productive power resides in its ability to exploit its status as authoritative member of an international community in order to impose its preferred understanding of social reality by means of carefully crafted policy discourse.

3. 4. 3. 2 Discourse analysis and sociological institutionalism

If persuasion constitutes a consequential means of Commission influence and autonomous power within the EU, one is faced with the question of how language may effectively function as a conveyor belt for the transmission of ideas and the transformation of interests. Indeed, language does not simply mirror nature, rather it is central to our knowledge of reality, put differently, “it is possible to know reality through linguistic construction only”²⁴⁹. In what follows, we lay emphasis on discourse analysis (rather than the more general notions of ideas or knowledge) as a sophisticated conceptual framework by which to theorize and empirically investigate the Commission’s productive power within the OMC. A central contention developed below is that in constituting the social world by means of discourse, the Commission is uniquely placed to (re)construct actors’ interests and redirect their actions within institutions. The following analysis proceeds in two steps. First, following the exposition of discourse literature’s main theoretical commitments, emphasis is placed on how such presuppositions can coexist (or

²⁴⁸ Zald 1996: 262, Barnett and Finnemore 2004: 33.

²⁴⁹ Diez 1999: 599.

be combined) with the central tenets of sociological institutionalism. Second, we look at the writings of one scholar, namely, Vivienne Schmidt, whose work on policy discourse analysis provides a valuable analytical prism for theorizing and empirically investigating the entrepreneurial role of the European Commission in the design and dissemination of policy-specific discourses.

While discourse analysis was long considered to be situated at the margins of mainstream IR literature²⁵⁰, more recently, proponents of this approach have demonstrated a growing interest for elaborating testable theories and establishing scientific methods of inquiry²⁵¹. The development of shared theoretical concepts, the elaboration of sound research methods and the growing number of substantive empirical analyses employing such techniques suggest that discourse literature is no longer at a disadvantage when considered in relation to other scientific theories within the politics and IR discipline. This gradual consolidation of its theoretical foundations inexorably prompts the question of how discourse analysis relates to other strands of theory within the discipline. Of central interest is the issue of whether discourse literature is ontologically and epistemologically compatible with sociological institutionalism. Unquestionably, discourse analysis shares a common ontological ground with SI. The very different domain-specific assumptions of both theories are in fact derived from a same set of social constructivist paradigmatic tenets, namely, (1) that the material world is given meaning by widely shared intersubjective beliefs, (2) that these collectively held beliefs do not simply serve to regulate behaviour but also provide actors with an understanding of their interests and identities, (3) that structure and agency are mutually constitutive and finally,

²⁵⁰ On the emergence and evolution of discourse literature since the 1970s, see Diez 1999. For an overview of this research community's tendency to shun positivist scientism, see Ashley and Walker 1990: 399, George 1994: 191, Campbell 1996, Milliken 1999: 227, Alker and Sylvan 1994.

²⁵¹ Milliken 1999.

that (4) human action is driven both by a logic of appropriateness and a logic of argumentation. When addressing the issue of epistemological compatibility between SI and discourse analysis, things immediately become more blurred. Strict dividing lines and clear categorizations give way to more muddied waters where theories of discourse do not exist as a unified whole but rather along a spectrum of varying epistemological commitments²⁵². At one end of this continuum lie critical/radical discourse analysts whose post-positivist epistemology repudiates any strict form of causal logic (in the sense that A causes B) and draws attention to the researcher's own role in the study of social phenomena and the reproduction of relations of power that already exist within society. At the other end of the spectrum, certain strands of discourse analysis embrace a positivist epistemology that is wholly congruent with sociological institutionalism's particular affinity for law-like generalizations and causal explanations of social phenomena. Falling short of providing a sweeping statement about the compatibility of SI and discourse analysis, it is important to consider the diverse epistemological roots of different discourse theories, co-existing under a same intellectual umbrella. Crucially, only those theories which embrace a positivist epistemology can lay claim to being congruent with sociological institutionalism. With this in mind, emphasis will be placed on one such theoretical model set forth by Vivienne Schmidt, whose strong positivist commitment provides a unique set of conjectures about how and when policy discourse *matters*.

The Commission's productive power allows it to transform information into knowledge by establishing categories, defining problems, fixing meanings; in sum, by constructing reality by means of discourse. Drawing on Vivienne Schmidt's influential work, the following two sections expand on how discourse, deftly crafted and resolutely

²⁵² Fierke 2002.

promulgated by the Commission, may in some instances produce an interactive consensus for change, ultimately transforming national actors' interests and preferences within a particular policy field. Discourse, herein defined, encompasses both an ideational dimension and an interactive dimension. First, ideationally, discourse serves to frame a complex reality by providing "guideposts for knowing, analyzing, persuading and acting"²⁵³; in so doing, it performs both a cognitive function, by expounding on the logic and necessity of a particular policy programme, and a normative function, by demonstrating a programme's legitimacy and appropriateness through appeal to collectively shared values and identity²⁵⁴. In its second interactive dimension, discourse also serves two functions: co-ordinative, by providing a common language and framework through which consensus can be built, and communicative, by serving as a means of persuading the general public (through discussion and deliberation) of the necessity (cognitive function) and appropriateness (normative function) of a particular policy programme²⁵⁵. Crucially, there is nothing inevitable about the transformative role of discourse. Indeed, a discourse may simply be the expression of a bargaining process played out among self-seeking agents, that is, a mere epiphenomenon of strategic interactions among policy elites seeking to maximize their own self-interest. Similarly, a discourse may do little more than lend support to policies that stem from long-established institutional paths or reiterate long-standing collective values and norms. Accordingly, a key question is *when does discourse matter?* That is to say:

"When is policy discourse more than "cheap talk"? When does it do more than simply express the negotiating positions of different publics in policy forums? [...] When is it transformative rather than merely instrumental? In short, what makes policy discourse something important to look at, as more than the simple expression of interest by rational actors, of the path-dependent institutional

²⁵³ Rein and Schön 1991: 263.

²⁵⁴ Schmidt 2000a: 279-285.

²⁵⁵ Schmidt 2000a: 285-290.

interactions among collective actors, or of the cultural norms and values embedded in actors' everyday actions and identity?"²⁵⁶

Aside from a number of imponderables such as a speaker's persuasive powers based on rhetorical eloquence or psychological "interactivity", normative suasion is function of a number of factors pertaining to the intrinsic qualities of the discourse itself. According to Schmidt, discourse is most likely to trigger change if both its interactive and ideational components fulfil a number of transformative criteria.

3. 4. 3. 3 *The ideational dimension of discourse*

In gauging the transformative nature of a discourse, of central importance is the persuasive power of the ideas communicated within it. As alluded to above, its ideational function encompasses two dimensions, each with their particular criteria for success. Put differently, a discourse (and associated policy programme) will gain acceptance (i.e. have a *transformative* impact) provided it fulfils a number of effectual normative and cognitive criteria that will prompt change over and above the push and pull of interests, institutions, or culture²⁵⁷.

The normative dimension of discourse

The ideational function of discourse serves to demonstrate that a new policy initiative is not simply necessary, but also the *appropriate* solution to a current problem. In assessing and judging reality, this normative dimension will seek to appeal to shared values and a common identity prevalent within a given society. In making the case for the legitimate nature of a particular policy programme, a discourse will not necessarily embrace pre-existing societal values. Indeed, in advocating the transformation of policy ideas, a new

²⁵⁶ Schmidt 2001: 251.

²⁵⁷ Schmidt and Radaelli 2004: 201.

discourse may also promote the transformation of collective values by reinterpreting long-standing conceptions of economic organization, social welfare or political democracy, in a socially acceptable or “sellable” manner²⁵⁸. Indeed, a key defining feature of collectively-shared values is their “contested and contingent” nature²⁵⁹. Any given society displays a wide repertoire of values whose importance (i.e. the prescriptive power ascribed to them) will be function of the natural ebb and flow of the needs and desires, customs and morals that characterize a community across time. Since values are in a perpetual state of flux, some newly emerging and others fading as consensus about their desirability and appropriateness shifts intermittently from one set to another, the role of discourse is to “give expression to those value changes as it promotes them”²⁶⁰.

Returning to the issue of what constitutes a “good” (i.e. transformative) discourse, it follows that ideational success will be function of a discourse’s capacity to normatively legitimize a policy programme through appeal to underlying values in the societal repertoire, while creating something new, better suited to a new politico-economic reality²⁶¹. In so doing, a discourse may either reinforce – as it reinterprets – dominant values within a polity or challenge them by drawing on latent/bygone values, (re-)weaving them into emerging policy problems of a present-day reality. Finally, in view of the pan-European nature of such a discourse, normative arguments must promote values collectively-shared by the peoples of the Union’s twenty-seven Member States. Consequently, the following causal hypothesis can be established concerning the potential transformative effects of a policy discourse promulgated by the Commission:

²⁵⁸ Schmidt 2000a: 281, Schmidt 2002b: 221.

²⁵⁹ Katzenstein 1996b: 2-3.

²⁶⁰ Schmidt 2002b: 221.

²⁶¹ Campbell 1998.

Hypothesis 7: The more the normative arguments contained within the European Commission’s policy discourse resonate with long-standing values shared by the European peoples – such values may be either dominant or latent but crucially must exist within a shared societal repertoire - the higher the chances that such a discourse will have a transformative effect on national officials, and ultimately the stronger the Commission’s autonomous power will be.

The cognitive dimension of discourse

The cognitive component of discourse serves to vindicate the *necessity* of a given policy programme by providing convincing arguments demonstrating why it is more suitable than past policy initiatives in tackling current problems and more capable of anticipating, and thereby avoiding, future problems. In so doing, a particular discourse will sketch the overall contours of a policy programme that serves to guide action, “by identifying the issues to be addressed, problems to be solved, goals to be attained, and policy instruments to be used”²⁶².

The transformative effect of discourse – i.e. its ability to (re)construct actors’ understandings of their interest and redirect their actions within institutions – can be measured against a number of accepted cognitive standards. Drawing on the work of Schmidt²⁶³, three such standards are considered especially significant in the construction of a convincing discourse. First, *relevance* serves to accurately identify and address the problems that need (or indeed are expected) to be solved within a polity; second, *applicability* provides a clear demonstration of precisely how a policy programme will

²⁶² Schmidt 2000a: 280.

²⁶³ Schmidt 2000a: 280, Schmidt 1986.

work to solve the problems it identified; finally, *coherence* ensures that arguments form a reasonably consistent whole that may be used to harness a wide range of problems without any major contradiction.

Irrespective of whether it introduces new facts to a debate or simply reinterprets existing information, in gaining and retaining acceptance for a particular policy programme, the cognitive component of discourse should provide sound information and feasible solutions to a problem at hand. Put differently, a discourse must offer a reasonable representation of reality able to inform and orient public debate by providing a clear vision of where its proposed policy programme is taking the people of the EU²⁶⁴. As a means of breaking down this broad criterion into gaugeable individual components, a core claim advanced in this project is that a discourse has more chances of effecting causal change if it demonstrates relevance, applicability and coherence. Thus, in considering the transformative power of the cognitive arguments contained within a policy discourse - promulgated by the Commission within the institutional context of the OMC - the following causal hypothesis is set forth:

Hypothesis 8: The more the cognitive arguments contained within the European Commission's policy discourse demonstrate relevance, applicability and coherence, the higher the chances that it will yield a transformative effect on national officials, and ultimately the stronger the Commission's autonomous power will be.

Likewise, to succeed in producing a transformative effect, normative arguments must complement rather than contradict the cognitive arguments sustained within a particular

²⁶⁴ Schmidt 2000a: 285.

policy discourse²⁶⁵. Such an alignment between the two ideational dimensions of discourse is likely to set in motion a dynamic of mutual reinforcement and ensure that a comprehensive and coherent message is promulgated surrounding both the necessity and appropriateness of a particular policy programme. Indeed, irrespective of the good economic sense of a reform, it may fail if it is seen as clashing with dominant national values; as was the case in France prior to the late 1990s when cognitive arguments for neoliberal reform seemed to undermine national held values of social solidarity. Conversely, where a discourse displays both a sound economic rationale as well as compelling normative arguments, more often than not, it has contributed to the success of reform efforts. A good example of such a transformative ideational fusion concerns the neoliberal reform effected by Thatcher and Blair in Britain from the 1980s onwards, which reinforced values of individualism and entrepreneurialism traditionally held in esteem by British society²⁶⁶. Thus:

Hypothesis 9: The more the normative arguments contained within the European Commission's policy discourse complement (rather than contradict) its cognitive arguments, the more likely it is that this discourse will have a transformative effect on national officials, and ultimately the stronger the Commission's autonomous power will be.

3. 4. 3. 4 *The interactive dimension of discourse*

Existing in conjunction with the ideational dimension of discourse is an interactive dimension, which can in turn be sub-divided into two constitutive parts where discourse serves two separate functions. First, "any discourse, whether new or ongoing, performs a coordinating function by providing a frame within which policies can be elaborated by

²⁶⁵ Schmidt and Radaelli 2004: 201, Schmidt 2002b: Chapter 5.

²⁶⁶ These examples are given in Vivien Schmidt 2002a, 2002b.

the key policy actors involved in the construction of the policy programme. The frame provided by the discourse generally offers a common language through which the different groups central to the policy process can talk to one another and a common vision around which they can iron out their differences²⁶⁷. A second communicative function refers to the process by which political actors present a policy programme to the general public. At this stage, discourse will function as a means of translating a programme into accessible language for public scrutiny and deliberation.

Unlike the ideational dimension of discourse where cognitive and normative functions are analytically distinguishable but not easily separable in the empirical world, the coordinative and communicative stages of discourse are generally both analytically and empirically distinct. This separation of the two interactive functions of discourse is unmistakably mirrored in the literature. The coordinative stage parallels studies on communities of actors charged with the generation of policy ideas informing collective action and identity, whether conceptualized as epistemic communities, advocacy coalitions, discourse coalitions or policy mediators²⁶⁸. Similarly, the communicative stage of discourse displays strong intellectual links with a body of literature concerned with public persuasion, whether focused on electoral politics, on policy forums, on the discourse of democratic governance, on national political discourses or on norm cascades and norm life cycles²⁶⁹.

²⁶⁷ Schmidt 2002b: 232-3.

²⁶⁸ On epistemic communities, see Haas 1992, Mazey and Richardson 1996. Kohler-Koch 1997: 99-101; on advocacy coalitions, Sabatier 1998, Sabatier and Jenkins-Smith 1993; on discourse coalitions, Lehbruch 1999, Wittrock *et al.* 1991, Hajer 1993, Singer 1990; on policy mediators, Muller 1995, Jobert 2001.

²⁶⁹ On electoral politics and mass opinion, see Brody, Mutz and Sniderman 1996; on policy forums, Rein and Schön 1991; on democratic governance discourse, March and Olsen 1995; on national political discourses, Hall 1989: 383; on norms, Finnemore and Sikkink 1998; on communicative action, Habermas 1996.

This analytical and empirical disassociation between the two interactive stages of discourse is further strengthened by the EU's institutional context. In practice, EU policy discourse is typically coordinated at the supranational level but communicated disjointedly by governments and public intellectuals within their particular national arenas. Since the communicative function of discourse remains the preserve of national officials, the Commission's influence within the interactive dimension of discourse is restricted to its coordinative function. Accordingly, since this project seeks to gauge the Commission's autonomous power within the OMC, the remainder of this section will focus exclusively on the coordinative stage of EU discourse²⁷⁰. Within the EU's landscape of overlapping and interconnected sets of actors, the Commission is able to exert productive power by means of two distinct routes.

Issuing policy papers and expert reports

The institutional landscape of the Union endows the Commission with a privileged platform from which it can disseminate a preferred policy discourse and directly address an OMC policy elite. Indeed, the Commission enjoys the exclusive prerogative of supplying and circulating policy papers – in the form of opinions, reports, discussion papers, Communications – intended to inform discussions within the EU arena. At a macro-institutional level, these public policy papers provide the Commission's favoured policy programme with an unparalleled level of visibility, allowing its voice to be heard over and above the hundreds of others which make up the typical cacophony of the Union's multi-actor supranational arena. At a micro-institutional level, since discussions within OMC Committees serve as the central fora within which policy programmes are ultimately constructed (that is, where policy ideas are expressed, developed and

²⁷⁰ For more on the communicative function of discourse within Member States, see Schmidt 2002b: 234-39. For a detailed analysis of the specificities of EU discourse, see Schmidt 2002b: 246-250.

deliberated), the Commission's ability to submit expert reports, which form the basis of discussions during OMC meetings, allows it to set the terms of the ensuing debate.

In sum, the Commission's contribution in the form policy papers and reports undoubtedly places it in a unique position to frame (often at its early stages) a policy problem in a particular manner by providing a common language and vocabulary through which the different groups central to the policy process can communicate with one another, and a shared vision around which policy actors can rally and iron out their differences²⁷¹. Thus, a first causal hypothesis pertaining to the Commission's entrepreneurial role at the coordinative stage of EU policy discourse can be formulated in the following terms:

Hypothesis 10: The more entrepreneurial the European Commission is in formulating and disseminating official communications and expert reports, the more influence it will wield at the coordinative stage of EU discourse, and ultimately the stronger its autonomous power will be.

Based on the above analysis, in operationalizing this independent variable, a high number of official communications and expert reports published or mandated by the European Commission (*indicator 10a*) will be considered a key proxy of the Commission's strong entrepreneurial role in disseminating its discourse to an OMC policy elite. Conversely, a low number of such publications (*indicator 10b*) will be considered as an indicator of the Commission's weak entrepreneurial role in this regard.

²⁷¹ Schmidt 2002b: 232-3.

Establishing and sustaining epistemic communities

Besides disseminating its own policy preferences by way of policy papers and expert reports, the Commission's influence within the coordinative dimension of discourse is also function of its ability to establish new or mobilize existing transnational coalitions of policy experts (epistemic/discursive communities) championing its own policy programme.

The Commission is uniquely situated both at the apex of a political-technocratic elite responsible for setting the OMC agenda and at the hub of a vast network of pan-European epistemic communities. While the OMC policy elite is central to policy formulation occurring at two separate institutional levels (the European Council and OMC Committees remain the principal loci of decision-making), supranational epistemic communities typically play a role of generators of ideas informing EU policy programmes²⁷². Thus positioned, with a solid and central footing within both groups of actors, the Commission is well placed to act as policy/moral entrepreneur²⁷³. In garnering the support of powerful epistemic communities around a policy discourse of its own making, the Commission possesses a valuable means of boosting the visibility for its preferred reform programme and ensuring that its discourse emerges as dominant within a specific policy area; ultimately influencing the terms of the debate among the OMC policy elite²⁷⁴. Such a contention merits further specification.

²⁷² Europe-wide epistemic communities are characterized by loosely connected individuals united by a common set of ideas. Members typically comprise policy experts, scientists, academics, think tanks, research institutes, the press, interest groups, and social movements; see Ruggie 1975, Haas 1992, Mazey and Richardson 1996, Kohler-Koch 1997: 99-10.

²⁷³ The social constructivist inspired notions of policy (Cram 1993) or moral entrepreneur (Nadelmann 1990, Finnemore 1996a, 1996b, Florini 1996, Finnemore and Sikkink 1998) draw attention to the ability of well-placed actors with entrepreneurial skills to turn their individual beliefs into broader, shared understandings by means of persuasion and a dynamic process of social learning.

²⁷⁴ This course of action was openly taken under Jacques Delors's Commission presidency in relation to the Single European Market and the European Monetary Union (EMU); Ross 1995, Jabko 1999, McNamara 1998, Verdun 1999, Marcussen 1998.

In practice, the Commission's clout within the coordinative stage of EU discourse will be strengthened in two ways. First, in creating/sustaining discursive communities in support for a pet policy programme, the Commission will effectively be able to manufacture a broad support base of authoritative actors, thus enhancing the perceived legitimacy and "truthfulness" of its favoured policy discourse over and above competing discourses present within the EU arena. Second, in strategically orchestrating consensus among these communities of experts, the Commission will be able to expand the interactive and communicative platform from which its discourse is disseminated at the supranational level. Flowing from this analysis, a second causal hypothesis pertaining to the Commission's influence at the coordinative stage of policy discourse can be expressed as follows:

Hypothesis 11: The more the European Commission is able to establish new or mobilize existing transnational coalitions of policy experts championing its favoured policy discourse, the greater will be its clout at the coordinative stage of EU discourse, and ultimately the stronger its autonomous power will be.

Crucially, three proxies will serve to operationalize this independent variable. On the one hand, a high number of Commission-organized international conferences (*indicator 11a*), the existence of a Commission-financed research programme (*indicator 11b*) and the establishment of Commission-financed NGOs (*indicator 11c*) in the areas of child poverty and social exclusion or quality in work will be regarded as key indicators of a strong capacity by the Commission to establish new or mobilize existing transnational coalitions of policy experts championing its favoured policy discourse. On the other, the

absence or low number of Commission-organized international conferences (*indicator 11d*), the lack of Commission-financed broad research programmes (*indicator 11e*) and Commission-financed NGOs (*indicator 11f*) will be considered as symptoms of the Commission's weak ability to manufacture a broad support base of authoritative actors around a policy discourse of its own making.

3.5 Summary table: hypotheses, independent variables and observable proxies

Summarizing the central tenets of the preceding analysis, *Table Two* presented below offers a broad overview of the causal hypotheses, independent variables and observable proxies (i.e. indicators) at the heart of this research project.

Table 2: Hypotheses, independent variables and observable proxies

- RATIONAL CHOICE INSTITUTIONALISM -			
Forms of Shirking on the Part of the Commission			
Hypotheses	Independent Variables	Values	Operationalization of Independent Variables
<p><u>Hypothesis 1:</u> The stronger the allegiance borne by Secretariat members towards the European Commission, the more the Commission will be able to inject its own preferences into Committee proceedings, and ultimately the greater its autonomous power will be.</p>	<p>Secretariat's allegiance towards the Commission.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 1a:</u> Tabling documents for discussion within OMC Committees which manifestly aim to orient debates towards the Commission's preferred political priorities. ○ <u>Indicator 1b:</u> Phrasing OMC Committee opinions in a slanted manner; injecting the Commission's preferences in its draft proposals.
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 1c:</u> Tabling documents for discussion within OMC Committees which are characterized by an overriding concern to balance Member States' preferences and find conciliatory arrangements. ○ <u>Indicator 1d:</u> Phrasing OMC Committee opinions in an impartial manner; working hard to capture the shared assumptions of the group and propose a middle ground on which consensus can be built.
<p><u>Hypothesis 2:</u> The more the European Commission is able to circumvent formal limitations placed on its monitoring power, the more it will be able to place a soft form of pressure on national governments to comply with an essentially voluntary policy-coordinative process, and ultimately the greater its autonomous power will be.</p>	<p>Commission's ability to circumvent formal limitations placed on its monitoring power.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 2a:</u> Improper or distended use of statistical indicators: overlooking their terms of use; employing indicators placed outside the OMC framework. ○ <u>Indicator 2b:</u> Disseminating evaluative analyses outside the OMC framework (EIE, SSR).
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 2c:</u> Appropriate use of statistical indicators: respecting categorization by indicator type (key vs. context, EU vs. national); employing agreed-upon EU indicators. ○ <u>Indicator 2d:</u> Confining its analyses of Member States' performance to joint annual evaluative reports sanctioned by the Council.
Member States' Control Mechanisms (Oversight and Sanctioning Procedures)			
<p><u>Hypothesis 3:</u> The less willing the Chairperson is to oversee the Secretariat's actions, the greater the scope for the European Commission's autonomous power will be.</p>	<p>Chairperson's willingness to oversee the Secretariat's actions.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 3a:</u> The transparent and fair election of the Chairperson. ○ <u>Indicator 3b:</u> Readiness to oversee the Secretariat's proposals and readjust them according to prevalent areas of collective agreement.
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 3c:</u> Election of the Chairperson marred by a non-transparent process. ○ <u>Indicator 3d:</u> Readiness to work alongside the Secretariat to pursue a common agenda, against the collective preferences of Member State principals.

<p><u>Hypothesis 4:</u> The higher the costs incurred by Member State principals as a by-product of engaging in unilateral non-cooperation, the less credible this sanctioning device will appear, and ultimately the greater the European Commission’s autonomous power will be.</p>	<p>Costs incurred by Member State principals as a by-product of engaging in unilateral non-cooperation.</p>	High	<ul style="list-style-type: none"> ○ <u>Indicator 4a:</u> Reprobation of other national governments voluntarily partaking in the OMC. ○ <u>Indicator 4b:</u> Weakening EMCO/SPC <i>vis-à-vis</i> other OMC Committees.
		Low	<ul style="list-style-type: none"> ○ <u>Indicator 4c:</u> Absence of reprobation of other national governments voluntarily partaking in the OMC. ○ <u>Indicator 4d:</u> No risk of weakening EMCO/SPC <i>vis-à-vis</i> other OMC Committee.
<p><u>Hypothesis 5:</u> The greater the number of institutional hurdles to revising the European Commission’s mandate within the framework of the OMC, the less effective this sanctioning method will be, and thus, the greater the scope of the Commission’s autonomous power.</p>	<p>Institutional hurdles to revising the Commission’s mandate.</p>	High	<ul style="list-style-type: none"> ○ <u>Indicator 5a:</u> Divergence of Member States’ preferences. ○ <u>Indicator 5b:</u> Exacting decision rules governing the application of sanctions (e.g. unanimity voting). ○ <u>Indicator 5c:</u> Default condition in the absence of agreement is the status quo.
		Low	<ul style="list-style-type: none"> ○ <u>Indicator 5d:</u> Convergence of Member States’ preferences. ○ <u>Indicator 5e:</u> Undemanding decision rules governing the application of sanctions (e.g. simple/qualified majority voting). ○ <u>Indicator 5f:</u> Default condition in the absence of agreement is the expiration of the OMC programme.
<p>The Commission’s Informal Agenda-Setting Power</p>			
<p><u>Hypothesis 6:</u> The stronger the information asymmetry enjoyed by the European Commission within a particular policy area, the more influence it will wield in informally setting the OMC agenda at the level of the European Council, and ultimately the greater its autonomous power will be.</p>	<p>Information Asymmetry enjoyed by the Commission over Member States.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 6a:</u> Existence of EU Community competence in the policy area under consideration. ○ <u>Indicator 6b:</u> Weak national legislative record in the policy area under consideration. ○ <u>Indicator 6c:</u> Weak national policy debate within individual Member States.
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 6d:</u> None or weak Community competence in the policy area under consideration. ○ <u>Indicator 6e:</u> Strong national legislative record in the policy area under consideration. ○ <u>Indicator 6f:</u> Strong national policy debate within individual Member States.

- SOCIOLOGICAL INSTITUTIONALISM -

The Ideational Dimension of the Commission's Discourse

<i>Hypotheses</i>	<i>Independent Variables</i>	<i>Values</i>	<i>Operationalization of Independent Variables</i>
<p><u>Hypothesis 7:</u> The more the normative arguments contained within the European Commission's policy discourse resonate with long-standing values shared by the European peoples – such values may be either dominant or latent but crucially must exist within a shared societal repertoire - the higher the chances that such a discourse will have a transformative effect on national officials, and ultimately the stronger the Commission's autonomous power will be.</p>	<p>Normative arguments' resonance with long-standing values shared by the European peoples.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 7a:</u> A content analysis of the Commission's policy discourse reveals a strong resonance of its normative arguments with long-standing values shared by the European peoples.
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 7b:</u> A content analysis of the Commission's policy discourse reveals a weak resonance of its normative arguments with long-standing values shared by the European peoples.
<p><u>Hypothesis 8:</u> The more the cognitive arguments contained within the European Commission's policy discourse demonstrate relevance, applicability and coherence, the higher the chances that it will yield a transformative effect on national officials, and ultimately the stronger the Commission's autonomous power will be.</p>	<p>Relevance, applicability and coherence of cognitive arguments.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 8a:</u> A content analysis of the Commission's policy discourse reveals strong relevance, applicability and coherence of its cognitive arguments.
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 8b:</u> A content analysis of the Commission's policy discourse reveals weak relevance, applicability and coherence of its cognitive arguments.

<p><u>Hypothesis 9:</u> The more the normative arguments contained within the European Commission's policy discourse complement (rather than contradict) its cognitive arguments, the more likely it is that this discourse will have a transformative effect on national officials, and ultimately the stronger the Commission's autonomous power will be.</p>	<p>Complementarity between cognitive and normative arguments.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 9a:</u> A content analysis of the Commission's policy discourse reveals a strong complementarity between its cognitive and normative arguments.
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 9b:</u> A content analysis of the Commission's policy discourse reveals a weak complementarity between its cognitive and normative arguments.
The Interactive Dimension of the Commission's Discourse			
<p><u>Hypothesis 10:</u> The more entrepreneurial the European Commission is in formulating and disseminating official communications and expert reports, the more influence it will wield at the coordinative stage of EU discourse, and ultimately the stronger its autonomous power will be.</p>	<p>Commission's entrepreneurial role in disseminating official communications and expert reports.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 10a:</u> High number of official communications and expert reports published or mandated by the European Commission.
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 10b:</u> Low number of official communications and expert reports published or mandated by the European Commission.
<p><u>Hypothesis 11:</u> The more the European Commission is able to establish new or mobilize existing transnational coalitions of policy experts championing its favoured policy discourse, the greater will be its clout at the coordinative stage of EU discourse, and ultimately the stronger its autonomous power will be.</p>	<p>Commission's ability to establish new or mobilize existing transnational communities of experts championing its favoured policy discourse.</p>	Strong	<ul style="list-style-type: none"> ○ <u>Indicator 11a:</u> High number of Commission-organized international conferences relating to the policy discourse under consideration. ○ <u>Indicator 11b:</u> Commission-financed broad research programme in the area of the policy discourse under consideration. ○ <u>Indicator 11c:</u> Commission-financed NGOs operating in the area of the policy discourse under consideration.
		Weak	<ul style="list-style-type: none"> ○ <u>Indicator 11d:</u> Absence or low number of Commission-organized international conferences relating to the policy discourse under consideration. ○ <u>Indicator 11e:</u> Lack of Commission-financed broad research programme in the area of the policy discourse under consideration. ○ <u>Indicator 11f:</u> Lack of Commission-financed NGOs operating in the area of the policy discourse under consideration.

4 Research methodology and case selection

The following methodological chapter comprises two main sections. First, having made the case for within-case analysis and a process-tracing methodology, it briefly considers the two case studies at the heart of this research project – namely, quality in work and child poverty and social exclusion – explicating their propensity to load differently on the critical scope condition of issue sensitivity (*Section 4.1*). Second, it discusses data collection, laying emphasis on the importance of data triangulation and a number of practical concerns pertaining to elite interviewing (*Section 4.2*).

4.1 The process-tracing method and case selection

4.1.1 Correlation is not causation: the process-tracing method

Social scientific inquiry broadly encompasses two forms of inferential logic and two standard forms of methodology: on the one hand, a correlation-based causal inference is traditionally associated with a standard model of regression analysis, while on the other, a process-oriented causal inference is central to the process-tracing method. In what follows, we outline the central tenets of both research methods before expounding on the suitability of process-tracing in the study of the Commission's autonomous power within the OMC.

As the scientific study of politics emerged as a distinct discipline of academic inquiry in the second half of the nineteenth century, “old institutionalism” established itself as the dominant intellectual current in the field. In practice, research carried out by this first generation of political scientists was primarily descriptive and often idiographic in nature

as scholars carried out detailed configurative analyses of different administrative, legal and political structures, seeking a complete understanding of one case rather than the formulation of generalizations applicable across cases.

In this context, developments in the field during the 1950s and 1960s were genuinely revolutionary. The political world began to be viewed as a sphere governed by causal relationships, taking the form of lawlike regularities²⁷⁵. In this search for universal causal laws, statistical regression analysis soon became a favoured method of inquiry among comparativist scholars²⁷⁶. Based on the assumption of linear causal additivity and aimed at a controlled assessment of the independent or net effect of each causal variable²⁷⁷, the statistical method embraces a fundamentally correlational conception of causation. This understanding of causality has shaped conventional interpretation of other methodological tools available to comparativist scholars in the post-war era. Small-*N* research design (or the “comparative method”) is often assimilated to a subsidiary version of statistical analysis, “in which the only important observations to be drawn from the cases are taken on the values of the dependent variable and a few explanatory variables”²⁷⁸. Indeed, the concept of a case has traditionally been equated to a single observation of the principal outcome of interest²⁷⁹, leading many scholars to conclude that research based on a single case study has no role to play in causal inference. Accordingly, “many retreated to the claim that single case studies are useful for generating new hypotheses or refining theories, by virtue of their inductive richness, but not for testing causal propositions”²⁸⁰.

²⁷⁵ Hall 2003: 377, Holt and Turner 1970, Collier and Adcock 1999.

²⁷⁶ Geddes 1990, King *et al.* 1994, Goldthorpe 1997.

²⁷⁷ Aus 2007: 2-3.

²⁷⁸ Hall 2003: 396, Lijphart 1971, 1975.

²⁷⁹ Eckstein 1975, Lijphart 1971, Ragin and Becker 1992.

²⁸⁰ Hall 2003: 396.

From the early 1980s onwards, pointing to complex interaction effects operative in the political world which do not conform to the assumptions required by standard regression models²⁸¹, a growing number of scholars began to challenge a form of social scientific inquiry based on a correlational understanding of causal inference²⁸². *Process-tracing* (P-T) is a research method - operating at the level of within-case analysis - that offers an alternative source of inferential leverage based on a process-orientated conception of causality²⁸³. Taking seriously the principle that “correlation is not causation”, proponents of P-T argue that causal mechanisms are central to scientific explanation²⁸⁴. While regression analysis certainly provides a valuable means of identifying regularities, such probabilistic statements are unable to specify the causal processes linking an independent variable (or variables) to the outcome of the dependent variable. Yet, for P-T methodologists, the explanatory power of a theory rests, in large measure, on the specification of such intervening steps.

P-T is an indispensable tool for both theory development and theory testing. On the one hand, the method allows scholars to uncover the mechanisms that operate at an analytical level below that of a more encompassing theory; identifying these causal mechanisms increases the theory’s accuracy and reliability by advancing more nuanced fine-grained explanations (*theory development*)²⁸⁵. On the other hand - dispelling the notion of a case study providing a single observation of the principal outcome of interest - proponents of the P-T method claim that within-case analysis can yield a diverse array of other

²⁸¹ Causal variables are expected to exert a strong, consistent and independent effect across space and time, see Hall 2003: 382-384, 387.

²⁸² George 1979, George and McKeown 1985, Collier 1993, Tilly 1997, Laitin 2002, Hall 2003, Odell 2006.

²⁸³ George and Bennett 2005: 206.

²⁸⁴ George and Bennett alternately refer to causal mechanisms, intervening steps and causal processes (2005: Chapter 10); see also George and Bennett 2005: 137, Checkel 2006b, Hedstroem and Swedberg 1998, Hovi 2004, Mahoney 2000, 2001, Little 1991: 15.

²⁸⁵ Checkel 2005c: 115, Johnson 2002: 230-1, George and Bennett 2005: 217.

observations pertinent to the testing of a theory (*theory testing*). In practice, P-T involves breaking down an overarching causal relationship into a set of theoretically conjectured intermediate steps or causal processes, which are subsequently tested against relevant data. Indeed, in order to avoid mistaking spurious correlation for causal association, P-T methodologists consider that a good theory must be able to specify the causal processes associated with the operation of explanatory variables. These include predictions about many facets of a case (sequence of events, specific action and stances that actors are likely to take, statements that might reveal their motivations) on which observations can be drawn to test a theory. Finally, P-T methodologists stress the importance of being open about the theoretical prism employed in both predicting the intervening steps in a causal chain and collecting/interpreting empirical observations about a case. Causal explanation is presented in explicitly theoretical terms. Indeed, empirical observations are inspected for consistency with the predictions of competing theories with a view to reaching a judgement about the superiority of one theory over the others. It should be noted, however, that narrative accounts are not without value to proponents of P-T²⁸⁶. The atheoretical chronicling of events offers a form of “primitive” raw material that must be unpacked and analytically reconstituted with explicit reference to theoretical frames of interpretation. In other words, process-tracing seeks to merge narrative analysis with an explicit form of theoretical reasoning.

4. 1. 2 Vindicating the use of process-tracing

Since social scientific inquiry, as envisaged by mainstream positivists, is consistent with both forms of inferential logic and associated methodologies detailed above, the central

²⁸⁶ On historical narratives, see Griffin 1993, 1992, McCullagh 1978, Abbott 1990.

task of any researcher is to vindicate her particular choice of methodology²⁸⁷. Below, we expound on three significant advantages that flow from employing P-T in the research project at hand.

First, P-T usefully serves to elucidate both macro and micro causal processes. As evidenced in the preceding chapter, new institutionalism (the theoretical prism through which this investigation is mediated) is fundamentally compatible with both macro and micro analytical foci. Often considered as separate spheres of investigation, P-T promises to reconcile this dual institutional perspective²⁸⁸. On the one hand, this study operates at an aggregate level of investigation where attention is given to macro-institutional phenomena. Emphasis will be placed on processes of deliberation and persuasion (SI) as well as bargaining and negotiation (RCI) among national and Commission officials in the formulation of European Council conclusions pertaining to OMC policy objectives or guidelines. Indeed, these declarative agreements (frequently formulated at the yearly Spring European Councils) act as motor for change, establishing the thematic priorities of the EES and OMC/SPSI. On the other hand, P-T is equally well-suited to directing one's attention towards agent-to-agent dynamics within the OMC's central-operating Committees²⁸⁹. This research project examines micro-processes of social interaction in an effort to specify more systematically the pathways and causal mechanisms linking a number of explanatory variables to a growth in the Commission's autonomous power, via the transformation of agent identity/preferences (SI) or the imposition of coercive constraints affecting an agent's strategic behaviour (RCI).

²⁸⁷ Hall 2003: 397.

²⁸⁸ See George and Bennett 2005: 214, Tilly 2001, Katzenstein and Sil 2005.

²⁸⁹ For more on agent-to-agent causal mechanisms, George and Bennett 2005: 145.

Second, P-T is well suited to capturing the combined effect of discrete independent variables. It is clear from the two set of hypotheses outlined above that neither strand of new institutionalist analysis envisages a form of reflexive causation where independent variables exert a strong, consistent and independent effect across time and space. Rather, the outcome of interest is heavily dependent on the convergence of a relatively wide set of discrete independent variables that combine to elicit change in the Commission's autonomous power. In other words, the causal impact of an individual explanatory variable is not sufficient to singly exert variation in the value of the dependent variable. Social phenomena are characterized by different types of causal processes linking explanatory variables in a more or less complex arrangement of dependence and reciprocity²⁹⁰. The simplest form is linear causality, a straightforward, direct chain of events typically characterizing simple phenomena. A second type of causal process is path-dependence that occurs in cases that consist of a sequence of events, where particular happenings "will foreclose certain paths and steer the outcome in other directions" and where valid explanations of social phenomena are made possible by "identifying key decision points or branching points in a longitudinal analysis"²⁹¹. Distancing itself from the neat temporal linearity undergirding these two types of causal process, a third form of causality purports that an outcome may flow from the convergence of several conditions (or independent variables (IVs)). In the case at hand, variation in the Commission's autonomous power within the OMC will be the product of a complex conjunction of discrete explanatory variables. While alone they are ineffectual, it is the simultaneous occurrence or accumulation of IVs that is assumed to prompt variation in the value of the dependent variable (DV). On the one hand, in the case of RCI analysis, ample opportunities for agency shirking, weak forms of control mechanisms,

²⁹⁰ Jervis 1997: 34-60.

²⁹¹ George and Bennett 2005: 212.

and an environment propitious to the strengthening of the Commission's informal agenda-setting power will combine to exert a strong form of causal influence, allowing the Commission to exercise autonomous *institutional* power within the framework of the OMC. On the other, SI analysis underscores the importance of both the ideational and interactive dimensions of the Commission's discourse in affecting its capacity to wield *productive* power over national officials. Process-tracing with its close attention to detail and intervening causal steps is well suited to capturing such complex forms of causality.

Third and finally, P-T allows the researcher to theorize equifinality. Equifinality (or “multiple causality”) is said to characterize a social phenomenon when a *same* type of outcome emerges in different cases via a *different* set of IVs²⁹². While the problem of multiple causation is not new²⁹³, only recently have comparativist methodologists begun to consider the implications of equifinality for both research design and theory building²⁹⁴. Reflecting on the impact of equifinality on theory development, George and Bennett propose the inductive development of a typological theory, where the investigator charts a repertoire of causal paths that lead to a given outcome and the conditions under which they occur²⁹⁵. They note:

“Equifinality challenges and undermines the common assumption that similar outcomes in several cases must have a common cause that remains to be discovered. This assumption misdirects the attention of the investigator by leading him or her to believe that the task of empirical inquiry is to discover a single causal pattern for cases that have similar values on the dependent variable. Instead a major redefinition of the task of developing theory is required when a phenomenon is governed by equifinality. The task becomes that of discovering different causal patterns that lead to similar outcomes. When a phenomenon is governed by equifinality, the investigator's task is to produce a differentiated

²⁹² George and Bennett 2005: 157.

²⁹³ John Stuart Mill (1843) referred to it as the problem of “plurality of causes”.

²⁹⁴ The problems created by a “plurality of causes” for the comparative method holds a prominent position in the work of Ragin 1987: x, xii, 15, 20, 25, 37, 39, 43, 46-7, Ragin 2000: 102, Ragin 1999; see also Most and Starr 1989: Chapter 5.

²⁹⁵ George and Bennett 2005: Chapter 11.

empirically based theory that identifies different causal patterns that produce similar outcomes”²⁹⁶.

In the context of this broadening debate surrounding the risks and caveats of multiple causality, P-T forces the investigator to take equifinality into account and offers the possibility of identifying different causal paths that lead to a similar outcome in different cases²⁹⁷. In this research project, emphasis is placed on ascertaining whether a similar phenomenon or DV (i.e. the manifestation of the Commission’s autonomous power within the OMC framework) is the outcome of a plurality of explanatory variables in two different case studies. In both cases, the causal path linking IVs to DV is closely examined in order to determine whether constructivist or rationalist predictions render a more accurate account of empirical observations.

4. 1. 3 Cases of what? Variation along the scope condition of issue sensitivity

Existing qualitative literature on case selection offers a bewildering array of purposive methods of sampling. Before losing oneself in the meanders of these selection techniques, it should be noted that case selection research has the two twin objectives; that is, one desires (1) a representative sample from which to draw inferences about a wider population and (2) useful variation on the dimension(s) of theoretical interest²⁹⁸.

First, in answer to the question, *cases of what?*, the basic unit of analysis selected for this research project is that of individual policy areas placed within the ambit of the OMC. Cases are selected from “strong” OMCs, characterized by a near complete set of policy instruments as originally laid down in the template of the Method at the Lisbon European

²⁹⁶ George and Bennett 2005: 161.

²⁹⁷ George and Bennett 2005: 207, 215.

²⁹⁸ Seawright and Gerring 2008: 296.

Council. In ensuring a constant level of institutionalization across cases, the alternative scope condition of density-of-interaction is eliminated as potential explanation of variation in the value of the dependent variable, that might otherwise have confounded the analysis (*see Section 2.2.2*). Similarly, pragmatic considerations were also central to the decision of picking cases from highly institutionalized strands of the OMC. As noted above, weaker versions of the Method (for instance in the fields of immigration or taxation) are typically characterized by fragmentary architectures and a relatively meagre range of policy coordinative instruments. The Commission's limited formal powers within these "lite" OMCs means that they do not lend themselves easily to a study whose primary objective is to gauge the Commission's autonomous power within a new mode of governance. Finally, in selecting two cases from "strong" versions on the OMC, inferences can more easily be drawn about a wider population of policy issues. Indeed, the institutional specificities of the hypotheses outlined above mean that this project's theoretical framework and findings will be generalizable to policy areas coordinated within both the EES and the OMC/SPSI but also the OMC for Macro-economic policy, which shares the same formula of collective guidelines (Broad Economic Policy Guidelines), reporting standards and Committee system (Economic Policy Committee, Economic and Financial Committee).

A second key consideration is to ensure that selected cases display variation along the key dimension(s) of theoretical interest. Crucially, this project's ambition of theoretical synthesis calls attention to the importance of selecting cases on the basis of the critical scope condition of issue sensitivity. Indeed, a central postulate informing this integrative research design is that high issue sensitivity (quality in work) invites strategic interaction among pre-constituted social actors driven by a behavioural logic of utility-maximization,

where the Commission will seek to exert *institutional power* by working through rules and procedures to manipulate national governments' cost-benefit calculations and transform their behaviour (rational choice institutionalism). Conversely, low issue sensitivity (child poverty and social exclusion) allows for a fundamentally norm-guided behaviour and a dynamic process of preference formation where the Commission's *productive power* will be function of its capacity to dynamically (re)construct Member States' preferences by means of a carefully crafted discourse (sociological institutionalism).

In the context of the OMC, national officials' estimation of issue sensitivity will be function of three criteria, namely, political goodwill, public expenditure and normative dissonance. It follows that national representatives are more likely to engage in strategic calculations at the EU level if a policy programme is expected to produce a public outcry - thus incurring significant costs in terms of loss of political goodwill among a significant section of the national electorate - and/or is likely to require significant public expenditure. Conversely, national officials will be more open to the constructivist notion of persuasion if a policy programme enjoys the support of the national electorate and promotes normative arguments in line with those that already exist within the domestic arena. Essentially, these three criteria constitute a blend of constructivist and rationalist-inspired understandings of issue sensitivity; a necessary *mélange* given the pluralist ontological pretensions of this research project. Below, at the cost of some simplification, a synoptic review will illustrate how the two individual policy issues of child poverty and social exclusion (OMC/SPSI) and quality in work (EES) fundamentally vary along all three dimensions of issue sensitivity.

Child poverty and social exclusion typifies a policy area of low issue sensitivity. From a rationalist perspective, the eradication of child poverty is an issue that has persistently enjoyed the support of national electorates, thus making policy intervention attractive in the eyes of European governments because of the political goodwill derived from such measures. Similarly, from a constructivist perspective, State intervention in an area where the family and the market have typically *failed* and providing support to such a vulnerable section of the population forms the basic premise of European welfare systems.

Quality in work is a characteristically sensitive policy area coordinated supranationally under the banner of the EES. First, policy programmes in this area typically carry the risk of confrontation among social partners²⁹⁹ and sparking the emergence of a grand national debate within the domestic arena that could be costly in terms of political goodwill. Second, though reforms aimed at increasing quality in work do not require substantial financial input by the government, they will usually impose extra costs on private firms (caused, for instance, by the investment in training opportunities and working conditions) which could make a Member State appear less attractive to foreign investors, especially if less stringent norms exist in neighbouring countries. Finally, quality in work touches upon the core of a country's productive system (comprising sensitive topics such as social dialogue, workers' rights and the cost of labour) and thus constitutes a policy area which Member governments are eager to retain a tight control over.

In a small parenthesis, it is significant that although the expression quality in work is employed in the original English version of European texts, it is arguably the case that the notion of quality of work and employment (QWE) best captures the essentially dual

²⁹⁹ On the controversial question of “quality for whom?” and the delicate balance of interests between social partners sustained by the notion of QWE, see Green 2006.

nature of the quality debate. Indeed, the ten constitutive dimensions of quality in work officially sanctioned by Member States at the Laeken European Council in December 2001 encompass both job characteristics, as well as aspects covering the wider socio-economic context (employment quality)³⁰⁰. Accordingly, the expression employed in the remainder of this project is that of quality of work and employment (QWE).

4.2 Collecting observations (collection and triangulation of data)

This section aims at identifying the data requirements at the heart of this project research. Two particular aspects of data collection are given emphasis to below: first, consideration is given to multi-source triangulation; second, attention is placed on a number of practical considerations surrounding the method of elite interviewing.

4.2.1 Multi-source triangulation

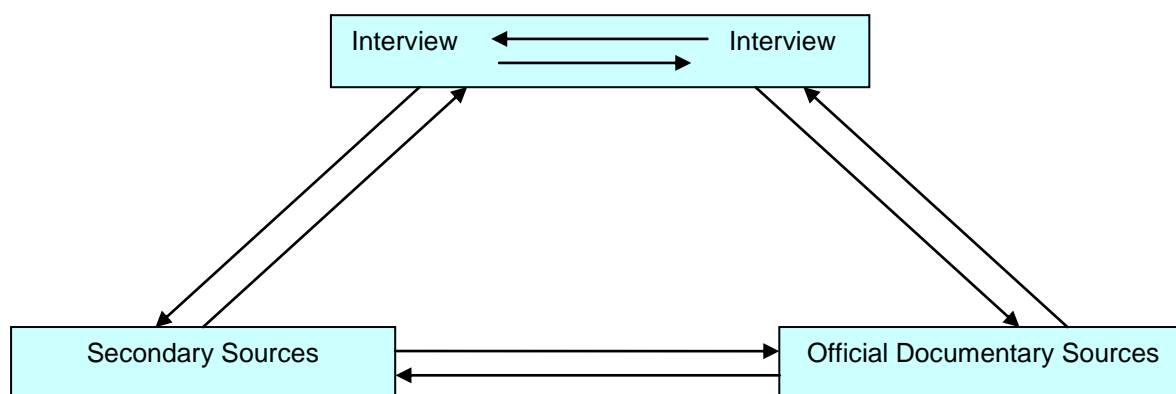
Multi-source triangulation rests on the central assumption that the systematic combination of various types of data constitutes a crucial means of investigating complex phenomena and enhancing the internal validity of a research project³⁰¹. Indeed, multi-source triangulation aims to provide a fundamentally parallax view of events, where distinct sources of data reveal complementary facets of a same empirical reality³⁰². This study set out to synthesize insights gathered from three sources of data. Figure 2 shows this triangulation process at a glance.

³⁰⁰ Davoine and Ethel 2006: 8, Pena-Casas 2009: footnote 1. Similarly, the French translation of the term “quality in work” within the EU texts is that of “qualité de l’emploi”; a phrase which places equal emphasis on the intrinsic job quality and the labour market, see Barbier and Sylla 2004: 76-7, Barbier and Sylla 2001.

³⁰¹ On internal validity, see Mitchell and Bernauer 1998.

³⁰² Davies 2001: 75, Miles and Huberman 1994.

Figure 2. Triangulation sources



First, official documentary records were examined. These include Commission Communications, expert reports published by the Commission, European Council Conclusions, Council decisions pertaining to OMC guidelines and documents relative to official reporting and monitoring requirements of the OMC. While problems of delimitation were inevitable, certain texts appeared as anchor points in a chronology of events. These “canonical texts” characteristically had broad reception and were regularly cross-referenced, making them easily identifiable³⁰³. Second, specialist literature in the field of CPSE and QWE was consulted. This literature provided a valuable means of cross-checking beliefs and motivations of Committee members with broader belief systems and policy options structuring public debate. Third and finally, interviews were conducted with national officials (EMCO and SPC members), Commission officials and policy experts operating at the fringes of the OMC processes (think-tanks/NGOs). Elite interviewing constituted a central instrument in this methodology’s data collection toolkit since it displayed specific advantages over other forms of investigation³⁰⁴. A crucial advantage was the possibility of obtaining direct witness accounts of events. Similarly, interviews compensated for the limitations of documentary evidence. Many important

³⁰³ Neumann 2008: 6.

³⁰⁴ Tansey 2007: 767.

processes (most notably, protracted policy discussions and negotiations) were not documented in written materials. Indeed, official publications often concealed the typically more conflictual informal processes that preceded decision-making³⁰⁵.

In analysing the wealth of qualitative data obtained from these three methods, we employed a structured approach organized in two successive steps. First, emphasis was placed on collecting factual data aimed at reconstructing a precise chronology of events. Second, this atheoretical account of events formed the raw material on which rival rationalist and constructivist theoretical interpretations were superposed and tested. The role of the researcher was to identify patterns of corroboration (either confirming or infirming theoretical predictions) emerging from multiple sources of data. Rather than “arbitrarily mixing and matching versions of events emerging from reported evidence”³⁰⁶, multi-source triangulation called attention to points of convergence across data streams. Ultimately, such cross-checking increased the credibility of findings and exposed the weaknesses of certain data that might otherwise have been considered reliable.

Finally, a distinctive practical benefit associated with employing multi-source triangulation is the ease with which one is able to answer the question that often plagues qualitative research: *when is there enough data?* Data collected by means of elite interviews – and triangulated with primary and secondary literature – allowed for the formulation of a distinct chain of events around which various sources of data converged. Between different rounds of interviewing a “branching and building strategy” was employed, where the results of early interviews were used to refocus the types of

³⁰⁵ George and Bennett 2005: 103, Davies 2001.

³⁰⁶ Davies 2001: 78.

questions asked to future respondents³⁰⁷. Ultimately, the data gathered was enough to reach what Strauss and Corbin refer to as the “point of saturation”, at which subsequent data add very little to the overall picture or understanding of a causal process³⁰⁸.

4. 2. 2 Elite interviewing: non-probability sampling and interview protocol

What implications does a process-tracing methodology have for how researchers approach interview sampling? Crucially, the aim of P-T is to obtain information about highly specific events, where a limited set of actors are involved in a particular process of interest³⁰⁹. In selecting interview respondents, a central consideration was to ensure that the most influential players were included in our sample. Under such circumstances, random (or probability) sampling would be a hindrance rather than a help, as actors of central importance may be excluded by chance³¹⁰. While there are several types of non-probability sampling techniques³¹¹, the two employed in this study were that of purpose sampling and peer-nomination reputational snowballing³¹². This dual method rests on the central assumption that groups of influential individuals in a given field are interconnected, in other words, that members know each other either personally or by reputation³¹³.

In a first step, emphasis was placed on identifying central actors in the process under consideration. This stage constituted a form of purposive sampling where positional

³⁰⁷ Checkel 2005c: 121.

³⁰⁸ Strauss and Corbin 1990: 188.

³⁰⁹ Tansey 2007: 769.

³¹⁰ On random sampling see Epstein and King 2002, Henry 1990: 32.

³¹¹ Tansey 2007: 769-70.

³¹² On the value of combining these two techniques, see Tansey 2007: 771; on snowball sampling, see Goodman 1961.

³¹³ Farquharson 2005: 347, Scott 1991.

criteria were used to identify desirable respondents. An initial subset of thirty-nine Commission officials and national officials formed the starting point of the sampling procedure. In a second step, a chain-referral process was initiated where primary respondents were asked to recommend people they considered had been influential players in the domains of CPSE and QWE. In practice, peer-nomination reputational snowballing is based on reputational (as opposed to positional) criteria and allows for the identification of influential political actors who might otherwise have been ignored by a purely purposive sampling method (since their political positions may not have been initially considered relevant or important). In total, fifty interviews were carried out for the purpose of this research project. Out of concern for preserving the anonymity of individual respondents, interviews will be referenced by referring to the date on which they were carried out (day/month/year). A detailed list of the interviewees, the office they occupied and the dates on which interviews were conducted can be found in *Annex 7* (child poverty and social exclusion) and *Annex 8* (quality in work). Care should be taken when interpreting such references since, on occasions, several interviews were carried out on a same day. Similarly, two interviews cited below were conducted by the author in 2005 and 2006 as part of the data collection process for a Master of Philosophy at the University of Oxford³¹⁴. In total, fourteen in-depth semi-structured interviews with Commission officials (DG EMPL) and EMCO members were carried out for the purpose of this Master of Philosophy and provided important background data that fed into this research project³¹⁵.

³¹⁴ Deganis 2006b.

³¹⁵ While this data valuably contributed to shaping this research project, unfortunately, detailed information relating to the twelve other interviews (dates, interviewees, transcriptions) has been misplaced.

A number of considerations other than the sampling method guided the interview process. First, elite interviews were based on a semi-structured interview protocol. Instead of a formalized and limited set of questions (employed in structured interviews), the interview protocol was organized around a framework of themes to be explored. Associated with each theme, a number of primary questions served to launch a guided discussion thus ascertaining that all key aspects of a case were covered. In conjunction with this base list of primary questions, the interviewer was accorded a substantial degree of freedom in which she could probe respondents and devise new questions as the interview progressed depending on the interviewee's testimony. Interview probes were prompted by two different situations³¹⁶. On the one hand, probing was employed in order to gather more in-depth information about a topic. On certain occasions, interviewees were terse, cautious or unsure about the degree of detail to give in their answers. In such cases, the interviewer asked a follow-up question or probed non-verbally by maintaining a silence and staring expectantly at the subject. On the other, probing was used when the subject began taking the discussion down an unanticipated but interesting path. While digressions were incredibly common (requiring that the interviewer steer the conversation back to the interview protocol), on certain occasions they shed some light on a new aspect of the causal process under consideration. Recognizing the additive value of certain digressions, the interviewer encouraged the respondent to pursue this new avenue by asking supplementary questions.

Second, in-depth interviews comprised both open-ended and closed questions. A number of closed questions served to shed light on a precise chronology of events. Similarly, emphasis was also placed on open-ended questions (typically why or how questions),

³¹⁶ Berry 2002: 681.

where the respondent was given licence to roam, thus permitting more meaningful answers. Designed to elicit a full response, answers given to open-ended questions helped to reveal the complexity of social processes at play within the OMC.

Third and finally, because of the relatively long-time period under consideration in this study, it proved difficult to get an exact rendition of all happenings. Respondents' memory of certain events was mitigated by the years which had elapsed since the episode in question. In order to palliate this problem, a dual strategy of cross-referencing of testimonials and written documentation was used.

Having outlined the theoretical framework at the heart of this research project and specified the central features of a P-T methodology, we turn now to their practical application. Below, empirical findings are organized in two separate chapters as we successively consider the Commission's autonomous power in the area of quality in work (*chapter 5*) and child poverty and social exclusion (*chapter 6*).

5 The European Employment Strategy: quality in work

In investigating the Commission's autonomous power in the area of quality in work, this chapter proceeds in four steps. A first section traces the evolution of QWE on the EES agenda (*Section 5.1.1*). Following this atheoretical account of events, two distinct sets of theoretically conjectured intermediate steps are fleshed out, as envisaged by proponents of rational choice institutionalism and sociological institutionalism (*Section 5.1.2*). In a third stage, we test these predictions against collected data (*Sections 5.2.1 and 5.2.2*). Finally, a last section concludes (*Section 5.2.3*)

5.1 Quality in work: a divisive issue

5.1.1 The European Employment Strategy and quality in work

This section retraces the evolutionary trajectory of the European Employment Strategy (*Section 5.1.1. 1*) with an eye on the issue of QWE (*Section 5.1.1. 2*).

5.1.1.1 The evolutionary trajectory of the European Employment Strategy

The insertion of the Employment Title in the Amsterdam Treaty (Art. 125-130) fundamentally transformed the political landscape of the EU in the field of employment policy as it established a Treaty foothold in a domain which had hitherto been the fundamental prerogative of national governments. While precluding any form of legislative decision-making, the Employment Title effectively enshrined the right of both oversight and intervention by the Union in the employment policy affairs of Member States. Moreover, Article 128 codified a procedure for the coordination of employment

policies, endowing various actors with distinct roles and responsibilities within the EES policy-coordinative process.

Launched at the Luxembourg Jobs Summit in November 1997 on the basis of the Amsterdam Treaty provisions³¹⁷, the European Employment Strategy is a fundamentally iterative process based on an annual coordinative cycle. The EES to date has been marked by three broad phases, each prompted by successive reforms in its institutional architecture and policy content. Before engaging in this chronological account of the European Employment Strategy's trajectory, one should note that the first two phases in the EES' history (1997-2002; 2003-2005) took place prior to the 2005 reform of the Lisbon Strategy. During these early years, the EES' annual coordinative process followed the following pattern: The Commission drafted a set of employment guidelines, ultimately decided upon in the Council by QMV. Although the guidelines were not legally binding, Member States were expected to consider them when formulating national employment policies. Similarly, based on these common guidelines, governments established annual National Action Plans (NAPs) on employment, subsequently submitted to the Commission for cross-national comparison and evaluation. Finally, the results of this assessment were published in an employment report, jointly approved by the Commission and the Council (the Joint Employment Report (JER)).

1997-2002: the pillar structure of the EES

From 1997-2002, the original employment guidelines (eighteen in total) were structured around four pillars: improving employability, developing entrepreneurship, encouraging adaptability, and strengthening the policies for equal opportunities between men and

³¹⁷ European Council 1997.

women³¹⁸. Guidelines were amended or confirmed annually during this period, with a tendency to expand and become more precise³¹⁹. The most significant reorganization of the guidelines took place in 2001 in response to the new targets defined at the Lisbon Council. Five horizontal objectives were added to the existing framework; these were intended to be taken into account during the process of transferring the guidelines into national policy initiatives. As will be expounded upon in further detail below, in 2002, a sixth horizontal objective pertaining to quality in work was incorporated to the EES's prescriptive framework.

2003-2005: three central objectives and the “ten commandments”

While retaining the EES's original coordinative formula, a significant reorganization of its framework took place in 2003. Following a five-year review of the EES - spearheaded by the European Commission - four areas of priority reform were identified: to set clear objectives, to simplify the guidelines, to improve the execution of the Strategy by involving actors more closely and to ensure greater consistency with other EU processes³²⁰. The old pillar structure - with its multitude of guidelines and horizontal objectives - was scrapped in favour of a framework of ten guidelines (dubbed the “ten commandments”), each outlining a concrete goal in public policy, articulated around three “overarching and interrelated objectives”: full employment; quality and productivity at work; social cohesion and inclusion³²¹. Moreover, the 2003 revision laid the foundation for a new streamlined relationship between the EES and the Broad Economic Policy Guidelines (BEPG). Employment and economic policy guidelines were henceforth to be

³¹⁸ Council of the European Union 1998.

³¹⁹ Council of the European Union 1999, 2000, 2001, 2002. During this period guidelines grew from eighteen to twenty-two, see Büchs 2005: 90-6.

³²⁰ The Commission's evaluation and policy conclusions were published in two Communications, CEC 2002b, CEC 2002c. For a critical review of the Commission's appraisal, Watt 2004.

³²¹ Council of the European Union 2003.

set for three-year periods rather than being subject to revision every year. Similarly, a new policy cycle was established aimed at synchronizing various Lisbon-related processes around a shared annual calendar and making the Spring European Council the yearly *rendez-vous* of EU leaders to review socio-economic priorities and issue key messages.

2005 - to date: the revamp of the Lisbon Strategy

In early 2005, the Lisbon Strategy *New Start* communication prepared by the incoming Commission was largely endorsed by the Spring European Council³²². This new governance framework sought to further enhance the consistency and synergy between the EES and the BEPG by establishing an integrated economic and employment coordination cycle in the EU. The EES guidelines and the BEPG were drawn together into a single set of twenty-four integrated guidelines for growth and jobs - divided into separate macroeconomic, microeconomic and employment chapters - to be reviewed on a triennial basis. Mirroring this architectural shift, reporting obligations were also simplified. National Action Plans (NAPs) for employment were replaced by National Reform Programmes (NRPs); a single document whose separate sections report on national governments' initiatives in all three policy areas (macroeconomic policy, microeconomic policy, and employment policy). Similarly, progress made by Member States in these fields is now summarized in the Commission's Annual Progress Report (APR), approved jointly by the Commission and the Council. The safeguarded term of Joint Employment Report now refers to the employment chapter of this progress report. Finally, the Commission and Council's joint right to issue recommendations to Member

³²² CEC 2005a, European Council 2005; see also Council of the European Union 2005.

States and the European Council's prerogative of adopting conclusions on the employment situation within Member States were maintained.

Having painted a broad picture of the major milestones in the evolution of the EES (*see Annex 3 - Longitudinal Analysis of the Central Policy Coordinative Junctures of the EES*), the subsequent section steers away from its governance architecture to explore its policy content. More precisely, emphasis is placed on how the concept of QWE found its way onto the EES' policy agenda and subsequently evolved.

5. 1. 1. 2 *Rise, fall and impromptu revival(s) of quality in work*

Distinctly emerging from the evolutionary trajectory of the EES are three periods in the history of QWE. In the absence of strict critical junctures, these three successive stages are determined on the basis of the waxing and waning of Member government's political support for QWE on the EES's agenda. Each phase is briefly considered in turn below.

Phase 1: an original aperture; 1997 – end 2000

At the launch of the EES at the Luxembourg Jobs Summit in 1997, job quality did not feature on European policy agenda. Rather, the concept was first introduced in the European debate at the Lisbon Council in March 2000, which put forward the objective of both more and *better* jobs for all. Following the initial aperture gained at Lisbon, the ideational ascendancy of QWE gained in momentum, garnering support between Council meetings. At the Nice Council in December 2000, job quality was included in the *Social Policy Agenda (2000-2005)* and became an objective of the Employment Strategy³²³.

³²³ European Council 2000b: paragraph 15.

Similarly, in a bold move, the Council mandated the Commission to produce a Communication on topic of QWE, on the basis of which the Employment Committee (EMCO) would submit a report (by late 2001) proposing statistical indicators for monitoring Member States' achievements in this domain. In January 2001, at the annual revision exercise of the employment guidelines, the concept featured for the first time on the EES policy agenda³²⁴. Overall, though characterized by conceptual evasiveness and uncertainty regarding its position on the EES's agenda, this first period in the history of QWE was fundamental in establishing the solid foundations on which its ascendancy would later be built.

Phase 2: the ideational ascendancy of quality in work; early 2001 – end 2002

At the Stockholm European Council in March 2001, heads of government and of state confirmed and strengthened the EU's commitment to the quality dimension of work³²⁵; calling for QWE “to be included as a general objective in the 2002 employment guidelines” and reaffirming its desire to see “the Council together with the Commission [...] develop indicators on quality in work [...] to be presented in time for the Laeken European Council” in December 2001. This plan was speedily executed over the next twelve-month period. Following its mandate established at Nice, in June 2001, the Commission adopted a Communication that sought to provide a robust analytical framework for promoting quality in work. Recognizing that quality is a multifaceted concept, the Commission identified ten dimensions, each of them quantified by specific indicators encompassing both characteristics of the job and of the worker, as well as aspects covering the wider socio-economic context. In the autumn of 2001, the

³²⁴ QWE appeared in the *horizontal objective A* on overall employment rate targets. This guideline read: “In pursuing these targets, the aim of increasing the quality of jobs should also be taken into consideration”, Council of the European Union 2001.

³²⁵ The Stockholm Conclusions assert that “re-gaining full employment not only involves focusing on more jobs, but also on better jobs”, European Council 2001a.

Employment Committee discussed and agreed on a list of indicators built around these ten dimensions³²⁶; these were subsequently approved by the Council and communicated to the Laeken European Council in December 2001³²⁷. Finally, a major leap forward was reached at the 2002 revision of the employment guidelines, when quality in work became an independent horizontal objective of the EES³²⁸. Taken a whole, this period of ideational ascendancy was characterized by an astoundingly rapid process of conceptual clarification and the consolidation (statistical indicators) of QWE within the framework of the EES.

Phase 3: the doldrum years; 2003-onwards

QWE's sudden ideational breakthrough within the EU arena was relatively short-lived. While a number of events signalled a continued nominal presence on the EES agenda, as early as 2002 political interest in quality in work began its gradual decline. By 2004, QWE had receded almost completely into the background, overtaken by a gamut of other policy priorities. As detailed below, this turnaround in national governments' support testified to the importance of the general economic and political context in determining the fate of QWE.

That said, though the goal of *better jobs* was less ardently pursued, QWE never entirely disappeared from the EU agenda. Indeed, a series of initiatives taken by the Commission and the Member States intermittently punctuated this most recent period of QWE history. In July 2003, the major overhaul of the EES governance framework designated “improving quality and productivity at work” as one of three overarching objectives of

³²⁶ EMCO 2001.

³²⁷ European Council 2001b.

³²⁸ Council of the European Union 2002.

the employment guidelines for 2003-5³²⁹. In November 2003, a second major Commission Communication sought to “analyse quality in work along the 10 dimensions retained by the Council, looking both at [Member States’] performances and at recent policy developments”³³⁰. More recently, following the 2005 relaunch of the Lisbon Strategy, the overarching objective of “quality and productivity in work” was carried through for both periods 2005-2008³³¹ and 2008-2010³³², under the new framework of integrated guidelines for growth and jobs. Similarly, a specific (though very generalist) guideline (guideline 17) made direct reference to quality in work³³³. Most recently, during the period 2007-8, a series of disjointed initiatives testified to a sustained (though weakened) interest in QWE within the EU political classes. In 2007, under the impulse of the German EU Presidency, the original concept of “good work” made an unexpected and brief appearance on the EU agenda³³⁴. Similarly, QWE made a sudden comeback under the impulse of DG EMPL. Specifically, the Commission’s 2008 Employment in Europe (EIE) report devoted an entire chapter to QWE (something which had not been done since 2003). Finally, this period saw the emergence of a parallel notion of decent work, explicitly borrowed from the ILO agenda³³⁵. A Commission Communication published in May 2006 - entitled “Promoting Decent Work for All” - proposed a series of measures for ensuring that EU policy play a greater part in helping spread decent work both inside and outside the Union³³⁶. Shortly after, in December 2006, the Council adopted a set of

³²⁹ Together with “full employment” and “strengthening social cohesion and inclusion”; see Council of the European Union 2003.

³³⁰ CEC 2003b.

³³¹ Council of the European Union 2005.

³³² CEC 2007c, Council of the European Union 2008.

³³³ Guideline 17 reads as follows: Member States should “implement employment policies intended to achieve full employment, improve quality and productivity at work, and strengthen social and territorial cohesion”, see Council of the European Union 2005, Council of the European Union 2008.

³³⁴ References to this novel concept of good jobs can be found in informal EPSCO Council held in Berlin (18-20 January 2007) and in the Spring European Council conclusions for 2007.

³³⁵ By no means exhaustive, the following references offer an overview of publication record sustained by the ILO: ILO 2006a, ILO 2006b, ILO 2007, Anker *et al.* 2002, Dewan and Peek 2007.

³³⁶ CEC 2006d (and accompanying SEC 2006a), see also SEC 2008a.

conclusions on decent work³³⁷. Considered in its entirety, this third period is one of overall waning of QWE, tempered by the episodic and impromptu revival of political interest in the issue, denoting a locking-in effect on the EES agenda.

5. 1. 2 Process-tracing analysis: theorizing the three periods of QWE history

This narrated chronology of formal events regarding QWE is a form of raw data, open to the distinct interpretations of competing social theories. In what follows, this atheoretical account of QWE history is reinterpreted through the lens of both rational choice and sociological strands of new institutionalism. Employing the causal hypotheses outlined in Chapter 3 as our guideposts, two distinct sets of theoretically conjectured intermediate steps are fleshed out (*see Annex 4 “Process-Tracing Analysis - Four Periods in the Development of QWE”*).

5. 1. 2. 1 Sociological institutionalist predictions across time periods

Phase 1: an original aperture

The sociological institutionalist framework employed in this study propounds that the process by which QWE will gradually find its way onto the EES’ policy agenda is one of *discursive formation* spearheaded by the European Commission. At this early stage, the Commission will seek to set in motion an interactive consensus for change by establishing the ideational foundations of a QWE discourse. While the minutiae are likely to be left undefined, the Commission will begin to sketch the overall contours of its discourse, identifying the issues to be addressed, problems to be solved, and goals to be

³³⁷ Council of the European Union 2006

attained³³⁸. Such an exercise in classification and problematization will allow the Commission to exert a form of productive power by virtue of its ability to name and label social kinds and establish the boundaries of acceptable action in the area of QWE.

In drafting this tentative or foundational discourse, the Commission will be mindful of a number of cognitive criteria vindicating the necessity of its proposed policy programme (*hypothesis 8*), as well as normative criteria demonstrating its appropriateness (*hypothesis 7*), all the while ensuring that these two sets of ideational arguments be mutually supportive of each other (*hypothesis 9*). Finally, this period of aperture will be characterized by a limited involvement of the Commission in the interactive dimension of its discourse. The ideational tenets of early QWE discourse will be insufficiently defined to gain the support of an epistemic community. Similarly, an untimely strategy of discursive diffusion by way of expert policy papers and reports would serve little purpose in this context.

Phase 2: the ideational ascendancy of quality in work

As documented above, beginning in early 2001, QWE underwent a period of extraordinary ideational ascendancy. During this period, whilst much of the discursive instruments at the Commission's disposal will remain unaltered, strong emphasis will be placed on conceptual clarification, consolidation and diffusion. In practice, the Commission's inceptive ideational construction will be displaced by a more coherent and convincing discourse. During this process of discursive enhancement, cognitive arguments will be further specified and substantiated by scientific research (*hypothesis 8*), while normative arguments will become more finely attuned to the subtleties of the

³³⁸ Schmidt 2000a: 280.

shared values and common identity of the European peoples (*hypothesis 7*). Similarly, alignment of these two ideational dimensions will be improved, thus ensuring a more comprehensive and coherent message (*hypothesis 9*). With regard to the interactive function of discourse, this period will bear witness to a greater visibility of the Commission's voice within the EU arena, effected by the publication of a number of policy papers and reports (*hypothesis 10*). Finally, discursive diffusion will be further enhanced by the emergence of a sizeable epistemic community favouring EU intervention in the area of QWE; a growth in support base strategically orchestrated by DG EMPL (*hypothesis 11*).

Phase 3: the doldrum years

In 2002, political interest in QWE began to dwindle. For proponents of SI, during these doldrum years, the Commission's original strategy of securing and consolidating QWE supranationally will give way to a less ambitious objective of ensuring that it does not "fall off" the EES agenda. In so doing, the Commission will focus its efforts on recasting the QWE discourse, adjusting its cognitive and normative components to the new economic context of sluggish economic growth and increasing unemployment in order to demonstrate its continued relevance and right of place within the EES (*hypotheses 7, 8 and 9*). With regard to its interactive dimension, it is envisaged that the Commission will adopt a more demure attitude. On the one hand, while reducing the amount of such publications, the Commission will carry on issuing policy papers and reports on the issue of QWE (*hypothesis 10*). On the other, DG EMPL will continue to mobilize a like-minded transnational coalition of policy experts (epistemic/discursive community) championing its renewed or recast discourse (*hypothesis 11*).

5. 1. 2. 2 *Rational choice institutionalist predictions across time periods*

Phase 1: an original aperture

Considered through the prism of rational choice institutionalism, the Commission's role in the emergence of QWE is considered to be one of informal agenda-setter. Though it is not the sole political actor with an incentive to set the OMC agenda (governments and private interest groups will also seek to upload their policy preferences to the EU level), it is nevertheless particularly well placed to do so. Indeed, its ability to set the substantive agenda of the Union is function of its capacity to "wait in the wings" for the opening of a propitious policy window. Most importantly, the existence of an information asymmetry structure tilted to its advantage will crucially impact on the Commission's ability to informally set the agenda of the EES. Situated at the confluence of a vast network of information sources, the Commission enjoys a comprehensive overview of national governments' distinct preferences and experiences in the field of employment policy, which it can use to construct a "winning" policy proposal. Thus, the scenario envisaged by proponents of rational choice institutionalism to explain the early advent of QWE on the EU agenda is one where the Commission will seek to form strategic partnerships and co-opt national governments into a political project of its making; capitalizing on an asymmetric balance of information to set forth a policy proposal that will act as a constructed focal point around which governments will converge (*hypothesis 6*).

Phase 2: the ideational ascendancy of quality in work

The second chapter QWE history took place over a relatively short period of time³³⁹. As suggested above, it was a period of formidable ideational ascendancy for the concept of

³³⁹ Roughly spanning from early 2001 to late 2002.

quality in work, realized at an extraordinarily fast pace. Based on the central precepts of P-A analysis, in seeking to consolidate QWE's position on the EES agenda, the Commission will employ a dual strategy of informal agenda-setting and agency drift. First, the Commission will persist in its ambition of manufacturing consensus around its preferred policy proposals (informal agenda-setting). As in the previous period, it will seize upon a window of opportunity and establish strategic partnerships with governments that have strong imperatives for wishing to strengthen the place of QWE on the EES agenda. In so doing, it will exploit an information asymmetry structure largely tipped in its favour to propose something everyone can live with (*hypothesis 6*). Moreover, compared to the first period of QWE history, in consolidating the presence/weight of QWE at the supranational level, the Commission will attempt to expand its policy content (i.e. coverage) and increase the number of M&E tools at its disposal by pushing for more quantified targets and statistical indicators. Second, with QWE officially placed on the EES agenda, the Commission will enjoy a catalogue of officially mandated managerial and enforcement powers. Two routes of bureaucratic drift will open up to the Commission during this period. On the one hand, it will attempt to inject its own preferences into Committee proceedings through the EMCO Secretariat which it staffs (*hypothesis 1*). On the other hand, it will strategically exploit its formal enforcement powers, extending its M&E prerogative beyond its legal bounds (*hypothesis 2*). In seeking to limit the scope of the Commission's discretion in the field of QWE, national governments have three types of control mechanisms at their disposal. First, in response to DG EMPL's attempt to pursue its own interests via the EMCO Secretariat, national governments will rely on a strong Chairperson to monitor its behaviour and rein in a dissenting Commission (*hypothesis 3*). Second, governments will privilege unilateral non-cooperation when seeking to sanction bureaucratic drift (*hypothesis 4*). Finally, Member

States have the possibility of sanctioning Commission shirking by revising its institutional mandate (*hypothesis 5*).

Phase 3: the doldrum years

From 2003 onwards, interest in QWE declined. Faced with an inauspicious political context, students of RCI envisage that the Commission will lapse into a more compliant, less assertive role. On the one hand, instead of trying to push QWE to the top of EES agenda, it will embrace a minimal objective of sustaining its presence and visibility within the EU arena. A series of fleeting windows of opportunity will offer occasional openings for opportunistic involvement on the part of DG EMPL. The Commission will use these intermittent periods of aperture to renew its informal agenda-setting role and attempt to restore QWE's credence on the EES' agenda by co-opting national governments and building a pan-European consensus around policy proposals of its own making (*hypothesis 6*). On the other hand, due to declining political interest, it is envisaged that discussions on QWE will fail to filter through onto OMC Committees' agendas, thus barring the Commission from any form of discretion within the confines of these two groups.

5.2 When the going gets tough: the Commission's autonomous power in the area of quality in work

Empirical findings presented below are presented in two successive sections (*Section 5.2.1* and *Section 5.2.2*), as distinct sets of sociological and rational choice institutionalist predictions are tested against relevant data in view of gauging the pertinence of each theory in the area of QWE.

5.2.1 Sociological institutionalist analysis

5.2.1.1 Phase 1: an original aperture

As noted above, quality in work did not feature on the original pillarized policy agenda of the EES but was first introduced into the EU lexicon at the Lisbon European Council, which set forth the objective of more and *better* jobs for all. A central contention, emerging from the following analysis, is that political interest in QWE was the product of a gradual process of ideational consolidation that began in the early 1990s under the impulse of a European Social Model (ESM). Thus envisaged, EU discourses resemble a set of Russian nested dolls, skilfully imbricated within one another and characterized by overlapping normative ideals and cognitive arguments. The result is a form of *discursive layering*, where ideas of a broader overarching discourse will supply the intellectual founding blocks to a more precise sectoral discourse. In short, a sociological institutionalist reading of QWE's history urges us to broaden our temporal perspective and consider the period prior to the Lisbon Summit. Below, a two-step analysis is carried out. First, we briefly examine the discursive precursor to QWE, that is, the European Social Model. Second, we consider how the sectoral discourse of QWE, which got underway in 2000, found its roots within this ESM discourse.

The European Social Model, one of the fastest growing European catchwords of the present time, is used to describe the European experience of simultaneously promoting sustainable economic growth and social cohesion³⁴⁰. The precipitating event behind its emergence was the extraordinarily rapid increase in the pace of economic globalization and technologization which began in the late 1970s. Spearheaded by the Delors

³⁴⁰ On the overarching conviction that economic and social progress must go hand in hand see CEC 1993a, CEC 1993b, CEC 1994.

Commission, an ESM discourse was quickly established. According to this discourse, from the late 19th century onwards, European states began to take responsibility for securing a basic modicum of welfare for their citizens. Later, as the social rights enjoyed by European peoples grew, distinct systems of welfare states emerged on the continent. A prominent welfare state typology employed in the field of EU studies was introduced in 1990 by Gosta Esping-Andersen who identified three regimes of welfare states, namely, the liberal (conservative) regime of the Anglo-Saxon states, the corporatist-statist regime of the central-European states, and the social-democratic regime of the Scandinavian states³⁴¹; later proposing a fourth Mediterranean regime of the Southern European states³⁴². Despite their institutional idiosyncrasies, European welfare states are intimately bound together by a common historical and cultural heritage and built around a set of “shared values which form the basis of the European Social Model. These include democracy and individual rights, free collective bargaining, the market economy, equality of opportunity for all, and social welfare and solidarity”³⁴³. In the late 1970s, in a sudden and unexpected change of fortune, the ESM came under threat both from the insuperable force of globalization and from profound social-demographic changes affecting the European peoples³⁴⁴. First, the catch-all phrase of “knowledge-based economy” illustrates the essence of the changes operating internationally. The term broadly designates the quickening pace of economic globalization and the transformation of Member States’ industrial model, owing to its technologization and the growing need for skilled-labour in the provision of high added-value products and services³⁴⁵. Second, attention was placed

³⁴¹ Esping-Andersen 1990. This typology was based on three dimensions of state-market relations, stratification and decommodification. Since 1990, a growing number of researchers have followed in the footsteps of Esping-Andersen, proposing alternative systems of welfare state classification, see Bambra 2007, Bonoli 1997, Castles and Mitchell 1993, Leibfried 1992.

³⁴² Esping-Andersen 1999, see also Ferrera 1996.

³⁴³ CEC 1994: 2; see also European Council 2000b: Annex 1 paragraph 11, CEC 2005f, Jepsen and Pascual 2005: 234-5, Servais 2001, Vaughan-Whitehead 2003, Scharpf 2002, Kittel 2002.

³⁴⁴ CEC 2000e: 6-7.

³⁴⁵ CEC 1999a, CEC 2000b, CEC 2000c.

on European demographic and societal changes and their consequences for the sustainability of national social protection systems³⁴⁶. The ageing of the European population, in particular, directly impacted on the structure of the labour market, causing inter-generational dependency ratios to rise which, in turn, placed heavy pressure on pension and health systems. The ESM – understood as a historical *acquis* - needed to be “preserved” in the face of these economic, social and technological challenges³⁴⁷ and its modernization appeared as the obvious and natural solution³⁴⁸. If the ESM was to be safeguarded, EU governments needed to build an “active and dynamic welfare state”³⁴⁹ and social policy needed be transformed from a market-correcting factor to an instrument for optimizing the adjustment of individuals, businesses and social-protection systems to market forces³⁵⁰.

The development of EU policy discourse is both continuous and evolutionary. Because the Lisbon Strategy is often depicted as a new start or break with the past, it is rarely considered in relation to previous events. Yet its historical contextualization reveals that the Lisbon Strategy is far from atypical in terms of its contents; indeed, it amounts to a stylistic fluctuation rather than a profound alteration in the ideational make-up of the ESM discourse³⁵¹. From its very beginning, EU social policy discourse was founded on the notion that economic growth and social progress were two sides of the same coin and that employment was key to facilitating their integration. In 2000, this central precept was “repackaged” into the famous Lisbon triangle; a superficial innovation which served to

³⁴⁶ CEC 2000d.

³⁴⁷ CEC 1994: 1, 2.

³⁴⁸ Jepsen and Pascual 2005: 236, Serrano Pascual and Crespo Suárez 2002.

³⁴⁹ European Council 2000a: paragraph 24.

³⁵⁰ In the field of employment policy, this shift from a passive to a more active approach means equipping an individual with the appropriate skills to face the vicissitudes of the labour market and designing measures to encourage business entrepreneurship and adaptability (CEC 1995, CEC 1996, CEC 1998a, CEC 1998b, CEC 1999b, CEC 2000f).

³⁵¹ Amiya-Nakada 2009.

visually illustrate the constructive synergy existing between economic, employment and social policy. Similarly, the ESM continued to be depicted as a historical legacy that needed to be preserved in the face of unstoppable structural changes. It was within this context that the concept of quality originally rose to prominence within the EU arena under the aegis of the European Social Model. Heads of governments at the Lisbon European Council instructed the Commission to publish a Communication with a view to reaching agreement on a European Social Agenda at the Nice European Council in December. In accordance with these guidelines, the Commission issued a Communication on a *Social Policy Agenda for 2000-2005* in June 2000. This Communication formally enshrined the concept of quality as a driving force for a thriving economy, more and better jobs and an inclusive society: “extending the notion of quality – which is already familiar in the business world – to the whole economy and society [to] facilitate the inter-relationship between economic and social policies”³⁵². Laying emphasis on the importance of ensuring a positive and dynamic interaction between economic, employment and social policies, the Commission stated the ambition of broadening such a qualitative approach to three broad areas: quality of work, quality of social policy, and quality in industrial relations. In December 2000, this concern for quality was reiterated at the Nice European Council, where it was agreed that the promotion of quality was a crucial implementation arrangement for the modernization of the ESM. During this period of aperture, a number of tentative definitions of quality in work were laid out both by the Commission³⁵³ and by Member States³⁵⁴, yet nothing was formally adopted at the EU level.

³⁵² CEC 2000b: 13.

³⁵³ CEC 2000b, see also Thedvall 2006: 56-7.

³⁵⁴ At the Nice European Council, heads of government and of state coined an early working definition of the concept encompassing: “working conditions, health and safety, remuneration, gender equality, balance between flexibility and job security, social relations” (European Council 2000b: Annex 1, Section I).

Overall, the Commission's role within this period of ideational aperture falls short of the ambitious theoretical conjectures outlined above. Indeed, QWE remained first and foremost a functional offshoot of the ESM discourse, that is, a working method aimed at its modernization³⁵⁵. Its nebulous contours and ill-defined content meant that it was fundamentally unable to exist as a distinct policy discourse. The Commission's productive power was derived almost entirely from its capacity to skilfully imbricate the ESM with the emerging ideational construct of QWE, effectively grafting the notion of quality onto this overarching discourse. This allowed for the sharing/exporting of the ESM's ideational tenets to the emerging QWE discourse, providing it with sound ideational foundations in preparation of its formidable ascendancy in 2001. In sum, sociological institutionalist hypotheses concerning the Commission's autonomous power are neither confirmed nor invalidated. Indeed, this period did not see the birth of a robust discourse on QWE that could be assessed against SI's transformative ideational and interactive criteria.

5.2.1.2 Phase 2: the ideational ascendancy of quality in work

The Nice Summit prompted a second phase in the history of QWE; its conclusions boldly called for a Commission Communication to be submitted in 2001 on “the contribution of employment policy to quality in work”, on the basis of which “the Employment Committee [would] submit a report at the end of 2001 on how to define the indicators to enable these to be monitored”³⁵⁶. It is to this discursive ascendancy that we now turn.

³⁵⁵ The Commission's Social Policy Agenda references the promotion of quality under the heading “The Approach” (to modernizing the ESM). Similarly, the European Social Agenda (agreed at the Nice European Council) introduces the notion of quality in a section labelled “Implementation Arrangements”.

³⁵⁶ European Council 2000b: Annex 1, Section I.

5.2.1.2. i *The ideational dimension of the quality in work discourse*

The ambition of applying a qualitative approach to employment and labour market policy is clearly vindicated by both intrinsic (i.e. the guarantee of fundamental and social rights) and extrinsic (i.e. economic returns) arguments. Below we consider both normative and cognitive dimensions in turn.

The normative dimension of QWE discourse

Firmly nested within the ideational ambit of the ESM, the newly emerging QWE discourse had little reason to depart from its precursor's solid normative foundations. In practice, rather than challenging the ESM's dominant value system, QWE discourse directly appealed to the moral conviction that economic and social progress must go hand in hand. Consolidated by way of a two decade-long gestation period, this central normative precept almost inevitably assured widespread moral support for the normative dimension of QWE discourse (*hypothesis 7*). This normative continuity is distinctly observable in the permanence of shared (or inherited) moral communalities or "identity marks". Borrowing from the ESM's value system, QWE discourse boldly reiterated the long-standing conception of social welfare as a productive factor. In fact, in claiming that the promotion of quality in work was the *appropriate* solution to a number of social and economic ills faced by the EU (low employment rate, low productivity rate, social exclusion), QWE discourse stood in firm defence of the ESM's moral standards, built on the necessity of maintaining a constructive synergy between economic, employment and social policy. While mention was also made of the intrinsic value of QWE (that is, its contribution to social progress and collective well-being³⁵⁷), much greater emphasis was

³⁵⁷ QWE may serve to "defend minimum standards", "ensure a more equitable sharing of progress" CEC 2001c: 3. On this distinction between intrinsic and instrumental value of QWE, see Barbier and Sylla 2004: 103.

placed on its instrumental value³⁵⁸. Far from calling into question a dominant value system, such arguments clearly resonated with long-standing normative beliefs shared by citizens of European Member States and dating back to the inception of ESM discourse by the Delors Commission in the 1980s (*indicator 7a*).

The cognitive dimension of QWE discourse

From its early beginnings, QWE was posited as an essential link between economic and social policies, yet the minutiae of this positive interaction were left undefined. This ideational void was gradually addressed through a series of Commission reports and Communications published in 2001-2; thus making the second phase in the history of QWE discourse a period of extraordinary discursive consolidation. In an attempt to vindicate the *necessity* of such a programme, emphasis was placed on the “virtuous complementarities” or “synergies” stemming from its implementation. Specifically, three overarching and interrelated objectives were highlighted: (1) full employment, (2) productivity and (3) social inclusion³⁵⁹. In the analysis that follows, these three central arguments will be successively examined against a number of cognitive standards (relevance, applicability, coherence) in an attempt to gauge the transformative power of the cognitive dimension of QWE discourse.

First, in line with a supply-side conception of labour policy, a central contention is that improving QWE makes work more attractive and encourages employment growth³⁶⁰. In practice, high quality jobs stimulate labour supply by preventing an early exit from the

³⁵⁸ The European Commission notes: “Promoting quality in employment and social policy is a key element in reaching the goals of building more and better jobs, creating a competitive and cohesive knowledge-based economy, and ensuring a positive mutual interaction between economic, employment and social policies” CEC 2001c: 5.

³⁵⁹ CEC 2001c: 8.

³⁶⁰ This supply-side focus is a prevalent feature of the EES agenda, see Raveaud 2005.

labour market and encouraging “outsiders” to (re)enter employment; a stimulative effect especially prevalent among women, people with care responsibilities (where increasing job quality may provide a better work-life balance) as well as older workers³⁶¹. In the 2002 Employment in Europe report, the Commission unreservedly noted that “the quality of available jobs is a main determinant of the strength of the response of labour supply”³⁶². A number of studies (independent and in-house) were cited in defence of the claim that QWE acts as a key inducement to individuals to take up work and remain in the labour market. The Commission’s recourse to scientific research served to underscore the existence of a clear positive link between levels of labour market participation (i.e. activity rate) and quality in work³⁶³. Initially confirmed by a jobs classification scheme (suggested in EIE 2001³⁶⁴) and later corroborated by dynamic simulations (which showed that without further quality improvement, employment creation would remain below its potential)³⁶⁵, this strong correlation was portrayed as a direct causal relationship between the improvement of QWE (i.e. attractiveness of work) and a rising employment rate.

Second, quality in work has a positive impact on the productivity of European workers and thus on the Union’s competitiveness and economic growth. This process consists of two main mechanisms. On the one hand, gains in labour productivity are derived from investment in human capital and training. Life-long learning not only serves as a strong form of security for workers (contributing to their increased employability and adaptability, and a consequently lower risk of unemployment and social exclusion), it also serves to boost their productivity in a knowledge-based economy. Put simply, investment in training and education yields increasing returns. The Commission set forth quantitative

³⁶¹ CEC 2001c : 8, CEC 2002d.

³⁶² CEC 2002e: 98.

³⁶³ CEC 2002e: 97-98, chart 118.

³⁶⁴ CEC 2001d.

³⁶⁵ CEC 2002e: 101-106.

data demonstrating that “annual labour productivity growth for 1995-2001 in the EU is strongly correlated with employee participation rates in enterprise training”³⁶⁶ and cited expert reports confirming the same trend³⁶⁷. Along these same lines, it is also noted that work-related health problems and accidents at work generate a production loss estimated at 3-4% of EU GNP³⁶⁸. This argument is further substantiated by the referencing of independent studies demonstrating that improvements in health and safety are cost effective and have a generally positive impact on work ability and productivity³⁶⁹. On the other hand, a second causal path linking quality in work and productivity is job satisfaction. Having observed that individual self-reported satisfaction is closely correlated with objective measures of QWE (job security, work content, training possibilities, career prospects, wages)³⁷⁰; it is noted that both variables are positively associated with labour productivity³⁷¹. Three possible explanations are advanced to explain this trend, each carefully substantiated by reference to scientific literature³⁷². First, efficiency wage theory looks at the impact of job quality in general and pay levels in particular on workers’ effort and efficiency. Since measuring the effort and efficiency of the workforce requires costly monitoring, it can be beneficial for firms to pay wages above the market clearing wage – so-called efficiency wages – or to improve job quality along other dimensions to ensure higher levels of worker effort and efficiency without costly monitoring. A second explanation refers to notions of fairness and reciprocity and

³⁶⁶ CEC 2002e: 100-1, chart 123.

³⁶⁷ It cites an econometric evaluation study on the effects of various training measures on productivity (on the basis of a large and representative German establishment panel dataset (IAB-Betriebspanel), see Zwick 2002) which “found that a 1% increase in the share of employees participating in training leads to a 0.3% increase in a firm’s productivity”, CEC 2002e: 101.

³⁶⁸ CEC 2001d: 73-74, CEC 2002e: 79.

³⁶⁹ CEC 2002e: 100-1, footnote 14 cites two reports, Ilmarinen 1999, Ilmarinen *et al.* 1998.

³⁷⁰ On the positive correlation between (subjective) job satisfaction and (objective) quality in work measures, see CEC 2001d: 66-9, CEC 2002e: 82-5.

³⁷¹ In a section entitled *Job quality, job satisfaction and productivity* of the 2002 EIE report, the Commission exposes these interlinkages in a series of charts (charts 119-122) based on OECD and Eurostat data, see CEC 2002e: 98-100.

³⁷² CEC 2002e: 100. Scholarly research cited in support of the first two explanations comprises Akerlof 1982, Solow 1990, Fehr and Schmidt 2000.

considers the employment relationship as a repeated game of exchanges between employer and employee. Accordingly, the job quality (including pay and other job characteristics) offered by the employer and the effort (and hence productivity) put in by the employee are exchanged. The two players are considered likely to increase their contribution depending on the other's observed behaviour in the past. Finally, a third explanation lays emphasis on the impact of new forms of work organisation (including new organisational structures, more flexible and less hierarchical working methods, stronger involvement of employees and new reward and performance measurement systems) on productivity³⁷³.

A final element in this virtuous circle - of full employment, rising productivity and sustainable economic growth - is social inclusion. Before detailing the causal mechanisms linking low quality in work to social exclusion and poverty, it is worth noting that QWE discourse applies a lifecycle perspective to employment quality issues, thus placing it within a transitional labour market (TLM) approach to employment policy. In the Commission's words, TLM theory stresses "the change in paradigm from "standard employment" to differentiated employment careers, with a variety of working-time and contractual arrangements, and more frequent changes of statuses between employment, unemployment, inactivity, education, family care and non-paid activities"³⁷⁴. Thus posited, QWE discourse stresses the importance of distinguishing between good and bad transitions in a lifecycle perspective; an exercise carried out by the Commission in several editions of its annual EIE report, in which transition dynamics are analysed by job type (dead-end jobs; low pay/productivity jobs; jobs of reasonable quality; jobs of good

³⁷³ CEC 1999c, CEC 2002f.

³⁷⁴ CEC 2008a: 150; see also Schmid and Grazier 2002, Schmid 2006.

quality)³⁷⁵, activity status, contractual arrangement and pay level to provide evidence of European workers' upward or downward mobility³⁷⁶. Similarly, an external report was commissioned on the determinants of labour market transitions³⁷⁷. A mixed picture emerges from this longitudinal assessment, sparking concerns about labour market segmentation. While three quarters of all EU workers are in jobs of good or reasonable quality and enjoy a relatively stable or upward mobility trend³⁷⁸, a quarter of the European workforce is employed (or trapped) in jobs of low quality - characterized by distinctly unfavourable labour market transitions – and consequently at much higher risk of becoming unemployed or withdrawing from the labour force. Previous experience of unemployment and labour market exclusion, in turn, clearly lowers the probability of returning to employment in general and into high quality employment in particular, thus leading to a substantial risk of a vicious circle of low quality-low productivity employment, unemployment, inactivity and social exclusion³⁷⁹.

As expounded upon above, QWE discourse aims to classify and problematize the world, fixing meaning onto social kinds, and ultimately prescribing the parameters and confines of acceptable action in the field of employment policy. Yet nothing is inevitable about the transformative role of discourse, in the sense of prompting change over and above the push and pull of interests, institutions, or culture. Rather, a number of cognitive standards must be fulfilled in order for the Commission to entrepreneurially (re)construct national officials' understandings of their interest and redirect their actions within EU institutions. Below, three such criteria are successively examined.

³⁷⁵ This typology is employed in EIE 2001, EIE 2002. Three main dimensions of job quality (job security, access to training and career development, hourly wages) form the basis of this categorisation, CEC 2001d: 74.

³⁷⁶ CEC 2001d, CEC 2002e, CEC 2003c, CEC 2004b.

³⁷⁷ Taylor 2002.

³⁷⁸ CEC 2001d: 77.

³⁷⁹ CEC 2002e: 79-80, CEC 2001d: 77-8.

First, QWE discourse displays a strong degree of relevance (*indicator 8a*). Put differently, it successfully establishes significant lines of continuity with the past, echoing the existence of particular social kinds, common European problems and practicable solutions previously outlined in earlier EU discourses. By the turn of the century, modernizing the European Social Model, increasing the employment rate, boosting productivity and fighting against social exclusion were all long-standing concerns among the EU political elite. In claiming to tackle these common challenges, QWE appeared as an acutely relevant means of addressing problems that needed (or indeed were expected) to be solved within the EU polity.

Second, QWE discourse appears incredibly coherent (*indicator 8a*). On the one hand, it displays a remarkable level of cognitive sophistication by claiming that the positive upshots stemming from investment in QWE (full employment, rising productivity and social inclusion) exist as a positive circle of complementarities. In practice, a focus on job quality can improve employment persistence and job creation and reduce the risk of job loss, unemployment or social exclusion. It can also increase labour supply and improve its adaptability, employability and productivity³⁸⁰. In this way, in the face of rapidly changing conditions and requirements of the new economy, one can be certain that “increasing quality in work can form part of a virtuous circle of increasing productivity, rising living standards and sustainable economic growth”³⁸¹. On the other hand, QWE discourse’s coherence extends beyond the minutiae of its cognitive arguments. Indeed, an effort to secure the complementarity of its normative and cognitive dimensions is clearly apparent in a number of canonical texts published by the Commission (*indicator 9a*).

³⁸⁰ CEC 2002e: 81.

³⁸¹ CEC 2001c: 8.

Alignment between these two dimensions of QWE discourse ensures that a coherent message is promulgated regarding both the appropriateness (modernizing the ESM is founded on the moral conviction that economic and social progress must go hand in hand) and necessity (the existence of mutually reinforcing policy dynamics) of sustaining mutual interaction between economic, employment and social policies.

A third cognitive standard against which QWE discourse must be assessed is applicability, understood as the demonstration of precisely how a policy programme will work to solve the problems it identified. While much emphasis is placed on detailing the operative mechanisms linking QWE to a rising employment rate, increasing productivity and the promotion of social inclusion, a certain number of these scientific arguments touch upon essentially contentious issues that fall short of enjoying a strong consensus within academic circles. The following analysis does not claim to offer a comprehensive exposition of the strength of the Commission's arguments, but simply demonstrates the disputed nature of certain scientific contentions (*indicator 8b*). A central claim of QWE discourse is that quality in work impacts positively on the productivity of European workers, thus boosting the Union's competitiveness and economic growth. A plethora of studies corroborate this argument, lending support to the view that obsolescence of human resources should be avoided and that skilled-labour is a vital production factor in a knowledge-based economy³⁸². A second contention at the heart of QWE discourse is the existence of a synergy between quantity and quality of work³⁸³. While the Commission skilfully selected academic studies in support of such a view³⁸⁴, a review of the economic

³⁸² Appelboun *et al.* 2000, De Greff and Van den Broek 2004, Llorente and Macias 2005, Crouch *et al.* 1999, Lucas 1988, Auer *et al.* 2005, Boyer 2006, Lorenz and Valeyre 2006.

³⁸³ CEC 2002e: 79.

³⁸⁴ Further studies not cited by the Commission underscore a positive and significant relationship between the improvement of QWE and employment growth, see Jepsen *et al.* 2003, Peña-Casas 2009, Davoine 2006, Fremigacci and L'Horty 2005, Davoine *et al.* 2008. Similarly from a Keynesian perspective, high

literature demonstrates that the theoretical and empirical links between QWE improvements and job creation are far from clear. This ambiguity stems from the existence of a number of studies professing the existence of a trade-off (or negative association) between these two variables. Surveying this vast body of (counter-)literature, we highlight a number of arguments set forth by detractors of the official EU discourse in this domain³⁸⁵: First, an upturn in economic growth could be linked to a slowdown of hiring behaviour by firms, combined with a movement towards the intensification of work and an increase in the number of accidents³⁸⁶. Similarly, according to Rubery and Grimshaw, when adopting a longer term perspective, the effects of high demand and technical progress on the quality of employment are distinctly unclear³⁸⁷. Other studies, which address the conundrum through a micro-economic and organizational lens, highlight the uncertain link between quality of working life and performances of firms³⁸⁸. More generally, Keynesian economists consider that making work more attractive will not impact on the employment rate as employment quantity is primarily determined by the demand of firms and economic activity trends, the effect of job quality influencing mainly the supply side of the labour market³⁸⁹.

It emerges that otherwise impeccable in terms of normative resonance with longstanding European values (*indicator 7a*), relevance and coherence of its cognitive arguments, (*indicator 8a*) as well as complementarity between its cognitive and normative components (*indicator 9a*), QWE discourse falters with regard to its ability to demonstrate applicability (*indicator 8b*), ultimately undermining the transformative role

wages can produce a virtuous circle by boosting demand and reducing unemployment, see Kenworthy 2003, Altman 2000.

³⁸⁵ This analysis is inspired from Davoine 2006: 8.

³⁸⁶ Bouvet and Yahou 2001.

³⁸⁷ Rubery and Grimshaw 2001.

³⁸⁸ Pruijt 2003.

³⁸⁹ L'Horty and Rugani 2000.

of this policy discourse (and the productive power of the Commission) within the EU arena.

5.2.1.2. ii *The interactive dimension of the quality in work discourse*

Notwithstanding the importance of cognitive and normative resources in moulding national governments' perceptions and preferences, the strength of the Commission's productive power is also fundamentally linked to the interactive dimension of its discourse. As hypothesized above, a two-pronged strategy is available to the Commission.

Issuing policy papers and expert reports

A first contention is that the Commission - operating simultaneously at two separate institutional levels - will seek to disseminate its preferred discourse by means of a gamut of publications (*hypothesis 10*). At a macro-institutional level, QWE was frequently on the agenda of the European Council Meetings during 2000-2 and considerable preparatory work was carried out by the Commission in advance of these Summits. Commission publications issued during this period can be regrouped under three different headings: Communications published at the request of the European Council, reports published at its own initiative and Employment in Europe reports (*indicator 10a*). First, the Commission Communication *Employment and Social Policies: A Framework for Investing in Quality* (published in June 2001 at the request at the Nice European Council) established a common language and vocabulary to speak about QWE, simultaneously problematizing the issue and outlining its practicable solutions. The robust analytical framework proposed by the Commission recognized that quality was a multifaceted concept and identified ten constitutive dimensions, each quantified by specific

indicators³⁹⁰. As envisaged by the Nice European Council, this Communication effectively formed a point of departure for discussions within EMCO on QWE indicators. Though the proposed indicators did undergo transformation over the coming months, the original classification scheme was upheld at the Laeken European Council.

Second, the Commission published a number of policy papers and reports at its own initiative that served to strengthen and “fill out” the QWE discourse. Cognitive arguments were consolidated and operative mechanisms (linking QWE to rising employment, productivity and social inclusion) were spelt out in further detail³⁹¹. More generally, these reports served to cast the Commission’s discourse as a scientific truth, shrouded in a veil of impartiality and depoliticization.

Third and finally, the Employment in Europe Report (produced annually since 1989) is the Commission’s main tool for the analysis of employment performance and labour market developments in the EU. It officially aims to “provide(s) the basic analytical and statistical background to underpin the JER [Joint Employment Report] as well as other instruments key to the EES”³⁹². Yet, in fact, its function stretches far beyond these official lines. EIE reports constitute an important instrument of power that operates through knowledge and meaning-making. Adding force to the common language and interpretative framework originally outlined in the June 2001 Communication, EIE 2001 and EIE 2002 served to “normalise” such ideas. In practice, Eurostatistics were employed to lend force to the Commission’s discourse by supporting policy claims with new data;

³⁹⁰ The ten dimensions comprise: intrinsic job quality, skills, life-long learning and career development, gender equality, health and safety at work, flexibility and security, inclusion and access to the labour market, work organisation and work-life balance, social dialogue and worker involvement, diversity and non-discrimination, overall economic performance and productivity.

³⁹¹ CEC 1998b, CEC 1999a, CEC 1999b, CEC 1999c, CEC 2000c, CEC 2000f, CEC 2002d, CEC 2002f.

³⁹² <http://ec.europa.eu/social/main.jsp?catId=119&langId=en> (last consulted 07/12/09).

for instance by underscoring the existence of a clear positive link between quality in work and levels of labour market participation³⁹³. The Commission's efforts at identifying comparable statistics constitute a deliberate attempt to forge the parameters of a single European labour market³⁹⁴ and establish the idea of the EU as a community of destiny. The notion of a single European labour market is further reinforced by “visual artefacts”³⁹⁵ (graphs and scoreboards) used to measure and report on Member States' progress in reaching common targets. A Commission official who significantly contributed to EIE between 2000-2003 underlined the purposive discursive strategy effected in these reports; he noted:

“The mandate to work on “better jobs” was there without anyone having a clear idea of what was meant by “better jobs”. And this is what we took up in the analytical work for the EIE; saying ‘we want to quantify it, to give it a definition’ [...] The EIE, as I see it, is meant to come up with innovative ideas [...] in 2001-2, when nothing was present at the time, we thought about leading the debate [...] So the chosen approach within the EIE was to show that QWE is not a luxury product that comes out of growth but to underlie this interdependence in the Lisbon Strategy between quality and job creation [...] it's difficult to establish causality obviously [...] but this is something that we tried to do with some descriptive statistics and econometric methods”³⁹⁶.

At a micro-institutional level, the period September-December 2001 was the scene of considerable debate and intellectual exertion among members of EMCO and its ISG; the former being charged with submitting a report on robust QWE indicators in time for the Laeken European Council (14-15 December). The Commission's role in fostering debate and discussions within these two in-groups of experts was far from inconsequential since it acted as the main supplier of reports and policy papers on the issue of QWE. Within the ISG, the Committee Secretariat submitted technical notes (drafted by Eurostat) proposing a number of alternative/complementary indicators for each of the ten dimensions of

³⁹³ CEC 2002e: 97-98.

³⁹⁴ CEC 2001e.

³⁹⁵ Haahr 2002.

³⁹⁶ Interview 30/04/10.

QWE. These notes were accompanied by an options paper outlining the assumptions, implications and ramifications of individual statistical measures suggested by Eurostat. Similarly, within EMCO, DG EMPL's internal services were responsible for drafting expert reports on QWE and proposing draft opinions that would be edited in the course of Committee proceedings in view of achieving consensus (*indicator 10a*). Thus, numerous respondents underlined how national representatives came "prepared", having elaborated a national position almost exclusively on the basis of these four documents. The fact that national representatives devised their national stance on the basis of these documents was no casual matter. The Commission's ability to submit these reports allowed it to set the terms of the ensuing debate, offering a "ready-made" lens through which to make sense of QWE. Whether in agreement with the policy stance presented in the Commission's papers or not, in formulating their national positions, members of OMC Committees inevitably employed the same language and vocabulary, moulding their arguments on the basis of the Commission's original contentions.

Establishing and sustaining an epistemic community

A second hypothesis outlined above is that in wielding its transformative power, the Commission will play a central role in establishing and sustaining a broad transnational coalition of policy experts championing QWE discourse (*hypothesis 11*). Below, we consider the Commission's capacity to garner the support of a powerful epistemic community around a policy discourse of its own making. Armed with the Nice European Council's mandate to prepare a Communication on QWE, the Commission began to strategically orchestrate the formation of a discursive/epistemic community favouring EU intervention in the area of QWE. In manufacturing this broad support base of authoritative actors, a strategic means at its disposal was to organize and lend support to a

series of international conferences on quality in work (*indicator 11a*). On 22-23rd February it single-handedly organized a conference entitled *Labour Market and Social Policies: Investing in Quality*, to which it convened over 30 speakers and over 500 attendees. In its own words, “all major interest groups participated – European institutions and agencies, members of the European Parliament, national governments, social partners, European NGOs, international organizations (UN, ILO, OECD), and major research centres in the EU and US”³⁹⁷. In the course of their six-month mandates, Swedish and Belgian Presidencies each organized a conference devoted to the issue of QWE; in both cases, the Commission worked behind the scenes to orient the debate and strengthen the political visibility to the event. On 22-25th January 2001, Sweden held a conference in Malmö entitled *Work Life 2000 – Quality in Work*. Preparatory proceedings for this event had begun in 1997. Over 60 workshops were held during this four-year period, aiming to identify the policy challenges and possible strategies to cope with working life in the future. Yet, it was only in the immediate lead-up to the conference that the accent was placed on the notion of “quality”; a clear indication that the event was (re)framed according to the prevailing EU political programme³⁹⁸. During the second semester 2001, the Belgium presidency, together with the European Foundation for the Improvement of Living and Working Conditions (Eurofound)³⁹⁹, hosted a conference entitled *For a Better Quality of Work* on 20-21st September in Brussels⁴⁰⁰. Held a few days before the first ISG meeting (scheduled for 24-25th September), one of the main aims of the conference was to identify potential indicators for evaluating QWE. Commenting on the value of such conferences, a Commission official involved in the drafting of the June 2001 Communication candidly remarked: “it was a way of selling and

³⁹⁷ http://ec.europa.eu/employment_social/market_en.htm (last consulted 11/12/09).

³⁹⁸ Thedvall 2006: 59-60. Commission officials noted that they had lent support to this change in emphasis.

³⁹⁹ Founded in 1975 (Council Regulation (EEC) No. 1365/75), Eurofound is an EU agency whose main role is to contribute to the planning and design of better living and working conditions in Europe.

⁴⁰⁰ Eurofound 2001.

publicizing our ideas” on the emerging issue of QWE⁴⁰¹. Yet, beyond this single measure of international conferences (*indicator 11a*), other hypothesized indicators of DG EMPL’s propensity to mobilize a transnational community of experts appear unconfirmed by collected data. On the one hand, it failed to mandate expert reports or give support to a broad research programme on QWE (*indicator 11e*), while on the other, it neglected to finance NGOs or research institutes concerned with qualitative considerations in the field of employment and labour market policy (*indicator 11f*).

A rather mixed picture of the Commission’s role in the interactive dimension of QWE discourse emerges from the forgone analysis. While it reserved itself the privilege of publishing a number of official Communications, policy papers and EIE reports on the issue of QWE (*hypothesis 10*), DG EMPL failed to establish and sustain a transnational coalition of policy experts championing EU intervention in the area of QWE (*hypothesis 11*), ultimately undermining the transformative nature of its discourse and (by extension) the Commission’s productive power.

5.2.1.3 *Phase 3: the doldrum years*

The golden age of QWE was relatively short-lived. As early as 2002, political interest in QWE entered a period of gradual decline. Under the original pillarized architecture of the EES, QWE had successfully gained a right of place within the EES guidelines. However - as detailed above - in 2003 (following a disparaging mid-term review of the EES⁴⁰²) the old pillar structure was scrapped in favour of a framework of ten guidelines, articulated around three overarching and interrelated objectives for 2003-5: full employment, quality

⁴⁰¹ Interview 19/04/10.

⁴⁰² CEC 2002b, CEC 2002c.

and productivity at work, and social inclusion. This transformation in governance framework marked a major setback for QWE. While nominally present on the EES agenda, QWE no longer constituted a concrete guideline but rather existed as a more general overarching objective. Similarly, QWE was now “paired” with productivity which had the dual effect of weakening its individual standing within the EES and narrowing its substantive meaning. This dramatic decline in political interest directly impacted on the Commission’s work. Symptomatic of QWE’s weakened position on the EU policy agenda, the Commission’s EIE reports for 2004-2007 failed to devote a chapter to the issue⁴⁰³, something which it had done in the three previous editions of the report (2001-2003). As political momentum faltered, QWE slowly began to fall off the EU agenda. At the request of the 2003 Spring European Council, an Employment Taskforce submitted a report entitled “Jobs, Jobs, Jobs”⁴⁰⁴. Broadly mandated “to carry out an independent in-depth examination of key employment-related policy challenges”⁴⁰⁵, the report focused exclusively on quantitative considerations. Similarly, the 2003 “Sapir Report” – a report on the state of the EU economy edited by an independent high-level group under the direction of André Sapir – gave emphasis to the notions of effectiveness (measured by the employment rate) and fairness (measured by indicators of income distribution) in the field of employment policy, sidestepping the concept of quality in work⁴⁰⁶. Even the ETUI seemed at a loss on how to deal with the issue under conditions of economic downturn and political ill will. In its 2004 issue of *Benchmarking Working Europe*⁴⁰⁷, though emphasis was placed on certain dimensions of QWE, no mention was made of the concept itself. The authors of this report rationalized this omission by

⁴⁰³ CEC 2004b, CEC 2005e, CEC 2006b, CEC 2007b.

⁴⁰⁴ Kok 2003.

⁴⁰⁵ European Council 2003: paragraph 44.

⁴⁰⁶ Sapir *et al.* 2003.

⁴⁰⁷ Published annually since 2001, this report provides detailed information on the areas of particular relevance to the world of labour in the EU; <http://www.etui.org/research/Publications/Regular-publications/Benchmarking-Working-Europe> (last consulted 17/12/2009).

underlining the unfavourable economic climate⁴⁰⁸. During these doldrum years, a key contention of sociological institutionalist analysis is that the Commission will adopt a strategy of discursive transformation, adjusting QWE's ideational tenets to match emerging concerns within the Union in view of securing its continued presence on the EES agenda. Below we consider the ideational and interactive components of this transformed discourse.

5.2.1.3. i The ideational dimension of the quality in work discourse

While QWE's normative tenets emerged unaltered from this sharp downturn in political interest, its cognitive dimension underwent a number of important modifications. Seeking to capture the depth and substance of such transformations, the following analysis proceeds in two steps. First, we examine the substantial degree of cognitive continuity, underscoring a strategy of discursive enhancement executed by DG EMPL. Second, emphasis is placed on a parallel effort on the part of the Commission services to recast QWE discourse, adjusting its ideational tenets to match emerging concerns associated with the EU's new political and economic landscape.

Though shaken by the marked downturn in political support for QWE, the Commission stayed loyal to the complete set of original ideational tenets of its discourse, which remained largely unscathed by the prevailing political disinterest and economic moroseness. Two publications were pivotal in this regard. First, more than being a simple review of recent progress, the November 2003 Commission Communication constituted a veritable plea in favour of quality in work, reaffirming and consolidating the central normative and cognitive arguments of QWE discourse instituted during the preceding

⁴⁰⁸ The report states: "due to these recent developments this report focuses on quantitative trends and development rather than the equally important qualitative elements of employment", ETUI 2004: 5.

phase of ideational aperture⁴⁰⁹. *Part One* of this Communication comprised three sections corresponding to the tripartite cognitive framework laid out by the Commission during 2001-02. Indeed, the link between quality in work and employment, productivity and social inclusion was further specified and substantiated by scientific research; a strategy of discursive enhancement sustained by the cross-referencing of in-house studies and the citation of independent scientific research⁴¹⁰. A second publication that served to strengthen the cognitive dimension of QWE discourse was the EIE 2003, in which a considerable amount of academic research – validating the Commission’s foregone scientific conclusions – was referenced⁴¹¹. All in all, during this third chapter of QWE history, the Commission’s discourse fulfilled a number of essential criteria of a transformative discourse, most notably in terms of normative resonance (*indicator 7a*), relevance and coherence (*indicator 8a*), and complementarity between cognitive and normative dimensions (*indicator 9a*). Yet, as in the previous period, the essentially contested nature of the operative mechanisms linking quality in work to the three proposed outcomes of interests made the applicability of QWE discourse a notable shortcoming of this ideational construct (*indicator 8b*), ultimately jeopardising the Commission’s productive power in this field.

Initially posited as an essential link between economic and social policies (where equal consideration was given to all three interrelated objectives of full employment, increased productivity and greater social cohesion), from 2003 onwards QWE was increasingly interpreted in terms of job productivity⁴¹², thus relegating its contribution to social progress and collective well-being, as well as its alleged positive causal impact on

⁴⁰⁹ CEC 2003b: 6-8.

⁴¹⁰ Dearden *et al.* 2000, Bauer 2003.

⁴¹¹ Cited works include CEC 2003d, Booth *et al.* 2002, Booth *et al.* 2003, D’Addio and Rosholm 2004, Auer and Cazes 2003, Dearden *et al.* 2000, Bauer 2003.

⁴¹² Davoine and Ethel 2006: 6, Peña-Casas 2009: 9.

employment creation, to a second-tier status. This shift in emphasis among QWE's ideational components was formally instituted in 2003, when "quality and productivity at work" became an overarching objective of the EES, thus narrowing its significance to a single constitutive aspect of its original definition. Carried through for the periods 2005-2008 and 2008-2010 under the new framework of integrated guidelines for growth and jobs⁴¹³, the duo was solidly anchored on the EES' agenda. These observations lend force to the conjectured proposition that under a transformed political and economic context, the Commission will seek to recast QWE discourse, adjusting its tenets in order to demonstrate its continued relevance and right of place within the EU arena. However, while the purposeful recasting of QWE discourse in the face of economic downturn aimed to adjust its content in the face of changed circumstances and transformed expectations, its almost blinkered focus on productivity (at the expense of employment rate and social inclusion which were continuing concerns within the EU) effectively jeopardized the relevance and coherence of such a construct (*indicator 8b*).

In sum, during this most recent period of its history, QWE discourse failed to fulfil a number of cognitive standards necessary to produce a transformative discourse able to (re)construct Member States' understandings of their interests and redirect their actions within the EU. While QWE discourse's normative dimension successfully appealed to shared values prevalent across the EU (*hypothesis 7*), its cognitive tenets failed on all three accounts of relevance, applicability and coherence (*hypothesis 8*). Reasons for these failings include the essentially contested nature of the operative mechanisms linking QWE to the three proposed outcomes of interests (employment, productivity, social inclusion) (lack of applicability) and a blinkered focus on productivity (lack of relevance

⁴¹³ Council of the European Union 2005, Council of the European Union 2008.

and coherence). Ultimately, from 2003 onwards, these cognitive failings markedly undermined the Commission's productive power in the area of QWE.

5.2.1.3. ii *The interactive dimension of the quality in work discourse*

Issuing policy papers and expert reports

Besides being implicated in the ideational design of QWE discourse, the Commission persistently sought to sustain a key role within its interactive dimension. A first contention is that the Commission, in seeking to ensure QWE's continued presence and visibility on the EES agenda, will persist in the practice of disseminating its discourse by means of a wide panoply of publications (*hypothesis 10*). Two types of documents were published to this effect: those mandated by the European Council and those spontaneously issued by the Commission. Countering a general apathetic trend towards QWE, the Spring European Council 2003 – in the optic of a general mid-term performance evaluation of the EES – “urge[d] a review of ongoing efforts to improve the quality of work and welcome[d] the Commission's intention to prepare a report on quality at work by the end of 2003”⁴¹⁴. Published in November of the same year, the report entitled *Improving Quality in Work: A Review of Recent Progress* offered an exacting analysis of Member States' overall performance and national policy initiatives pertaining to the ten dimensions of QWE. In contrast, the Joint Employment Reports for 2004 and 2005 placed little emphasis on the issue of QWE, haphazardly referencing certain dimensions of quality in work but failing to devote an entire section or chapter to the issue as previous editions had done⁴¹⁵.

⁴¹⁴ European Council 2003: paragraph 47.

⁴¹⁵ CEC 2004g, CEC 2005j.

During these doldrum years, the Commission also published of its own accord a number of policy papers championing the continued relevance of QWE supranationally. In a 2005 Communication, it secured a renewed reference to quality in the new Social Agenda for 2006-2010⁴¹⁶. Similarly, at perhaps the lowest point in QWE history, the Commission sought to revive the visibility of quality in work by means of a thematic overview of Member States' individual performances and initiatives in this domain (published in the European Employment Observatory Spring 2004 Review)⁴¹⁷. Finally, the Commission exploited the impromptu resurgence of interest in qualitative considerations effected under the impulse of the German Presidency in 2007. In a bold move, DG EMPL included in the EIE 2008 a chapter exclusively devoted QWE⁴¹⁸, which consolidated its original ideational tenets and put forward a number of suggestions to improve the EU's conceptual and statistical framework agreed upon at Laeken⁴¹⁹. However, the Commission's plea to relaunch QWE discourse largely fell on deaf ears as the topic did not resurface on the European Council's agenda. Following Member governments' lukewarm response to this initial report, the Commission did not pursue its strategy further and left QWE out of the following editions of the EIE⁴²⁰. In parallel to this process of discursive continuity, DG EMPL also sought to recast its discourse. A series of publications gave emphasis to the duality of quality in work and productivity and rationalized this pairing of objectives⁴²¹. While the above analysis testifies to the entrepreneurial role of the Commission in disseminating policy papers at the macro-institutional level (*indicator 10a*), the same cannot be said of the micro-institutional

⁴¹⁶ CEC 2005d. "Quality" was dropped from the Renewed Social Agenda for 2008-10, see CEC 2008b.

⁴¹⁷ CEC 2004c: 56-217, <http://www.eu-employment-observatory.net/en/reviews/> (last consulted 19/12/09).

⁴¹⁸ Since 2004, EIE reports had not contained a chapter on QWE.

⁴¹⁹ In this chapter (*Measuring the quality of employment in the EU*), a new conceptual framework built around four dimensions (socio-economic security, training, working conditions, reconciliation and gender balance) was put forward. Similarly, the absence of indicators on wages, work intensity and work organisation was pointed out as a major shortcoming, see CEC 2008a.

⁴²⁰ CEC 2009a: 110.

⁴²¹ CEC 2005d: 6-9, CEC 2007d.

environment provided by OMC Committees. Indeed, QWE's weakened political standing meant that qualitative considerations did not filter down to the EMCO/ISG agenda, barring the Commission from any form of influence within the interactive dimension of its discourse at this level.

Establishing and sustaining an epistemic community

A second hypothesis contends that the Commission is likely to seek to flex its institutional muscles by mobilizing an epistemic community favouring EU action in the area of QWE (*hypothesis 11*). Yet its efforts in this regard were not met with a great measure of success. Compared to earlier years, the Commission prioritized a more discrete approach, discounting the use of international conferences and focussing its efforts on supporting a research programme on QWE, by way of the Sixth Framework Programme (FP6)⁴²². Adopted by the Council and EP in 2001, the Commission was charged with FP6's procedural implementation, including the selection of projects on the basis of competitive "calls for proposals". In 2006, it gave the go-ahead (and a four million Euros grant) to a five-year project entitled "Reconciling Work and Welfare in Europe" (RECWOWE), a European research network that brought together 180 researchers across 60 institutions and universities⁴²³. Four thematic research priorities were placed under its ambit, one of which was "quality and quantity of jobs". A range of deliverables (workshops, seminars and conferences⁴²⁴) led to the consolidation of a circumscribed network of European experts concerned with QWE. Core working papers focused discussions on qualitative challenges facing EU labour markets and placed

⁴²² The FP6 covered Community activities in the field of research, technological development and demonstration (RTD) for the period 2002-2006. For an overview, see the Commission 2002 brochure, http://ec.europa.eu/research/fp6/pdf/fp6-in-brief_en.pdf (last consulted 04/01/2010).

⁴²³ <http://recwowe.vitamib.com/overview-1> (last consulted 04/01/2010).

⁴²⁴ RECWOWE conference papers on the issue of QWE includes Dahl *et al.* 2007, Esser 2007, González 2007, Kohler and González Begega 2007, Peña-Casas 2007, Olsen *et al.* 2008, Fraser and Shaik 2009, Kap 2009.

emphasis on appraising the suitability of the EU's conceptual framework (and indicators) in addressing such transformations⁴²⁵. From 2007-8 onwards, a measure of renewed interest in the issue of QWE was also felt in the academic world⁴²⁶. The ETUC, which in recent years had neglected the issue of "better jobs" due to failing political support, began to display fresh interest in the topic. From 2007 onwards, the confederation weaved QWE back into its annual "Benchmarking Working Europe" reports (something which had not done since 2003)⁴²⁷. Alongside this reporting exercise, in 2008, the ETUI developed its own Job Quality Index, consisting of six sub-indices and designed to capture the various dimensions of job quality⁴²⁸. Yet, beyond this single measure of a Commission-financed research programme (*indicator 11b*), other operationalized proxies of its propensity to mobilize a transnational community of experts appear unverified. Indeed, alternative strategic avenues allowing the Commission to increase its clout within the coordinative stages of QWE discourse were not pursued since it neither organized international conferences (*indicator 11d*), nor financed NGOs concerned with quality in work issues (*indicator 11f*).

An essentially mixed picture emerges of the Commission's role within the interactive dimension of QWE discourse during these doldrum years. While on the one hand, the Commission persisted in its ambition of disseminating its discourse by means of a panoply of publications, championing the continued relevance of QWE supranationally (*hypothesis 10*); on the other, it failed to build a powerful epistemic community around a

⁴²⁵ González 2009, Gutiérrez Palacios *et al.* 2009, Peña-Casas 2009, Dahl *et al.* 2009. Two volumes brought together a collection of RECOWE expert papers, see Guillén *et al.* 2009, Guillén and Dahl 2010.

⁴²⁶ Royuela *et al.* 2008, Royuela *et al.* 2009, Cerdeira and Kovács 2008, Smith *et al.* 2008, Schokkaert *et al.* 2009, Clark 2009, Davoine 2006, Davoine 2007, Davoine and Erthel 2006, Davoine and Erthel 2008, Davoine, Erhel and Guergoat-Lerivière 2008.

⁴²⁷ The 2007 edition boldly defined QWE an overarching priority for the Union, while the 2008 and 2009 reports included a chapter exclusively devoted to the issue, see ETUI 2007, ETUI 2008, ETUI 2009.

⁴²⁸ Leschke and Watt 2008, Leschke *et al.* 2008.

policy discourse of its own making (*hypothesis 11*). Lacking a broad support base of authoritative actors, the Commission saw the transformative nature of its discourse undermined and, by extension, its productive power in the area of QWE.

5.2.2 Rational choice institutionalist analysis

For proponents of rational choice institutionalism, the Commission's success in shaping the circumstances of action of EU governments hinges on its capacity to act as informal agenda-setter as well as its propensity for bureaucratic drift. Below, empirical data is tested against a broad set of theoretically conjectured intermediate steps in view of gauging the capacity of RCI to capture the reality of the Commission's institutional power in the field of quality in work.

5.2.2.1 Phase 1: an original aperture

Heralded by the Lisbon European Council (and its mantra of “more and *better* jobs”), the year 2000 was central to the conceptual emergence of QWE. A rationalist interpretation of the surfacing of QWE provides a distinctive set of causal hypotheses. For RCI theorists, the Commission's institutional power during this period of aperture is function of two factors: (1) its ability to seize upon a unique window of opportunity to place QWE on the EES agenda and (2) its propensity to capitalize on an information asymmetry structure tipped in its favour to propose a constructed focal point around which Member State bargaining can converge. Below, these two factors are considered in turn.

A valuable window of opportunity

The Commission's resolve to introduce a policy initiative on QWE at the turn of the century was not an arbitrary decision but a calculated response to a favourable political and economic context. As noted above, a successful policy entrepreneur must be persistent and capable of waiting in the wings, ready to step forth at the right time with a proposal that identifies a common problem and proposes an acceptable solution. In 2000, this window of opportunity presented itself to the Commission; far from being attributable to a single circumstance, a series of events and occurrences combined to form a unique opening.

First, QWE rose to prominence on the EU agenda at a time when the political and economic stars were broadly aligned. The concern for quality was supported by left-wing governments – which were a majority in the EU at the end of the 1990s – in a buoyant economic context, marked by growing employment⁴²⁹. This propitious context provided an opportunity for the Commission to step in and emphasize for the first time the importance of a qualitative approach to employment policy. Indeed, it found in European left-wing and social democratic governments a more receptive ear than it had done during the 1990s, at a time when right-wing governments had dominated the political landscape and when growing unemployment had focussed attention almost exclusively on the quantitative concern of getting people back into work.

Second, starting in 2000, the EU saw the straight succession of four Presidencies willing to make QWE a key priority of their work agenda. Based on the rationalist assumption that Member governments consistently act to maximize their expected utility (by

⁴²⁹ Numerous studies underscore the importance of this favourable political and economic environment as a key factor in the emergence of QWE, see Pena-Casas 2009: 8, Davoine, Erhel and Guergoat-Lerivière 2008: 165, Barbier and Sylla 2004: 92, Davoine 2007: 9.

choosing courses of action that they believe to be the best means of attaining their preferred outcome), the fortunate alignment of the interests of all parties was a fundamental prerequisite to building a successful “coalition of the willing”, able to consistently push (over a two-year period) for the insertion of QWE on the EES agenda. The Commission played a central role in creating and sustaining this strategic alliance in favour of its embryonic project of quality promotion⁴³⁰. Numerous interviewees stressed how, behind the scenes, DG EMPL worked hard to build effective channels of communication and a close working relationship with national officials within the ministries of labour of the four Member States (Portugal, France, Sweden and Belgium) holding the six-month rotating Presidency during 2000/2001. Crucially, this alliance - based on a timely complementarity of interests - was built on a project originally introduced by the Commission. The broad concept of quality in work was purposefully designed to act as a constructed focal point, able to encompass numerous employment policy considerations, around which these four EU presidencies could converge.

Finally, a third factor contributing to this auspicious policy window was the recent coining of the Lisbon Strategy. The political visibility and momentum associated with this event established the Lisbon Agenda as a central standard of legitimacy within the EU, around which many policy programmes would later be framed. The introduction of the concept of “quality” on the EU agenda was no exception to this trend. From the outset a number of governments were ill-disposed towards exploring the issue of quality in work. Faced with the reticence of a faction of Member States, the Commission engaged in a strategy of rhetorical action by appealing to principles and objectives heralded at Lisbon to justify its policy proposal. Casting its nets widely, the Commission’s Social Policy

⁴³⁰ This coalition strategy, orchestrated by DG EMPL, is amply documented in the secondary literature, see Pochet and Degryse 2003, Davoine 2006: 5, Pena-Casas 2009: 8, Davoine 2007: 4.

Agenda Communication of June 2000 strategically portrayed quality promotion (in the fields of employment policy, social policy and industrial relations) as a driving force for modernizing the European Social Model and achieving the objectives of the Lisbon Strategy⁴³¹. In skillfully depicting the promotion of QWE as a key means of building a competitive, dynamic and cohesive knowledge-based economy, the Commission left little leeway for outright opposition on the part of Member States. National governments' rhetorical commitment to a broad set of Lisbon objectives effectively led to the rhetorical entrapment of the original opponents or "brakemen" to the QWE policy proposal. The reputational costs associated with failing to honor their commitments and match words with deeds acted as an important dissuasive force on governments who wished to resist this initiative.

Relative information asymmetry enjoyed by the Commission

Beyond its capacity to harness political momentum in favour of QWE, the Commission's informal agenda-setting power is also function of its ability to manipulate the EU agenda. In so doing, information advantage is crucial (*hypothesis 6*). Indeed, to increase the chances that Member States rally around its proposal (making it a focal point of their bargaining process), the Commission must possess greater policy expertise than any other single actor; a condition which appears to have been broadly satisfied at the time. By the late 1980s, the Commission had already started developing its own research activities on employment issues, as exemplified by the first edition of the Employment in Europe (EIE) report in 1989⁴³² and the development of the European Labour Force Survey (LFS), the main statistical source of information in this field⁴³³. These initiatives paved the way

⁴³¹ CEC 2000b: 13.

⁴³² The Strasbourg European Council (November 1989) provided for the creation of the European Employment Observatory and the EIE report.

⁴³³ The LFS was introduced in 1983.

for a common analytical and statistical framework on which the idea of setting EU-wide targets and monitoring indicators could mature⁴³⁴. Similarly, EU competence in the area of employment was further strengthened in 1997 with the insertion of the Employment Title in the Amsterdam Treaty (Art.125-130), on the basis of which the Commission published a number of reports pertaining to qualitative considerations within the European employment and labour market⁴³⁵ (*indicator 6a*). Capitalizing on this broad knowledge base, the Commission introduced the notion of QWE into the EU lexicon. Secure in the knowledge that it enjoyed a privileged understanding of the European Labour Market and that it could support its proposal with statistical evidence and expertise, the Commission defended its burgeoning initiative at the level of the European Council. This asymmetrical distribution of information was further reinforced by the fact that QWE was a relatively novel concept whose tenets were yet to be developed and which did not form a traditional cornerstone of political debate within Member States' national arenas (*indicator 6b, indicator 6c*), thus preventing governments from proposing outright practicable alternatives or opposing the Commission's proposal on solid grounds. Ultimately, the coming together of three indicators substantiates the presence of a strong information asymmetry slanted in the Commission's favour on the issue of QWE.

5.2.2. 2 *Phase 2: the ideational ascendancy of quality in work*

Following its tentative beginnings, the second chapter in the history of QWE (spanning early 2001 to late 2002) marked a period of formidable political ascendancy. Theorized in P-A terms, in seeking to secure the presence of QWE supranationally, it is envisaged that the Commission will employ a two-pronged strategy. On the one hand, acting as informal

⁴³⁴ Tholoniati 2007: 8-9.

⁴³⁵ CEC 1998b, CEC 1999a, CEC 1999b, CEC 1999c, CEC 2000c, CEC 2000f, CEC 2002d, CEC 2002f.

agenda-setter, the Commission will seek to manipulate the OMC agenda from afar, steering European Council discussions towards ambitious policy proposals. On the other hand, with the explicit advent of QWE on the EES agenda, an additional path available to the Commission is that of bureaucratic drift where, capitalizing on its formal powers within the OMC Committee system, the Commission will seek to extend the remit of its discretion. Below, empirical observations are inspected for consistency with these rationalist predictions.

5.2.2. 2. i Sustaining an informal agenda-setting role

A valuable window of opportunity

Pursuing a purposive strategy initiated in 2000, Commission administrators within DG EMPL continued to exploit a unique window of opportunity to consolidate political support for QWE. The window of opportunity cannot be ascribed to a single circumstance but rather to a chain of events, which together provided a uniquely favourable context for the promotion of QWE.

In 2001, Swedish and Belgian Presidencies offered valuable support to the issue of QWE. Both administrations' resolve to make employment a key priority of their respective Presidencies constituted a timely coincidence that the Commission skilfully seized upon⁴³⁶. Indeed, this fortunate convergence of interests allowed the Commission to act as informal-agenda setter, setting forth an innovative and multidimensional concept of quality in work that successfully commanded the assent of both administrations. The pronounced emphasis placed upon QWE by both Belgium and Sweden in 2001 was not a fortuitous event, but the result of months of painstaking behind-the-scenes work and

⁴³⁶ Sweden's 2001 presidency placed a series of 3 Es (Employment, Enlargement and the Environment) at the heart of its presidency (Elgström 2002). Similarly, Belgium placed quality in work at the heart of its Presidency's agenda (De Winter and Türsan 2001, Kerremans and Drieskens 2002).

lobbying on the part of Commission officials. The Commission sought to find a common ground on which they could meet and join forces, successfully re-orienting and reconstructing the indistinct policy priority of employment towards a novel proposal of its own making.

While the Commission worked hard to nurture this strategic alliance, it soon became apparent that the Belgian socialist government (1999-2003) had strong reasons of its own for supporting QWE's right of place on the EES' agenda. Exasperated by the invariably high number of EU Employment Recommendations it received (in large part attributable to its low employment rate relative to other Member States), Laurette Onkelinx (Deputy Prime Minister and Minister of Labour) saw the opportunity to restore Belgium's image in the eyes of its national electorate by calling attention to quality in work; a domain in which it considered it outperformed its European neighbours. As an ETUC administrator observed:

“It was a strategic move, since the Belgian government was convinced that it would achieve a better score and a better assessment from the European Commission [...] it had quite a low employment rate compared to other Member States but on the dimension of quality, the Belgians believed that they had a good model of social dialogue and good norms of worker protection. So, with the Laeken indicators, they could achieve the status of best pupils of the class in terms of QWE”⁴³⁷.

Following the Communication of June 2000 which originally coined quality in work⁴³⁸, Belgium appropriated the novel concept as its own, making it an integral part of its Presidency programme. Immediately, it launched an ambitious strategy to ensure the timely agreement of QWE indicators. Stepping beyond official arenas of multilateral negotiations and diplomacy, members of Laurette Onkelinx's Cabinet toured EU capitals

⁴³⁷ Interview 29/04/10.

⁴³⁸ CEC 2000b.

in early 2001 seeking to rally governments to their cause⁴³⁹. Similarly, acutely aware of the importance of providing a concrete policy proposal around which inter-state bargaining could converge, the Belgian government launched two initiatives to this effect. First, in late 2000, it commissioned a team of independent experts of the Dutch research centre “TNO Work and Employment” to write a report on possible indicators for QWE⁴⁴⁰. Second, it acted as leading force in establishing a reflection group on QWE headed by Eurofound, which brought together experts from across the EU⁴⁴¹. Its ambition was to act as shadow group to EMCO (and the ISG), to nourish the debate and make concrete the still indistinct notion of quality in work.

However, this fortunate alignment of interests was tempered by a number of adverse circumstances which combined to curtail this window of opportunity. Indeed, counteracting the Commission’s and EU Presidencies’ shared enthusiasm for QWE was the outright hostility of a number of Member States. Testifying to this rift in the EU’s political landscape, a senior Commission recalls “there was a lot of concern among Member States about the possibility of doing anything about it”; a small group of breakmen (UK, Denmark, Netherlands, Italy) were “sceptical about developing anything to do with quality in work”⁴⁴². Reasons for this opposition were not the same for all Member governments. While some considered it to be a case of EU meddling in an area which remained a national prerogative, others were chiefly concerned about their poor performance relative to their EU neighbours. As one Commission administrator noted “for Mediterranean countries, this was very idealistic but not very realistic. They saw it

⁴³⁹ Interview Belgium EMCO representative 27/04/10.

⁴⁴⁰ TNO 2001.

⁴⁴¹ For the most part it comprised Eurofound members, representatives from national research centres and statistical institutes, social partner representatives, Commission and IOs representatives (ILO, OECD, Eurostat).

⁴⁴² Interview 28/04/10.

more as an abstract objective rather than reality”⁴⁴³. Finally, the UK – perhaps, QWE’s most vehement opponent – objected on ideological grounds. Dismissing the win-win scenario promulgated by the Commission, the British considered “job quality” and “employment creation” to be competing objectives. Several British EMCO representatives bore witness to this view:

“At the time, we were very focused on the need for economic reform and the need to focus on the employment rate target. And we saw the quality in work debate as being in conflict with that [...] we took quite a dim view that it was distracting the attention away from the real challenge, which was to modernize the European Labour Market”⁴⁴⁴.

“Often when people start talking about quality in work, they suddenly start talking about improving the working conditions of the people who have got jobs. Whereas, the UK is the first to bang on the table and say: ‘it’s not just better jobs, it’s also about more jobs, reducing structural barriers, helping those people who are furthest from the labour market get back into work, rather than actually just improving the conditions of those who are already in a job and thereby strengthening the insider/outsider division”⁴⁴⁵.

With a veto power within the Council, these breakmen jeopardized the window of opportunity provided by a principally favourable political and economic climate. Determined to seize the occasion to push through its proposal, the Commission once again employed a strategy of rhetorical action to stifle outright opposition and entice governments to accept QWE as a legitimate objective of the EES. In practice, it drew on Member States’ past pledges taken at Lisbon and portrayed quality promotion as a key implementation arrangement for achieving a positive, mutually reinforcing interaction between economic, employment and social policies⁴⁴⁶. As numerous interviewees recounted, explicit opposition to QWE was effectively silenced during these early stages

⁴⁴³ Interview 19/04/10.

⁴⁴⁴ Interview November 2005.

⁴⁴⁵ Interview 12/05/10.

⁴⁴⁶ A Commission administrator underscored how refractory governments were rhetorically entrapped. He noted: they were opposed “and yet they accepted this paradigm [...] Why? Well, it’s hard to refuse such a thing [...] They were reticent with regard to certain elements of quality in work which could give a less flattering portrayal of their country, but on the overall project it was difficult for them to resist [...] because it was an upshot of the Lisbon Strategy”, interview 19/04/10.

without persuading refractory governments to alter their policy preferences. In sum, rhetorical action, expertly wielded by the Commission, secured a thin political consensus where disobliging governments were shamed into acquiescence, thus modifying the collective outcome that would have resulted from constellations of brute interests alone.

Relative information asymmetry enjoyed by the Commission

Mandated by the Nice European Council to publish an inception report on quality in work, during the first semester of 2001, the Commission worked hard to formulate a winning proposal around which multilateral bargaining could converge. Considered through the prism of rational choice institutionalism, the concurrence of fifteen governments around a single policy blueprint will be function of the Commission's ability to establish a solid informational advantage over Member States. In January 2001, a special working group charged with the coordination of all activity in the field of QWE was set up by DG EMPL. Quite soon, this "quality in work unit" became the main point of contact for a range of actors keen to leave their mark on the EU's impending Communication⁴⁴⁷. In so doing, a vast peripheral network of stakeholders began to channel essential information – about dimensions of QWE, statistical indicators and their individual preferences – towards this central coordinating unit. Thus positioned at the helm of a complex multi-actor system (comprising governments, social partners, civil society organizations), the Commission was able to rapidly accumulate a vast quantity of expert knowledge on the QWE and secure a strong comparative advantage *vis-à-vis* other potential informal agenda-setters (*hypothesis 6*). Below we examine three key information sources that shaped the Commission's work in 2001.

⁴⁴⁷ The existence of this centralizing research unit on QWE is documented by Thedvall 2006: 64, 88-9.

First, in drafting the June Communication on QWE, the Commission was significantly influenced by EMCO/ISG debates that got underway in early 2001. As noted above, its ability to manipulate the EU agenda by proposing a focal point for negotiations was crucially dependent of its ability to grasp the penchants, fears and anxieties of individual Member States. This wealth of information was readily available to the Commission since it was present at OMC Committee meetings and played a role in centrally coordinating their agenda⁴⁴⁸. Similarly, Commission administrators were able to gauge governments' reactions to initial ideas advanced by DG EMPL, readjusting proposals in view of constructing something everyone could live with.

Second, the Employment in Europe Report (EIE) acted as a formidable source of information to DG EMPL. While the EIE was originally outsourced to an independent Brussels-based research company (1989-1997)⁴⁴⁹, from 1998 onwards responsibility for its formulation was placed in the hands of unit "D/1 Employment Analysis". In taking ownership of the EIE, the Commission purposefully sought to make the report more policy-orientated and adjust its contents to the EES agenda. Commenting on this trend, a senior Commission official noted: "we were able to build up the internal capacity of the Commission [...] the EIE was basically produced in-house and this allowed us to progressively link the EIE report with the policy issues that we were trying to address in the EES"⁴⁵⁰. Capitalizing on this new division of labour, DG EMPL employed the EIE to

⁴⁴⁸ As a Belgian EMCO representative remarked: "In the lead up to June 2001, quality in work was debated within EMCO [...] Before the Communication was published, the Commission was able to test the waters. The Commission doesn't launch a new policy initiative without knowing Member States' preferences in relation to that issue", interview 27/04/10.

⁴⁴⁹ <http://www.applica.be/index.html>

⁴⁵⁰ Interview 28/04/10.

lead the debate on QWE, drawing heavily on academic literature and scientific research to substantiate its proposals in this area⁴⁵¹.

Third, during this period the Commission ensured that “work on quality indicators in the employment and social domain [continued] to be developed and taken forward in the future, drawing fully on the capacities of the European agencies working in these fields”⁴⁵². Eurofound was crucial in this regard. Throughout this period of ideational aperture, Eurofound published a number of reports contributing to the QWE debate⁴⁵³. Moreover, in early 2001, a Eurofound working group was set up (under the impulse of the Belgian Presidency) to produce a report on QWE indicators. The Commission worked intimately with this shadow group, drawing upon the organization’s expertise to develop a conceptual framework that carefully balanced scientific and political considerations, as well as data constraints. During the autumn of 2001, Commission services regularly called upon Eurofound experts to provide evidence and contribute to the debate in EMCO/ISG meetings⁴⁵⁴. Overall, the relationship between the two groups was one of cooperation, interconnectedness and mutual influence⁴⁵⁵. Despite this strong reciprocity of interests, the Eurofound QWE group also revealed all the ambiguity of the relationship that existed between the Commission and EU Presidency. Numerous interviewees testified to the fact that DG EMPL nourished a form of resentment towards the Belgian government for subverting the Commission’s right of initiative and its role as purveyor of ideas. One Eurofound official noted that the Commission felt frustrated in its role of engine of European integration, remarking that “the Commission was not unhappy about

⁴⁵¹ In addition to the EIE reports for 2001-3, a number of academic studies were also referenced in the June 2001 Communication, including, Clark 1998, Leontaridi and Sloane 2000, Hamermesh 1999.

⁴⁵² CEC 2001c: 16.

⁴⁵³ Eurofound 2001, Eurofound 2002a, Eurofound 2002b.

⁴⁵⁴ Interview Eurofound official 10/05/10.

⁴⁵⁵ As a member of the QWE Eurofound group noted “The two processes were overlapping [...] The two groups enriched to each other’s work while remaining formally separate” Interview 27/04/10.

the content; it was more on the issue of initiative. In their minds, they are the ones who should lead and take the initiative”⁴⁵⁶.

In sum, the European Commission seized upon a unique window of opportunity - provided by the straight succession of four supportive presidencies and a favourable political and economic context - to firmly place QWE on the EU discussion table in 2001. The sheer amount of information invariably flowing towards DG EMPL placed the Commission at the very heart of a vast web of information sources. Thus centrally situated, it undoubtedly benefitted from more comparative information than any other single actor and was able to capitalize on its superior expertise and entrenched competence in the field of employment policy (and aggregate knowledge of Member States’ individual preferences) to push through a conciliatory proposal on QWE (*indicator 6a*). Compounded by the fact that Member governments possessed relatively little knowledge of the newly coined issue of QWE and thus were unable to advance practical alternatives to DG EMPL’s proposals (*indicator 6b, indicator 6c*), the Commission effectively succeeded in manufacturing consent, swaying discussions around its own ten-dimensional definition of QWE and rallying Member States around its June 2001 Communication, which successfully established the groundwork and a basis for negotiation of the Laeken quality in work indicators.

5.2.2. 1. ii *Bureaucratic Drift*

More than just acting by stealth to informally influence the EES’ policy agenda, the Commission’s institutional power is also largely function of the discretion it is able to independently accumulate in its favour on the basis of its officially mandated role.

⁴⁵⁶ Interview 10/05/10.

According to proponents of RCI, the Commission will seek to exploit the institutional idiosyncrasies of this new mode of governance, working through rules and procedures to manipulate national governments' cost-benefit calculations and transform their behaviour. It follows that depending on the cost, credibility and relative efficacy of a broad range of control mechanisms - established by MS principals in order to curb agency shirking - the Commission will enjoy more or less discretion. The following analysis proceeds in two steps. A first section examines the various shirking strategies employed by the Commission in order to pursue its private interests and press for the adoption of a strong agreement on QWE. In a second section, consideration is given to the control mechanisms employed by MS principals to mitigate, if not eliminate, agency losses.

While its informal-agenda setting powers were played out at the level of the European Council, Commission shirking typically took place within the confines of EES central advisory Committees (EMCO, ISG). As elaborated above, two hypothesized routes of bureaucratic drift were available to the Commission during this period: capitalizing on its special relationship with the Secretariat to inject its preferences within Committee proceedings (*hypothesis 1*), and stretching its M&E prerogative beyond the limits formally prescribed by MS principals (*hypothesis 2*).

Hypothesis 1: Injecting its private preferences on QWE via the Secretariat

Placed under the aegis of the Commission yet formally accountable to the Chair, the Secretariat represents something of an incongruity within the OMC's institutional framework. When pressed on the issue of its (im)partiality, EMCO/ISG Secretariat members preferred to downplay the potential conflict of interest inherent in their double

mandate and emphasize commonalities and overlapping preferences⁴⁵⁷. Yet cause for concern appears legitimized in view of the central role played by the Secretariat in the running of Committee affairs. In what follows, emphasis is given to two possible strategies available to the Secretariat when seeking to advance its private interests: (1) manipulating the OMC Committees' agenda and (2) injecting its preferences within Committee opinions.

Manipulating the OMC Committees' agenda

A first avenue of agency shirking available to Secretariat members involves manipulating the agenda of regular Committee meetings. Typically devised in the weeks or days leading up to the event, the Secretariat enjoyed considerable freedom to anchor QWE considerations on the agenda of individual Committee meetings.

Indeed, though not specified by the Employment Title of the Amsterdam Treaty, Committee meetings have come to revolve around key documents supplied by the Secretariat. Within the ISG, one such document is a technical note written by Eurostat at the request of the ISG Secretariat. During the period of September-December 2001, the Secretariat acted as intermediary between the ISG and Eurostat. Thus positioned, it was able to steer the contents of these technical notes towards a comprehensive understanding of QWE (based on a wide panoply of dimensions outlined in its June 2001 Communication) and press for ambitious proposals in terms of possible indicators. As envisaged by proponents of RCI, numerous interviewees testified to the fact that the Commission continuously pushed for an ever greater number of indicators on the issue of QWE (with the backing of the French, Belgian and Swedish representatives sitting on the

⁴⁵⁷ One EMCO Secretary portrayed his role as one of “balancing the interests of the Chair and the Commission”, interview 14/05/10.

ISG); a behaviour which was a source of tension and frustration for a number of national delegates (*indicator 1a*)⁴⁵⁸. A second type of document provided by the ISG Secretariat is that of options papers. Accompanying a technical note, this document served to clarify the QWE indicators introduced by the Commission, expounding upon the implications and ramifications of proposed alternatives.

Within EMCO, the coining of two types of publications was also the prerogative of the Secretariat. Alongside expert reports on QWE (largely inspired by ISG technical notes), the Secretariat also proposed draft opinions, intended to act as departure points for negotiations. Thanks to these papers, DG EMPL enjoyed a strong form of proposing power that allowed it to manifestly orient debates and advance constructed focal points around which bargaining could converge. As one EMCO member noted: “in principle, it is the Commission who has the right of initiative and must supply EMCO with food for thought”⁴⁵⁹. Employing its privileged informational vantage point, the Secretariat urged Member States to reach agreement on QWE indicators, petitioning them to rally around its proposals. During the autumn of 2001, progress on the Laeken indicators was realized at an astoundingly fast pace; an achievement largely attributable to the Secretariat’s ability to permanently reinvent compromises and draw out consensus among the most reticent Member States. A key episode revealed the propensity for bureaucratic drift afforded by the Commission’s prerogative of tabling papers and reports for discussion⁴⁶⁰. The informal Council of Ministers (Liège, 6-7 July) had scrutinized the QWE indicators suggested in the June 2001 Communication and decided that the ISG should be mandated

⁴⁵⁸ As an EMCO Secretariat member recalled: “The overall objectives of quality in work were not refuted by Member States. But I think that the problem was that the Commission wanted to have more binding indicators, more binding objectives. And those Member States – the UK was one of them, but there were others as well – which were not in favour of QWE did not accept such an approach”, interview 14/05/10.

⁴⁵⁹ Interview Belgian EMCO representatives 27/04/10.

⁴⁶⁰ Details of this event are recounted in Thedvall 2006: 87-91.

to try to find indicators in six out of the ten areas. But in a technical note presented at the first ISG meeting on QWE in September 2001, all ten areas were included (with suggested indicators). While a handful of Member States (Netherlands, UK, Spain, Germany) vehemently protested against this breach of conduct (in clear contravention of the Secretariat's statutory duty), a small majority of Member States agreed with the proposal and the four areas were reinserted onto the ISG's work agenda.

This division of labour was sustained by an institutionally embedded information asymmetry structure benefitting the Commission. Commenting on this unequal distribution of knowledge, an ISG member remarked that DG EMPL:

“had a major role because the text that is finally agreed upon or alternatively rejected was originally coined by the Commission. It is responsible for introducing the background, the *problématique* and the original text. And very often, Member States do not enjoy a complete knowledge of all the processes and contextual aspects to the same extent that the Commission does”⁴⁶¹.

A number of refractory Member States took issue with this fictitious sole right of initiative independently accumulated in its favour and staunchly defended by Commission administrators. Voicing this shared concern, one British EMCO representative vehemently objected to this state of affairs, noting:

“I don't think that within the OMC the Commission has a *carte blanche* right of initiative; I think Member States can initiative things. But the Commission behaves in EMCO the same way that it does in a Council working group. In a Council working group, the Commission initiatives and then Member States have to convince the Commission to change the proposal. [...] This is nowhere written that this is the way it should be. [...] Some parts of the Commission that attend EMCO behave as if this is about imposing obligations on us that we would rather wriggle out off. This is again part of their administrative history and culture; that they think in terms of compliance and obligations”⁴⁶².

⁴⁶¹ Interview January 2006.

⁴⁶² Interview November 2005.

Yet little was done by national representatives to offset or challenge this order of things. Indeed, the marked information asymmetry tipped in the Commission's favour on the issue of QWE precluded any form of substantial reversal in role structure.

In addition to this comparative informational advantage, two distinctive institutional features came to strengthen the Secretariat's ability to sway EMCO and ISG agendas towards QWE. First, the quick pace and unremitting pressure owing to the Laeken deadline had two important effects on Committee interactions. On the one hand, this deadlinification of practice played an important role in sustaining political momentum for the QWE project, preventing Member States' interest from fading and the process from losing direction. On the other, the tight timetable crucially comforted the Commission in its informal agenda-setting role. Strict time constraints and the successive alternation of EMCO/ISG/Council meetings precluded any strong form of policy initiative on the part of individual Member States. Second, the Secretariat enjoys another advantage *vis-à-vis* Member governments, namely its institutional memory. The high turn-over rate of national representatives sitting on EMCO/ISG, as well as the permanent state of flux of EU Presidencies and Committee Chairs, inevitably places the Secretariat at a clear advantage in relation to other institutional actors because of the permanence of its staff and consistency in its working methods. Accordingly, Member States are reliant on Secretariat members – evocatively referred to as “keepers of the text”⁴⁶³ – to help advance discussions and draw out consensus by invoking past opinions officially sanctioned by the Committee (*indicator 1a*). Yet, as guardian of institutional memory, the Secretariat enjoys considerable leeway in the exercise of its functions. This potential for agency drift was underscored by a number of EMCO representatives who claimed that the Secretariat was

⁴⁶³ Interview EMCO official November 2005.

liable to selectively refer to past decisions (or points of agreement) to purposefully sway discussions towards pre-established preferences and gather support for Commission proposals.

Injecting its private preferences within Committee opinions

A second potential avenue for bureaucratic drift open to the Secretariat concerns the coining of EMCO opinions. Given the substantial political weight afforded to such a document, it is only normal that Member States have traditionally expressed a concern about the Secretariat's ability to capitalize on its unique prerogative of 'drafter' to phrase agreed-upon Committee opinions in a slanted manner. As one EMCO member remarked:

"They are the keepers of the text. Everything in Brussels is about the piece of paper; it's not about policy, strategy or truth. It is about who can and who cannot agree with a piece of paper. So the people who draft the paper have a very important role [...] people are worried that if the Commission owns the Secretariat, then the Secretariat will trim things towards the Commission's views"⁴⁶⁴.

Aware of the possibility of agency shirking afforded by such an administrative role, MS principals spontaneously instituted a strong form of direct oversight in the form of drafting sessions. During these sessions, the text was screened on the wall and reviewed word-by-word until all Member States had agreed on a final version of QWE indicators. Ironically, though discussions and negotiations leading up to this point were animated by a logic of hard bargaining, this final hurdle (marking the endpoint of the series of meetings organized during the second semester of 2001) was characterized by a spirit of compromise⁴⁶⁵. The Secretariat's role in this process fell short of the image of a runaway bureaucracy exploiting its formal role of drafter to inject its own policy preferences into the final document for Council vote and consideration. National representatives were

⁴⁶⁴ Interview November 2005.

⁴⁶⁵ Thedvall 2006: 185-6.

adamant that the Secretariat worked hard to find a middle ground and capture the “mood of the group”⁴⁶⁶, claiming that such drafting sessions were very “compromise orientated”⁴⁶⁷ (*indicator 1d*).

Hypothesis 2: Circumventing formal limitations placed on its M&E prerogative

Based on the assumption that in monitoring Member States’ performance it will naturally seek to challenge the terms of its original contract, a second hypothesized route of bureaucratic drift concerns the Commission’s propensity to exploit its formal M&E prerogative in order anchor QWE on the EES agenda. Two possible strategies of agency shirking are considered below.

Improper use of statistical indicators

A first technique available to the Commission pertains to the improper (or distended) use of statistical indicators. During the early stages of the EES (1997-2000), the Commission enjoyed considerable freedom in reporting on Member States’ progress in the area of employment. While the JER was approved by the Council (a scrutinizing measure which guaranteed a certain degree of restraint on the part of the Commission), DG EMPL was free to make use of whichever indicators it saw fit in the elaboration of its report. Conscious of the substantial power this afforded the Commission, corrective measures were taken in 2000/1. First, in January 2000, a Council decision established the Employment Committee (EMCO) to replace the original Employment and Labour Market Committee set up in 1997. The coining of EMCO also led to the simultaneous creation of a new sub-committee: the Indicator Sub-Group (ISG). Crucially, the ISG provided a

⁴⁶⁶ Interview Hungarian Representative EMCO, 26/04/10.

⁴⁶⁷ Interview Swedish Representative EMCO, 26/04/10.

formal arena for the coining of specific “EU indicators” to be used in the JER; a move which served to markedly strengthen Member States’ oversight *vis-à-vis* the Commission⁴⁶⁸.

A second measure taken by MS principals to circumscribe the Commission’s discretion was to establish a categorization by indicator type. This novel proposal initially surfaced at the informal EPSCO Council at Liège (July 2001), where the notion of “key” and “context” indicators was coined for the very first time⁴⁶⁹. The crux of this distinction lay in the modalities of use of EU indicators in the JER: while “key indicators” could be used to examine Member States comparatively, “context indicators” were restricted to assessing the diachronic progress of individual Member States. This two-tiered statistical system acted as a strong form of control mechanism of the Commission’s M&E prerogative, providing MS principals with a valuable means of demarcating a core set of indicators for cross-national comparison, while relegating “context” indicators (typically more sensitive or less scientifically robust) to a supporting role which precluded any form of comparative assessment. The impromptu coining of these two complementary oversight mechanisms – specially designed to curb Commission discretion - effectively bore its fruits. From 2000/1 onwards, indicators employed within the JER to monitor progress towards QWE remained firmly within the strict boundaries delimited by MS principals. National representatives were adamant these new rules (as well as Member States’ direct oversight effected via the close scrutiny of the draft JER) were sufficient to dissuade Commission services from overlooking the terms and conditions of use of these new EU indicators (*indicator 2c*).

⁴⁶⁸ An EMCO representative recalled how prior to 2000, “there was no ISG to define which indicators should be used [...] the Commission could do what it wanted. And most certainly, it was in reaction to this that the ISG was set up [...] As soon as the ISG started working, the idea was to adopt indicators on the basis of which we would write the JER”, Interview 27/04/10.

⁴⁶⁹ Thedvall 2006: 172-7, 192-4

Disseminating evaluative analyses outside the formal OMC framework

Bureaucratic drift can find its expression not only in the non-respect of stipulations pertaining to the use of monitoring instruments, but also in the Commission's ability to elude restrictions placed on its monitoring role by disseminating evaluative analyses outside the OMC framework. An obvious means of pursuing this objective came in the form of the EIE report. Published in parallel to the JER, the Commission enjoyed considerable freedom to scrutinize MS performance. Unconstrained by the EES' formal statistical framework, Commission services were able to draw upon a wide panoply of indicators to establish a comprehensive assessment of Member States' performance in the area of QWE, "taking all the liberty that (it) thought was appropriate in structuring the report"⁴⁷⁰ (*indicator 2b*).

The extent of DG EMPL's freedom of expression is clearly apparent when examined against the tight restrictions placed upon it within the JER. Within the Joint Employment Reports for 2001/2, the Commission was obliged to curb the less favourable elements of its analysis because of the strong form of oversight provided by the Council. Evaluation of Member States' performance in relation to QWE objectives remained distinctly positive, as the Commission avoided any explicit ranking or any assessment which could be considered as overly critical. In effect, naming was primarily employed as a means of praising and underscoring the positive steps and concrete initiatives taken by Member States in addressing QWE⁴⁷¹. In stark contrast to JER's cautious/subdued tone, the Commission remained entirely uncircumscribed by Member States' interference in the coining of the EIE. A number of techniques were employed by DG EMPL in carrying out this independent appraisal. First, unhindered by the requirement of securing Council

⁴⁷⁰ Interview Commission official 28/04/10.

⁴⁷¹ JER 2001 exemplifies this essentially subdued tone in relation to QWE, see CEC 2001h: 14, SEC 2001: 9-10.

approval, explicit reference was made to individual Member States, denouncing their poor performance on particular dimensions of QWE; a finger-pointing exercise that would be unimaginable in the strictly regimented framework of the JER. Second, a distinctive feature of the EIE reports is the wide panoply of Eurostat indicators (ECHP, LFS) referenced in the analysis of QWE. Free to employ any indicators it saw fit, DG EMPL went beyond those formally adopted at Laeken in view of providing a much richer picture of the EU's overall performance in relation to QWE. Numerous references were made to statistical indicators explicitly discarded at Laeken (most notably, wages, work intensification, stress at work, share of involuntary temporary workers and job satisfaction). Third, the Commission overtly ranked Member States along various dimensions of QWE; a “naming and shaming” exercise underpinned by the insertion of a number of graphs and scoreboards that made explicit this performance hierarchy⁴⁷². Finally, the Commission ambitiously coined its very own “quality in work index”. Based on the amalgamation of three dimensions of job quality (job security, access to training and career development, hourly wages), DG EMPL authoritatively established a fourfold typology of jobs covering “dead-end jobs”, “low pay/productivity jobs”, “jobs of reasonable quality” and “jobs of good quality”; concluding that “at EU level, three quarters of all jobs are of good or reasonable quality”, while “one quarter of all jobs can be considered as of low quality”. Placing Member States along this sliding qualitative scale, a bar chart depicted a breakdown of the share of workers in each of these respective job categories in all fifteen Member States. Far from being a one-shot initiative, this typology formed a connecting thread running right the way through the 2001, 2002 and 2003 editions of the JER⁴⁷³.

⁴⁷² CEC 2001d: 65-80, CEC 2002e: 79-114.

⁴⁷³ CEC 2001d, CEC 2002e, CEC 2003c.

In sum, in critically appraising Member States' performance in the area of QWE, the EIE provided the Commission with an unrivalled freedom of expression. Widely diffused within the EU arena, these reports blurred the boundaries of acceptable action on the part of the Commission. Central to this ambiguity is whether the Commission's propensity to stretch its prerogative beyond circumscribed bounds (i.e. employing QWE indicators beyond what was originally envisaged by MS principals, for instance by making use of a "context" indicator for cross-national evaluation), yet disseminate its evaluative analysis within the EIE (itself dissociated from the EES framework) is considered an instance of bureaucratic drift. Pressed on the issue, national administrators claimed that it was not the case. Whereas the JER is a political document - regimented by a set of stringent rules and endorsed by EU governments - the EIE is first and foremost an analytical document, placed outside the EES framework, which provides the Commission with a valuable means of freely assessing national performance in relation to QWE.

The analysis presented above offers a mixed picture of the Commission's aptitude for shirking within the confines of the EES' central advisory Committees (*hypothesis 1*). First, the Commission exploited its incongruous relationship with the Secretariat in order to manipulate the EES' agenda, swaying debates towards its preferred policy position and advancing ambitious proposals for QWE statistical indicators by means of technical reports (*indicator 1a*). However, this strong form of allegiance *vis-à-vis* the Commission was offset by the Secretariat's impartial behaviour in the phrasing of the EMCO opinions (*indicator 1d*); a compliant posture in large part attributable to a strong form of direct oversight in the form of "drafting sessions" instituted by MS principals. Second, an equally ambiguous state of affairs emerged from the Commission's propensity to stretch its M&E prerogative beyond the limits formally prescribed by Member States (*hypothesis*

2). Regarding the improper or distended use of statistical indicators on QWE, numerous national officials claimed that indicators employed within the JER remained firmly within the strict boundaries delimited by MS principals. National representatives were adamant the “system of categorization” by indicator type (key, context), as well as national governments’ direct oversight effected via the close scrutiny of the JER, were sufficient to dissuade DG EMPL from overlooking the terms and conditions of statistical indicators (*indicator 2c*). With regard to the second avenue of bureaucratic drift, data show that DG EMPL considered the EIE to be a valuable medium for eluding restrictions placed on its monitoring role and disseminating QWE evaluative analyses outside the OMC framework (*indicator 2b*), though whether this actually constituted a case of shirking is questionable. Indeed, the EIE constitutes first and foremost an analytical document that the Commission enjoys full ownership of.

Principals are not entirely helpless in the face of bureaucratic drift. Following their initial act of delegation, Member States established a number of control mechanisms in the form of oversight and sanctioning procedures aimed at mitigating, if not eliminating, the informational asymmetries in favour of the Commission. RCI predictions outlined above claim that Member States will seek to keep a tight rein on Commission discretion by means of three types of control mechanisms: (1) charging a directly-elected chairperson with overseeing the Secretariat’s behaviour within EMCO and the ISG, (2) sanctioning bureaucratic drift by means of unilateral non-cooperation and finally (3) threatening to revise the Commission’s mandate within the framework of the EES. Below, we successively examine these three control instruments, gauging their costs, credibility and relative efficacy in reining in a recalcitrant Commission.

Hypothesis 3: oversight - the role of the chair in providing effective overview

For Member State principals, a first way of minimizing Commission discretion flowing from the exercise of its administrative duties involves the close surveillance of the Secretariat's activities; a scrutinizing role explicitly delegated to the EMCO and ISG Chairs. Responsible for overseeing Committee proceedings in a detached manner, the Chair's impartial status and central standing within the OMC institutional framework places her in an advantageous position to maintain a close surveillance of the Secretariat's actions, thereby substantially mitigating the risk that any breach of its original administrative mandate will go unnoticed. Below, we examine this ideal-typical allocation of responsibilities and configuration of power – as imagined by proponents of P-A theory – against the reality of micro-social Committee dynamics. Two questions will serve to guide this inquiry into the Chairperson's independence: how transparent and fair is her election? How independent is the Chair in the exercise of her functions?

Firstly, based on the assumption that the free and unfettered election of the Chair constitutes one of the strongest guarantees of her independence, EMCO rules of procedure state that Member States are required to elect a Chairperson among Committee members for a non-renewable term of two years. However, numerous respondents underlined how the reality of such a process clearly deviated from this ideal. Rather than an election, the selection of a new Chair came closer to a system of “nomination” where different institutional actors vied to influence her final appointment⁴⁷⁴. Keen to secure a measure of political influence within EMCO and the ISG, governments typically sought to sway the selection process to their advantage, sponsoring the informal candidacy of

⁴⁷⁴ Numerous EMCO members testified to the fact that the selection of a Committee Chair never came to a vote.

their own national delegates. Having acceded to the Union in 1995 and eager to leave its imprint on the EU's employment agenda, Sweden successfully secured the nomination of one of its nationals at the head of the ISG. Similarly, the UK who also kept a close eye on the EES Committees – though more out of concern for keeping a cap on EU action in the field of employment policy – successfully obtained the Chairmanship of EMCO during the period 2000-2. Far from being happy coincidences, these two nominations reflected the *rapport de force* played out within these Committees during this period (*indicator 3c*). Similarly, the Commission was not a stranger to this nomination process. Numerous respondents underlined the Secretariat's key role in orchestrating the informal appointment of Committee Chairs. With a clear vision of what a "good" chair might be – someone able to secure consensus and push EU employment policy in a more integrative direction, while raising EMCO's status and profile – the Secretariat took the initiative to sift through EMCO members, gauging their relative merits, before contacting a number of potential candidates and enquiring about their availability and interest in the post. Commenting on this iterative process taking place behind closed doors, an EMCO Secretary noted how the Commission (via the Secretariat) "paid a lot of attention to the business of identifying who the next chair could be"⁴⁷⁵ (*indicator 3c*).

Secondly, on the topic of the Chairperson's impartiality, a rather mixed picture emerged from the collected data. Committee members stressed the different temperament and capabilities of the two Committee Chairs during the period 2001-2. On the one hand, the ISG Chairman – a Swedish national - did little to conceal his support for QWE⁴⁷⁶. Keen to achieve a strong agreement on the issue, the ISG Chair systematically pressed for the

⁴⁷⁵ Interview 30/04/10.

⁴⁷⁶ A member of the EMCO Secretariat at the time recalled: "As a Swede, he was very involved in this work on QWE indicators. It was during the Swedish Presidency of 2001 that the process really got started. He was very involved and very much in favour and personally drafted some of the QWE indicators", interview 14/05/10.

endorsement of a comprehensive set of statistical indicators in time for the Laeken European Council (*indicator 3d*). Purposefully overstepping his original mandate, the ISG Chair overtly sided with the Secretariat and proposed a wide array of QWE indicators that did not necessarily correspond to the shared expectations or collective preferences of the group. Instead of searching for a middle ground and securing the firm approval of all parties (a strategy that risked “watering down” the QWE indicators package) the ISG Chair “often brought QWE indicators to a vote, which was not ideal”⁴⁷⁷, yet ironically permitted for a more ambitious agreement to be reached. On the other hand, national representatives praised the unequivocal impartiality of the EMCO Chair. His even-handedness in dealing with the QWE dossier was stressed by many respondents. As one ISG official of the time recalled, he “did everything in order to avoid a fracture within the group [...] he took his role of President very seriously and toured the European capitals to establish a compromise on the controversial issue of QWE”⁴⁷⁸. In practice, the Chair worked hard to coin a solid compromise under particularly exacting circumstances and kept in close check the Secretariat, which found its autonomy tightly constricted within the confines of EMCO (*indicator 3b*).

In addition to establishing a close form of oversight of the Commission’s activities, two practicable sanctioning devices are available to government principals to curb agency shirking: engaging in unilateral non-cooperation and revising the Commission’s institutional mandate.

⁴⁷⁷ Interview EMCO official 27/04/10.

⁴⁷⁸ Interview January 2006.

Hypothesis 4: sanctioning - unilateral non-cooperation

A first obvious form of unilateral non-cooperation involves the systematic stalling of Committee discussions in view of undermining a fundamentally voluntary coordinative process. Questioned on the issue of Committee dynamics, interviewees noted that the materialization of QWE triggered a marked measure of political opposition and riposte among national representatives. Indeed, feelings ran high on the issue and a tightly-knit group of fervent supporters - with DG EMPL, Belgium, France, and Sweden at its helm - was confronted with the reticence or outright hostility of a number of EU governments (most notably the Danish, British and Italian governments)⁴⁷⁹. In view of consolidating the presence of QWE on the EES agenda, the Commission pushed for the endorsement of a panoply of statistical indicators and formulated an ambitious ten-dimensional definition of the concept. National representatives testified to the fact that they felt the Commission was stepping beyond its formal administrative prerogative in making overly ambitious proposals for QWE statistical indicators that fell outside the shared win-set of Member States' policy preferences.

This antagonism clearly impacted on the final set of QWE indicators agreed upon at Laeken. Acutely aware that the multidimensional classification presented in its June 2001 Communication would serve as a formal basis for negotiation, the Commission had worked hard to bring everyone on board and produce a fundamentally conciliatory document, meshing together a wide spectrum of ideas and considerations and weaving them into a coherent whole⁴⁸⁰. Yet, the final QWE indicators agreed upon at Laeken

⁴⁷⁹ This rendition of events is corroborated in Thedvall's anthropological study of EMCO/ISG Committee dynamics. Thedvall demonstrates how debates on QWE indicators drove a wedge between Committee members as she narrates the strategic bargaining on indicators of employment transition (Thedvall 2006: 187-190), stress (p178-182), social dialogue (p186-190), discrimination against ethnic minorities (p146-160).

⁴⁸⁰ Interview Commission administrator 26/04/10.

differed in many ways from those set forth in this initial document. While certain indicators were transformed, others disappeared entirely in the final agreement⁴⁸¹. Similarly, no agreement was reached in the area of social dialogue and workers' involvement. Examined against the standard of the June 2001 Communication, the final compromise reached at Laeken appeared as a watered-down version of the Commission's original proposal. Perhaps the most debated and controversial element was that of wages (which the Commission had proposed to measure via three methods: low wage earners, working poor and the distribution of incomes). Considered by many academic commentators as a principal measure of job quality, reference to pay levels was scrapped and replaced by a compromise indicator on wage transition, defined as the transitions between non-employment and employment, and within employment by pay level. Leading this opposition, the UK was staunchly opposed to including a statistical indicator on income fearing that the EU would intervene to normalize wages. In defending its position, the British government (backed by Germany) argued that Art. 137 of the Treaty stipulated that EU coordination in the area of wages was precluded⁴⁸². Similarly, DG ECFIN was vehemently opposed to integrating wage considerations as part of the EES and defended the ideal of wage moderation as a key means of achieving a competitive economy.

Despite evidence of hard bargaining, respondents overwhelmingly testified that the principal logic animating Committee interaction in the autumn of 2001 was one of compromise. This drive for consensus can be explained by the fact that while sanctioning by means of non-cooperation principally serves to punish a recalcitrant Commission, such

⁴⁸¹ This was the case for low wage earners, working poor and the distribution of incomes, rates of occupational diseases, stress levels, proportion of workers changing the geographical location of their work, pay gap for older workers, employment rates and pay gaps of persons with disabilities.

⁴⁸² Art 37: paragraph 5 notes that "the provisions of this article shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs".

a device characteristically constitutes an imperfect tool, which may act as a double-edged sword insofar as it imposes costs upon Member State principals as well as their agent. The preceding analysis called attention to two key potential costs incurred by Member States in wielding this sanctioning device⁴⁸³. On the one hand, a first contention is that non-cooperation carries the risk of triggering reprobation on the part of national governments voluntarily partaking in the OMC; a hypothesis that was not borne out in the case of the EES. Indeed, national representatives highlighted the notable absence of any form of acrimony or resentment among members of EMCO and ISG (*indicator 4c*). On the other hand, both Commission and national administrators emphasized that a principal concern driving this quest for consensus was that of inter-Committee rivalry and a fundamental compulsion to strengthen EMCO's standing within the EU (*indicator 4b*). Indeed, non-cooperation logically implies non-agreement and by extension a weakened EMCO *vis-à-vis* corollary OMC Committees (most notably the EPC). Situating this rivalry within the broader context of national administrations, a Chairperson for the ISG remarked: "Some Member States [...] seemed to think that they could re-fight their fights with their finance ministry in the Brussels forum"⁴⁸⁴. This understanding of the *rapport de force* between OMC Committees was also stressed by Commission administrators for whom dissension on the part of national officials necessarily incurred important political costs for Committee members. More perfidiously, Commission officials strategically "brandished" the spectre of a weakened EMCO to press for collective agreement. As one national official noted, when faced with "blockages", "very often, the weapon of the Commission is to say "if EMCO can't agree on this topic, it's others who will choose for

⁴⁸³ See Section 3. 3. 3. 3 *Sanctioning Commission shirking within the OMC*.

⁴⁸⁴ Interview 30/04/10.

you. So your voice won't be heard [...] if you can't agree you will be a weakened group⁴⁸⁵.

In addition to stalling discussions on QWE within OMC Committees, a second notable instance of non-compliance can be found in the NAPs/NRPs, where Member States selectively partook in the OMC process by discounting certain QWE elements in their reporting exercises. However, numerous national representatives were adamant that these purposeful omissions did not follow a sanctioning logic *vis-à-vis* the Commission but were the upshot of two phenomena. First, the differential time horizons between EU pledges (medium to long term) and successive governments' terms in office (short term); a dissociation which means that governments are regularly tied by previous administrations to EU pledges and policy priorities they do not agree with. Second, as detailed above, several refractory Member States were compelled to accept a QWE statistical indicators package in 2001 through a pernicious process of rhetorical entrapment orchestrated by DG EMPL. Distancing themselves from this thin consensus obtained "under duress", national administrations subsequently declined to report on QWE in their annual NAPs/NRPs.

Hypothesis 5: Revising the Commission's mandate - an unlikely sanctioning procedure

Alternatively, upon discovering that the Commission is expanding its remit beyond that laid out in its original contract, MS principals may boldly revise its institutional mandate in order to amend or cut-back its powers. While drastic, this sanctioning device is also ridden with difficulty, making its practical application unlikely and the threat of such a

⁴⁸⁵ Interview 26/04/10.

procedure of little dissuasive value in the eyes of the Commission. Indeed, the institutional design of the OMC (specifically, the decision rules for the application of sanctions and the default condition in the event of non-agreement among MS principals) places the Commission in an extraordinarily privileged position to exploit conflicts of interest that may exist among its multiple principals. Below, we briefly consider these institutional hurdles in the case of EES.

The Amsterdam Treaty established a strong foothold in the field of employment policy, a policy domain which had hitherto been the fundamental prerogative of national governments. While precluding any form of legislative decision-making, the Employment Title (Art 125-130) enshrined the right of both oversight and intervention by the Union in the employment affairs of Member States⁴⁸⁶. While the revision of the Commission's mandate within the OMC constitutes the trump card in the hands of Member State principals, the important institutional barriers associated with its practical application make the likelihood of its realization highly improbable. Indeed, not only would a Treaty revision require the unanimous vote of member governments (*indicator 5b*), and its ratification by national parliaments and electorates, but the status-quo default condition also weights heavily in favour of the Commission (*indicator 5c*). It follows that the credibility of this “nuclear” threat is weak since only in the rather exceptional circumstance of the close convergence of national governments' preferences could this sanctioning mechanism be envisaged (*indicator 5a*). Thus, while attractive, the option of threatening to “clip the Commission's wings” by revising its constitutional mandate is on balance a “relatively ineffective and non-credible means of Member State control”⁴⁸⁷ and one which has not been used within the framework of the EES in the course of the

⁴⁸⁶ Article 128 codified the procedure for the coordination of employment policies.

⁴⁸⁷ Pollack 1996: 447.

revision effected by the EU2020 reform. Coined in June 2010, the EU2020 Strategy sets out a vision of Europe's social market economy for the 21st century based on a smart, sustainable and inclusive growth⁴⁸⁸. As a way of implementing this Strategy, Member States agreed to ten integrated guidelines for growth and jobs (six BEPG and four employment guidelines), thus upholding the continued existence of the EES within the governance landscape of the EU for a further decade⁴⁸⁹.

This analysis of the control measures (oversight and sanctioning) instituted by Member State principals in an effort to curb Commission discretion testifies to their overall efficacy. First, charged with maintaining a close surveillance of the Secretariat's actions within EMCO/ISG, a mixed picture emerged of the Committee Chairs' resolve to effectively implement such oversight. Respondents testified to the un-transparent selection of the two chairs; a process largely swayed by government lobbying and Commission involvement (*indicator 3c*). With regard to the independence of the Chairs in scrutinizing the Secretariat's work, national and Commission officials underscored the professionalism of the EMCO Chair during 2001-2 (*indicator 3b*), which stood in contrast with the biased disposition of the ISG Chairperson who collaborated with the Secretariat in pressing for ambitious QWE indicators (*indicator 3d*). On the issue of the imposition of sanctions in the face of bureaucratic drift, unilateral non-cooperation constituted a powerful device in the hands of Member State principals. Indeed, owing to a strong form of opposition and riposte among a number of national representatives in EMCO and the ISG, the final compromise on QWE indicators reached at Laeken was a watered-down version of the Commission's original proposal (made in the June 2001 Communication). Certain costs were however endorsed by Member governments for engaging in such

⁴⁸⁸ European Council 2010, see also CEC 2010a.

⁴⁸⁹ Council of the European Union 2010a, 2010b.

sanctioning behaviour. In practice, though the hypothesized conjecture of reprobation on the part of Member governments was unsubstantiated by the data (*indicator 4c*), respondents noted that in engaging in unilateral non-cooperation, Member States ran a real risk of weakening EMCO *vis-à-vis* other OMC Committees (*indicator 4b*). Conversely, the threat of boldly revising the Commission's institutional mandate within the EES in order to amend or cut back its powers appeared ridden with difficulties. The marked divergence of Member States' preferences (*indicator 5a*), the voting rule of unanimity (*indicator 5b*), and the status quo default condition in the absence of agreement (*indicator 5c*), merged to make this sanctioning mechanism a relatively ineffective and non-credible means of MS control. In sum, the control instruments at Member States' disposal were effective (in large part due to the powerful instrument of unilateral non-cooperation that allowed governments to prevent agreement on certain of the most controversial aspects of QWE indicators), thus leaving the Commission with very limited room for manoeuvre to strategically exploit its formal administrative powers to pursue its own agenda and private preferences at the expense of Member State principals'.

5.2.2. 3

Phase 3: the doldrum years

From 2003 onwards, political interest in QWE began its gradual decline. During the ensuing doldrum years, the Commission's original ambition of placing QWE at the heart of the EES agenda gave way to a "minimum objective"⁴⁹⁰ of ensuring its continued presence within the EU arena. While a rationalist interpretation of the Commission's institutional power draws attention to both macro-institutional (informal agenda-setting) and micro-institutional (bureaucratic drift) spheres, empirical data corroborated only the first of these claims. Indeed, limited political interest in the issue meant that QWE failed

⁴⁹⁰ Interview ETUC official 29/04/10.

to filter down to the level of OMC Committees, thus barring the Commission from any form of discretion within EMCO and the ISG.

The third period of QWE history was one of recurring opportunity for the Commission. As this window of opportunity was alternately swung open or pushed closed, it “waited in the wings”, ready to step forward with a winning proposal in a bid to relaunch the QWE initiative. In examining the Commission’s entrepreneurial role during these tumultuous times, the following analysis proceeds in three steps: first, we explore the political and economic forces dynamically moulding these fleeting periods of aperture. Second, we draw attention to the informal agenda-setting strategies employed by DG EMPL. Finally, we consider the Commission’s propensity to capitalize on an information asymmetry structure tipped in its favour to manipulate the EU agenda, swaying Council negotiations towards the issue of QWE.

A recurring window of opportunity

From 2003 onwards it became clear that QWE’s place on the EU agenda was essentially function of the fortunate alignment of political and economic factors. On the one hand, within the economic realm, numerous respondents testified to the difficulty of sustaining QWE as a mainstream plank of policy. Indeed, as the economic perspective worsened, the focus of the debate changed and qualitative considerations became a “luxury” that EU governments felt they could no longer afford⁴⁹¹. The role of the economic conjuncture in determining the fate of QWE was unambiguously highlighted in EIE 2008, which noted that: “the subsequent deterioration of the economic situation during the early part of this decade triggered a shift of focus in the EU from job quality to job creation, with the

⁴⁹¹ Interview Commission official 26/04/10.

emphasis on labour market reforms to make them more efficient and adaptable to change⁴⁹². On the other hand, political considerations were not extraneous to these cyclical fluctuations. In 2002-3, a rightward swing among EU governments struck a harsh blow to QWE. Moreover, the 2004 enlargement towards ten new Member States did little to improve political support for quality in work⁴⁹³. Similarly, the five-year review of EES (carried out in 2002) led to a profound reform of the Strategy; a process that was largely animated by an impulse to simplify and which acted as “a barrier to further work on quality in work indicators”⁴⁹⁴. Finally, the 2005 streamlining of the Lisbon Strategy and the refocus on growth and jobs saw QWE relegated to a second-tier status on the EES agenda behind the new buzzword of flexicurity⁴⁹⁵.

Informal agenda-setting strategies

In 2003, as sluggish economic growth began to set in, quantitative considerations took the centre stage within EU employment policy debates. Eager to sustain QWE’s right of place on the EES’ agenda, the Commission exploited its institutional prerogatives to keep quality in the limelight. Capitalizing on a locking-in effect owing to Member States’ high-profile endorsement of “better jobs” at Lisbon, in 2003 the Commission used its right of initiative to propose an 11th employment guideline devoted to quality in work⁴⁹⁶. However, the final agreement reached in the EPSCO Council in July 2003 saw this QWE guideline removed under the pressure of a faction of Member States⁴⁹⁷. Similarly, 2003 was marked by the publication of an ambitious evaluative Communication; entitled

⁴⁹² CEC 2008a: 152.

⁴⁹³ As one East European national official remarked: “quality in work is an issue for more developed countries and we are just not at that stage yet [...] it is not a natural concern yet”, interview 26/04/10.

⁴⁹⁴ Interview Commission official 27/04/10.

⁴⁹⁵ On the concept of flexicurity, see Jepsen and Keune 2007, Keune 2008a, Keune 2008b, Keune 2008c, Wilthagen and Tros 2004, Wilthagen 2004, Rogowski 2008, Muffels *et al.* 2002. Commission publications on the issue also emerged during this period CEC 2006c, CEC 2007a, CEC 2007c, see also Council of the European Union 2007.

⁴⁹⁶ QWE had previously achieved the status of independent guideline in 2002.

⁴⁹⁷ Pochet and Degryse 2003: 592-3.

*Improving Quality in Work: A Review of Recent Progress*⁴⁹⁸. This document aimed to assess Member States' progress and policy response in the area of QWE, using the ten-dimensional framework established in the original June 2001 Communication. Conscious of the sensitive nature and high visibility of this evaluative report, the Commission adopted a cautious tone: while commenting on points of cross-national convergence/divergence, it carefully avoided ranking Member States based on their performance. Yet, despite its best efforts at sustaining political momentum, QWE slowly began to slide off the European Council's political agenda.

Faced with such an impasse, the Commission sought to adjust its policy proposal to meet the requirements of the Union's new political landscape. Aware that QWE was considered by centre-right governments as "too social" and containing "too many elements that run the risk of actually increasing the labour costs without having productivity gains"⁴⁹⁹, Commission administrators revised their proposal, linking QWE with productivity. This ability to capture the shared assumptions of a group meant that DG EMPL was able to establish a new middle ground on which consensus could be built. Following this strategy of pragmatic readjustment, in 2003 "quality and productivity" became one of the three overarching objectives of the EES.

Despite this pairing of objectives, the Commission's failed attempt to relaunch QWE in 2003 meant that it subsequently lapsed into a less assertive role *vis-à-vis* the European Council. However, in 2007 a new period of aperture gave the Commission a chance to restore QWE's credence on the EES agenda. It is significant that this renewed window of opportunity coincided with the fortunate re-alignment of favourable political and

⁴⁹⁸ CEC 2003b.

⁴⁹⁹ Interview Commission official 28/04/10.

economic forces. Indeed between 2006-7, the EU enjoyed a brief upturn in economic growth (attaining a GDP growth rate of 3.10% in 2006 and 2.75% in 2007, compared to an average 1.5% for the period 2001-5⁵⁰⁰), before entering recession following the global financial crisis of 2008. In the first half of 2007, under the impulse of the German Presidency, the concept of “good work” made an unexpected and brief appearance on the EU agenda. In January, an informal EPSCO Council held in Berlin identified good work as a key element of a renewed European Social Model. In March 2007, the Spring European Council reiterated this same message, stressing “the importance of “good work” and its underlying principles”⁵⁰¹.

Seizing this fleeting window of opportunity, the following year DG EMPL inserted a chapter exclusively devoted to quality in work into the EIE 2008. Aimed at proposing an enriched framework of analysis⁵⁰², this chapter underlined a number of lacunas of the quality in work indicators agreed upon at Laeken⁵⁰³. Similarly, borrowing from the flexicurity debate⁵⁰⁴, it introduced the notion of pathways to QWE. In practice, Member States were clustered according to their relative performance in the area of QWE and then examined for patterns of specific institutional arrangements to determine the existence of different “job quality regimes”⁵⁰⁵. This analytical framework is derived from a well-established tradition of comparative institutional analysis, which highlights the existence of different country-specific arrangements that result in differentiated performances (a

⁵⁰⁰ Source: TradingEconomic <http://www.tradingeconomics.com/Economics/GDP-Growth.aspx?Symbol=EUR>, (consulted 01/03/2011).

⁵⁰¹ European Council 2007: 3; good work covered “workers’ rights and participation, equal opportunities, safety and health protection at work and a family-friendly organisation of work”. The streamlined notion of good work failed to capture the imagination and political interest of EU governments since it only lasted the time of the German Presidency.

⁵⁰² CEC 2008a: 148.

⁵⁰³ Particular weaknesses highlighted in the EIE included the exclusion of indicators on wages, work intensity, and qualitative aspects of human capital formation.

⁵⁰⁴ CEC 2006b, CEC 2007b.

⁵⁰⁵ A fourfold taxonomy was effectively established (Nordic, Continental, Southern, New Member States).

body of literature typically regrouped under the heading of “comparative capitalisms”⁵⁰⁶). Crucially, the pathways approach served to highlight Member States’ differentiated strengths and weaknesses while avoiding any explicit form of ranking. However, this impromptu initiative on the part of DG EMPL failed to relaunch the QWE debate. Commenting on the reasons why this report largely fell on deaf ears, one of its authors underlined the unfortunate overlap with the economic crisis that got underway in mid-2008.

More recently, in the midst of ever-changing conjunctural phases and political turnarounds, the Commission campaigned for the insertion (or safeguarding) of quality in work in the EU2020 Strategy. Making use of its formal right of initiative, in April 2010, the Commission published an initial proposal for the EU2020 integrated guidelines that incorporated qualitative considerations. As it had done in 2003 when QWE had been paired with productivity, DG EMPL once again recast QWE, this time tying it to a “skills promotion” agenda in a bid to secure governments’ support for this integrative proposal⁵⁰⁷. Ultimately, the final agreement reached in October 2010 assured QWE a relatively independent standing within the four employment guidelines since it was placed in the rather generalist guideline 7 that reads: “increasing labour market participation of women and men, reducing structural unemployment and promoting job quality”⁵⁰⁸. The explicit endorsement of QWE by the European Council served to

⁵⁰⁶ Jackson and Deeg 2006. This strand of literature appears very diverse, encompassing synthetic approaches like “varieties of capitalism” (Hall and Soskice 2001, Amable 2003), as well as more partial comparative frameworks focusing on welfare systems (Esping-Andersen 1990) or industrial relations and work organisations (Gallie 2007). For a synthesis review, see Davoine and Ethel 2006: 9-12.

⁵⁰⁷ Proposed guideline 8 read: “developing a skilled workforce responding to labour market needs, promoting job quality and lifelong learning” CEC 2010b. A senior DG EMPL administrator underscored the conscious decision to “treat it (QWE) in terms of the skills agenda” in order to render its proposal more acceptable to Member States, interview 28/04/10.

⁵⁰⁸ Council of the European Union 2010c.

establish a collective standard of legitimacy that the Commission will no doubt draw upon to justify actions and policy proposals in this area over the coming decade.

Relative information asymmetry enjoyed by the Commission

In informally manipulating the EES agenda, the Commission's comparative informational advantage *vis-à-vis* Member States is crucial. Capitalizing on EU Community competence in the area of Employment Policy (*indicator 6a*), since 2003 DG EMPL has exploited several measures in view of sustaining an information asymmetry structure bent in its favour. Firstly, it continued to use the EIE as an important source of information and key means of centralizing knowledge. In the 2008 edition, the Commission externalized the drafting of the QWE chapter of its report⁵⁰⁹; a decision that served to broaden its knowledge base by establishing links with the academic world. Secondly, following a similar logic of knowledge accumulation, DG EMPL capitalized on its close working ties with Eurofound, whose sustained commitment to pursuing research in the area of QWE afforded the Commission the possibility to preserve its privileged informational advantage⁵¹⁰. Finally, the Commission sought to safeguard its hegemony by forming strategic partnerships with other international organizations (ILO, UNECE, OECD). From the mid-2000s onwards, the “decent work” agenda launched by the ILO in 1999 spread internationally under the direct impulse of the UN agency. Not wanting to fall behind, DG EMPL began to work in collaboration with these International Organizations (IOs), partaking in a series of joint UNECE/Eurostat/ILO seminars on the issue of “decent work”⁵¹¹. In stark contrast with the Commission's privileged position as central node of a

⁵⁰⁹ Davoine *et al.* 2008.

⁵¹⁰ Following the initial publication of its four-dimensional framework on QWE (Eurofound 2002a, Eurofound 2002b), Eurofound published a number of follow-up evaluative reports (Eurofound 2005, Eurofound 2007).

⁵¹¹ A number of papers were presented at these seminars CEC 2006e, CEC 2007d, CEC 2007e, CEC 2009b; see also Chernyshev 2007.

vast system of information sources on QWE, MS remained at its margins. With imperfect information on the issue (owing to limited political interest for QWE within their respective domestic arenas), governments were unable to propose practicable alternatives to Commission proposals (*indicator 6c*) and thus were restricted to passively reacting to Commission proposals which inevitably became constructed focal points around which bargaining converged.

In sum, even through the most recent chapter in QWE history was characterized by a vacillating economic conjuncture and a waxing and waning of political interest in quality of work, the Commission worked relentlessly to preserve its position at the hub of a vast information network on the issue. Its determination to sustain this position was animated by a desire to secure an informational supremacy *vis-à-vis* Member governments. In so doing, it cautiously amassed information for “better days” (i.e. transitory windows of opportunity), in view of increasing the chances that its proposals command the assent of EU governments.

5. 2. 3 Conclusions

Has the European Commission exerted autonomous power in the rise, fall and revival of quality in work on the EES’ agenda? In answering this question consideration must necessarily be given to variation along both dimensions of type (institutional or productive) and degree (weak versus strong) of autonomous power.

In uncovering the *type* of autonomous power exerted by the Commission, the above analysis partitioned QWE history into a set of theoretically conjectured intermediate

steps, successively considering rational choice institutionalist and sociological institutionalist predictions against relevant data in view of reaching a judgement about the superiority of one theory over the other in a case of high issue sensitivity.

First, when assessed against SI-inspired predictions, the reality of the Commission's productive power in the area of QWE appears flawed (*hypotheses 7-11*). Gradually detaching itself from an overarching European Social Model (ESM) discourse, it was only in 2001 that QWE discourse emerged as a robust ideational construct within the EU arena. While inheriting its normative ideals from the ESM discourse, its cognitive arguments were consolidated by means of a plethora of Commission Communications that brought QWE discourse firmly into existence. From its inception QWE discourse satisfied a number of cognitive criteria yet the applicability of such arguments remained fundamentally weak due to the essentially contested nature of the operative mechanisms linking quality in work to a rising employment rate and increased productivity. Similarly, while the Commission sought to disseminate its "imperfect" discourse by means of policy papers and expert reports, it neglected to take effective measures towards establishing a broad epistemic community championing quality in work within the EU arena. The third chapter of QWE history saw a further deterioration of the transformative nature of the Commission's discourse. Ideationally, while its normative tenets remained unaltered, its cognitive dimension underwent a substantial amount of alteration. Indeed, recent years have seen QWE discourse fail on all three accounts of applicability, relevance and coherence. First, the scientific basis of the minutiae of its cognitive arguments remained fundamentally disputed among labour market economists (applicability). Second, the purposeful recasting of QWE discourse in the face of economic downturn through the prism of "productivity" effectively jeopardized the relevance and coherence of such an

ideational construct. Interactively, DG EMPL persisted in issuing policy papers and expert reports underscoring the continued relevance of QWE supranationally, yet it failed to invest sufficient resources into mobilizing a transnational community of experts in the field. Overall, collected observations rendered a rather weak portrayal of the Commission's productive power. QWE discourse fell short of fulfilling many of the criteria essential for achieving a form of cognitive suasion, which would have allowed DG EMPL to foster consensus around a discourse of its own making.

Second, the superposition of an RCI framework with the original institutional design of the EES offered a much more accurate rendition of events in the area of quality in work (*hypotheses 1-6*). This superior analytical insight is substantiated both at macro- and micro-institutional levels; a dichotomy that served to capture all facets of the Commission's institutional power within the EES. On the one hand, in considering the Commission's autonomous power at a macro-institutional level, empirical data unambiguously corroborated RCI's central contention that DG EMPL would demonstrate a marked ability to perform an informal agenda-setting role at the level of the European Council across all three periods of QWE history. This informal agenda-setting prerogative was made (cyclically) possible by a propitious configuration of political and economic factors, merging to create a valuable window of opportunity, as well as a marked information asymmetry structure tipped in the Commission's favour. Indeed, the existence of an EU competence in the area of employment policy since 1997 (and a reporting prerogative enjoyed by the Commission since 1989 in the form of Employment in Europe (EIE) reports), as well as a weak national legislative record and undeveloped domestic policy debate in the area of QWE, combined to place the Commission in a position of marked informational advantage *vis-à-vis* national administrations. DG EMPL

exploited this vantage point to table new and innovative proposals around which Member State bargaining could converge in the context of European Council proceedings. On the other hand, during the period 2001-2002, the issue of QWE filtered down on to the EMCO and ISG agendas. Within the confines of the two Committees, a rather mixed picture emerged of the Commission's capacity for discretion. In effect, while the Commission persistently sought to capitalize on its formal delegated responsibilities (i.e. the staffing of the OMC Committee Secretariat and formal M&E responsibilities), government principals instituted a number of oversight and sanctioning instruments to limit the effectiveness of such manoeuvres. Though not costless for Member States to employ, these control instruments - brandished as a punitive measure against a recalcitrant Commission - served to effectively curb the Commission's discretion in the field of QWE. In sum, checking social constructivist and rationalist-inspired theoretical predictions against empirical observations in an effort to gauge the explanatory value of each theory reveals that independent variables of rationalist lineage do a better job at explaining the Commission's autonomous power in the case of QWE.

How successful was the European Commission in wielding this form of institutional power in the area of QWE? Below, two proxies will be successively examined in view of determining the overall measure of the Commission's autonomous power (i.e. the value of the dependent variable), namely, (1) the existence of initially conflicting policy positions in the area of QWE between the Commission and Member States and (2) their continued misalignment or realignment over time with those advocated by DG EMPL⁵¹².

⁵¹² See Section 2.2.1 b *Equifinality and Operationlizing the Dependent Variable*.

Appraising policy positions on the basis of official publications, collected data unmistakably attest to initially conflicting policy stances on the issue of QWE between the Commission and an important section of EU Member States. While the Commission benefitted from the straight succession of four EU Presidencies (Portugal, France, Sweden and Belgium) willing to make QWE a key priority of their work agenda during the period 2000/2, the vast majority of national governments displayed limited interest in the topic. This reticence is clearly apparent in their annual national action plans (NAPs) for employment for 2000/1. With the exception of these four Presidencies⁵¹³, policy statements underscoring qualitative considerations were scarce and remained perfunctory in nature⁵¹⁴. Countering this trend, the NAPs for 2002 – published six months after the adoption of quality in work indicators at the Laeken European Council – came the closest to displaying equal consideration for QWE since all included a section exclusively devoted to the issue. This emphasis was, however, short-lived. In later years, national reports revealed a continued misalignment of Member States' and the Commission's postures on the issue of QWE. While the Commission continued to press for QWE, many governments displayed a lukewarm or apathetic stance *vis-à-vis* its sustained proposals in this area. Key observations lending weight to such an argument can be found in the policy statements present in Member States' NAPs and NRPs⁵¹⁵. While France, Belgium and Sweden persisted in placing sustained emphasis on QWE throughout the period 2003-

⁵¹³ Although QWE was a relatively novel policy issue on the EES agenda, these four governments made ample references to the concept in both their NAPs for 2000 and 2001 (NAP/Portugal 2000, 2001, NAP/Sweden 2000, 2001, NAP/Belgium 2000, 2001, NAP/France 2000, 2001). France went as far as reserving an entire section of its 2001 report to the issue and lay emphasis on QWE indicators when these had not yet been agreed upon at Laeken (NAP/France 2001: 6-7, 15-16).

⁵¹⁴ In 2000 and 2001, most governments either completely omitted qualitative considerations from their NAPs (NAP/Austria 2000, NAP/Denmark 2000, NAP/Luxembourg 2000, 2001, NAP/Spain 2001) or simply made a passing reference to the issue of QWE (NAP/Finland 2000, 2001, NAP/Germany 2000, 2001, NAP/Ireland 2000, 2001, NAP/Italy 2000, 2001, NAP/Netherlands 2000, 2001, NAP/Spain 2000, NAP/UK 2000, 2001, NAP/Austria 2001, NAP/Denmark 2001).

⁵¹⁵ As noted above, National Reform Programme replaced the National Action Plans in 2005.

10⁵¹⁶, other countries took a more reserved approach, selectively partaking in the OMC process by discounting specific qualitative considerations in their annual reporting exercise; a trend highlighted by the Commission in the 2002 Joint Employment Report⁵¹⁷. National governments' sporadic references to QWE offered a partial (or blinkered) coverage of the multidimensional issue of quality in work, alternately pairing it with productivity⁵¹⁸ or skills promotion⁵¹⁹. In sum, despite DG EMPL's sustained emphasis on the issue of QWE, subsequent years displayed no realignment of Member States' policy positions over time with those advocated by the Commission thus testifying to an unmistakably weak value of the Commission's autonomous power in the area of QWE.

In sum, it is clear from the above analysis that the rationalist concept of institutional power has much greater resonance in the area of QWE than that of productive power. The picture painted in this chapter is one of strategic interaction among national representatives (with fixed preferences), where the Commission sought to exert institutional power by working through rules and procedures to informally set the EU agenda and manipulate national governments' cost-benefit calculations in view of

⁵¹⁶ Belgium displayed the most enduring and manifest interest in QWE over the years, apportioning large sections of its NAPs (NAP/Belgium 2003, 2004) and NRPs (NRP/Belgium 2005-8, 2008-10) to the concept. While upholding QWE's right of place in their national reports, from 2005 onwards, France, Sweden and Portugal notably shortened the length of their analyses (see NRP/France 2005-8, 2008-10, NRP/Portugal 2005-8, 2008-10, NRP/Sweden 2005-8, 2008-10).

⁵¹⁷ It states that "although progress has been made under a number of relevant aspects, quality in work still tends to be dealt with in an uneven way [...] The ten dimensions of quality in work defined by the Commission are unevenly covered by Member States' policies. The response to this new objective focuses strongly on the relative merits of different contractual relationships, particularly regarding the balance between flexibility and security. Whilst health and safety, education and training and reconciliation of family and working life are also generally well covered, other dimensions, such as the intrinsic quality of jobs or the quality of social dialogue are not yet integrated into an overall approach to quality at work", CEC 2002j: 20.

⁵¹⁸ The link between QWE and productivity was especially prevalent in the NAPs for 2003 and 2004, published following the 2003 revision of the employment guidelines when "quality and productivity at work" became an overarching objective of the EES, see most notably NAP/Belgium 2003, 2004, NAP/Denmark 2003, 2004, NAP/Finland 2004, NAP/France 2003, 2004, NAP/Germany 2004, NAP/Ireland 2004, NAP/Luxembourg 2003, 2004, NAP/Spain 2003, 2004, NAP/Sweden 2003, 2004.

⁵¹⁹ From the mid-2000s onwards, quality in work became more closely linked to skills promotion. A number of NAPs and NRPs underscored the link between these two objectives, see most notably NRP/Austria 2008-10, NRP/Bulgaria 2008-10, NAP/Cyprus 2005-08, NRP/Poland 2005-8, 2008-10.

transforming their behaviour. Significantly, this strict correspondence between the case of quality in work and the relevance of rational choice institutionalism attests to the pertinence of the critical scope condition of issue sensitivity in delineating the explanatory ambit of RCI and SI. It also substantiates the assumption (central to this scope condition) that agents vary their behaviour depending on what they consider to be at stake⁵²⁰. Indeed, national administrators interviewed for the purpose of this project noted that they were keen to keep a tight control over a policy issue that touched upon the core of a country's productive system (encompassing the sensitive topics of social dialogue, workers' rights and the cost of labour). However, the Commission's institutional power in the area of QWE appeared limited. This weak value of the dependent variable can in large part be attributed to the OMC's original design. In practice, weak proposing and administrative powers and strong control mechanisms executed by Member State principals served to significantly restrict its discretion within the confines of EMCO and the ISG.

⁵²⁰ As expounded upon above (See *Section 2. 2. 2 Overcoming the 'Great Debate'*), a key conjecture at the heart of this study is that as perceived stakes rise, national governments will more readily engage in rational cost-benefit analyses; conversely, relatively low stakes will attract non-calculative decision-making where actors are more likely to act in accordance with social constructivist logics of appropriateness and arguing.

6 The OMC for social inclusion: child poverty and social exclusion

In gauging the Commission's autonomous power in the area of child poverty and social exclusion, this chapter proceeds in four steps. A first section offers a broad overview of the evolutionary trajectory of the OMC for social inclusion (OMC/SI) with an eye on the issue of CPSE (*Section 6.1.1*). In a second section, this atheoretical account of events is reinterpreted through the lens of both rational choice and sociological institutionalism and two distinct sets of theoretically conjectured intermediate steps are fleshed out (*Section 6.1.2*). In a third section, these predictions are tested against collected data in view of determining which offers a more accurate rendition of events (*Section 6.2.1 and Section 6.2.2*). Finally, a last section concludes on the type and degree of the Commission's autonomous power in the area of CPSE (*Section 6.2.3*).

6.1 Child poverty and social exclusion: a problem of common concern

6.1.1 OMC for social inclusion and child poverty and social exclusion

This section examines the development of the OMC/SI within the EU arena since 2000, focusing specifically on the issue of child poverty and social exclusion.

6.1.1.1 The evolutionary trajectory of the OMC/SI

In December 2000, the Nice European Council launched the OMC on social inclusion⁵²¹. Unlike the EES, the process – which intended to take forward the Amsterdam Treaty provision on combating social exclusion⁵²² – was not specifically provided for in the

⁵²¹ Ferrera *et al.* 2002, Begg and Berghmann 2002, Armstrong 2003.

⁵²² Articles 136, 137 and 140 of EC Treaty.

Treaty. Rather, it was modelled on the OMC ideal-typical formula set forth at Lisbon and included common EU objectives and indicators, the submission of biennial National Action Plans on Inclusion (‘NAPincls’) and periodic monitoring and review. Below, we paint a broad picture of the major milestones of this social OMC (see Annex 5 for a “*Longitudinal Analysis of Central Policy Coordinative Junctures in OMC/SPSI*”).

By end-2005, the OMC/SI had resulted in two full cycles of NAPincls being prepared by Member States of the EU 15 (2001-2003 and 2003-5), one cycle for the ten new MS (2004-6), and one round of “Implementation Reports”. On the basis of these NAPs, two Joint Reports on Social Inclusion were adopted in 2002 and 2004. Finally, expenditure by the EU of some 75 million Euros was distributed through a Community Action Programme (2002-2006) aimed at supporting the OMC/SI. More recently, under the new streamlined OMC/SPSI, two rounds of “National Strategy Reports for Social Protection and Social Inclusion” (NSR/SPSI) have been submitted by EU governments (for the periods 2006-8 and 2008-10). While national plans have remained biennial, Joint Reports/SPSI (covering the areas of social inclusion, pensions and healthcare) are now published annually. In addition to these annual Joint Reports, the Commission has also published three separate *ad hoc* evaluative reports since 2005⁵²³. Finally, financing of the new streamlined OMC/SPSI was strengthened in 2006, when the Community Action Programme was replaced by the PROGRESS programme with an allocated budget line of 743 million Euros⁵²⁴.

⁵²³ SEC 2005, SEC 2006b, SEC 2008b.

⁵²⁴ <http://ec.europa.eu/social/main.jsp?langId=en&catId=327> (last consulted 14/12/2010).

At the Nice Council in December 2000, the fight against poverty and social exclusion was elaborated in terms of four general objectives⁵²⁵. These objectives were “broad and aspirational, rather than detailed and prescriptive”; taken together, they established a broad-ranging social programme, covering participation, prevention, assistance and political mobilization⁵²⁶. Following the first cycle of NAPs, the objectives were (minimally) revised to identify immigrants as a particularly vulnerable group, to provide for gender mainstreaming and to request that Member States develop national targets⁵²⁷. In 2005, the objectives were significantly amended following the streamlining of the OMC/SI with other coordinative processes on social protection (health and long-term care, pensions)⁵²⁸. The new framework comprised three overarching objectives (applicable across the whole OMC/SPSI)⁵²⁹, plus three groups of objectives specific to each policy area. In the area of social inclusion, the number of objectives was reduced from four to three⁵³⁰.

The evidence-based nature of the OMC/SI process was further strengthened by the coining of common EU indicators at the Laeken European Council in December 2001⁵³¹. These statistical indicators aimed to: assist mutual learning by allowing for ease of comparison, facilitate the review of the social situation in Member States’ domestic arenas, and monitor progress towards commonly agreed objectives⁵³². Eighteen “Laeken indicators” in total were originally agreed upon: ten primary indicators (covering all essential dimensions of the defined objectives) and eight secondary (supporting primary

⁵²⁵ European Council 2000b.

⁵²⁶ Armstrong 2003: 16, CEC 2000a.

⁵²⁷ European Council 2002.

⁵²⁸ CEC 2005c.

⁵²⁹ These overarching objectives aim to promote (1) social cohesion and equal opportunities, (2) effective and mutual interaction between the Lisbon objectives, and (3) good governance, see CEC 2005c.

⁵³⁰ For a comparative content analysis of the social policy model underlining these two sets of SI objectives, see Daly 2007: 7-8.

⁵³¹ SPC 2001, European Council 2001b.

⁵³² Atkinson *et al.* 2002, Atkinson *et al.* 2004.

indicators by providing better insight into the nature of the problem under consideration). In 2005, the Luxembourg presidency, with the support of the Commission, organized a major review of the “Laeken indicators” which sought to assess how effectively they served the Lisbon process⁵³³. This evaluative exercise resulted in the coining in June 2006 of a set of common indicators for the OMC/SPSI consisting of an overarching portfolio of fourteen indicators (and eleven context indicators), as well as three separate strands of indicators in the areas of social inclusion, social protection and health and long-term care⁵³⁴.

6. 1. 1. 2 The rise and diffusion of the concept of child poverty and social exclusion

Political events taking place over the past decade draw attention to three separate stages in the history of CPSE on the OMC/SI agenda. As in the case of QWE, no single event marks the demise of one period and advent of another, rather each successive, overlapping phase is characterized by a shifting level of Member States’ political commitment *vis-à-vis* the issue of CPSE.

Phase 1: an original aperture 2000 - 2003

At the launch of the OMC/SI in March 2000, the Lisbon Council identified children as a target group for “priority action”⁵³⁵. This emphasis was reinforced by the adoption of the Nice Common Objectives in December 2000. Whilst several aspects of the Nice Objectives are relevant to children⁵³⁶, Objective 3(b) specifically aimed “to move towards the elimination of social exclusion among children and give them every opportunity for

⁵³³ Atkinson *et al.* 2005.

⁵³⁴ CEC 2006a. More recently an update report on indicators was published in April 2008 which integrated a newly agreed health portfolio, CEC 2008c.

⁵³⁵ European Council 2000a: paragraph 33. Other target groups included minority groups, the elderly and the disabled.

⁵³⁶ Ruxton and Bennett 2002: 47-8, Ruxton 2005: 44.

social integration”. Yet political commitment in this area faltered at the level of statistical indicators since only one of the original eighteen Laeken indicators - namely that of the at-risk-of-poverty rate - offered a breakdown by age for children aged 0-17 years. It was only two years later, in June 2003, that the ISG finally agreed on a “standard breakdown by age of all the Laeken indicators, where relevant and meaningful”⁵³⁷. However, such advancements at OMC Committee level were not matched by political commitment at the level of the European Council, as successive Spring Summits remained silent on the issue of CPSE. In sum, though nominally present in the OMC/SI’s foundational texts, CPSE did not enjoy a privileged standing on the EU policy agenda during these early years.

Phase 2: ideational consolidation and strengthening of political commitment 2004 - 2006

Despite the lack of clear demarcation, the second chapter in the history of CPSE was characterized by a rapid (and unparalleled) growth of interest for this relatively novel policy issue. This trend manifested itself in a number of ways. At the highest level, explicit reference to child poverty was made at the yearly *rendez-vous* of EU leaders at the Spring European Councils (both in 2005 and 2006). The message was clear: Member States were to act on the issue and “take the necessary measures to rapidly and significantly reduce child poverty, giving all children equal opportunities, regardless of their social background”⁵³⁸. Similarly, a perceptible change took place in the Joint Reports on social inclusion. While the Joint Report 2002 underlined the broad challenge of “preserving family solidarity and protecting the rights of children”, that of 2004 clearly identified “eliminating child poverty and social exclusion” as one of the six key priorities for the coming years; a powerful prioritisation that was reiterated in the 2005 edition⁵³⁹. Finally, this political exigency filtered through to the level of the SPC and ISG. Following

⁵³⁷ Nine indicators were affected by this age breakdown, see ISG 2003: paragraph 39.

⁵³⁸ European Council 2006: paragraph 72, see also European Council 2005: paragraph 36.

⁵³⁹ CEC 2002g, CEC 2004d, CEC 2005g.

the streamlining of the OMC/SPSI and the new set of common indicators established in 2006, a specific slot on “child well-being” was inserted in to the Social Inclusion portfolio with the caption “to be developed”. Taken as a whole, this period was one of significant political and ideational ascendancy, characterized by an extraordinary increase in the availability of relevant statistical data and political will to take forward the issue of CPSE within the EU arena.

Phase 3: reaching consensus 2007 - 2010

Political interest rapidly gained in momentum following the thematic focus given to CPSE in 2007. Executing a new initiative introduced as part of the streamlining of the OMC/SPSI - which states that during “light years” when Member States are not producing national reports, they would look in depth at a particular issue coordinated within one of the three strands - CPSE emerged at the forefront of policy debates. Political commitment to actively address the issue became almost unanimous during this period. In both rounds of National Strategy Reports (NSR) (2006-2008 and 2008-10), the vast majority of MS identified child poverty as a key national priority (with many setting quantified targets for its reduction) and Joint Reports systematically devoted large sections of their analysis to the issue. Moreover, the thematic focus helped establish a shared understanding of the main determinants of CPSE, as well as the most effective policy mix to address it. An EU Task-Force report on “Child Poverty and Well-Being in the EU” published in January 2008 (and formally endorsed by the SPC) was fundamental in this regard⁵⁴⁰. Finally, MS displayed extraordinary political will to make progress on statistical measures in this area. Indeed, a special one-shot thematic module on children’s material deprivation was added to the EU-SILC survey for 2009. In sum, improving on

⁵⁴⁰ SPC 2008.

the previous period, this latest chapter in the history of CPSE was one of far-reaching political consensus and wide-ranging ideational convergence.

6. 1. 2 Process-tracing analysis: theorizing three periods in the development of CPSE

This atheoretical chronicling of major events offers a form of “primitive” raw material, which may be considered through the lens of competing social theories. Below, this narrated account of three broad phases in the history of CPSE will be merged with two explicit forms of theoretical reasoning: rational choice and sociological institutionalism. The resulting synthesis will provide two distinct sets of predictions across time periods (*see Annex 6 “Process-Tracing Analysis - Three Periods in the Development of Child Poverty and Social Exclusion”*), which will later be tested against collected data.

6. 1. 2. 1 Sociological institutionalist predictions across time periods

Phase 1: an original aperture 2000 - 2003

Based on the canonical assumption that it is possible know reality through linguistic construction only, the SI framework employed in this study contends that the process by which CPSE will surface on the OMC/SI’s policy agenda and the lexicon of EU actors is one of *discursive formation* orchestrated by the European Commission. This exercise in productive power will allow the Commission to graft knowledge onto a physical reality, transforming brute facts into social facts, and ultimately rendering the problem of CPSE amenable to human intervention.

Thus, the scenario foreseen by proponents of SI is one where the Commission will seek to sketch the contours and lay the ideational foundations of a policy discourse on CPSE. A principal requirement for ensuring that this discourse has a transformative effect (i.e. prompts change over and above the push and pull of interests, institutions or culture⁵⁴¹) is that it fulfils a number of cognitive and normative criteria demonstrating the appropriateness (*hypothesis 7*) and necessity (*hypothesis 8*) of its proposed policy programme. Similarly, these two sets of ideational arguments must be complementary of each other (*hypothesis 9*). Lastly, it is envisaged that the interactive dimension of this nascent discourse will initially remain relatively weak.

Phase 2: ideational consolidation and growing political commitment 2004 - 2006

From 2004 onwards, the issue of CPSE underwent a period of extraordinary political and ideational ascendancy on the OMC agenda. Viewed through the analytical prism of SI, theoretical conjectures suggest that the Commission's initial discourse will be supplanted by an altogether more convincing and more visible policy discourse. First, ideationally, a strategy of discursive enhancement will be purposely pursued. Cognitive arguments will be elaborated upon and more carefully refined, lending further weight to the necessity of policy intervention in the area of CPSE (*hypothesis 8*), while normative arguments will be more finely attuned to Member States' collectively shared values in order to strengthen the perceived appropriateness of EU action in this field (*hypothesis 7*). Similarly, sustained attention will be given to ensuring and improving the alignment of these two ideational facets in order to ensure a fundamentally coherent message (*hypothesis 9*). Second, with regard to the interactive dimension of EU discourse, it is envisaged that the Commission will actively seek to communicate its preferred policy frame by means of

⁵⁴¹ Schmidt and Radaelli 2004: 201.

two distinct routes: disseminating its discourse by way of expert policy papers and reports (*hypothesis 10*) and establishing a new or mobilizing an existing transnational coalition of policy experts favouring EU intervention in the area of CPSE (*hypothesis 11*). These communicative strategies will aim to provide CPSE discourse with an unparalleled level of visibility within the EU arena and manufacture a broad support base of authoritative actors promulgating a common language and shared vision around which policy actors can rally.

Phase 3: reaching consensus 2007 - 2010

The most recent chapter of CPSE history is typified by an astounding level of political commitment for addressing the issue within the framework of the OMC/SI. During this golden age, while discursive instruments at the Commission's disposal will remain unchanged, students of SI contend that they will be adjusted to the prevalent political-economic context. Within the ideational realm, discursive fine-tuning will compel the Commission to revise the cognitive and normative aspects of its discourse, ensuring that they take into account the impact of the global financial crisis and the compulsion for financial austerity now facing Member governments (*hypotheses 7, 8, 9*). Similarly, in view of the growing attachment of the political classes to the fight against CPSE, the Commission will place increased emphasis on the production/diffusion of policy papers and expert reports on the issue (*hypothesis 10*), and inexorably seek to mobilize a growing number of transnational coalitions of policy experts championing its discourse (*hypothesis 11*).

6. 1. 2. 2 *Rational choice institutionalist predictions across time periods*

Phase 1: an original aperture 2000 - 2003

A rationalist interpretation of the initial surfacing of CPSE on the OMC/SI agenda provides a distinct account of events that unfolded during the period 2000-2003. The Commission's role in this process is theorized as being one of informal agenda-setter, acting by stealth to manipulate the European Council's substantive agenda. From the outset, a significant institutional feature improving the Commission's chances to secure political commitment for the issue of CPSE will be its persistence and capacity to "wait in the wings", ready to step forth with a proposal at the earliest window of opportunity. Accordingly, it is envisaged that this period will show signs of being a particularly propitious political and economic time for the Commission to step in and try to obtain an agreement on the issue of CPSE. Finally, a central contention is that a marked information asymmetry will crucially impact on the Commission's success in informally setting the OMC/SI's agenda. It follows that the Commission will be able to gather support for the issue of CPSE because it will benefit from greater policy expertise relative to that of Member States, who face imperfect information and uncertainty about the effects of alternative policy proposals (*hypothesis 6*).

Phase 2: ideational consolidation and growing political commitment 2004 - 2006

Considered through the analytical lens of RCI, a marked growth in interest for fighting child poverty and social exclusion will prompt an adjustment in the Commission's behaviour. It is anticipated that in seeking to consolidate CPSE's position on the OMC/SI agenda, the Commission will pursue a two-pronged strategy. First, capitalizing on an information asymmetry structure largely tilted in its favour, it will persist in its ambition

of manufacturing consensus around policy proposals of its own making, adjusting them to the EU's new political and economic context (*hypothesis 6*). Moreover, it is likely that the Commission will seek to expand the coverage of CPSE (i.e. the policy areas falling within its remit) and the number of statistical indicators used to monitor and evaluate Member States' progress in this area.

Second, with the explicit advent of CPSE on the EU agenda, the Commission will enjoy a catalogue of officially mandated managerial and enforcement powers within the framework of the OMC/SI. Accordingly, two possible avenues for bureaucratic drift will open up to the Commission: injecting its preferences into Committee proceedings (SPC and ISG) via the secretariat that it staffs (*hypothesis 1*) and circumventing the formal limitations placed on its monitoring and evaluation prerogative (*hypothesis 2*). As a riposte to these shirking tactics, national governments will seek to curb the Commission's discretion by means of three control mechanisms at their disposal: charging a directly-elected chairperson with overseeing the Commission's behaviour within OMC/SI Committees (*hypothesis 3*), sanctioning bureaucratic drift by means of unilateral non-cooperation (*hypothesis 4*), and revising the Commission's mandate within the framework of the OMC/SPSI (*hypothesis 5*).

Phase 3: reaching consensus 2007 - 2010

From 2007 onwards, as tackling CPSE emerged at the forefront of policy debates within the OMC/SPSI, rationalist predictions concerning the Commission's opportunistic involvement once again lay emphasis on its enhanced ability to act as an informal agenda-setter. Adherents to this approach propound that the Commission will propose constructed focal points around which Member State bargaining will converge, all the while seeking

to steadily expand the remit of the concept and its collectively agreed statistical basis (*hypothesis 6*). Similarly, it is foreseen that the Commission will continue to push for greater agency discretion by exploiting its incongruous relationship with the EMCO Secretariat (*hypothesis 1*) and its capacity to stretch its M&E prerogative beyond the limits prescribed in its formal mandate (*hypothesis 2*). In response to its opportunistic behaviour, MS principals will seek to limit the scope of the Commission's discretion by relying on the oversight provided by the SPC and ISG Chairs (*hypothesis 3*), engaging in unilateral non-cooperation (*hypothesis 4*), and amending the Commission's mandate (*hypothesis 5*).

6.2 The magic of words: the Commission's autonomous power in the area of child poverty and social exclusion

Using the above theoretically conjectured intermediate steps as our guideposts, we alternately test a sociological institutionalist rendition of the history of CPSE (*Section 6.2.1*) and a rational choice institutionalist portrayal of events (*Section 6.2.2.*) against collected data, in view of determining which of these two theories renders a more accurate account of the Commission's autonomous power in the area of CPSE.

6.2.1 Sociological institutionalist analysis

6.2.1.1 Phase 1: an original aperture 2000-2003

6.2.1.1.i The ideational dimension of child poverty and social exclusion discourse

The productive power wielded by the European Commission hinges on its capacity to transform information into knowledge, that is, to graft collective meaning onto physical reality by means of discourse. The analysis that follows sets out to assess the transformative nature of the Commission's early policy discourse in the field of CPSE. In so doing, cognitive and normative components are successively examined against a set of standards necessary for the construction of a convincing discourse (*hypothesis 7 and hypothesis 8*).

The cognitive dimension of early CPSE discourse

For proponents of SI, CPSE discourse did not emerge in a vacuum but must be considered in relation to the preceding period of ideational aperture in which it is grounded. The basis for Community action in the sphere of social policy is found in the conclusions of the Paris Summit of October 1972, where Member States affirmed that economic expansion was not an end in itself but should lead to the improvement of peoples' quality of life and standards of living. Following this declaration, a series of EC action programmes on poverty ("Poverty Programmes") began in 1975 and were carried through until the early 1990s. Languishing during the second half of the 1990s as "activation" took the centre stage, this European poverty and social exclusion (PSE) discourse made a comeback on the EU agenda in 2000 at the Lisbon Summit when governments pledged to

“make a decisive impact on the eradication of poverty” and reduce social exclusion⁵⁴². This sudden resurgence of interest in PSE crucially coincided with the emergence of a new discourse concerned with a particularly vulnerable section of the population, namely, children. The birth of this sectoral discourse on CPSE, closely entwined with an overarching PSE discourse, is perfectly captured by the image of a set of Russian nested dolls, carefully imbricated within one another and sharing the same basic features. Children were suddenly thrust onto the OMC/SI agenda. At the Lisbon Summit, children were recognized as a “specific target group” requiring “priority action”. Nine months later, at the Nice European Council - as part of the OMC/SI Common Objectives – Member States pledged to “move towards the elimination of social exclusion among children and give them every opportunity for social integration”⁵⁴³. During the period 2000-3, CPSE remained first and foremost a discursive offshoot of a revered poverty and social exclusion discourse that originated in the 1970s. While one cannot truly speak of the coining of a robust discourse on CPSE, the appendage of a children’s perspective onto a long-standing discursive construct undoubtedly imparted it with a solid ideational basis on which it could build in later years.

During this period of ideational aperture, the Commission focused much of its efforts on outlining the central ideational tenets of child poverty. The initial appeal of child poverty was its comparatively easy measurement and conceptualization relative to social exclusion. Since 1998, the EU has defined as “at-risk-of-poverty” a person whose net disposable income is below 60% of the median income in their country, measured by

⁵⁴² European Council 2000a: paragraph 32.

⁵⁴³ European Council 2000b.

household⁵⁴⁴. At the Laeken European Council, this statistical definition was collectively endorsed by Member States and broken down by age for children between 0-15 years⁵⁴⁵.

Crucially, early CPSE discourse has as key point of departure the alarming observation that “in most Member States, children (0-15) are at a greater risk of poverty than adults, their average EU rate standing at 25% in 1997, as against 13% for adults (25-49)”⁵⁴⁶. As part of its carefully devised discourse, the Commission was keen to portray the issue of child poverty as a matter of common concern. The prevailing argument set forth by DG EMPL can be summarized as follows: major structural changes occurring across the EU are “both creating opportunities for enhancing and strengthening social cohesion (...) and posing new challenges for the main systems of inclusion”⁵⁴⁷. In the immediate post-war period, under conditions of almost full (male) employment and marital stability, family structures were fairly effective at sheltering children from poverty⁵⁴⁸. Over the past few decades, however, a set of recent social, economic and cultural transformations have directly impacted on citizen’s lifestyle in Europe and created new social risks and demands to which national welfare structures have not provided an adequate response⁵⁴⁹. As a direct result of these structural changes, children have been made more vulnerable to poverty and social exclusion than in previous generations. First, the labour market has gone through a process of profound transformation due to rapid economic change and globalization. While this has opened up new job opportunities (increasing the demand for new skills, part-time and new forms of work that allow for the balancing of home and work responsibilities), it also holds the risk of parents facing increasingly unsure,

⁵⁴⁴ Eurostat Task Force 1998.

⁵⁴⁵ In order to compare different households, total income is divided by its equivalized size, using the modified OECD scale, Eurostat 2000b.

⁵⁴⁶ CEC 2002g: 25.

⁵⁴⁷ CEC 2002g: 21.

⁵⁴⁸ Rubio 2007: 5-6.

⁵⁴⁹ CEC 2002g: 21- 23, also Esping Andersen 2002, Bonoli 2006.

temporary and low-paid employment, with an obvious negative impact on their children's well-being⁵⁵⁰. Second, demographic changes are also exerting a significant impact on society and the expected role of children in their adult lives. With more people living longer and birth rates falling, the old-age dependency ratio (defined as the proportion of people aged over 65 to working-age population (20-64)) is set to rise from 27% in 2000 to 53% in 2050, posing a threat to the sustainability of social security systems⁵⁵¹. Third, there have been important changes in household structures and the role of men and women in society. As a result of a growing disinclination towards marriage and a parallel increase in divorce rates, families have become more heterogeneous than ever⁵⁵². At the same time women's access to the labour market is sharply increasing. Yet this new family diversity and role structure has not yet been fully recognized at the level of social protection arrangements, with dramatic consequences on child poverty. Illustrative of this situation is the increase in the number of children living in lone-parent families and workless households at much higher risk of poverty than their peers⁵⁵³.

The cognitive dimension of CPSE discourse embraces a fundamentally *economic rationale* and sets forth a primarily instrumentalized account of EU child-related interventions. Specifically, a central tenet of CPSE discourse contends that the strong macro-economic ties that bind young and older generations together means that children must be considered as "citizen-workers-in-the-becoming" and a key resource for the development of a competitive and knowledge-based economy⁵⁵⁴. With the EU experiencing a significant reduction in fertility rates and facing the prospect of a declining

⁵⁵⁰ CEC 2002g: 21, CEC 2000i, CEC 2000j.

⁵⁵¹ CEC 2002g: 22, CEC 2002h: 63-4, Eurostat 2001a, CEC 1999d, SEC 2003.

⁵⁵² CEC 2001f: 25-8, CEC 2000g: 48-52, CEC 2000h, CEC 2003e: 114-6.

⁵⁵³ CEC 2000g: 32-3, CEC 2001f: 49, CEC 2002h: 92-6, CEC 2003e: 151-5, Eurostat 2000a, 2000b, 2000c, 2000d.

⁵⁵⁴ Lister 2003.

and ageing population (with rising dependency ratios), the development of child policy is central to addressing concerns about long-term social and economic sustainability. The traditional generational contract has been upset as growing financial burdens (health, social care, pensions) are being taken on by fewer and fewer young people⁵⁵⁵. In this light, child poverty – generally associated with risks of weaker educational performance, poorer health, substance abuse and anti-social behaviour⁵⁵⁶ – threatens an individual's future employability and, at a broader societal level, economic growth as well as the sustainability of national social security systems. Since poverty and social exclusion have a clear tendency to reproduce themselves from generation to generation, a key challenge lies in breaking this cycle of intergenerational transmission⁵⁵⁷. In a post-industrial, knowledge-based society, investing in children's education is crucial in this respect, since it constitutes a key means of ensuring a highly skilled workforce in the future and a way of preventing parental income disadvantages from being passed on to children⁵⁵⁸. Several interviewees drew attention to the weight of this broad economic argument in directing Member States' interest towards the issue CPSE. As one Commission official – involved in the coordination of OMC/SI during its early days – noted:

“I do think that one of the factors that has pushed child poverty so much higher politically has been the demographic deficit in Europe and the recognition that actually in the long-term Europe has a real problem of an ageing workforce and recognizing that children growing up in poverty tend to do less well educationally, provide a less skilled labour force than is needed and Europe can't afford that wastage [...] That argument comes more from an economics perspective than from a rights perspective [...] I have always thought that was one of the reasons that we have managed to get the high level of political attention we did [...] It's a pragmatic thing. Clearly the economic related arguments were likely to get more attention in central debates at EU level. Saying that what you were doing was important to these other bigger issues that Europe

⁵⁵⁵ CEC 2000g : 12-3, 46-7, CEC 1999d, CEC 2001f: 23-5, CEC 2002g: 22, CEC 2003e: 22-5.

⁵⁵⁶ CEC 2002g: 25.

⁵⁵⁷ CEC 2002g: 26.

⁵⁵⁸ CEC 2000g: 14-5, CEC 2001f: 76-7, CEC 2002h: 67-9, CEC 2003e: 122-4, Eurostat 2000e, 2000f, 2001b, 2001c, CEC 2001g, CEC 2002i, CEC 2002g: 27, 65.

was dealing with increased the chances of you being taken a bit more seriously”⁵⁵⁹.

Following the SI framework laid out above, a discourse will gain acceptance provided its cognitive dimension fulfils three criteria of relevance, applicability and coherence (*hypothesis 8*). In an attempt to gauge the transformative nature of the Commission’s CPSE discourse during this initial period, its central tenets will be evaluated against these three standards.

First, a policy discourse’s relevance serves to accurately identify and address the problems that need (or indeed are expected) to be solved within a polity. In this regard, early CPSE discourse undoubtedly echoes a long-standing concern for addressing poverty and social exclusion originally set in motion by the Poverty Programmes of the 1970s. More significantly, in their first round of NAPs (June 2001), a number of Member States chose to give emphasis to poverty and forms of exclusion affecting children, thus clearly demonstrating the existence of a shared concern for the issue. This original interest was picked up by the Commission, developed, rationalized and given substance through its discourse. Yet this relevance is has its bounds. A number of detractors took issue with the statistical measures of poverty employed by the EU. A first objection is that poverty-lines related to the median income tend to measure social inequality rather than poverty. Indeed, “relative poverty depends on the distribution of income. In a growing economy relative poverty may rise in spite of falling absolute poverty rates. And in societies with a high grade of equality relative poverty rates are lower than in those with more inequality, even if absolute poverty rates are higher”⁵⁶⁰. Against this background, poverty thresholds appear quite arbitrary since 50% or 70% are equally envisageable and would yield quite

⁵⁵⁹ Interview 29/06/10.

⁵⁶⁰ Hoelscher 2004: 7, see also UNICEF 2000a: 6.

different poverty rates across the EU. Another issue pertains to the modified OECD equivalence scale that is employed to adjust income to household needs, which has also come under attack for its relative arbitrariness. Accused of being “merely a guess at the economies of scale and relative needs of different families”⁵⁶¹, it has come under fire for not sufficiently accounting for the varied costs of children by age⁵⁶² or additional costs experienced by families with disabled children⁵⁶³. Other scholars, while acknowledging that agreement on a common scale is essential, have demonstrated that child poverty rates shift considerably when using different equivalence scales⁵⁶⁴ and have warned against the risk of underestimating the “weight” of children in the household, which could lead to child poverty figures being under-recorded (and *vice versa*)⁵⁶⁵. Finally, the EU’s measure of relative income poverty rests on two contested assumptions namely, that (a) income is distributed equally within the household and (b) that income flows into consumption. Neither of these are obvious suppositions to make. First, the economic situation of children can differ considerably from that of their parents in both directions. Research shows that the majority of parents in low income families seek to protect their children from the impact of poverty and from experiences of missing out in their peer-group, and often refrain from fulfilling their own needs so as to allocate more resources to them. Conversely, the opposite is also possible; children can try to protect their parents from worrying about the impact of poverty on them and therefore reduce what they ask for out of the household budget⁵⁶⁶. A second caveat is that income does not always flow into consumption and thus is not necessarily a valid indicator of living standards since it

⁵⁶¹ Bradshaw and Richardson 2008: 525, also Ruxton 2005: 42-3.

⁵⁶² Henman *et al* 2007.

⁵⁶³ Burchardt and Zaidi 2008.

⁵⁶⁴ Ruxton and Bennett 2002: 6, 35, 66, Ritakallio 2002.

⁵⁶⁵ Ruxton and Bennett 2002: 35, Smeeding and Rainwater 2001.

⁵⁶⁶ Ridge 2002, Ruxton and Bennett 2002: 35, Hoelscher 2004: 8, 13.

excludes borrowing, dissaving, gifts and home consumption⁵⁶⁷. That said, the weight of these two assumptions was acknowledged very early on by Member States. In 2001, agreement was reached on the fact that the EU indicator of relative income poverty was a measure of people who are “at risk” of being poor, rather than a measure of poverty *per se*⁵⁶⁸. This reflects the realization that households with a same income level (and similar composition) may have quite different living standards because of access to other resources and varying needs of household members⁵⁶⁹. Even though these objections should be kept in mind when interpreting and devising a measure of child poverty, they are not critical failings in the EU’s definition, but rather necessary, almost natural, limitations of any type of compromise in the area of aggregated statistics. Thus, the relevance of this early CPSE discourse is confirmed by the data (*indicator 8a*).

A second cognitive standard against which CPSE discourse must be examined is applicability, understood as the demonstration of precisely how a policy programme will work to solve the problems it identified. Unfortunately, CPSE discourse falls short of providing a convincing argumentation in this regard. The operational processes and practical policy initiatives aimed at tackling poverty and social exclusion among children remain sparse and insufficiently developed (*indicator 8b*). On the one hand, while education policy features prominently within this early CPSE discourse, very little emphasis is placed on other levers of policy change. References to income poverty and the vulnerability of children in jobless households implicitly underscore the importance of employment policy and cash transfers in the fight against child poverty; yet it remains markedly silent on the concrete measures which could be taken to increase households’ financial resources. On the other, there is a tendency within early CPSE discourse to

⁵⁶⁷ Bradshaw and Richardson 2008: 525, Bradshaw 2006a: 3, Bradshaw 2006b, Bradbury and Jäntti 1999.

⁵⁶⁸ SPC 2001.

⁵⁶⁹ Atkinson *et al.* 2004: 55, Layte *et al.* 2001.

consider children through the prism of family and gender policy⁵⁷⁰. This propensity to see children in their family context is in large part due to the fact that most child-related interventions have developed as by-products of broader EU policies designed to respond to adults' needs and demands (most notably gender equality and female employment)⁵⁷¹ and also because under post-war conditions of full and stable (male employment) and marital stability, family structures have traditionally been the most effective means of sheltering children from poverty.

A third and final cognitive standard is that of coherence, where arguments must form a reasonably consistent whole that may be used to harness a wide range of problems without any major contradictions. Undoubtedly, the complex interlinkages of economic, social and socio-cultural components of the Commission's discourse offer a reasonably coherent account of how CPSE exists in relation to and impacts on other major macro-economic and social debates (pensions, health, education). Yet despite this cross-policy consistency, its coherence is undermined by the fact that this early EU discourse offers an incomplete portrayal of the phenomenon of CPSE (*indicator 8b*). Taking a staged approach in designing its discourse, the Commission purposefully laid emphasis on the more obvious notion of child poverty during this period of aperture and failed to expound upon the more complex concept of social exclusion among children.

The normative dimension of early CPSE discourse

Another important constitutive dimension of CPSE discourse is its normative tenets, that is, its ability to demonstrate that a new policy initiative is not simply necessary (a role fulfilled by the aforementioned cognitive arguments) but also the appropriate solution to a

⁵⁷⁰ CEC 2002g: 25, 27.

⁵⁷¹ EU childcare is notable in this regard, Rubio 2007: 23-7.

current problem. Accordingly, in terms of vindicating policy intervention in the field of CPSE, an essentially economic rationale was supplemented by a more normative rights-based approach that served to portray the fight against CPSE as a shared European norm. This attention to fundamental rights marks a shift of emphasis away from children's employability and future life chances (where education is considered a passport to their integration in the adult world) and towards their immediate interests, their participation in society and their well-being in the present. Indeed, children's rights formed a centre stone of a 2002 "European Children's Network" (Euronet) report mandated by DG EMPL⁵⁷². Similarly, based on its analysis of the first round of NAPs, the Commission underlined eight core challenges facing Member States in its 2002 Joint Report. While each of these challenges had implications for children, one in particular referred to "preserving family solidarity and protecting the rights of children". Crucially, early CPSE discourse's reference to children's rights was fundamentally in line with a shared moral standard around which national governments could rally since all fifteen Member States are signatories of the 1989 United Nations Convention on the Rights of the Child (UNCRC)⁵⁷³ (*indicator 7a*). Finally, the cognitive and normative components of the Commission's discourse appear congruent and fundamentally compatible with one another. Far from being mutually exclusive, an economic rationale co-existed comfortably alongside a set of compelling normative arguments underscoring children's universal rights (*indicator 9a*).

It emerges that while early CPSE discourse offered a solid basis for future ideational refinement, in its original form, it fell short of successfully fulfilling all transformative

⁵⁷² Ruxton and Bennett 2002: 46, 55, 63-4. Euronet was founded 1995 as a coalition of 35 transnational and national NGOs to campaign for children's rights at the European level. It was dissolved in 2009 due to a number of financial factors.

⁵⁷³ <http://www.unicef.org/crc/> (last consulted 10/10/2010).

requirements. Indeed, taken as a whole, the Commission's discourse was characterized by a sense of ambivalence and uncertainty about which cognitive arguments to place within its ambit. Overall, this initial discourse undoubtedly gives a sense of work-in-progress, yet does not amount to a transformative discourse able produce an interactive consensus for change.

6.2.1.1. ii *The interactive dimension of child poverty and social exclusion discourse*

Existing in conjunction with the ideational dimension of CPSE discourse is an interactive dimension, consisting of the Commission's ability to communicate its ideas by way of two distinct routes: the publication and dissemination of high-visibility policy papers and reports (*hypothesis 10*) and its ability to establish new or mobilize existing transnational coalitions of experts championing a discourse of its own making (*hypothesis 11*). As detailed above, it is envisaged that the interactive dimension of the Commission's discourse will remain relatively weak due to the nascent nature of its ideational tenets; a supposition largely corroborated by empirical data.

Issuing policy papers and expert reports

During this period of ideational aperture, a number of publications attested to the Commission's entrepreneurial role in formulating and disseminating policy papers outlining the principal tenets of CPSE discourse; however, these publications remained relatively few and far between and were characterized by an almost exclusive macro-institutional focus (*indicator 10b*). Of central importance was the first Joint Report 2002 that served to monitor and assess progress made by Member States towards OMC/SI common objectives (as reported in the 2001 NAPs)⁵⁷⁴. The Commission's exclusive

⁵⁷⁴ CEC 2002.

prerogative of supplying the draft version of this report gave it the opportunity to insert its own vision into the original text and define the problem of CPSE on its own terms. Similarly, the Social Situation Report (SSR) valuably served to draw attention to the issue of CPSE. Published annually since 2000, the SSR meets the Commission's obligation enshrined in Article 143 of the Amsterdam Treaty to foster informed public debate on social policy by providing key data and prospective analysis. Beyond its formal mandate of simply reporting on population trends, living conditions and social cohesion, the SSR represents a powerful discursive tool in the hands of DG EMPL. During these early years, it contributed to reinforcing the central cognitive arguments of the CPSE discourse, underscoring the major structural changes (social, economic and cultural) which have made today's children more vulnerable to poverty and social exclusion than previous generations⁵⁷⁵.

Establishing and sustaining epistemic communities

Besides disseminating its discourse by way of high-visibility publications, the Commission's influence is also function of its ability to mobilize transnational coalitions of policy experts championing its preferred vision and understanding of CPSE. As foreseen by proponents of SI, empirical data depict a situation where the Commission – circumscribed by a still underdeveloped ideational dimension – was unable to rally the support of a strong epistemic community. In practice, it failed to organize international conferences (*indicator 11d*) or finance a broad research programme in the area of CPSE (*indicator 11e*). That said, it did gradually draw in a number of organizations within the ambit of the OMC/SI by financing reports in the area of CPSE (*indicator 11c*).

⁵⁷⁵ CEC 2000g: 12-15, 32-33, 46-52, CEC 2001f: 23-28, 49, 76-77, CEC 2002h: 63-69, 92-96, CEC 2003e: 22-25, 114-16, 122-24, 151-55.

Faced with a lack of internal policy expertise, from the outset the Commission directed its attention “outwards”, towards an already established epistemic community concerned with promoting the rights and well-being of children worldwide. Initially, the Commission sought to bring this community of experts (which had traditionally evolved at the margins of EU decision-making processes) into the framework of the new OMC/SI by funding a number of policy reports. The first instance of this strategy occurred in 1999 when Euronet was mandated by the Commission to write a report establishing a vision for the future of children’s policy in the EU⁵⁷⁶. Three years later, DG EMPL once again called upon Euronet to contribute to the emerging debate on CPSE. The task entrusted to Euronet in its 2002 Report was considerable. Charged with developing a coherent approach to CPSE in the EU, its authors ambitiously set out to assess the impact of poverty and social exclusion on children, examine national practices in this area and formulate policy recommendations on CPSE⁵⁷⁷. The report offered an impressive *précis* of much of the early literature concerned with children’s poverty and well-being. While it referenced data provided by Eurostat, these were found to be outdated and incomplete⁵⁷⁸. Instead the Euronet report drew heavily on the work carried out by the United Nations Children's Fund (UNICEF) Innocenti Research Centre, which had begun to give greater emphasis to the issue child poverty in rich countries⁵⁷⁹. Indeed, during the early 2000s, a loosely connected epistemic community had begun to emerge calling for a greater public policy focus on CPSE in developed countries⁵⁸⁰. British researchers were particularly prominent in these early years since the 1997 Labour government had made child poverty

⁵⁷⁶ Ruxton 1999.

⁵⁷⁷ Ruxton and Bennett 2002: 17.

⁵⁷⁸ Ruxton and Bennett 2002: 23-5, 27-29, see Eurostat 2000a, Eurostat Task Force 1998.

⁵⁷⁹ Established in 1988 to strengthen the research capability of UNICEF, the Innocenti Research Centre published a range of studies on the issue of CPSE in the EU: Lansdown 2001, Micklewright 2000, Micklewright and Stewart 2000, Bradbury and Jäntti 1999, UNICEF 2000a, UNICEF 2000b.

⁵⁸⁰ Bradshaw 2001, Bradbury *et al.* 2001, Millar and Ridge 2001, Micklewright 2001, Immervoll *et al.* 2001, Ridge 2002, Berthoud 2001, Klasen 1999, 2001, Lansdown 2000, FEANTSA 1998, Ben-Arieh 2000.

a key priority and a central pledge of its election manifesto⁵⁸¹. In sum, the 2002 Euronet report is an impressive compendium of early research and scientific data on the issue of CPSE with a distinctive European policy twist. Though it fell short of providing a robust policy discourse, it did establish the groundwork for a one; underscoring the scope of the problem, its detrimental impact on children's present and future well-being and the levers of policy change available to Member governments in tackling CPSE.

Overall, a rather mixed picture of the Commission's role within the interactive dimension of CPSE discourse emerges from the preceding analysis. While it did seek to disseminate its policy discourse by means of high-visibility publications directed at the European Council, these remained few and far between and did not filter down to the level of OMC/SI Committees (*hypothesis 10*). Similarly, though steps were taken in this direction (most notably via the funding of Euronet expert reports), the Commission failed to rally the support of a strong epistemic community around its preferred vision and understanding of CPSE (*hypothesis 11*) during this period of discursive aperture.

6.2.1. 2 *Phase 2: conceptual clarification and discursive consolidation 2004-2006*

A constructivist rendition of events underlines how from around 2004 onwards, a period of conceptual clarification and discursive consolidation got underway, spearheaded by DG EMPL. As above, in order to assess the transformative nature of the Commission's discourse during the second chapter of CPSE history, the following analysis successively examines its ideational and interactive dimensions against a number of standards of success in order to determine whether this renewed discourse was able to prompt change

⁵⁸¹ Gordon *et al.* 2000, DWP 2001, White *et al.* 2002, Oxley *et al.* 2001.

in national preferences above the push and pull of interests, institutions, or culture.

6.2.1.2. i *The ideational dimension of child poverty and social exclusion discourse*

The persuasive power of the ideas communicated within the CPSE discourse is best assessed by disaggregating its cognitive and normative components and examining these two dimensions against a number of transformative standards (*hypotheses 7, 8 and 9*).

The cognitive dimension of CPSE discourse

With regard to its cognitive dimension, the ambivalence of the early years gave way to a more assured discourse. This sustained impulse towards ideational refinement shaped four core areas of the Commission's original construct.

First, boosted by Member States' growing political commitment for CPSE⁵⁸², the Commission supported a dynamic process of knowledge accumulation around the issue of child poverty. While early CPSE discourse focused on financial poverty, a new concern for material deprivation gradually made its way onto the EU agenda⁵⁸³. Employed by Eurostat since 1990s (with households as reference group)⁵⁸⁴, from 2004 onwards material deprivation began to emerge as a new element of CPSE discourse. That year, a pioneering report written by Petra Hoelscher on the issue of policy responses to child poverty (commissioned by DG EMPL) highlighted the value of introducing such a concept to the CPSE debate⁵⁸⁵. Similarly, while remaining somewhat evasive on the causal mechanisms and social processes at play, the second Joint Report/SI (2004) sternly

⁵⁸² European Council 2005, European Council 2006.

⁵⁸³ Pioneered by the Briton Peter Townsend, material deprivation is basically a non-monetary concept that is designed to show one's economic situation, where poverty is defined as a lack of resources that are considered necessary for an adequate standard of living, Townsend 1979.

⁵⁸⁴ Eurostat 1998, Eurostat 2003a.

⁵⁸⁵ Hoelscher 2004: 10-11.

warned that “material deprivation among children must be a matter of serious concern, as it is generally recognized to affect their development and future opportunities”⁵⁸⁶. Interestingly, a number of respondents stressed the significant causal role played by the 2004 Enlargement in sparking interest for this non-monetary measure of poverty. Because the EU’s definition of child income poverty is relative rather than absolute, the surge in disparities in income levels triggered by the Eastern enlargement meant that children’s experience of poverty suddenly became very dissimilar across Member States⁵⁸⁷. Confirming this trend, an ad hoc report published by the Commission in 2005, *An analysis of the NAPs on social inclusion (2004-6) submitted by the ten new Member States*, boldly stated that “indicators based on the concept of risk of poverty only tell half the story”, and repeatedly underlined the need to consider measures of material deprivation, absolute poverty and living conditions to counteract this shortcoming in new Member States⁵⁸⁸.

Second, CPSE discourse considerably broadened its remit during the period 2004-6. While the concept of social exclusion was nominally present in the Commission’s early discourse, it was only from 2004 onwards that its meaning began to be fleshed out. As noted above, EU action in the field of poverty was originally articulated in the form of three multi-annual anti-poverty programmes, which though limited in duration and scope had a strong intellectual basis⁵⁸⁹. In practice, these programmes significantly contributed to an understanding of poverty that went beyond income deprivation and highlighted a complex process of multiple-exclusion experienced by individuals within society⁵⁹⁰. In 1989, a Council resolution on social exclusion served to establish the concept as a

⁵⁸⁶ CEC 2004d: 20, 6.

⁵⁸⁷ Frazer and Marlier 2007a: 15.

⁵⁸⁸ SEC 2005: 5.

⁵⁸⁹ Daly 2006b: 11.

⁵⁹⁰ Rojas 1999: 20.

legitimate concern for the Union⁵⁹¹. In its immediate aftermath, the Commission set up a European Observatory on Policies to Combat Social Exclusion⁵⁹² that brought together researchers whose work provided the central ideational tenets of a poverty and social exclusion discourse⁵⁹³. In 1992, seeking to exploit this surge in political interest, the Commission issued a Communication entitled *Towards a Europe of Solidarity – Intensifying the Fight against Social Exclusion, Fostering Integration*⁵⁹⁴, providing by far the most extensive treatment of the concept to date.

Carefully fashioned by DG EMPL, social exclusion constitutes a coherent discourse based on a number of core ideational tenets⁵⁹⁵. A first central element is that of an individual's embeddedness in social relations. Social exclusion discourse tends towards a normative ideal of each person belonging to a complex set of social networks⁵⁹⁶ and exclusion occurs when this connection or membership to society is severed. Secondly, social exclusion embraces a horizontal understanding of deprivation, quite distinct from the hierarchical notion of social inequality for which access to economic resources is the most discriminating criterion. Thirdly, social exclusion is depicted as a fundamentally multidimensional phenomenon. Instead of focusing only on income and material deprivation, social exclusion discourse incorporates the social, political and cultural dimensions of exclusionary processes operating in society⁵⁹⁷. Finally, social exclusion is depicted as a fundamentally dynamic process that entails the accumulation of multiple

⁵⁹¹ Council Resolution 89/C277/01. Though the concept of social exclusion has become a lynchpin of recent EU social policy discourse, it finds its origins in France of the 1970s; see Silver and Miller 2003, Saraceno 2001: 6-7, Silver 1994, Béland 2007, Martin 1996, Paugam 1996, Goguel d'Allondans 2003, Lenoir 1974, Wendon 1998a: 346, 1998b: 60.

⁵⁹² The Observatory operated between 1991-4 and served to support the Poverty 3 Programme. It was abolished in 1994 after the Council of Ministers decided against proceeding with Poverty 4; see Room 1995, 1997.

⁵⁹³ Atkinson and Davoudi 2000: 437-442.

⁵⁹⁴ CEC 1992.

⁵⁹⁵ Daly 2006b: 2-4.

⁵⁹⁶ Spiker 1997: 135.

⁵⁹⁷ Whelan and Maître 2005.

forms of exclusion⁵⁹⁸. Crucially, the entrepreneurial role of the Commission in the design and dissemination of this discourse was not fortuitous, rather social exclusion demonstrates a number of essential features that make it an attractive ideational construct. According to Daly, social exclusion is a “quintessential European concept”, able to pick up on and contribute to debates that have long animated European societies⁵⁹⁹. Its ability to speak in a familiar register provides it with a strong form of legitimacy and facilitates its emergence as a pan-European concept⁶⁰⁰. Another particularity of the concept is its relative ambiguity and the resulting discursive malleability it affords the Commission. Social exclusion fits comfortably with alternative visions of a good society that exist across different European welfare regimes⁶⁰¹. Its capacity to fuse different intellectual traditions opens up a space for conversation and exchange at the supranational level and allows national governments to rally around a single concept.

From 2004 onwards, this overarching discourse provided the intellectual building blocks of a more precise, sectoral discourse concerned with social exclusion among children. A first central contention is that children’s social exclusion is about their participation in society, the accessibility of services, as well as the question of whether society acts as an agent of exclusion or inclusion. Since participation in modern societies means the inclusion into self chosen subsystems, social exclusion invariably impacts on various aspects of a child’s life and well-being; a multidimensional quality ultimately resulting in

⁵⁹⁸ Berghman 1995: 27. All four facets are present in the exhaustive definition of the concept provided in the COM 1992: “The concept of social exclusion is a dynamic one, referring both to processes and consequent situations [...]. More clearly than the concept of poverty, understood far too often as referring exclusively to income, it also states out the multidimensional nature of the mechanisms whereby individuals and groups are excluded from taking part in social exchanges, from the component practices and right of social integration and identity [...] it even goes beyond participation in working life: it is felt and shown in the fields of housing, education, health and access to services”; CEC 1992: 8, see also CEC 1993a: 20-1.

⁵⁹⁹ Daly 2006b: 9.

⁶⁰⁰ Béland 2005: 11.

⁶⁰¹ Silver 1994, Atkinson and Davoudi 2000: 436-7.

a series of negative outcomes, including poorer health, educational disadvantage, substandard housing and environment, as well as limited participation in cultural, sporting and recreational activities⁶⁰². A second tenet associated with the notion of social exclusion is that it is as much about children's well-being and living standards today as their expectations and future prospects⁶⁰³. While the concept of poverty tends to offer a static picture of the financial situation of children at the present, the emphasis placed on social exclusion undoubtedly injected a life-cycle approach into the Commission's discourse and served to underline how poverty and social exclusion in childhood profoundly impacted on an individual's life chances⁶⁰⁴. Hoelscher's pioneering study was influential in this regard since it provided an impressive compendium of early scientific research on the negative impacts of growing up in poverty and social exclusion⁶⁰⁵, referencing a series of studies documenting the medium to long-term consequences in terms of health and physical well-being⁶⁰⁶, cognitive development, educational attainment⁶⁰⁷ and psycho-social well-being⁶⁰⁸.

Third, this period was also the scene of the discursive consolidation of the various risk factors and effective policy mixes for fighting CPSE. Drawing on the work of a rapidly growing epistemic community and EU statistical data, three factors were recognized as key in determining the main groups of children at risk, namely, family structure, financial situation, and ethnic origin and/or migratory status⁶⁰⁹. Indeed, lone-parent families, large families, jobless households, as well as immigrant and ethnic minority families were

⁶⁰² Hoelscher 2004: 17-20.

⁶⁰³ Hoelscher 2004: 17, Ruxton and Bennett 2002: 12.

⁶⁰⁴ CEC 2005g: 9.

⁶⁰⁵ Hoelscher 2004: 37-43.

⁶⁰⁶ Duncan and Brooks-Gunn 2000, Klebanov *et al.* 1994, McCarton *et al.* 1997.

⁶⁰⁷ Peters and Mullis 1997, McLanahan 1997, Duncan *et al.* 1994, Brooks-Gunn *et al.* 1996, Smith *et al.* 1997, Lipman and Offard 1997, Duncan and Brooks-Gunn 2000, Ridge 2002, Jackson *et al.* 2000.

⁶⁰⁸ Conger *et al.* 1997, Hanson *et al.* 1997, Pagani *et al.* 1997.

⁶⁰⁹ Hoelscher 2004: 30-6.

pinpointed as being particularly vulnerable to CPSE. In an attempt to fashion collective understanding on the issue, emphasis was also placed on providing a number of practicable solutions. In practice, the Commission sought to identify a universal policy mix aimed at combating CPSE. Underscoring the need to develop an “integrated and holistic approach”⁶¹⁰, CPSE discourse began to highlight areas of intervention and specific means of involvement. The Joint Report 2005 tentatively accentuated the need to give “particular focus [...] to early intervention and early education in support of disadvantaged children; and enhancing income support and assistance to families and single parents”⁶¹¹. Hoelscher’s report went further still, highlighting three universal policy clusters to tackle the issue: policies to increase families’ financial resources, policies to reduce expenses of families and provide them with basic services, and policies focusing on prevention and child well-being⁶¹².

Fourth and finally, rationalizing why intervention in the field of CPSE is necessary, EU discourse placed sustained emphasis on an economic rationale spelt out in earlier years. Indeed, a series of Commission publications served to lend weight to its original discursive design. The prevailing argument set forth by the Commission underlined how the increased flexibility of European labour markets⁶¹³, an ageing population⁶¹⁴ and profound transformations in household structures⁶¹⁵ are having dramatic consequences on child well-being, placing them at greater risk of CPSE than previous generations. The accelerated ageing of the European populations carries the risk of dramatic consequences for European social welfare systems which are founded on strong intergenerational ties of

⁶¹⁰ CEC 2004d: 107, 106.

⁶¹¹ CEC 2005g: 10.

⁶¹² Hoelscher 2004: 56-8.

⁶¹³ CEC 2004f: 51-3.

⁶¹⁴ CEC 2004f: 11, 38-39, CEC 2006h: 7-49, CEC 2005i, Eurostat 2006a, 2006b.

⁶¹⁵ CEC 2004f: 36-7, CEC 2006h: 56-8, Eurostat 2004.

solidarity. CPSE implies costs – in terms of future employability, sustainability of national security systems and economic growth - that the EU cannot afford to sustain. In order to effectively address the problem of CPSE, sustained policy efforts are needed to break the intergenerational transmission of disadvantages that persists in the Union. The Social Agenda 2005-10⁶¹⁶ accentuated this intergenerational dimension, proposing a Green Paper on the issue which was published later that year⁶¹⁷. Similarly, Joint Reports systematically stressed the importance of breaking a vicious cycle of intergenerational inheritance of poverty⁶¹⁸. This amplified emphasis on this specific aspect of CPSE discourse is not fortuitous; rather it reflects a clear proclivity for a social investment perspective where the prospective employability of young people and their added value as “citizen-workers” of the future becomes a central concern⁶¹⁹. Children are not only the private responsibility of families and parents but also a matter of public concern and a legitimate area of government intervention since the well-being of children today is a strong indicator of the capacity of the European economy tomorrow. CPSE discourse counsels the importance of seeing children not only as “beings” but also as “becomings”. A notable emphasis in this regard is placed on children’s educational attainment (i.e. the need to equip them with necessary skills to respond to the challenges of economic globalization and increasingly flexible labour markets) and the detrimental impact that poverty and social exclusion have on their achievement in this domain and, by extension, on their future employability and on the dynamism of the European economy as a whole⁶²⁰.

⁶¹⁶ CEC 2005d.

⁶¹⁷ CEC 2005i.

⁶¹⁸ CEC 2004d: 35, 38, CEC 2005g: 10.

⁶¹⁹ On this social investment perspective in relation to child policy, see Lister 2003, 2004.

⁶²⁰ CEC 2004f: 44-46, CEC 2006h: 64-65, Eurostat 2003b, 2003c, 2003d, 2003e, 2005a, CEC 2004d: 38, CEC 2005g: 10.

A strategy of discursive enhancement clearly transpires from the preceding exposition of the cognitive tenets of CPSE discourse during the period 2004-6. In clarifying and consolidating its original arguments, the Commission successfully addressed certain of its early caveats in terms of relevance, applicability and coherence (*hypothesis 8*). Below, this new refined discourse is successively evaluated against these three standards in view of gauging whether progress was made in the design of a transformative EU discourse. First, the degree of relevance of CPSE discourse remained relatively stable. While it successfully picked up on a growing concern within the EU for addressing poverty and social exclusion among children, it nonetheless faltered on a more technical level with regard to certain modalities of poverty measurement (as detailed above, these include the arbitrariness of poverty thresholds, the limitations of the OECD equivalence scale and the risk of measuring social inequality rather than poverty). However, these criticisms do not undermine the overall relevance of CPSE discourse; rather they are an inevitable consequence of establishing a single measure of income poverty in the Union. Such an ambitious endeavour necessarily invites counter-opinions and critical reviews that merit consideration but which do not shake the original foundations of this enterprise. Second, progress regarding the general applicability of CPSE discourse during this period was striking. While the Commission had remained markedly silent on precisely how to tackle the problem of CPSE during the immediate post-Lisbon period, from 2004 onwards it began to specify a number of practical measures available to Member governments. A wide variety of policies, spanning numerous fields of intervention, were proposed as a composite solution to a fundamentally multidimensional problem. While particular focus was given to early intervention and early education initiatives, considerable attention was placed on identifying a universal policy mix (applicable across different welfare systems) for tackling the problem of CPSE. Third and finally, the exercise in ideational refinement

and consolidation performed during the period 2004-6 valuably served to strengthen the coherence of CPSE discourse. While the discursive *acquis* of the first period had established coherent interlinkages between the various social, cultural and economic aspects of child poverty (in terms of causes, consequences and practicable solutions), the notion of social exclusion had remained markedly underspecified. This omission was subsequently addressed and considerable emphasis was placed on outlining what social exclusion meant for children.

The normative dimension of early CPSE discourse

While the Commission had maintained a somewhat cautious stance *vis-à-vis* the normative dimension of CPSE, from 2004 onwards much greater weight was placed on the notion of children's well-being. Far from seeking to challenge a dominant value system by reinterpreting conceptions of social welfare, the European Commission appealed to a pre-existing social norm: the respect of children's inalienable rights (*hypothesis 7*). Broad moral support for children's universal rights emerged in the post-war era and was made concrete by the 1989 UNCRC, ratified by all EU Member States. Capitalizing on a pan-European consensus about the desirability and appropriateness of such a norm, the first direct reference to the UNCRC was made in the Joint Report 2004, where individual Member States were praised for establishing a rights-based agenda in line with the framework of the UN Convention⁶²¹. This rights-based approach served to portray the fight against CPSE as a shared European norm but also demonstrated the Commission's desire to make use of the OMC not only to enhance policy co-ordination but also as a means of taking forward fundamental legal norms⁶²². In sum, the Commission sought to steadily expand the remit of CPSE discourse, defending child-

⁶²¹ CEC 2004d: 105-6.

⁶²² Armstrong 2003: 11, Bernard 2003.

related interventions on the basis of a strong normative rationale which had until then remained subordinate to an essentially instrumental economic argumentation. The end result was a more compelling normative design (*indicator 7a*) and a more balanced rapport between cognitive and normative aspects of CPSE discourse (*indicator 9a*), thus ensuring a comprehensive and coherent message regarding both the necessity and appropriateness of intervention in this relatively novel policy area.

This exercise in continuity, consolidation and refinement of CPSE discourse effected during the period 2004-6 served to secure a discursive *acquis* established in the aftermath of Lisbon (2000-3), while constructing something better suited to the expectations of EU citizens. For the first time, it established a comprehensive rendition of the *problématique* of CPSE, outlining its principal causes, consequences (medium and long-term, for the individual, society and the economy) and practicable solutions (universal policy mix). In effect, the cognitive tenets elaborated during this period successfully fulfilled the three criteria of relevance, applicability and coherence (*indicator 8a*), essential for the construction of a convincing discourse. Similarly, during this period, the Commission placed greater weight on children's immediate well-being and fundamental rights; a concern which echoed long-standing values shared by the European peoples (*indicator 7a*) and which created a greater sense of equilibrium and complementarity between the cognitive and normative functions of CPSE discourse (*indicator 9a*). The combined impact of these improvements was the emergence of a fundamentally transformative discourse, able to (re)construct national decision-makers' interests and preferences and ultimately redirect their actions in the area of CPSE.

6.2.1.2. ii *The interactive dimension of child poverty and social exclusion discourse*

Notwithstanding the importance of ideational resources in shaping national governments' preferences, the strength of the Commission's transformative power is also associated with the interactive dimension of its discourse.

Issuing policy papers and expert reports

A first hypothesized contention is that the Commission will seek to disseminate its discourse by publishing a range of policy papers and reports intended to inform discussions among an OMC policy elite (*hypothesis 10*). Regularly punctuating the history of the EU, European Council summits typically serve as motors of European integration, driving the process forward and (re)directing policy coordination depending on the shifting prioritizations set out by heads of government. While both the Spring European Councils of 2005 and 2006 underlined Member States' shared commitment to address the issue of CPSE, from the viewpoint of the Commission, these two summits were the culmination of a sustained effort of supplying and circulating a series of policy papers and reports intended to steer Member States towards this issue (*indicator 10a*). These publications fall into two broad categories, namely, those written at the request of the European Council and those written on the Commission's own initiative.

First, during this period of discursive clarification and consolidation, the Commission published three evaluative Joint Reports. Though jointly approved by the Commission and the Council, these reports remained almost identical to the initial draft version submitted by the Commission, thus bestowing upon DG EMPL considerable leeway in the construction of a CPSE discourse. As detailed above, both the 2004 and 2005 editions lay heavy emphasis on the rationale for tackling CPSE, the present conditions and long-

term prospects facing poor and socially excluded children, and the policy levers available to Member States to tackle these problems⁶²³.

Second, the Commission published a series of reports and Communications of its own accord. A significant publication in this regard is the 2004 (Commission funded) report written by Petra Hoelscher⁶²⁴. At the time of its publication, it constituted the first in-depth study in a relatively uncharted policy domain. While recognizing the prevailing lacunae in this field of research (i.e. noting that the development of common indicators was still in its early days and underscoring the lack of transnational comparable data), Hoelscher offered a comprehensive documentation of the state of the art concerning CPSE in the EU, outlining for the first time the risk factors, negative outcomes and policy responses employed by Member States to combat the phenomenon, and proposing a compilation of statistical indicators to take forward the debate. In addition to this expert study, the Commission issued a series of texts upholding and consolidating the place of CPSE on the EU agenda. A clear instance of such a strategy were the three ad hoc reports published in 2005, 2006 and 2008 which clearly referenced the importance of addressing CPSE within the framework of the OMC/SPSI⁶²⁵. Similarly, in 2005, it published a Memo summarizing the Commission's actions in favour of children and young people, citing around thirty Directives, Framework Decisions or Green Papers adopted during the last five years in about ten EU policy areas, with children as principal target⁶²⁶. A number of publications also supported a sustained emphasis on an intergenerational approach to tackling poverty and social exclusion among children⁶²⁷, the impact of new family

⁶²³ CEC 2004d, CEC 2005g.

⁶²⁴ Hoelscher 2004.

⁶²⁵ SEC 2005, SEC 2006b, SEC 2008b.

⁶²⁶ CEC 2005h. For a critical review of this Memo see Ruxton 2005: 25-6.

⁶²⁷ Two texts were particularly important in this regard: the European Social Agenda 2006-10 (CEC 2005d) and the Commission's Green Paper on demographic change (CEC 2005i).

structures and lone-parenting on child poverty⁶²⁸ and the phenomenon of early school leavers⁶²⁹. Finally, this phase of discursive enhancement prompted the spontaneous publication of the Commission's 2006 canonical Communication *Towards an EU Strategy on the Rights of the Child*, aimed at launching a coherent and long-term strategy to actively promote children's rights in the internal and external policies of the EU in accordance with the UNCRC⁶³⁰.

Political commitment for tackling CPSE – expressed at the Spring European Councils of 2005 and 2006 – soon seeped through on to the agenda of OMC Committees. Persevering and expanding on a process that began in 2003 (with the “standard breakdown by age of all the Laeken indicators, where relevant and meaningful”)⁶³¹, the years 2004-6 were characterized by marked political commitment for developing a common knowledge base in the area of CPSE. The collection and standardization of statistics was crucial to this process of knowledge and meaning-making. Debates and discussions were animated by a pursuit for compromise, making these two Committees the central intellectual arenas for the establishment of a uniform system of measurement and a common understanding of the issue of CPSE. The Commission's role in fostering this cognitive and normative consensus is not negligible since it acted as main provider of reports and policy papers informing Committee discussions (*indicator 10a*). Within the ISG, the Committee Secretariat acted as central node in a vast network of institutional actors. From this vantage point it commanded technical notes on CPSE indicators from Eurostat, before presenting them to the ISG accompanied by an options paper outlining the pros and cons of the various statistical indicators proposed in the report. In the words of a Commission

⁶²⁸ CEC 2004e.

⁶²⁹ SEC 2006c.

⁶³⁰ CEC 2006f, see also SEC 2006d, SEC 2006e.

⁶³¹ ISG 2003: paragraph 39.

official centrally involved in the process, these options papers served to “guide the choice of Member States” and “orient the debate”⁶³². Similarly within the SPC, Commission services were responsible for drafting expert reports that “spark(ed) off the debate” on CPSE⁶³³. This *modus operandi* was far from being a trifling feature of the OMC/SPSI decision-making process. The Commission’s exclusive prerogative to submit reports and options papers placed it in a unique position to map social reality and fashion collective knowledge, providing a “ready-made” lens through which Member States could understand and problematize the issue of CPSE.

Establishing and sustaining an epistemic community

A second hypothesized contention purports that in exerting transformative power within the interactive dimension of its discourse, the Commission will seek to gain the support of a powerful community of experts favouring EU intervention in the area of CPSE (*hypothesis 11*). As envisaged by proponents of SI, this second period witnessed the rapid consolidation of a strong epistemic community. Persisting in its strategy of assimilation set in motion during the early 2000s, the Commission employed a range of measures to bring NGOs, scholars, researchers and international organizations (which had until then evolved at the margins of the EU decision-making process) within the ambit of the OMC framework.

First, the Commission sought to facilitate its rapprochement with well-established NGOs and IOs concerned with children’s rights and well-being. This rapprochement took two forms: relational and financial. On the one hand, a confluence of factors served to establish a set of relational and intellectual links between DG EMPL and UNICEF

⁶³² Interview Commission official 19/07/10.

⁶³³ Interview SPC member 02/08/10.

Innocenti Research Centre. In 2005, UNICEF published a Report Card addressing child poverty in rich countries⁶³⁴. Though it had in the past already issued publications on the issue of child poverty in industrialized nations⁶³⁵, the timing of this report meant that it was able to catch the wave of interest sweeping across the EU⁶³⁶. Similarly, this working relationship was further strengthened at the level of individual experts. Petra Hoelscher (author of the 2004 report financed by the Commission) joined UNICEF in 2006. The same year, Hugh Frazer (an influential Commission official involved in the OMC/SI between 2001-6) upon leaving DG EMPL, was approached by UNICEF to write a report on the lessons learned on child poverty that could be drawn from the European process⁶³⁷. On the other hand, further enhancing this rapprochement with this epistemic community, in 2004, the Commission made use the Community Action Programme (a fund of 75 million Euros aimed at supporting the OMC/SI) to finance Eurochild, a newly established transnational network of children's organisations promoting the welfare and rights of children and young people in Europe⁶³⁸ (*indicator 11c*).

Second, in 2005, two transnational networks of independent researchers were inaugurated by DG EMPL and firmly placed within the ambit of the OMC/SPSI (*indicator 11b*). The European Observatory on the Social Situation and Demography (more commonly referred to as the Social Situation Observatory) was established to assist the Commission in its duty to report on the social situation in the EU⁶³⁹. Three multidisciplinary research teams – charged with monitoring trends in the domains of income distribution and living conditions, health status, health care and long-term care, and demography – regularly

⁶³⁴ UNICEF 2005.

⁶³⁵ UNICEF 2000a, UNICEF 2000b.

⁶³⁶ Interview UNICEF officer 15/07/10.

⁶³⁷ Frazer 2006.

⁶³⁸ <http://www.eurochild.org/index.php?id=201> (consulted 17/08/2010).

⁶³⁹ <http://ec.europa.eu/social/main.jsp?catId=676&langId=en> (consulted on 08/09/2010).

submit research notes and policy briefs on specific issues of high policy relevance as well as annual reports to the internal services of DG EMPL, who employ this information to flesh out the Commission's annual Social Situation Report (SSR). Since 2005, at the request of the European Commission, various facets of the *problématique* of CPSE have been reported on by these research networks⁶⁴⁰. In 2006, the consortium on "income distribution and living conditions" published three research notes on the issues of child education⁶⁴¹, transition to adulthood⁶⁴², and the costs and pressure placed on parents of young children, respectively⁶⁴³. That same year, the health policy network published a research note on children's current lifestyles and the impact on their future well-being⁶⁴⁴. Crucially, the Commission had a central role in setting the work programme of the SSO and steering its agenda towards the issue of CPSE⁶⁴⁵. Similarly, a "Network of Independent Experts on Social Inclusion" was also launched in 2005 with the stated purpose of assisting the DG EMPL in monitoring and evaluating the situation as well as national policies with regard to poverty and social exclusion⁶⁴⁶. Each year, a team of thirty-five national experts provides two reports on their respective countries on a specific subject that is being examined in the context of the EU social inclusion process. Subsequently, a Network core team produces a synthesis report on the basis of these national reports. This innovative institutional design has the advantage of giving DG EMPL the opportunity of tapping into a wealth of knowledge of dedicated national experts and gain valuable insight into Member governments' programmes, priority actions and policy failings that remain unreported in the NAPs⁶⁴⁷.

⁶⁴⁰ SSO 2006: 18-24.

⁶⁴¹ Horn 2006.

⁶⁴² Ward *et al* 2006.

⁶⁴³ Ward and di Sante 2006.

⁶⁴⁴ Sorenson and Masseria 2006.

⁶⁴⁵ Interview policy officer Tarki Institute (SSO member) 01/07/10, Interview policy officer Applica (SSO member) 23/07/10.

⁶⁴⁶ <http://www.peer-review-social-inclusion.eu/network-of-independent-experts> (consulted on 08/09/2010).

⁶⁴⁷ Interview SSO member 25/06/10.

Third, the Commission sought to manufacture a broad support base of institutional actors in the new accession countries around the issue of children's rights. In a bid to sensitize new Member States, in 2005 DG Enlargement funded three regional Euronet seminars in Warsaw, Prague and Ljubljana (*indicator 11a*). Each seminar brought together NGOs and civil society organizations from a cluster of neighbouring States and served to highlight a range of specific concerns pertaining to child poverty and well-being particularly prominent in new Member States⁶⁴⁸.

Based on the preceding analysis, the strength of the Commission's transformative power within the interactive dimension of CPSE discourse appears firmly vindicated for the period 2004-6. On the one hand, the Commission widely disseminated its discourse by publishing a range of policy papers and expert reports both at macro- and micro-institutional levels (*indicator 10a*). This wide gamut of publications served to inform discussions on CPSE by providing a common language and vocabulary and a shared vision around which an OMC policy elite could rally. On the other hand, the Commission acted as a driving force behind the rapid consolidation of a strong epistemic community favouring EU intervention in the area of CPSE. Capitalizing on a strategy of assimilation set in motion during the early 2000s, the Commission employed three key measures at its disposal – the organization of conferences (*indicator 11a*), the financing of a research programme (*indicator 11b*), and the financing of NGOs (*indicator 11c*) – to build up a community of experts evolving within the ambit of the OMC framework.

⁶⁴⁸ Ruxton 2005: 14, 18.

6.2.1. 3 *Phase 3: reaching consensus 2007 - 2010*

In view of gauging the transformative nature of CPSE discourse during this third chapter of its history, the following analysis proceeds by successively examining its ideational and interactive components against a set of standards deemed necessary for the construction of a convincing discourse.

6.2.1.3. i *The ideational dimension of child poverty and social exclusion discourse*

The cognitive dimension of CPSE discourse

By the start of 2007, almost all original cognitive tenets that make up today's CPSE discourse were present on the EU agenda. The broadening of its main constitutive elements – effected during the period 2004-6 – served to establish a fundamentally comprehensive rationalization of the necessity to invest in the fight against CPSE. In recent years, emphasis has been placed on refining these cognitive components. Three key developments are notable in this regard: (1) providing a greater specification of the concept of material deprivation, (2) elaborating on risk factors and exposing the existence of a universal policy mix to prevent and alleviate CPSE, and (3) consolidating a common knowledge base by means of aggregated European statistics.

First, pursuing a trend set in motion in 2004, the Commission sought to further elaborate on the non-monetary notion of material deprivation which carries the promise of shedding light on the reality of CPSE beyond a narrow income approach. Indeed, a series of Commission publications conspired to draw attention to this burgeoning concept⁶⁴⁹ and a number of arguments were set forth in favour of non-monetary considerations. First, such

⁶⁴⁹ Frazer and Marlier 2007a: 15-6, CEC 2007f: 59-70, CEC 2008d: 38-42, CEC 2009c: 316-27, Eurostat 2005b.

a measure provides a richer picture of the reality of CPSE; an “additional insight”⁶⁵⁰ or “absolute approach”⁶⁵¹ which serves to complement the standard measure of relative income poverty. Second, material deprivation serves to highlight the great disparities that exist in the EU regarding children’s living standards which cannot be captured by means of income-related indicators⁶⁵². Finally, an essentially prescriptive element exhorts governments to take seriously the problem of material deprivation, weaving the added consideration of “living standards” into national policy programmes on poverty and financial hardship⁶⁵³.

Boosted by a sustained political interest for the issue, from 2007 onwards the Commission supported a dynamic process of ideational consolidation of risk factors surrounding CPSE and further refinement of a universal policy mix aimed at preventing and combating it. First, the original analysis provided by DG EMPL in terms of the recurring factors determining the main groups of children at risk remained relatively unchanged during this period; though it did become more precise and better documented. An expert report written by the Network of Independent Experts in 2007 called attention to the same three factors of family structure, financial situation and ethnic origin and/or migratory status⁶⁵⁴. Similarly, Joint Reports served to lend weight to this analysis, anchoring these cognitive arguments firmly within a collective understanding of CPSE⁶⁵⁵. Second, in a bid to transform CPSE into a problem readily amenable to government intervention, considerable attention was given to making more concrete a “universal” policy mix applicable across all Member States, irrespective of their welfare tradition.

⁶⁵⁰ CEC 2007f: 70.

⁶⁵¹ CEC 2009c: 318.

⁶⁵² CEC 2009c: 316.

⁶⁵³ CEC 2007f: 70.

⁶⁵⁴ Frazer and Marlier 2007a: 20-7, SPC 2008: 20-38.

⁶⁵⁵ SEC 2008c: 9-15.

During this period, a coherent multidimensional policy programme for tackling CPSE took shape under the impulse DG EMPL. Areas of government intervention originally outlined by the Commission in the Joint Report 2007 offered a rather exhaustive itemization of policy instruments addressing the manifold dimensions of the problem (“increasing the family’s income, improving access to services, including decent housing, or protecting the rights of children and their families”⁶⁵⁶). Despite this wide remit, emphasis was placed on two aspects in particular, namely, ensuring equal opportunities with respect to education⁶⁵⁷ and promoting parents’ participation in the labour market⁶⁵⁸. Similarly, that same year, a synthesis report of the Network of Independent Experts identified a similar set of policy instrument. Four clusters were singled out: (1) ensuring an adequate income, (2) improving access to services (especially childcare, education, health and housing), (3) developing social services and child protection services, and finally (4) promoting the involvement of children in social, recreational, sporting and cultural activities⁶⁵⁹.

A significant U-turn in this discursive strategy occurred when Member States became directly implicated in the process of ideational refinement. In November 2006, in view of the forthcoming thematic focus in 2007, an ISG Task-Force was mandated by the SPC to produce a report comprising an in-depth evaluative review of CPSE in the EU and propose a set of concrete recommendations for a common framework for analysing and monitoring trends in this area⁶⁶⁰. Officially endorsed by the SPC in January 2008, the report (*Child Poverty and Well-Being in the EU. Current Status and Way Forward*) marked a breakthrough in the dynamic construction of a collective discourse on CPSE.

⁶⁵⁶ CEC 2007g: 5-6, SEC 2007: 52-4.

⁶⁵⁷ CEC 2007g: 6.

⁶⁵⁸ CEC 2007g: 5.

⁶⁵⁹ Frazer and Marlier 2007a: 57-72.

⁶⁶⁰ ISG 2006: 2.

For the first time, Member governments were directly implicated in the formation and refinement of its original cognitive tenets. This report offered an impressive compendium of the fundamental tenets of CPSE discourse as articulated by the Commission since the early 2000s and served to further consolidate and clarify certain of its constitutive elements. Indeed, it is significant that its authors boldly added to the Commission's previous analysis by (1) underscoring the limitations of relative income-based measures of poverty and the added insight provided by material deprivation indicators⁶⁶¹, (2) rendering more specific the risk factors associated with CPSE⁶⁶², and (3) further expanding on the details of a universal policy mix intended to prevent and alleviate CPSE⁶⁶³.

Finally, this period saw the gradual accumulation of a common statistical base on CPSE at the EU level. Starting in 2003 (that year, the ISG endorsed an age breakdown of all Laeken indicators where relevant and meaningful), DG EMPL embarked on a very deliberate strategy of knowledge accumulation designed to support policy claims with new data. Cloaked in a veil of impartiality and depoliticization, these common EU indicators served to re-cast the central tenets of CPSE discourse as facts by editing ideas into scientific truths and concepts into standards. The drawn-out transition process from the ECHP to EU-SILC, spanning several years, significantly delayed the construction of a solid common knowledge base in the area of social inclusion⁶⁶⁴. Moreover, a significant time lag exists between the collection and the publication of European social statistics,

⁶⁶¹ SPC 2008: 51-56.

⁶⁶² SPC 2008: 20-37, 63-65.

⁶⁶³ SPC 2008: 37-45.

⁶⁶⁴ Originally established in 1994, the ECHP ran for 8 years before being discontinued in 2001 and replaced by EU-SILC; see <http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/echp>. Launched in 2003 on the basis of a gentleman's agreement among 6 Member States (Belgium, Denmark, Greece, Ireland, Luxembourg and Austria), the real starting point for EU-SILC came in 2004 under a framework regulation for the EU-15, see http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/eu_silc (last consulted 28/10/10).

meaning that it was only in 2007 that comprehensive pan-European data relevant to CPSE became available. This sudden surge in available statistical data lent considerable weight to the original tenets of the Commission's CPSE discourse. From 2007 onwards, the compilation of standardized statistics revolutionized the Commission's discourse since cognitive arguments which had previously been considered tentative (because rationalized on the basis of incomplete data taken from the ECHP or borrowed from other IOs' statistical systems) were now presented as scientific facts.

In sum, the drive towards conceptual refinement and discursive consolidation that got underway in 2004 was carefully upheld by the Commission during the third period of CPSE history. DG EMPL sought to make more precise and concrete a discourse whose basic cognitive tenets were originally delineated in the immediate post-Lisbon period. In so doing, it delved deeper into the workings of CPSE discourse, expanding on finer details and operational mechanisms and adding force to its arguments by means of aggregated European statistics. Below, in view of gauging whether progress has been made in the design of a transformative discourse, its cognitive arguments are successively examined against the three original criteria of relevance, applicability and coherence (*hypothesis 8*). First, the degree of relevance of CPSE discourse appeared substantially strengthened in recent years; an improvement in large part linked to a perceptible increase in Member States' political commitment towards tackling CPSE. Crucially, original caveats concerning the modalities of measuring child income poverty were more or less dispelled (*indicator 8a*). The 2008 SPC report officially recognized that though these limitations are "important and need to be kept in mind [...] (they) do not undermine the policy relevance of an analysis focused on income poverty since the household income remains a key determinant of children's material situation and can be heavily influenced

through labour market and transfer policies”⁶⁶⁵. Similarly, a sustained emphasis placed on material deprivation served to complement a long-standing income-based measure, offering a more balanced overview of child poverty in the EU. Second, marked efforts on the part of DG EMPL to make more explicit policy measures to tackle the problem of child poverty crucially served to enhance the general applicability of CPSE discourse (*indicator 8a*). During this period, the Commission demonstrated a clear determination to further refine a universal policy mix aimed at preventing and combating CPSE. This ambitious enterprise begun a few years earlier (roughly around 2004) gained in momentum as the Commission was able to borrow from a growing body of research to authoritatively establish the parameters of acceptable action in this field. Third and finally, the Commission demonstrated sustained concern for ensuring a strong form of coherence among the constitutive elements of its discourse (*indicator 8a*). From its beginnings, the Commission placed a great deal of emphasis on skilfully imbricating various social, cultural and economic aspects of CPSE (whether in terms of causes, consequences or practicable solutions) to form a coherent whole. The dexterity and ingenuity with which this was pursued during this third chapter in CPSE was no exception to this trend.

The normative dimension of CPSE discourse

With regard to the normative dimension of CPSE, the Commission’s discursive strategy during this third period was largely characterized by a desire to sustain and enhance the notion of children’s fundamental rights⁶⁶⁶. Existing in conjunction with an essentially utilitarian rationale for investing in children (understood as “citizen-workers-in-the-

⁶⁶⁵ SPC 2008: 12-13.

⁶⁶⁶ Similarly, just two years following its landmark Communication on an EU Strategy of the rights of the child, the Commission launched a consultation on an “Issue paper for building an EU for the Rights of the Child”, developed in close cooperation with NGOs and Child Rights Action groups, CEC 2008f.

becoming” and prime assets in the construction of a competitive knowledge-based economy), this more normative argument depicts children as beings in the present and draws attention to quality of life issues and immediate well-being. During this period, the notion of “child well-being” became a new buzzword (appearing in a number of EU policy-relevant publications) as it served to capture the essence of this normative ideal⁶⁶⁷.

This normative basis was sustained by a powerful epistemic community favouring a more intrinsic approach to CPSE. Whereas poverty, deprivation and social exclusion carry negative undertones associated with the notion of lacking, “well-being” appeals to a more positive outcome, one where children are provided with all the opportunities to fulfil their potential⁶⁶⁸. Sustained emphasis was placed on making the notion of well-being more precise and concrete. In its mandate, the EU Task Force on Child Poverty and Child Well-Being agreed on seven dimensions of well-being: (1) economic security and material deprivation, (2) housing, (3) local environment, (4) health, (5) education, (6) social relationships and family environment, and (7) exposure to risk and risk behaviour⁶⁶⁹. This expert report served an important role in establishing a common language and interpretative framework for child well-being. Similarly, sustained efforts were made by Commission services to tie the notion of “well-being” ever closer to children’s universal rights. From 2007 onwards, substantial importance was accorded to the UNCRC in EU publications. Indeed, references to the Convention were rife in the Joint Reports for 2007, 2008 and 2009 and in expert reports published during this time⁶⁷⁰.

⁶⁶⁷ Endorsed for the first time by Member States in the 2007 Joint Report (CEC 2007g: 4), in the years that followed the Commission SECs accompanying the Joint Reports 2008 and 2009 devoted entire sections to the issue (SEC 2008c: 32-35, SEC 2009: 27-33). Filtering through to the level of EU statistics, in 2006 a specific slot on “child well-being” was inserted into the Social Inclusion Portfolio, with the caption “to be developed”, CEC 2006a, also CEC 2008c: 22.

⁶⁶⁸ Bradshaw, Hoelscher and Richardson 2007.

⁶⁶⁹ SPC 2008.

⁶⁷⁰ SEC 2008c: 33, SEC 2009: 31, Tarki 2010: 7.

Moreover, on the 1st December 2009, the Treaty of Lisbon entered into force and inscribed for the first time “the protection of the rights of the child” within the objectives of the EU (Art. 3.3 and Art. 5).

Effectively, the Commission’s appeal to a pre-existing social norm prevalent across the EU – the respect of children’s inalienable rights – greatly aided in the construction of a transformative discourse that could rally the support of governments belonging to very different national welfare traditions (*indicator 7a*). Similarly, in making the case for government intervention, the Commission carefully highlighted the comfortable co-existence and complementarity of both cognitive and normative rationales (i.e. capturing both the necessity and appropriateness of such action) for investing in preventing and alleviating CPSE (*indicator 9a*). The fusion of these two logics is impeccably captured in the Joint Report 2007, which alleges that “increasing child well-being will help more people to develop their full potential and contribute fully to society and to the economy”⁶⁷¹.

6.2.1.3. i *The interactive dimension of child poverty and social exclusion discourse*

In the analysis that follows, consideration is given to the Commission’s industrious efforts to disseminate the central precepts of its refined discourse by means of relevant publications (*hypothesis 10*) and to sustain a transnational community of experts whose inception it had carefully orchestrated in preceding years (*hypothesis 11*).

⁶⁷¹ CEC 2007g: 4.

Issuing policy papers and expert reports

In an effort to anchor the precepts of its discourse within the collective knowledge of an EU decision-making elite, the Commission persisted in its communicative strategy of issuing a gamut of policy papers and reports.

At a macro-institutional level, in an effort to sway policy discussions towards the issue of CPSE, the Commission made use of two instruments at its disposal: publications written at the request of the European Council and those written of its own accord (*indicator 10a*). First, during this period of growing ideational convergence, the Commission published three Joint Reports/SPSI and three “supporting” staff working documents⁶⁷². A crucially element of the OMC’s annual iterative process, these Joint Reports and SECs enjoyed an unparalleled level of visibility within the EU arena, affording the Commission a strong voice in the debate on CPSE. Indeed, as noted previously, the final version of these Reports (jointly adopted by the Council and the Commission) deviate only marginally from the original draft version submitted by the Commission a few months earlier. Moreover, since 2005 it effectively comprises a relatively short (10-15 pages) official report (adopted by the Council) and a more substantial SEC (over 100 pages) giving the Commission considerable leeway to expose the central tenets of its more polished CPSE discourse. A second key instrument in this systematic dissemination of knowledge at the macro-institutional level pertains to the publications issued at the Commission’s own initiative. A number of expert reports commissioned by DG EMPL served to shed some light on different aspects of the CPSE *problématique*⁶⁷³. Similarly in 2008, the Commission spontaneously undertook a comprehensive evaluation of the

⁶⁷² CEC 2007g, CEC 2008e, CEC 2009d, SEC 2007, SEC 2008c, SEC 2009.

⁶⁷³ Fondazione G. Brodolini (2007) was charged with submitting a report on single mothers and child poverty.

OMC/SPSI ahead of the preparation of the Renewed Social Agenda⁶⁷⁴. Following this evaluation, a Commission Communication proposed a strategy for strengthening the OMC/SPSI in the context of the Lisbon Strategy, placing marked emphasis on investing in youth and children⁶⁷⁵. A third type of publication which also merits consideration is the SSR which, published annually since 2000, continued to regularly report on different dimensions of CPSE and to provide “evidence” of demographic ageing⁶⁷⁶, labour market transformations⁶⁷⁷, changes in family structures⁶⁷⁸, and intergenerational transmission of poverty⁶⁷⁹, all conspiring to strengthen a core economic rationale for tackling CPSE.

In parallel, the Commission sought to address a national policy elite within the more intimate setting of OMC Committees. As in previous years, the Commission capitalized on its unique prerogative of submitting reports, options papers and draft opinions to steer discussions towards to the policy issue of CPSE and set the terms of the ensuing debate (*indicator 10a*). Numerous members of these committees testified to the Commission’s sustained ability to colour national policy discourse on CPSE within the context of the SPC and ISG. Since the Commission provided the initial documents on which discussions were subsequently built, national officials ineluctably moulded their national stance in the original language articulated by the Commission. This trend is amply visible in the manner in which national governments incorporated EU concepts and categories of CPSE into domestic debates (and their NAPs/NSRs) and exposed national policy makers to a new target group requiring government intervention.

⁶⁷⁴ SEC 2008b.

⁶⁷⁵ COM 2008f.

⁶⁷⁶ CEC 2007f: 112-3, CEC 2008d: 86-8, CEC 2009c: 183-95.

⁶⁷⁷ CEC 2007f: 125-8, CEC 2008d: 96-104, CEC 2009c: 249-60.

⁶⁷⁸ CEC 2007f: 110-1, 154-161, CEC 2008d: 84-5, CEC 2009c: 205-12.

⁶⁷⁹ CEC 2007f: 11, 71-81, Frazer and Marlier 2007a: 31.

Establishing and sustaining an epistemic community

A key moment in recent CPSE's discursive history – and one which undoubtedly helped to focus political attention – was the OMC/SPSI's 2007 thematic year on child poverty. This episode afforded the Commission much greater latitude in rallying the support of a transnational community of experts around a discourse of its own making. Many European networks active in the field of social inclusion and supported financially by the Commission (EAPN, Eurochild, ESN, FEANTSA) gave particular attention during 2007 to CPSE, preparing dedicated reports on the issue⁶⁸⁰. Similarly, a number of influential reports and scientific publications issued since 2007 helped to expand the communicative platform from which CPSE discourse was disseminated and to enhance its legitimacy in the eyes of national decision-makers⁶⁸¹. Employing three devices at its disposal, this epistemic community was further consolidated by DG EMPL during this period.

Firstly, the Commission sought to strengthen its ties with UNICEF and Eurochild (*indicator 11c*). An early rapprochement effected during the period 2004-6 had successfully served to establish relational and financial links with these two institutional actors; a strategy that the Commission sought to sustain and improve. In the case of UNICEF, a clear trend towards stronger intellectual rapport and improved working relationship became apparent. Reacting to the EU policy agenda, UNICEF sought to contribute to the European debate by publishing in 2007 a Report Card on the issue of child well-being in economically advanced nations⁶⁸². This Report Card served to consolidate the existence of a pan-European community of researchers since its three

⁶⁸⁰ FEANTSA 2007, European Social Network 2007a, 2007b, 2010, Eurochild 2007a, EAPN 2007.

⁶⁸¹ Bradshaw 2006a, Bradshaw 2006b, Bradshaw *et al* 2006, Bradshaw *et al* 2007, Bradshaw and Richardson 2008, Bradshaw and Richardson 2009, Lippman *et al* 2009, Camfield *et al* 2009, UNICEF 2007, OECD 2009, Eurochild 2009, 2010a, 2010b, 2010c, Ben-Arieh 2007, Ben-Arieh 2008, Fattore *et al* 2007a, Fattore *et al* 2007b, Fattore *et al* 2009, Moore and Theokas 2008, Moore *et al* 2008.

⁶⁸² UNICEF 2007. This publication is based on Bradshaw, Hoelscher and Richardson 2006.

authors are closely affiliated with other organizations that make up this epistemic community⁶⁸³. Similarly, DG EMPL's decision to successively finance Eurochild – first under the Community Action Programme and later under PROGRESS – served to anchor the network within the framework of the OMC/SPSI. Among its stated priorities, Eurochild has repeatedly stressed its commitment to strengthening policy development to combat CPSE, develop membership capacity at the national level, and raise awareness around CPSE. Finally, a growing cohesiveness emerged among members of this epistemic community, a trend corroborated by the publication of a “Background Paper on Child Poverty and Child Well-being” jointly prepared by Eurochild and UNICEF for the 2010 Conference on Child Poverty organized by the Belgium Presidency with the Commission⁶⁸⁴. Also evidencing this close relationship, on 25-27 May 2009, a “Child Well-being Expert Consultation” was held in Paris. Co-organized by UNICEF Innocenti Research Centre, the OECD, and the European Commission, this event brought together seventy-two international experts with the purpose of developing a shared understanding of a set of data that countries should monitor in order to inform policies for children's well-being⁶⁸⁵. This growing interconnectedness served to strengthen the collective authority of this epistemic community, thus endowing the Commission's original discourse with greater legitimacy and credibility in the eyes of a European policy elite.

Secondly, the Commission has continued to finance and support the two networks of independent researchers set up in 2005 within the framework of the OMC/SI (*indicator 11b*). On the one hand, the SSO continued to publish a number of research notes and

⁶⁸³ All three authors continue to publish academic research and carry out thematic studies for UNICEF; see Bradshaw and Richardson 2008, Bradshaw and Richardson 2009, Richardson *et al.* 2008, Bradshaw, Richardson and Ritakallio 2007, Bradshaw, Hoelscher and Richardson 2007.

⁶⁸⁴ UNICEF and Eurochild 2010. This joint paper is based the work by Frazer *et al* 2010.

⁶⁸⁵ http://www.oecd.org/document/22/0,3343,en_2649_33933_42534358_1_1_1_1,00.html (consulted 13/10/2010). In September, the OECD published its first expert report on child well-being, OECD 2009.

policy briefs on various facets of CPSE, including child poverty among ethnic minorities⁶⁸⁶, children of immigrants in education⁶⁸⁷, supporting families with children through taxes and benefits⁶⁸⁸, and deficiencies in family-friendly services⁶⁸⁹. On the other hand, in 2007 the Commission charged the “Network of Independent Experts on Social Inclusion” with the task of writing a thematic report on CPSE. In April 2007, the individual experts submitted reports examining CPSE within their respective national arenas. The resulting synthesis report provided the most comprehensive overview to date of the extent and nature of child poverty and well-being in the Union, the policy mixes employed by national governments to tackle this problem, the monitoring and evaluation arrangements established by Member States, and finally, specific lacunae in terms of statistical data⁶⁹⁰.

Thirdly, from 2007 onwards the Commission actively sought to manufacture a broad support base of institutional actors around the more normative issue of children’s rights. Implementing the 2006 Communication *Towards an EU Strategy on the Rights of the Child*, the Commission organized three EU fora on Children’s Rights, with the purpose of providing an effective mechanism for efficient coordination and consultation with and among all relevant stakeholders⁶⁹¹ (*indicator 11a*). In the same vein, in July 2007, the newly created European Union Agency for Fundamental Rights (FRA) was charged by the Commission with developing indicators to measure how child rights are implemented, protected, respected, and promoted across the EU (*indicator 11b*)⁶⁹².

⁶⁸⁶ Gábos *et al* 2007.

⁶⁸⁷ De Valk 2008.

⁶⁸⁸ Figari *et al* 2007.

⁶⁸⁹ Gstrein *et al* 2007.

⁶⁹⁰ Frazer and Marlier 2007a.

⁶⁹¹ Berlin (June 2007), Brussels (March 2008 and December 2008).

⁶⁹² Fundamental Rights Agency 2009.

In sum, the Commission's entrepreneurial role within the interactive dimension of its discourse showed no sign of abating during the most recent chapter of CPSE history. Executing a purposive strategy of knowledge dissemination, the Commission persisted in its ambition of publishing a wide array of policy papers and expert reports intended to provide a common language and shared vision around which policy actors could rally (*hypothesis 10*). Similarly, it inexorably sought to gain the support of an imposing epistemic community favouring EU intervention in the field of CPSE; swaying its lobbying and research efforts towards the European concepts of poverty and social exclusion among children (*hypothesis 11*).

6.2.2 Rational choice institutionalist analysis

The superposition of a RCI framework with the original design of the OMC/SI offers a valuable means of theorizing the Commission's institutional power in the field of CPSE. Employing a set of theoretically conjectured intermediate steps as our guideposts, the following analysis tests a rationalist portrayal of events against empirical observations across all three periods of CPSE history.

6.2.2.1 Phase 1: an original aperture 2000-2003

A rationalist interpretation of the initial surfacing of the issue of CPSE on the EU agenda underlines the Commission's marked ability to perform an informal agenda-setting role, acting by stealth to manipulate the European Council's substantive agenda by stepping forth at a distinctly auspicious time to propose a constructed focal point around which Member State bargaining can converge. In testing this rationalist rendition of events, the

below analysis is structured around two complementary and overlapping factors shaping the Commission's informal agenda-setting role, namely, a window of opportunity (a necessary but not sufficient condition) and an information asymmetry structure that privileges the Commission so that it might use this superior knowledge on the issue of CPSE to advance a practicable policy proposal.

A window of opportunity

The Commission's resolution to bring CPSE to the EU discussion table in the lead up to the Lisbon European Council was not fortuitous but a deliberate and considered response to a suddenly favourable political and economic climate sweeping across the Union. Indeed, a series of events and occurrences served to establish a propitious context, helping the Commission to find a receptive ear among EU governments.

First, DG EMPL faced a “generally more favourable political climate”⁶⁹³ at the turn of the century than it had done in the 1990s, when right-wing governments (in the majority within the Union) had explicitly privileged EU coordination in the fields of employment and economic policy. Accordingly, a series of political twists of fate (the strong majority of left-wing governments in place in 2000, the accent placed on social policy in the “Lisbon Triangle”, and the landmark decision to establish a social OMC) combined to form a unique and transient window of opportunity that the Commission seized upon to anchor the idea of CPSE on the EU agenda. Second, in line with a rationalist utility-maximizing conception of individual behaviour, the Commission was acutely aware that it required the tacit consent or approval of Member governments to carry through its CPSE project. During this period of aperture, the Commission's significantly benefitted

⁶⁹³ Interview Commission official 29/06/10.

from the fact that several governments were beginning to turn their attention towards this new *problématique*. A key expression of this emerging interest was the initiative “L’Europe de L’Enfance”; a Permanent Childhood and Adolescence Intergovernmental Group established under the French Presidency of the EU in early 2000⁶⁹⁴. Another symptom of a growing awareness and recognition of this new social problem was the spontaneous reference to multiple facets of CPSE in the first round of NAPs; a trend reported by the Commission in the Joint Report 2002⁶⁹⁵. Ultimately, the Commission was able to support and give voice to an undercurrent of interest for CPSE emerging in the EU. An official charged with writing the first draft of the Joint Report 2002 remembered how “it was clear that it was an issue in quite a lot of Member States”, a feature which “enabled” the Commission to “highlight” and “draw out” the issue of child poverty in its analysis⁶⁹⁶. Third and finally, the issue of CPSE constituted a valuable means of easing the UK into a process which it felt uneasy about. “Weary” of what it was getting into⁶⁹⁷, the UK’s disobliging posture was seen by many as a sizeable threat to the OMC/SI. From the Commission’s viewpoint, pushing the issue of CPSE onto the OMC/SI’s agenda was a key means of overcoming reticence on the part of the British government and stifling outright opposition from a typically refractory Member State by prioritizing a policy issue that it supported. Capturing the essence of this idea, a Commission official observed that CPSE appeared as an area “which would allow for progress to be made the fastest and go the furthest” and “a domain where the UK would be a partner and would be willing to go forward”⁶⁹⁸.

⁶⁹⁴ Ruxton 2005: 25, <http://www.childoneurope.org/ee/meetings.htm>.

⁶⁹⁵ CEC 2002g: 25-26, 65.

⁶⁹⁶ Interview 29/06/10.

⁶⁹⁷ Interview British SPC official 21/05/10.

⁶⁹⁸ Interview 19/07/10. Indeed, in 1999, the UK had adopted a high-profile commitment to eradicating child poverty in twenty years and halving it in ten years, see Blair 1999.

At the eleventh hour, however, an adverse circumstance cast a shadow on this favourable climate. Many respondents testified to an overriding concern among EU governments to get the OMC/SI process “off the ground”⁶⁹⁹. As one Commission official remarked “the first years were sort of catch-all years” during which Member States lacked the inclination to commit themselves to specific policy issues or detailed objectives. Similarly, time pressure acted as a significant constraint during this period. With little time to discuss “different forms of poverty, different target groups, different ways of dealing with it”⁷⁰⁰, the SPC and ISG were bound by the Nice European Council conclusions to prepare a set of statistical indicators to monitor progress in the field of social inclusion. Greatly aided by the Belgian Presidency, Member States worked assiduously to achieve a final agreement of eighteen indicators in time for the Laeken Summit of December 2001. However, this sense of urgency indubitably disserved the Commission’s political entrepreneurship since it precluded any form of concrete proposal on CPSE being set forth. In sum, what appeared at first glance to be an auspicious aperture was tempered by Member governments’ desire to launch a new mode of governance in the area of social inclusion; a process which not only proved to be time-consuming but also served to direct national representatives’ attention towards much broader considerations.

Relative information asymmetry and the Commission’s strategy

The Commission’s informal agenda-setting power is not exclusively function of its ability to capitalize on a favourable political and economic context, but also crucially depends on its capacity to table an innovative policy proposal capable of garnering the support of Member States. Yet in order to bring a powerful proposal to the European Council’s

⁶⁹⁹ SPC national representative in 2000-1, interview 21/05/10.

⁷⁰⁰ SPC national representative in 2000-1, interview 21/05/10.

bargaining table, the Commission must enjoy comparatively more information than any other single actor (*hypothesis 6*); a condition which fell short of being fulfilled in these early days.

In 2000, with EU social policy still in its infancy, the Commission's in-house policy expertise on the issue of child policy (i.e. its understanding of the causes, consequences and policy mix needed to tackle it) was meagre and officials lacked sufficient EU statistical data to support and give weight to their analysis (*indicator 6d*)⁷⁰¹. The absence of statistical evidence in the early days of OMC/SI meant that the Commission lacked a solid information basis on which it could rationalize intervention in the area of CPSE and build a coherent policy proposal around which Member State bargaining could converge⁷⁰². Despite the marked absence of a Community competence in the area of CPSE, this information asymmetry structure did not favour Member States either. Indeed, CPSE was a fundamentally European policy concept, coined and promulgated by the Commission and accordingly had very little history within EU domestic arenas, either at the level of national policy debate (*indicator 6c*) or pertaining to national legislation (*indicator 6b*). Indeed, within European welfare states, poverty affecting children had traditionally been conceptualized and addressed through the prism of family and gender policy but never as a separate area of analysis and intervention⁷⁰³. In sum, this initial phase was marked by the absence of any strong form of information asymmetry favouring either the Commission or Member States. In fact, CPSE's original ideational impulse

⁷⁰¹ Kassim and Hine 1998.

⁷⁰² As a Commission official recalled: "The weakness of the social inclusion process for a long time was the lack of having a range of data that they could analyse and produce solid evidence from [...] there just wasn't the basis for providing the same sort of in-depth analysis in terms of indicators that they had in the employment field", interview 29/06/10.

⁷⁰³ Rubio 2007: 23-7.

stemmed from a transnational epistemic community (existing at the margins of the EU framework) that had slowly began to emerge during the 1990s.

This transnational coalition of policy experts stood far removed from the Commission's sphere of influence. As noted above, during the period 2000-3, DG EMPL set in motion a deliberate and considered strategy of assimilation designed to co-opt this epistemic community within the ambit of the OMC/SI. A central instrument in this regard was the direct funding of expert reports on the issue of CPSE⁷⁰⁴. From the viewpoint of the Commission, the purpose of this strategy was to acquire a comparative informational advantage on the issue of CPSE. Though effectively channelling information towards the Commission, these early initiatives fell short of providing DG EMPL with sufficient technical knowledge to supply a sound policy proposal able to gain the support of all Member States⁷⁰⁵. Faced with this predicament, the Commission set itself the less ambitious goal of placing CPSE on the OMC/SI's agenda; a reference point which it could draw upon and substantiate in later years. This staged approach had the advantage of only requiring governments' minimal commitment to a broad policy objective; something which the Commission successfully secured both at the Lisbon Summit (children were identified as a target group for "priority action") and as part of the Nice Common Objectives (Objective 3(b) specifically aimed "to move towards the elimination of social exclusion among children and give them every opportunity for social integration").

⁷⁰⁴ Ruxton 1999, Ruxton and Bennett 2002.

⁷⁰⁵ In March 2000, just a few weeks prior to the Lisbon Council, the Commission ambitiously proposed that the Council reduce child poverty in the EU by 50% by 2010 (CEC 2000e). This rather crude proposal was not substantiated by a detailed analysis, thus weakening its ability to capture the interest and command the assent of EU governments.

6.2.2. 2 *Phase 2: a growing political commitment 2004-2006*

Roughly spanning the period 2004-6, the golden age of CPSE was characterized by a rapid and unparalleled growth in political interest for this relatively novel policy issue. Theorized in P-A terms, the Commission is considered to have employed a two-pronged strategy, simultaneously acting as an informal agenda-setter and engaging in an exercise of bureaucratic drift within the confines of the OMC/SPSI Committees.

6.2.2.2. i *Sustaining an informal agenda-setting role*

A window of opportunity

At the start of this second period, a change in political and economic circumstances saw the favourable configuration behind the coining of the Lisbon Strategy suddenly evaporate. As underlined in the opening chapter, the transient period leading up to the 2005 relaunch was one of vigorous interrogation, where early enthusiasm gave way to a more cautious and critical assessment of the Strategy. On the social side, the combined effect of a political swing to the right and an economic downturn deflected attention away from social considerations and threatened the continued existence of the OMC/SI. The most vehement attack came from the 2004 Kok report which accused the social OMC of being “about everything and nothing” and recommended that the Lisbon programme be re-launched with an exclusive focus on economic growth and jobs⁷⁰⁶. However, following an EU-level campaign led by social NGOs⁷⁰⁷, social inclusion objectives were formally reinstated as part of the Lisbon Strategy at the Spring European Council meeting in Brussels in 2005⁷⁰⁸. At the same time, social inclusion was transformed and merged with the two younger OMC processes in the social field (pensions, health and long-term care) under a single OMC/SPSI. In sum, at this mid-point in the Lisbon Strategy, the

⁷⁰⁶ CEC 2004a.

⁷⁰⁷ Daly 2006a: 475-6.

⁷⁰⁸ European Council 2005.

Commission was faced with the daunting task of relaunching the political momentum around the new broadened social OMC.

Paradoxically, it was this difficult political impasse which contributed to the materialization of a unique window of opportunity. In an impressive *tour de force*, the Commission undertook to make CPSE a new pet project during the post-2005 era. Many Commission officials testified that CPSE was considered as a means of rescuing the OMC/SPSI. Indeed, CPSE was deemed capable of “driving political support”⁷⁰⁹ and considered as an area in which governments “were more willing to make concessions and make progress”⁷¹⁰. This analysis was also shared by many national representatives at the time, for who CPSE “emerged after 2005 as a way to deepen the process and give it more focus”⁷¹¹. A number of reasons were cited in defence of such a presumption. First, no government would overtly oppose tackling CPSE since a form of rhetorical entrapment instituted in this area placed high reputational costs on governments unwilling to take action in the defence of children’s well-being. Second, CPSE was considered an issue capable of rallying the support of even the most refractory governments, most notably the UK. In a final stroke of luck, this auspicious policy window was further broadened in 2005 by the Luxembourg Presidency’s initiative to issue a publication entitled *Taking forward the EU Social Inclusion Process* where “child mainstreaming” appeared as a connecting thread running right through the report⁷¹². Thus, the rather bleak political and economic context of the mid-2000s offered a new lease of life to the issue of CPSE, where a unique window of opportunity arose from the difficulties facing the OMC/SI within the framework of the Lisbon Strategy.

⁷⁰⁹ Interview SPC secretary, interview 13/07/10.

⁷¹⁰ Interview ISG Secretary, interview 19/07/10.

⁷¹¹ Belgian ISG representative 22/07/10.

⁷¹² Atkinson *et al* 2005.

Relative information asymmetry enjoyed by the Commission

Seizing upon this auspicious climate, the Commission turned its attention towards formulating a winning policy proposal around which Member States could rally. Considered through the prism of RCI, this convergence of different national perspectives around a unique policy blueprint will be contingent on the Commission's capacity to amass policy expertise in view of establishing a solid information asymmetry structure slanted in its favour. Two key measures were employed by the Commission to execute this strategy.

Firstly, as noted above, in 2005 the Commission instituted two powerful networks reporting directly to DG EMPL: the Social Situation Observatory and the Network of Independent Experts on Social Inclusion. Behind the creation of these structures lay a firm commitment to strengthen in-house expertise in the field of social inclusion. Similarly, the Commission's decision to outsource such research activities was motivated by a lack of financial resources to carry out these analyses internally⁷¹³. In practice, DG EMPL maintained a firm grip over the annual work programmes of both these networks and directed their research efforts towards topical issues on the EU agenda, including CPSE. Secondly, it was during this period that DG EMPL began to commission "internal reports", which – never meant for publication – valuably served to broaden its knowledge base⁷¹⁴. The first of these internal reports, published in 2006, critically assessed Member States' performance in the field of SPSI⁷¹⁵. In later years, this new working method was

⁷¹³ Interview Commission official 29/06/10.

⁷¹⁴ Authors of these reports could "be as critical as they like(d)" since they did not need to secure the approval of the Council, which typically served to water down unfavourable or disparaging contents, interview Commission official 29/06/10.

⁷¹⁵ Frazer and Marlier 2006.

further extended to the assessment of specific policy areas, most notably child poverty in 2007⁷¹⁶.

Taken as a whole, the years 2004-6 marked a turning point in the Commission's informational advantage *vis-à-vis* Member States. In effect, capitalizing on a relatively new EU competence in the area of CPSE (obtained in 2000 with the coining of the OMC/SI) (*indicator 6a*), DG EMPL carefully orchestrated a strategy of knowledge accumulation, allowing it to position itself at the hub of a vast network of information sources. Indeed, official documentation and interviewee accounts testify to a substantially improved policy expertise in the area of CPSE. Capitalizing on this privileged standing and superior technical knowledge, the Commission was able to exploit the imperfect information and uncertainty faced by national governments to formulate constructed focal points on the issue of CPSE around which Member States could rally and iron out their differences. For their part, Member governments had since 2000 demonstrated an interest in the issue (evidenced by its referencing within their NAPs) yet had not invested many resources into properly addressing it within their domestic arenas, meaning that their national legislative record in this novel policy area was weak (*indicator 6b*) and their national policy debate similarly underdeveloped (*indicator 6c*), making it almost impossible for them to propose practicable alternatives to the Commission's proposals.

6.2.2.2. *i* *Bureaucratic Drift*

In parallel to its sustained efforts for building consensus around CPSE at the level of the European Council, the Commission sought to address a policy elite within the more intimate setting of OMC advisory Committees. Embracing a fundamentally micro-

⁷¹⁶ Frazer and Marlier 2007b.

analytical perspective, the analysis that follows draws attention to agent-to-agent dynamics within OMC central-operating Committees and examines processes of social interaction in a bid to estimate the sum total of agency discretion enjoyed by the Commission. The analysis presented below proceeds in two steps: initially, emphasis is placed on specifying the various shirking strategies exploited by the Commission within the framework of the OMC/SPSI; a second section considers the oversight mechanisms employed by Member States to mitigate, if not eliminate, agency losses.

Functioning as the nucleus of the OMC's policy coordinative processes and the focal point of day-to-day proceedings, the SPC and ISG constitute core forums of interaction among national representatives. Capitalizing on a catalogue of officially mandated managerial and enforcement powers, two hypothesized avenues for bureaucratic drift are open to the Commission within the confines of these OMC/SPSI central advisory Committees: injecting its preferences into Committee proceedings via the Secretariat that it staffs (*hypothesis 1*) and circumventing formal limitations placed on its monitoring and evaluation prerogative (*hypothesis 2*). Below, we test these two propositions.

Hypothesis 1: Injecting its private preferences on QWE via the Secretariat

In fulfilling its administrative duties within the OMC Committees' micro-institutional environment, the Commission is well placed to strategically exploit what is generally considered to be an institutional incongruity within the experimental architecture of this new mode of governance; namely, that the Secretariat (of both the SPC and ISG) is formally accountable to the Chairpersons of these Committees, yet placed under the aegis of DG EMPL since staffed exclusively by Commission officials. When pressed on the

issue of the Secretariat's (im)partiality, Commission officials recognized that it did represent a "rather grey area"⁷¹⁷, where members are obliged to "wear two hats"⁷¹⁸. While acknowledging that there were ironies inherent in their role, an overriding impulse among Secretariat members was to emphasize the overlap between Commission and Member States' interests, where the Secretariat performs a bridging role, "creating a link between the Commission and the Committee". Summing up her conception of this order of things, an ISG Secretary noted:

"I think the role of the Secretary is more interesting if one serves both the Commission and the Member States, if one tries to find the right compromise [...] I find it hard to antagonize relationships in such a way. I find it a lot more interesting to find points of agreement than in nourishing confrontation [...] We, the secretariat, create the link between the proposal of the Commission, which is generally more ambitious, and the reticence of the Member States"⁷¹⁹.

Expounding on this vision, an SPC Secretary observed that the Commission saw itself as "the guardian of ambition in this process"⁷²⁰. In what follows, we investigate the dynamics which lie beneath this official rhetoric, investigating two possible strategies that the Secretariat may exploit when pursuing its own private interests: (1) manipulating the OMC agenda and (2) injecting its private preferences within Committee opinions.

Manipulating the OMC Committees' agenda

Usually devised in the weeks or days leading up to the event, the Secretariat enjoys considerably freedom to bring new proposals to the discussion table of individual Committee meetings. While the annual work programme (sanctioned by the Council) remains the principal reference point, it is fundamentally reactive in nature, adapting to

⁷¹⁷ Interview 29/06/10.

⁷¹⁸ Interview 13/07/10.

⁷¹⁹ Interview 19/07/10.

⁷²⁰ Interview 13/07/10.

changes in political and economic circumstances. From the Commission’s viewpoint, two instruments were central in this regard.

On the one hand, though not inscribed in any formal rules of procedure, SPC/ISG Committee meetings revolve around formal documentation (reports, research notes) supplied by the Secretariat. At the level of ISG, a first type of document is a technical note written by Eurostat at the request of ISG Secretariat. While remaining mindful of the priorities outlined in the annual work programme, DG EMPL enjoys a certain degree of freedom in formulating the terms of reference of this technical report and in prioritizing certain policy issues. Indeed, from 2004 onwards, the ISG Secretariat did much to advance the statistical measurement of CPSE by proposing a wide array of indicators pertaining to various dimensions of the issue. Another type of document, this time written by the ISG Secretariat itself, is an options paper which accompanies the technical note and aims to clarify its content and make plain the implications of various statistical indicators⁷²¹. Finally, within the SPC, the Secretariat regularly submitted expert reports informing Committee discussions on the issue of CPSE. These papers gave the Commission the space to initiate proposals and provide leadership in an area which might not naturally have emerged as a strong priority (*indicator 1a*). A number of SPC and ISG members recognized that the Secretariat played an important role in ensuring a sustained emphasis on CPSE within Committee discussions via these publications. As a result, DG EMPL enjoyed an important proposing role⁷²² and a quasi sole right of initiative in the area of CPSE⁷²³.

⁷²¹ An SPC Secretary noted, “the Secretariat writes an options paper which *guides* the choice of Member States. Because we don’t introduce a technical document without proposing how to use it [...] we say ‘we think this proposal would be the best one in view of this and that’ and we orient the debate”, interview 19/07/10.

⁷²² Commission official interview 29/06/10.

⁷²³ Commenting on the Secretariat’s role in this regard, an ISG member noted, “very schematically, it is the driving force and Member States are in a more passive role. They react basically to what the Commission puts on the table, in the form of work programmes, in the form of a draft of the technical annex of the Joint Report, in the form of notes preparing discussions”, interview 22/07/10.

On the other hand, in its bid to manipulate the OMC/SI's agenda, another significant route available to the SPC/ISG Secretariat is the institutional memory it uniquely enjoys. In effect, the Commission's staffing of the Secretariat affords both permanence in individuals and consistency in working methods. In view of the high turnover rate of national representatives (whose mandate rarely exceeds 2-3 years), this stability gives the Secretariat a comparative informational advantage over Member States in terms of institutional memory. As guardians of this memory, the Secretariat can orient discussions by referencing past agreements coined within the SPC/ISG, thus driving the policy coordination process forward. During 2004-6, Committee Secretariats were able to sway the agenda towards CPSE by selectively referencing points of consensus and laying emphasis on formal agreements already reached in this area.

Injecting its private preferences within Committee opinions

While the hypothesis according to which the Secretariat exploited its formal administrative role to advance its private interests and sway Committee discussions towards CPSE appears confirmed (*indicator 1a*), the same cannot be said with regard to the premise that it capitalized on its unique prerogative of drafting SPC/ISG opinions to phrase them a slanted manner, injecting its own policy preferences into the final text for Council consideration. All respondents testified against such a supposition (*indicator 1d*). On the one hand, national representatives observed that the Commission conscientiously paid heed to Member States' preferences when formulating collective Committee opinions on the issue of CPSE, praising its ability to find a middle ground when drafting such documents. On the other, Secretariat members were adamant that they saw their role in this regard as a conciliatory and inherently technical one, which required that they

project themselves “into the space which was the shared assumptions of the group”⁷²⁴. Rationalizing this conciliatory approach and concern for incorporating all perspectives into draft opinions, Secretariat members insisted on the need to “find a point of consensus”⁷²⁵. A key reason for this fundamentally docile behaviour on the part of the Secretariat was the strict oversight instituted by Member State principals in the form of drafting sessions. During these sessions, texts are screened onto the wall and discussed word-for-word until final agreement is reached among all Committee Members; a practice which left very little room for shirking on the part of the Secretariat.

Hypothesis 2: Circumventing formal limitations placed on its M&E prerogative

A second hypothesized route of bureaucratic drift open to the Commission concerns its ability to strategically exploit its formal enforcement powers, extending its M&E prerogative beyond its legal bounds (*hypothesis 2*).

Improper use of statistical indicators

Originally coined at the Laeken European Summit in December 2001 in a bid to assist mutual learning (by allowing for ease of comparison) and facilitate the review of the social situation in Europe⁷²⁶, OMC/SI statistical indicators form an important M&E tool in the hands of the Commission and a key means of monitoring progress towards commonly agreed objectives. Aware of the power they afforded DG EMPL, Member State principals took a number of precautionary measures to restrain and administer their use. A key step taken in this direction was the original distinction coined in 2001 between primary and secondary statistical indicators which facilitated the identification of lead

⁷²⁴ Interview 13/07/10.

⁷²⁵ Interview 19/07/10.

⁷²⁶ Atkinson *et al.* 2002, Atkinson *et al.* 2004.

indicators considered particularly pertinent in documenting social exclusion⁷²⁷. While conserving this original distinction, an additional categorization was introduced in 2006, this time between EU, national and context indicators. Their remit was clearly outlined in the portfolio of overarching indicators for the new streamlined OMC/SPSI⁷²⁸. This two-tiered statistical system provided a key means of ring-fencing EU indicators for cross-national comparison, while confining others to the measure of diachronic progress within individual Member States. The upshot of these two systems of categorization was the creation of a matrix of indicators characterized by varying degrees of pertinence (primary, secondary) and modalities of use (EU, national, context).

Coming full circle back to the original concern for bureaucratic drift, a supposition outlined above purports that in exploiting its original monitoring responsibilities to pursue its private interests, a key technique available to DG EMPL is the improper use of statistical indicators. Questioned on the issue, ISG members were adamant that although the Commission had occasionally failed to respect the terms of use of agreed-upon indicators in the area of CPSE, these “slip-ups” were quickly rectified when picked up by Member governments⁷²⁹. In P-A terms, this active and direct police-patrol oversight via the thorough scrutiny of the Commission’s draft Joint Report within ISG and SPC was sufficiently effective in preventing this form of shirking from becoming a real problem for Member State principals (*indicator 2c*).

⁷²⁷ SPC 2001: 3-4.

⁷²⁸ CEC 2006a: 4-5.

⁷²⁹ Commenting on the risk of agency shirking, an ISG member noted: “It did occur a few times that the Commission used a graph where they presented an indicator which was a national indicator [...] and on such a point certain Member States would say ‘we didn’t agree to use that in such a comparative way’”, Interview 22/07/10.

Disseminating evaluative analyses outside the formal OMC framework

Due to the strict form of oversight provided by the Council, Joint Reports/SPSI have been principally employed as a means of praising honourable performance in the area of CPSE, eluding negative assessments of individual Member States. In an effort to circumvent formal limitations placed on its monitoring powers, students of RCI envisage that the Commission will seek alternative methods for disseminating its evaluative analyses outside the formal framework of the OMC/SI (*indicator 2b*).

A first obvious route available to DG EMPL was the Social Situation Report. However, the SSR remained characteristically disengaged from the OMC/SPSI process, evading any in-depth evaluation of national performance in the area of CPSE. A key reason advanced for this dissociation was the different purpose attributed to these two processes by separate administrative Units within DG EMPL. In the words of one Commission official, *Unit E/1 Social and Demographic Analysis* in charge of the SSR saw its role as one of “social observatory on the sociological evolution of Europe”⁷³⁰. With this ambitious vision at its helm (and a strong Treaty basis), the SSR was looked upon by its authors as an independent scientific publication, separate from the immediate political concerns arising on the OMC/SPSI agenda (animated by *Unit E/2 Inclusion and Social Policy*). Accordingly, the SSR dealt only very broadly with the policy issue of CPSE, touching upon certain aspects of the problem but never privileging it as a thematic priority.

From 2005 onwards, a second notable opportunity to evade the control placed on its monitoring power surfaced for the Commission. The Joint Report which until then

⁷³⁰ Interview SPC Secretary 13/07/10.

amounted to a single document of over one hundred pages was dramatically shortened to a mere ten-page publication⁷³¹. The remaining analysis was placed in an adjoining SEC, where the Commission enjoyed much greater freedom in its scrutiny of Member States' performance since its content no longer required the Council's official stamp of approval. Concern was voiced among national officials regarding the considerable room for bureaucratic drift instituted under this new arrangement. With a strict form of oversight gone, the Commission was given free rein to report on any policy issue falling within the ambit of the OMC/SPSI agenda; an apprehension amplified by the high visibility afforded to the SEC due to its status as "technical annex" to the Joint Report. However, these misgivings were dissipated with the publication of the first concise Joint Report and supporting SEC in 2005. While in theory the new reporting arrangement afforded greater discretion to DG EMPL (who was no longer bound by the obligation of securing Council approval), in practice it spontaneously sought to obtain Member States' endorsement of the accompanying SEC⁷³². One reason for such counter-intuitive behaviour is that DG EMPL was aware that it was treading on thin ice. As elaborated upon below, with a fixed expiration date of the Lisbon Strategy in 2010 and the calling into question of the OMC/SPSI (as well as the Commission's mandate within it), DG EMPL enjoyed a weak institutional footing in this area, forcing it to continually consider the preferences of its principals.

Finally, a third alternative route for disseminating its evaluative analyses outside the formal institutional framework of the OMC/SI is that of social NGOs. During the original period 2000-3, a first instrument employed to this effect was the independent expert report published by Euronet in 2002. Indeed, at the request of DG EMPL, a substantial

⁷³¹ Increased translation requirements owing to the 2004 EU enlargement were the main reason for this pragmatic adjustment in reporting standards.

⁷³² Interview ISG member 22/07/10.

part of this report was devoted to producing a “child audit” of the first round of NAPs. Conclusions drawn from this review were unequivocal, explicitly underscoring (1) the uneven quality of the NAPs’ reporting on CPSE, (2) an overwhelming focus on the employment status of parents and education as a means of “securing a passport to integration in the adult world”⁷³³, and (3) finally a lack of EU-wide targets and statistical indicators documenting CPSE within the EU. From 2004 onwards, DG EMPL began to fund Eurochild, thus incorporating this transnational network of children’s organizations within the ambit of the OMC/SI. At the Commission’s insistence, three “child audits” of NAPs/NSRs were published by Eurochild in 2005, 2007, and 2008⁷³⁴. Free to be as critical as it wished, the tone employed by Eurochild was quite intransigent. Alongside concrete recommendations, Member States were explicitly named and shamed for failing to live up to their EU pledges and commonly-agreed objectives in the area of CPSE. Though not contravening any formal rules, in assigning this M&E exercise to Eurochild, the Commission successfully wielded a form of indirect sanctioning power, delegating evaluative analysis to a third party in order to circumvent strict oversight mechanisms instituted by Member State principals within the framework of the OMC/SPSI.

In sum, RCI-inspired theoretical conjectures concerning the Commission’s propensity for agency shirking in the field of CPSE fit rather uneasily with the reality of EMCO/ISG Committee dynamics. Indeed, a rather ambiguous picture emerges from the preceding analysis of the Commission’s means of “bureaucratic drift” as originally envisaged by proponents of RCI. First, the Secretariat’s allegiance towards the Commission appeared fundamentally “shifting”. While the hypothesis according to which the Secretariat exploited its formal administrative role to advance its private interests and sway

⁷³³ Ruxton and Bennett 2002: 55.

⁷³⁴ Eurochild 2005, Eurochild 2007b, Eurochild 2008, interview Eurochild officer 10/07/10.

Committee discussions towards CPSE appears confirmed (*indicator 1a*), the Secretariat failed to capitalize on its unique prerogative of drafting Committee opinions to inject its own preferences into texts for Council consideration and vote (*indicator 1d*). Second, an equally inconclusive situation emerged from the Commission's propensity to exploit its enforcement powers, extending its M&E prerogative beyond its legal bounds. With regard to the first theorized avenue of agency "drift" pertaining to the improper or distended use of statistical indicators, Member State representatives were adamant that the Commission typically respected the terms of use of CPSE indicators; a compliant behaviour attributable to the direct police-patrol oversight effected via Member States' scrutiny of the Commission's draft Joint Report (*indicator 2c*). On the second route of bureaucratic drift, data show that while the Commission sought alternative methods for disseminating its evaluative analyses outside the formal EES framework, its efforts were met with a mixed measure of success. The SSR and the technical annex to the Joint Report launched in 2005 served little purpose in this endeavour; only a small number Eurochild reports were exploited by DG EMPL to voice a more critical appraisal of Member States' performance in the area of CPSE. Moreover, whether this latter instance actually constitutes a case of "shirking" is contentious since Eurochild remains an independent NGO with only financial ties to the Commission.

For proponents of P-A analysis, in riposte to these shirking tactics, Member States will seek to curb the Commission's discretion by means of three control mechanisms at their disposal: (1) charging a directly-elected chairperson with overseeing the Commission's behaviour within the OMC/SI Committees, (2) sanctioning bureaucratic drift by means of unilateral non-cooperation, and finally (3) threatening to make use of the fixed expiration

date of OMC/SPSI in 2010 to “clip the Commission’s wings”. Below, consideration is given to the effectiveness of these three methods.

Hypothesis 3: oversight – the role of the chair in providing effective overview

A principal means of police-patrol oversight employed by Member State principals to mitigate, if not eliminate, agency losses flowing from the Secretariat’s administrative role, is that of a directly-elected Chairperson (*hypothesis 3*). This third-party oversight arrangement places the elected Chair in the position of agent of Member State principals who have delegated a scrutinizing function (i.e. the task of ensuring the Commission’s compliance with the terms of its original mandate by means of a close surveillance of its activities). Two key questions will serve to guide this analysis of the Chair’s impartiality: How transparent and fair is her election? How independent is the Chair in the exercise of her duties?

First, according to the SPC rules of procedure, a chairperson elected by national representatives heads the Committee for two years. However, reality falls strikingly short of these formal standards of procedure (*indicator 3c*). A first oddity concerns the exceptionally drawn-out term of the first ISG Chair. With no specific rules of procedure governing his appointment (unlike the SPC, there is no stipulation of a non-renewable term of two years), David Stanton (a British national) held the post for eight years and was only recently replaced in 2009 by a Finnish national, Carin Lindqvist-Virtanen. Secondly, numerous respondents bore witness to the fact that the selection of SPC Chairs never once came to a vote. As one SPC Secretary candidly observed: “it was all pre-cooked beforehand [...] the nearest parallel is probably how they elect Popes”⁷³⁵.

⁷³⁵ Interview 13/07/10.

Similarly, national administrations regularly sought to sway the selection process towards the nomination of their own country's candidate. Particularly concerned about EU targets and statistical indicators (because of the power they granted the Commission to hold Member States to account), the UK positioned itself at the forefront of a refractory movement; a defiant posture and guarded attitude which drove it to take a leading role in the "election" of the first ISG Chairperson⁷³⁶. Several British national officials involved in the OMC/SI process recalled how Alistair Darling, UK Secretary of State for Social Security, had "lobbied very hard and rang all the ministers round Europe"⁷³⁷ to secure the election of a British national at the head of the ISG. Finally, numerous respondents stressed the critical role played by the Commission in the informal process of "selecting" OMC/SPSI Committee Chairs. In the eyes of DG EMPL officials, a Chairperson's mandate is not to oversee the Secretariat but to work alongside it, in close collaboration with its members. Thus conceived, a skilled Chairperson is someone who is able to secure agreement among Member States, "raising the SPC status and profile, giving it a stronger form of political independent status", most notably in relation to EMCO and the EPC⁷³⁸. With such a vision at its helm, the Commission (via the Secretariat) looked upon the selection process as the opportunity to take the initiative to sift through national officials, narrowing them down to a handful of potential candidates which it subsequently contacted in order to enquire about their availability and interest in the post of Chair⁷³⁹.

Second, the question of the independence of the Chair once elected is also crucial to gauging its willingness to monitor the Secretariat's action and ensure that it does not step

⁷³⁶ Interview British SPC official 21/05/10.

⁷³⁷ Interview 03/08/10.

⁷³⁸ Interview Commission official 29/06/10, SPC Secretary interview 13/07/10.

⁷³⁹ Numerous SPC/ISG members testified to this "order of things" (interview Belgium ISG official 22/07/10, British SPC official 02/08/10) and underscored the "influential role" of the Commission in this unofficial selection process.

beyond its formally mandated powers. On the whole, national officials praised the Chairpersons' ability to consistently "make sure that business gets done efficiently and effectively" and "ensure that discussion does not go round and round in circles, that it is brought to an end, with some sort of conclusion"⁷⁴⁰. On the more thorny issue of their impartiality and willingness to oversee the Secretariat's actions, both national and Commission delegates highlighted the Chairpersons' relative neutrality in dealing with Committee affairs (*indicator 3b*). In effect, while recognizing the individuality and different styles of the five SPC Chairs, a Commission official noted that it was "hard to see them as driven by any particular issues"⁷⁴¹, rather they "scrupulously acted as Chairs" voicing the collectively shared views of Committee Members, without favouring the policy preferences of their own Member State⁷⁴². David Stanton's Chairmanship of the ISG was clearly emblematic of Member governments' unequivocal confidence in the impartiality of OMC/SPSI Chairs. During his eight-year term in office (2001-9), no Member State sought to challenge his position at the helm of the Indicators Sub-Group; an unflagging support that testified to his independence and objectivity as ISG Chair. Indeed, his personal background and expertise in the field of social statistics put him in a good position to hammer out agreements and maintain a strong form of oversight over the ISG Secretariat's actions⁷⁴³.

Hypothesis 4: sanctioning – unilateral non-cooperation

In addition to the oversight provided by the Chair, two practicable sanctioning devices are available to Member State principals within the institutional architecture of the

⁷⁴⁰ SPC Member, interview 02/08/10.

⁷⁴¹ SPC Secretary 13/07/10.

⁷⁴² SPC British representative 02/08/10.

⁷⁴³ David Stanton worked for a number of years for the OECD as senior employment and social policy analyst.

OMC/SPSI: engaging in unilateral non-cooperation and revising the Commission's mandate. Below, we successively consider these two sanctioning procedures, gauging their costs (both imposed on the Commission and incurred by Member States), credibility, and overall efficacy in reining in a recalcitrant Commission in the domain of CPSE.

Quizzed on the issue of unilateral non-cooperation within OMC/SPSI Committees (*hypothesis 4*), Commission officials enthusiastically praised the “shared vision and common *esprit de corps* exist(ing) among SPC members”⁷⁴⁴. A more tempered appraisal was made by SPC/ISG members who noted that national governments tend to “choose their battles”, intervening to voice their viewpoints on issues that mattered within their respective national arenas⁷⁴⁵. Thus, despite confirmed instances of unilateral non-cooperation punctuating SPC history, respondents overwhelmingly testified that the principal logic animating Committee interaction on the issue of CPSE was one of compromise. A fortunate alignment of interests meant that Member States were unanimously prepared to concede and compromise to achieve a strong agreement on CPSE.

Hypothesis 5: revising the Commission's mandate

A second means of sanctioning bureaucratic drift available to Member State principals was to capitalize on the fixed expiration of OMC/SPSI to clip the Commission's wings either by revising its mandate within the framework of the social OMC or more radically by discontinuing the process altogether (*hypothesis 5*). Originally launched at the Nice Summit as a way of taking forward the Lisbon Strategy, the OMC/SI lacked a strong Treaty foothold (similar to that enjoyed by the EES) which would have guaranteed its

⁷⁴⁴ SPC Secretary, interview 13/07/10.

⁷⁴⁵ Interview SPC official 02/08/10.

perenity following the expiration of the process it was launched to sustain. As noted above, Articles 136, 137 and 140 established a Treaty basis for European intervention in the field social inclusion. However, unlike the EES, a precise coordinative process was not specifically provided for in the Treaty. Rather the Nice European Council asserted that the OMC/SI's procedural design was to be modelled on the OMC ideal-typical formula set forth in the Lisbon European Council Conclusions (*indicator 5e*).

The uncertainty regarding the continued existence of the OMC/SPSI post-2010 existed as a sword of Damocles hanging over the Commission's head. Indeed, the simple awareness of this default condition (i.e. the fixed expiration of the OMC/SPSI) inevitably constituted a powerful oversight mechanism in the hands of national governments (*indicator 5f*). With nothing set in stone and everything to prove, DG EMPL was acutely aware that 2010 would be the day of reckoning for the OMC/SPSI and its role within this process. This unspoken threat served a powerful dissuasive role and was a key instrument with which Member States could reign in the Commission if it was tempted to step beyond its formally mandated powers.

Overall, when examining the issue of the efficacy of the control measures instituted by Member States to rein in a noncompliant Commission, empirical data failed to offer a convincing account of rationalist conjectures. First, charged with maintaining a close surveillance of the Secretariat's action within the SPC/ISG, the Chairperson's resolve to carry out such oversight was undermined by a fundamentally non-transparent selection process (*indicator 3c*). Nonetheless, officials did underscore the relative professionalism of the SPC/ISG Chairs in dealing with the CPSE dossier (*indicator 3b*). Second, on the issue of the imposition of sanctions in the face of Commission shirking, unilateral non-

cooperation appeared fundamentally at odds with the spirit of compromise which dominated Committee interaction on the issue of CPSE (*indicator 4c, indicator 4d*). Finally, though the ultimate decision to revise the Commission's institutional mandate within the OMC/SI (in order to amend or cut back its powers) appeared a very feasible sanctioning instrument in the hands of MS principals (*hypothesis 5e, hypothesis 5f*), this "nuclear" option was surrendered voluntarily by EU governments in the new EU2020 Strategy, which effectively subsumed the OMC/SI within the Treaty-based mandate of the EES. Indeed, following a bold proposal made by the Commission⁷⁴⁶, a social inclusion guideline (*Guideline 10: promoting social inclusion and combating poverty*) was placed under the title "employment guidelines" (Guidelines 7-10), thus imparting the OMC/SI with a much stronger legal basis than it had benefited from during the period 2000-10⁷⁴⁷. Overall, clearly emerging from the above analysis is a distinct mismatch between a rationalist vision of things and the consensual and collaborative rapport that existed between Member governments and the Commission in the area of CPSE. Indeed, respondents testified to Committee dynamics driven by an overriding concern for compromise, reciprocity and the desire to learn from one another in order to more effectively address the problem of CPSE.

6.2.2. 3 *Phase 3: reaching consensus 2007 - 2010*

Political interest rapidly gained in momentum following the thematic focus given to child poverty within the framework of the OMC in 2007. Clearly signalling the emergence of a growing political consensus in this area, the vast majority of Member States made tackling CPSE an explicit priority in both rounds of their National Strategy Reports (2006-8, 2008-10), with many setting quantified targets for its reduction. Rationalist

⁷⁴⁶ CEC 2010b.

⁷⁴⁷ Council of the European Union 2010c.

predictions concerning the Commission's opportunistic behaviour during this period stressed its sustained propensity to act as informal agenda-setter, while seeking to steadily expand the conceptual remit of CPSE and strengthen its statistical basis. At a microlevel, proponents of RCI envisage that the Commission will continue to push for greater agency discretion by exploiting its formal powers within the OMC/SPSI institutional framework. Within the confines of the OMC/SPSI central advisory Committees, a fundamentally stable pattern of interaction emerged between Member States and the Commission from 2004 onwards with no sudden or sizeable change in their *rapport de force*. Accordingly, the preceding analysis offered a rather broad account of the relationship between principals and agent, detailing both the shirking strategies employed by DG EMPL and the control mechanisms wielded by Member governments in the area of CPSE. It follows that little added value would be drawn from carrying out a similar analysis for the third chapter of CPSE history.

A mitigated window of opportunity

As recounted above, the rather bleak political and economic context of the mid-2000s constituted an auspicious policy window for CPSE. Sensing that it was easier to draw out consensus on CPSE than on any other single policy issue, the Commission seized on this opening to make CPSE the flagship of the OMC/SI process in its entirety; an ambition tenaciously upheld in more recent years. By a lucky twist of fate, the window of opportunity was further strengthened thanks to the advent in 2010 of two successive EU Presidencies willing to make CPSE a priority of their six-month term in office.

The focal point of political debate and intellectual exertion during this third chapter of CPSE history was the planned coining of an EU “Recommendation”⁷⁴⁸. Acutely aware that it would require the time of several presidencies to achieve a Recommendation on CPSE, the Commission purposefully petitioned the “presidency trio” of Spain, Belgium and Hungary (2010/2011) in view of fostering a strategic alliance and ensuring their sustained commitment during their stint at the EU’s helm⁷⁴⁹. In September 2010, the Belgian presidency organized a participative conference entitled *Who Cares? Roadmap for a Recommendation to Fight Child Poverty*⁷⁵⁰. Bringing together over three hundred participants, the event aimed to reach consensus on the definitions, objectives and criteria to adopt with regard to combating CPSE, thus laying the groundwork for an EU Recommendation⁷⁵¹. The year leading up to this conference was punctuated by a number of events clearly testifying to the existence of a robust political alliance between the Commission, EU Presidencies and NGOs. DG EMPL had initially intended to publish an SEC in time for the Belgian Conference, imagined as a conciliatory proposal around which Member State bargaining could converge⁷⁵². Similarly, during the summer 2009, the Belgian administration approached UNICEF and Eurochild, soliciting their assistance in drafting a conference background paper⁷⁵³.

⁷⁴⁸ Initially introduced in the area of active inclusion in 2008, the Commission sought to institute a similar “political instrument” in the field child poverty, CEC 2008g.

⁷⁴⁹ Published in November 2009, a joint 18-month programme prepared by the three upcoming presidencies contained several references to tackling CPSE; see Council of the European Union 2009.

⁷⁵⁰ This conference was organized in partnership with UNICEF, the European Commission and Eurochild.

⁷⁵¹ Signalling a strong political commitment for CPSE, the conference concluded with Spain, Belgium and Hungary signing a shared declaration calling for the EU to give priority to child poverty and well-being; <http://www.eurochild.org/fileadmin/Events/2010/09%20BE%20Presidency%20Child%20Poverty/Signe%20Declaration.pdf> (consulted 24/11/10).

⁷⁵² DG EMPL failed to meet the September 2010 deadline.

⁷⁵³ Belgian Presidency 2010.

Relative information asymmetry enjoyed by the Commission

Though there existed a strong relationship of reciprocity between members of this coalition, it was the Commission which remained the centre point of this network, benefitting from a vanguard position and comparatively more information than any other single actor. From 2007 onwards, DG EMPL employed several means at its disposal to sustain an information asymmetry structure largely tipped in its favour.

Firstly, strategically capitalizing on Member States' high-profile declarations made by heads of government in the European Council Conclusions of 2005 and 2006, the Commission set out to ensure that they followed through on their commitments in the field of European Statistics. In effect, the DG EMPL was “the main force” behind the insertion of a statistical one-shot module on “material deprivation” among children in the 2009 EU-SILC survey⁷⁵⁴, driving the module through the various administrative and legislative hurdles leading to its adoption. Secondly, following a similar logic of knowledge accumulation, DG EMPL commissioned an internal report aimed at assessing Member States' national programmes for tackling CPSE. This working method, first introduced in 2006, provided Commission administrators with an uncensored insight into the policies and practices employed by governments to prevent and address child poverty⁷⁵⁵. Thirdly, another measure taken by DG EMPL to execute this strategy of comparative information advantage was the commissioning of independent expert reports. A significant publication in this regard was the 2010 “Tarki Report” (a Social Situation Observatory report) on child poverty and well-being. A key component of its mandate was to verify and update the original clustering exercise carried out in the Task Force Report 2008, where Member States were classified according to their performance in

⁷⁵⁴ Interview ISG Member 22/07/10.

⁷⁵⁵ Frazer and Marlier 2007b.

relation to the “risk of child poverty” based on three key determinants: labour-market exclusion, in-work poverty, and impact of government transfers⁷⁵⁶. A second important task, explicitly mandated by DG EMPL, was to “fill the child well-being slot in the EU social inclusion (indicators) portfolio”⁷⁵⁷. In considering potential indicators, authors of the Tarki report proposed a new age breakdown of already-agreed OMC/SI indicators. Alongside this, it also defended the introduction of a series of material well-being indicators and well as non-material indicators in the areas of education (participation of children in pre-primary education, reading literacy performance), health (low birth-rate, breastfeeding, self-perceived general health, weight), exposure to risk taking behaviour (teenage births, smoking habits, alcohol and drug consumption), social participation and family environment (children living in single-parents households, further work is suggested on indicators of social participation), and local environment (crime in the area, pollution or dirt in the area).

In sum, the most recent period of CPSE history was characterized by a principal concern on the part of DG EMPL to sustain an asymmetric balance of information tilted in its favour. As documented above, capitalizing on an EU competence in the area, a panoply of measures was correspondingly taken to sustain its position at the node of information network on CPSE (*indicator 6a*). Acting by stealth, this information allowed the DG EMPL to continue to advance new policy proposals that gave heed to Member States’ preferences and acted as constructed focal points around which governments could converge. Though undoubtedly “well-informed”, DG EMPL’s informational pre-eminence appeared questionable in view of the growing domestic interest in the issue of CPSE. Indeed, this period was marked by a striking growth in political interest among

⁷⁵⁶ SPC 2008.

⁷⁵⁷ Tarki 2010: 9.

Member States, who made tackling CPSE an explicit priority in the two rounds of their National Strategy Reports carried out during this period, with many setting quantified target for its reduction. With new legislation being implemented (*indicator 6e*) and the launching of a political debate on CPSE within their national arenas (*indicator 6f*), Member States effectively gained expertise in an area which had hitherto been the privileged exclusivity of the Commission. Thus, they were able to rebalance the information asymmetry in their direction, propose practicable alternatives to the Commission's proposals, and actively contribute to the construction of CPSE policy and discourse at the supranational level (a trend epitomized by the coining of the SPC 2008 report on child poverty and well-being). In sum, the simultaneous accrual of information in the hands of both parties exhausted the transient informational pre-eminence enjoyed by the DG EMPL (during the period 2004-6), disconfirming the hypothesis put forward by RCI on the Commission's informal agenda-setting power.

6. 2. 3 Conclusions

Has the European Commission exerted autonomous power in placing the issue of child poverty and social exclusion on the OMC/SI's agenda? The answer to this question hinges on both dimensions of type (institutional or productive) and degree (weak versus strong) of autonomous power.

In ascertaining the *type* of autonomous power exerted by the Commission, the above analysis partitioned CPSE history into a set of theoretically conjectured intermediate steps, successively testing rational choice and sociological institutionalist predictions

against collected data in view of determining which offers a more accurate rendition of events.

First, empirical observations pertaining to the Commission's role in the area of CPSE appear for the most part fundamentally at odds with RCI's original conjectures (*hypotheses 1-6*). Embracing a bi-focal perspective and examining the Commission's role both at macro- and micro-levels of OMC decision-making, RCI analysis promised to capture all aspects of the Commission's institutional power in the case of CPSE. On the one hand, collected data failed to substantiate RCI's central postulate that DG EMPL would strategically exploit an asymmetric balance of information to act as informal agenda-setter, influencing the European Council's collective policy choices and swaying discussions towards CPSE (*hypothesis 6*). In 2000, the issue of CPSE was introduced on the EU agenda in a rather haphazard manner. The Commission's in-house policy expertise was meagre and internal services lacked sufficient EU statistical data on CPSE to lend support to its analysis. Similarly, national governments were equally unacquainted with this novel policy issue. The synthesis of these two factors resulted in a situation where neither party enjoyed a strong informational primacy over the other. The succeeding period of ideational ascendancy (2004-6) came the closest to RCI's original conjectures. DG EMPL sought to accumulate superior technical knowledge on the issue of CPSE and exploited the imperfect information and uncertainty faced by EU governments to formulate policy proposals around which they could rally. However, this period of comparative informational advantage *vis-à-vis* Member States was relatively short lived. Though the Commission continued to advance policy proposals on CPSE, from 2007 onwards, its informational pre-eminence receded in the face of growing domestic interest in the issue. In effect, Member States' growing expertise made possible

the coining of practicable alternatives to the European Commission's proposals. In sum, empirical data disconfirmed RCI's central contention that the Commission resolutely established and vigorously upheld an informal agenda-setting role at the level of the European Council across all three periods of CPSE history. On the other hand, from 2004 onwards, the issue of CPSE filtered down on to the agendas of the SPC and ISG. However, RCI-inspired theoretical conjectures concerning the Commission's propensity for agency shirking in the field of CPSE fitted rather uneasily with collected data (*hypotheses 1-2*). As documented above, the Secretariat's allegiance appeared fundamentally shifting and the Commission's ambition to circumvent formal limitations placed on its monitoring powers was far from apparent. Similarly, on the issue of the efficacy of the control measures instituted by MS principals to rein in a recalcitrant Commission (*hypotheses 3-5*), empirical data failed to offer a convincing account of rationalist conjectures. In sum, while RCI served the valuable purpose of raising interesting questions and directing the focus of this project towards a fundamentally coercive conception of autonomous power, this theoretical prism is clearly not the most pertinent lens for apprehending the Commission's role in the case of CPSE.

Second, examining collected observations against SI-inspired conjectures offered a much more accurate rendition of events unfolding in the area of child poverty and social exclusion. While CPSE discourse took off to a slow start, by the mid-2000s onwards it came close to fulfilling all the criteria of a transformative discourse. Below, consideration is given to this linear progression. Initially, between 2000-2003, the Commission's original discourse was characterized by a sense of ambivalence and wavering uncertainty about which cognitive and normative arguments would form part of its ideational make-up. Moreover, this sense of "work-in-progress" was fuelled by the weakly developed

interactive function of early CPSE discourse. While DG EMPL sought to disseminate its policy discourse by way of high-visibility publications, these remained limited in number and did not filter down to SPC/ISG level. Similarly, though certain measures were taken to mobilize an epistemic community (which had traditionally evolved at the margins of EU decision-making processes) around its preferred vision and understanding of CPSE, the Commission's efforts in this regard remained inadequate. The state of flux characterizing this period of discursive aperture was short-lived. From 2004 onwards, the uncertainty surrounding its ideational tenets and its weak interactive dimension dissipated, leaving in its place a fundamentally robust CPSE discourse. Ideationally, the Commission commanded a steady process of conceptual clarification and discursive consolidation across both time periods, gradually establishing a set of cognitive arguments demonstrating a reasonable degree of relevance, applicability and coherence, and embedding its discourse within a dominant value system supporting children's universal rights and well-being (*hypotheses 7-9*). With regard to its interactive dimension, events reported above unmistakably draw attention to the Commission's aptitude to disseminate the central precepts of its CPSE discourse by means of a gamut of relevant publications both at macro and micro-institutional levels (*hypothesis 10*). Similarly, empirical observations gave emphasis to the Commission's influential role in establishing and actively sustaining a transnational epistemic community keen to promote EU intervention in the field of CPSE; a broad support base of authoritative actors that served to enhance the perceived "truthfulness" of CPSE discourse and increase its visibility by expanding the interactive and communicative platform from which it was disseminated (*hypothesis 11*). In sum, the persuasive power of the ideas communicated within CPSE discourse, combined with a strategy of discursive diffusion carefully orchestrated by DG EMPL and its relational aptitude to establish and actively sustain a supranational

epistemic community formed a “winning combination” of factors directly sustaining the Commission’s productive power in the area of CPSE. Overall, checking RCI and SI-inspired hypotheses against collected data (in view of gauging the pertinence of each theory) makes plain the superior explanatory value of independent variables (IVs) of social constructivist lineage when examining the Commission’s autonomous power in the case of CPSE.

Having demonstrated the theoretical pre-eminence of sociological institutionalism in the area of CPSE, we consider the *degree* of productive power effectively wielded by the Commission. Following a process of operationalization outlined above⁷⁵⁸, two proxies will serve to determine the value of the dependent variable, namely, (1) the existence of initially incongruent policy positions on the topic of CPSE between the Commission and Member States and (2) their continued misalignment or realignment over time with those advocated by the Commission.

Appraising policy positions on the basis of official publications, collected data confirm the existence of initially distinct policy stances on the issue of CPSE between the Commission and a majority of European governments in 2000/1. Though not in outright disagreement, both parties displayed different levels of interest as well as different approaches to conceptualizing the issue of child poverty. Indeed, while the majority of the EU-15 Member States gave consideration to “children” in their first round of NAPs 2001-3, they did so through the prism of family and gender policy⁷⁵⁹. Similarly, they focused

⁷⁵⁸ See Section 2.2.1 *b* *Equifinality and Operationalizing the Dependent Variable*.

⁷⁵⁹ A number of NAPs lay emphasis on childcare allowances and childcare facilities (NAP/Austria 2001-3, NAP/Belgium 2001-3, 2003-5, NAP/Finland 2001-3, NAP/Luxembourg 2001-3, 2003-5), preserving family solidarity (NAP/Denmark 2001-3, NAP/Finland 2001-3) and measures to support the compatibility of work and family life (NAP/Germany 2001-3). The UK and Ireland were two exceptions

almost exclusively on monetary poverty (rather than the broader concept of social exclusion) and largely eluded the notions of children's rights and well-being in the present. Conversely, from very early on, the Commission took a much bolder approach by issuing reports clearly underscoring the value and urgency of tackling child poverty and social exclusion within the Union⁷⁶⁰. This divergence in perspective was, however, short-lived. In later years, events revealed a marked realignment of Member States' policy positions on the issue of CPSE with that originally advocated by DG EMPL. While the Commission acted as a driving force in instituting the central ideational tenets of a CPSE discourse, by the mid-2000s European governments appeared to have largely appropriated such ideas as their own. Key observations attesting to such a phenomenon can be found in the policy statements present in Member States' NAPs and NSRs⁷⁶¹. Similarly, the report *Child Poverty and Well-Being in the EU. Current Status and Way Forward* endorsed by the SPC in January 2008 offered an impressive compendium of the fundamental principles of CPSE discourse⁷⁶². The coining of this collectively agreed-upon framework denoted a far-reaching convergence in the understanding that governments had of CPSE (regarding its root causes, damaging consequences and practicable solutions) but also the collective assimilation of an original EU discourse initially devised by the Commission. Investigating the reasons behind this striking realignment of Member States' policy positions with those articulated by the

to this trend, since their NAPs offered markedly comprehensive analyses of CPSE (NAP/Ireland 2001-3, 2003-5, NAP/UK 2001-03, 2003-5).

⁷⁶⁰ As documented above, CPSE was a ubiquitous feature of the OMC/SI Joint Reports, see CEC 2002g, CEC 2004d, CEC 2005g.

⁷⁶¹ From the mid-2000s onwards, references to CPSE in the NAPs and NRPs became more frequent and touched upon broader issues of poverty, material deprivation, as well as children's rights and well-being. Similarly, Member States displayed a concern for understanding the causes and consequences of CPSE, identifying practical policy instruments that could be used to address the problem and specifying statistical measures for quantifying it, see most notably NSR/Belgium 2008-10, NSR/Denmark 2008-10, NSR/Finland 2008-10, NSR/France 2008-10, NSR/Ireland 2008-10, NSR/Spain 2008-10, NSR/Sweden 2008-10, NSR/UK 2008-9, NSR/Czech Republic 2008-10, NSR/Estonia 2008-10, NSR/Poland 2008-10, NSR/Slovenia 2008-10)

⁷⁶² SPC 2008

Commission, the above analysis highlighted the strict correspondence between CPSE discourse's cognitive and normative arguments with a number of criteria (relevance, applicability, coherence and resonance with long-standing values shared by European Peoples) necessary for the construction of a convincing discourse.

In sum, the social constructivist notion of productive power has a much greater bearing in the area of CPSE than the rationalist concept of institutional power. The situation depicted above is one of fundamentally norm-guided behaviour and a dynamic process of preference formation where the Commission effectively exerted a strong form of productive power by dynamically reconstructing Member States' preferences by means of a carefully crafted discourse. Significantly, this explicit correspondence between the case of child poverty and social exclusion and the application of sociological institutionalism corroborates the pertinence of the critical scope condition of issue sensitivity in demarcating the explanatory realm of RCI and SI and substantiates the core assumption (underpinning this scope condition) that agents adjust their behaviour depending on what they consider to be at stake⁷⁶³. A central conjecture at the heart of this study is that as perceived stakes rise, national officials' behaviour is more likely to be driven by a rationalist logic of expected consequences, whereas relatively low stakes will invite social constructivist logics of action (appropriateness and arguing). Indeed, national representatives interviewed for the purpose of this project drew attention to the fact that since the early 2000s the eradication of CPSE had emerged as a fundamentally consensual policy objective within the EU since it echoed long-standing values shared by its citizens in terms of the protection of children's rights⁷⁶⁴ and State intervention in an area where the family and the market have failed to protect a vulnerable section of the

⁷⁶³ See *Section 2. 2. 2 Overcoming the 'Great Debate'*.

⁷⁶⁴ All Member States are signatories of the UNCRC 1989.

population. Finally, the degree of the Commission's autonomous power appeared relatively robust. This strong value of the dependent variable can in large part be attributed to the original institutional design of the OMC. As depicted in chapter two, this new mode of governance's institutional architecture is infused with a strong normative imperative aimed at facilitating experimental learning and mutual cooperation, which lends itself quite easily to a form of productive power based on ideas and meaning-making through discourse.

7 Conclusions

Though traditionally considered as incommensurable by theoretically purists, a central claim advanced in this research project is that rationalism and constructivism are most fruitfully viewed pragmatically as analytical tools or lenses through which to look at social reality and, at the level of research design, much greater intellectual dividends can be drawn from an eclecticism of approach rather than a strict adherence to a single prism of understanding. It was on the basis of this commitment to ontological pluralism that this paper set out to examine a relatively overlooked and under-theorized aspect of the OMC, namely, the European Commission's autonomous power within this new mode of governance. The result is a comprehensive composite in which rational choice and sociological institutionalism work side-by-side and where theoretical dialogue is made possible by identifying a critical scope condition (issue sensitivity) demarcating the "home domain" of each theory. This concluding chapter proceeds in two steps: first, emphasis is placed on providing a synthesis of this research project's findings; a second section examines its scientific contributions and underlines a number of promising avenues for future research opened up by this study.

7.1 Synthesis of findings

7.1.1 Initial ambitions and assumptions

Originally stemming from a manifest incongruity between the essentially restrictive institutional architecture imposed on the Commission and tentative empirical findings demonstrating how it has independently impacted on the OMC, this study set out to answer the following research question: *Has the European Commission exerted*

autonomous power on decision-making within the OMC?. Crucially, the sub-questions of how and when are central here. On the one hand, in answer to the question *how*, RCI and SI advance two very different sets of discrete explanatory variables of rationalist and constructivist-lineage able to elicit an increase in the Commission's autonomous power broadly defined. On the other, the issue of *when* is addressed by specifying a critical scope condition delineating the "domain-of-application" of these two theories.

A fundamental requisite to this bridge-building project was to define the meaning of autonomous power from the standpoint of both rationalist and constructivist theories. As elaborated upon in further detail below, RCI and SI embrace very different conceptions of the Commission's independent influence. On the one hand, RCI – with its emphasis on fixed preferences, its utility-maximizing conception of human behaviour and formal portrayal of institutions – advances a fundamentally regulative understanding of the Commission's autonomous power (*institutional power*). Considered through RCI's theoretical prism, the Commission will seek to exploit its formal role within the OMC to "shirk", that is to say, to step beyond its delegated responsibilities and extend its prerogatives beyond their legal bounds. In so doing, the Commission is well placed to shape the circumstances of action of national governments, purposefully manipulating their cost-benefit calculations in view of transforming their strategic behaviour. On the other hand, SI – with its holist ontology and fundamentally social understanding of the nature of individual agents – draws attention to the constitutive nature of the Commission's autonomous power (*productive power*). Directly flowing from a model of endogenous preference formation (where an agent's identity and interests are structured by an overarching social order), students of SI contend that the Commission will seek to influence national governments' subjective understanding of a particular policy issue

under consideration within the OMC. Far from being coerced into altering their behaviour, national administrators will voluntarily embrace a new conception of a policy problem (as promulgated by the Commission’s transformative discourse) and modify their actions in line with this new understanding of their interests.

A second important element allowing social scientists to find a *via media* between RCI’s agent-centred individualism and SI’s holist ontology is the notion of methodological pragmatism where theories, far from being pitted against one another in a battle of analytical paradigms (i.e. zero-sum competitive testing), are employed in unison in order to sketch a more comprehensive picture of the Commission’s autonomous power within the OMC. At the level of research design, this translates in the specification of a critical scope condition demarcating the “domain-of-application” of each theory. Crucially, in the early stages of this research project, “issue sensitivity” was identified as a discriminating scope condition within the OMC framework. A central postulate informing this integrative research design is that high issue sensitivity invites utility-maximizing behaviour among self-seeking agents whose preferences are established exogenously to the institutional venue (RCI), while low issue sensitivity allows for rule-guided behaviour and flexible preferences where interests and identities are open to change through persuasion and communication (SI). Moreover, the theoretical exigency of ontological pluralism called attention to the importance of selecting cases on this hypothetical scope condition. Thus, it was on the basis of variation along this key dimension that the cases of CPSE (low issue sensitivity) and QWE (high issue sensitivity) were selected⁷⁶⁵.

Methodologically, this research project employed a process-tracing (P-T) approach.

⁷⁶⁵ See Section 4. 1. 3 Cases of what? Variation along the scope condition of “issue sensitivity”.

Taking seriously the principle that “correlation is not causation”, P-T involves breaking down an overarching causal relationship into a set of theoretically conjectured intermediate steps, which are subsequently tested against relevant data. In effect, P-T forces the investigator to take equifinality (i.e. multiple causality) into account, where a same type of outcome emerges in different cases via a different set of independent variables. In practice, in both cases of CPSE and QWE, the causal path linking independent variables (of RCI and SI lineage) to a single dependent variable (the Commission’s autonomous power) is closely examined in order to determine whether constructivist or rationalist predictions provide a more accurate rendition of empirical observations.

While analytically valuable, such an elegant dichotomy exists only in the realm of academic debate. Reality is undoubtedly a much messier affair where Commission and Member States’ actions will be driven by both rationalist and constructivist logics of behaviour⁷⁶⁶. As part of this original plea for a dialogue across paradigms, many scholars have been keen to emphasize how actors in the empirical world interchangeably apply different logics of actions in their behaviour⁷⁶⁷. It follows, that since unitary actors are motivated by different modes of action, any research programme that relies on a single meta-theoretical orientation will inescapably fail to capture the convoluted nature of an individual agent’s behaviour. Accordingly, it is quite plausible that within a single case study both productive and institutional forms of autonomous power will be sustained by the Commission and that a number of predictions from both schools of thought will be confirmed when examined against collected data. However, while both theories reveal

⁷⁶⁶ While actors usually combine several modes of social interaction, in any one situation, a clear logic should dominate an unclear one, March and Olsen 1998: 952-3; see also Risse 2000: 3, Risse 2002: 607, Snidal 2002: 80, Checkel 1998: 2.

⁷⁶⁷ Risse 2000: 3, 2002: 607, March and Olsen 1998: 952-3, Snidal 2002: 80, Checkel 1998: 2.

different facets of the Commission’s behaviour occurring simultaneously in the real world, a central conjecture at the heart of this project is that RCI will demonstrate greater insight in capturing the essence of the Commission’s autonomous power in the case of QWE (high issue sensitivity), while SI will demonstrate superior explanatory value in the area of CPSE (low issue sensitivity).

7. 1. 2 **Summary of Findings**

Having outlined this study’s main research question, underlined its central ambition of theoretical synthesis and spelt out its methodological pragmatism, the analysis that follows offers a *précis* of its key findings. It is significant that the Commission’s autonomous power may come in different *kinds* (productive and institutional) but also in different *degrees*, meaning that variation needs to be considered along both dimensions⁷⁶⁸. It follows that this summary has as dual ambition of (1) scrutinizing the type of power wielded by the Commission in both cases under consideration and (2) gauging the relative efficacy of the discursive instruments as well as shirking tactics and informal powers at its disposal.

7. 1. 2. 1 *What kind of power?*

Rational choice institutionalism emerged as the principal analytical prism through which to understand and document the Commission’s autonomous power in the area of QWE. As elaborated above, a bifocal framework examining the role of the Commission at the micro- and macro-institutional levels promised to capture all facets of its “institutional power” within the OMC. On the one hand, empirical data unequivocally ascertained

⁷⁶⁸ Finnemore and Bennett 2004: 27.

RCI's principal contention that DG EMPL resolutely established and upheld an informal agenda-setting role at the level of the European Council across all three periods of QWE history. This informal agenda-setting prerogative came into fruition by the fortunate alignment of political and economic forces, which combined to fashion a series of "windows of opportunity", as well as an information asymmetry structure largely tilted in the Commission's favour, which allowed it to formulate conciliatory proposals on QWE around which Member States could converge in the context of European Council proceedings. On the other hand, during the period 2001-2, the issue of QWE filtered down on to the agendas of EMCO and ISG. At this micro-institutional level, the Commission persistently sought to exploit its delegated responsibilities, stretching its formal powers beyond their legal bounds. Yet, despite this marked propensity towards purposeful opportunism – a type of behaviour in keeping with a rationalist conception of instrumental rationality – the relative efficacy of such shirking tactics in channelling and constraining interactions among self-interested national representatives proved limited. Fearing that the Commission would contravene the terms of its original mandate, MS principals purposefully instituted a number of oversight mechanisms to be used as punitive injunctions against a recalcitrant Commission. As evidenced above, though not entirely costless for Member States to employ, these control instruments did successfully circumscribe the Commission's scope for bureaucratic drift and curb agency discretion. Conversely, when examined against a comprehensive set of SI-inspired predictions, collected observations provided a markedly weak portrayal of the Commission "productive power". From its inception, QWE discourse failed to satisfy all three cognitive criteria of applicability, relevance and coherence. Interactively, while the Commission sought to disseminate its discourse by means of policy papers and expert reports, it neglected to take effective measures and invest sufficient resources into

mobilizing a transnational epistemic community championing EU intervention in the field of QWE.

As originally anticipated, sociological institutionalist hypotheses offered a markedly accurate rendition of events unfolding in the area of CPSE. Though it took off to a slow start, the uncertainty and ambivalence surrounding the concept of CPSE during its early days was short-lived. From 2004 onwards, this tentative ideational construct was replaced by an altogether more robust discourse. Testifying to the Commission's "productive power", during the second and third periods of CPSE history, empirical observations closely mirrored the multifaceted predictions of SI-design enunciated above. Ideationally, the Commission administered a steady process of conceptual clarification and discursive consolidation across both time periods, gradually establishing a set of cognitive arguments demonstrating overall relevance, applicability and coherence and embedding its discourse within a dominant value system supporting children's universal rights and well-being. With regard to its interactive dimension, collected data called attention to the Commission's ability to disseminate the central tenets of CPSE by means of a gamut of policy papers and expert reports at both macro- and micro-institutional level. These written contributions placed DG EMPL in a unique position to authoritatively frame the issue of CPSE, providing a common language and shared vision around which policy actors could converge. Similarly, collected observations highlighted the Commission's influential role in establishing and sustaining a transnational epistemic community championing EU intervention in the field of CPSE. This broad support base of authoritative actors crucially served to enhance the perceived legitimacy and truthfulness of the Commission's CPSE discourse, as well as to concomitantly increase its visibility and expand the interactive and communicative platform from which it was disseminated

at the supranational level. Conversely, the data appear for the most part fundamentally at odds with RCI's original conjectures pertaining to the Commission's "institutional power". At a macro-institutional level, empirical observations failed to corroborate RCI's central postulate that DG EMPL strategically exploited a situation of informational pre-eminence to act as informal agenda-setter and sway the European Council's agenda towards CPSE. At a micro-institutional level, while CPSE did filter down to the SPC and ISG policy agendas, RCI-inspired suppositions pertaining to the Commission's propensity for bureaucratic drift fitted uneasily with the data on Committee dynamics (the Secretariat's allegiance appeared fundamentally shifting and the Commission's ambition to circumvent formal limitations placed on its monitoring powers was far from apparent). Moreover, members of these Committees testified to a collective fervour for making progress on the issue of CPSE (underscoring a fundamentally collaborative rapport between national representatives) and commended the Commission's ability to draw out a fair consensus on the issue. Indeed, respondents painted a picture of Committee interactions on CPSE far removed from RCI's image of the Commission as a self-interested agent driven by an overriding inclination towards purposeful opportunism.

In sum, checking RCI and SI-inspired theoretical predictions against collected data, in order to assess the pertinence of each theory, makes plain the superior explanatory value of independent variables and causal mechanisms of rationalist lineage in capturing the essence of the Commission's autonomous power in the case of QWE and the congruity of sociological institutionalist original conjectures in the area of CPSE. Crucially, this strict "correspondence" corroborates the pertinence of the critical scope condition of issue sensitivity in delineating the explanatory ambit of both theories.

7. 1. 2. 2 *What degree of power?*

At the same time, empirical findings reveal the varying degree of the Commission's autonomous power in these two cases. On the one hand, its institutional power in the area of QWE remained markedly limited. Observable proxies associated with a weak value of dependent variable include initially conflicting policy preferences between the Commission and Member States on the issue of QWE and the continued misalignment of national administrations' preferences over time with those advocated by DG EMPL (*Section 5.2.3 Conclusions*). Investigating the reasons behind this final outcome, it emerges that while the Commission's informal agenda-setting role was substantiated by the data, formal administrative responsibilities allowed for few opportunities for bureaucratic drift and strong oversight and sanctioning mechanisms meant that it was held on tight leash by MS principals, who drastically restricted its discretion within the confines of the EMCO and ISG. On the other hand, in the area of CPSE, the Commission achieved far-reaching results by employing a number of discursive instruments at its disposal. The success of its productive power is verified by means of the two same proxies. As documented above, originally incongruent policy preferences between the Commission and EU governments gradually dissipated, leaving in their place a robust realignment of Member States' preferences with those originally advanced by the Commission (*Section 6.2.3 Conclusions*). The causal mechanisms unearthed by a P-T methodology draw attention to the transformative nature of the Commission's CPSE discourse (due to the congruence of its ideational and interactive dimensions with a number of criteria of success). In sum, DG EMPL was able to carefully craft and promulgate a CPSE discourse that prompted change over and above the push and pull of interests, institutions or culture. This productive power allowed the Commission to entrepreneurially (re)construct national officials' understandings of their interests and

redirect their actions within the framework of the OMC/SPSI.

The differential efficacy of the Commission's productive and institutional power can be attributed in large part to the original institutional design of the OMC. Indeed, the Method's standard procedural formula established in paragraph 37 of the Lisbon Council Conclusions is imbued with a strong normative ideal. Implicit in this layout is the fundamental ethos that the OMC is designed to promote the exchange of ideas and facilitate experimental learning, mutual cooperation, and the convergence of objectives across Member States. This ideal also transpires in the wording of the Employment Title of the Amsterdam Treaty (Art 129) as well as the Treaty articles establishing the OMC for social inclusion (Art 137). These texts unmistakably convey the notion of a consensual and mutually beneficial rapport between governments, where Member States are portrayed as partners in learning. As Dehousse rightly contends, while "the Commission does not enjoy the institutional prerogatives that have been its strength in other areas [...] the search for cognitive convergence, which is at the heart of the OMC, involves tasks the Commission is better able to accomplish than any other institution"⁷⁶⁹. Indeed, its authoritative standing within the EU, its policy expertise and its role as traditional provider of ideas mean that it is advantageously placed to wield a form of productive power operating through knowledge and meaning-making.

7.2 Scientific contributions and avenues for future research

Employing an hourglass design and closing this investigative cycle, this section links empirical findings back to the broader questions and theoretical ambitions that originally

⁷⁶⁹ Dehousse 2002: 14.

motivated this research project. This project's contributions are fundamentally of two types: theoretical and empirical.

Theoretically, as detailed above, this research project explores the Commission's role within the OMC from two perspectives that have traditionally been considered as incommensurable by theoretical purists, namely social constructivism and rationalism. Far from purporting to offer a single monolithic theory of the Commission's autonomous power in the processes of European decision-making, this project sides with a growing number of scholars advocating bridge-building and middle-range theorization in order to overcome the sterile meta-theoretical debate that has traditionally dominated discussions among proponents of these two approaches⁷⁷⁰. This study displays careful attention to the issue of theoretical dialogue in embracing the notion of equifinality, outlining different types of autonomous power (productive and institutional) associated with RCI and SI, and crucially embracing a domain-of-application model⁷⁷¹. Concretely, rather than evaluating theories against one another, this additive model identified the critical scope condition of issue sensitivity, subsequently drawing them together in order to offer a more comprehensive picture of the dynamics at play in the empirical world.

Empirically, this research project feeds into a long-standing academic debate surrounding the Commission's influence in processes of European policy-making and regional integration. While EU scholars have traditionally investigated and theorized the Commission's autonomous power within the classic Community Method, this study sheds light on its transformed role within the OMC. To date, commentators have tended to

⁷⁷⁰ Leading proponents of theoretical dialogue include Adler 1997, 2002: 108-9, Aspinwall and Schneider 2000, Checkel 2005a, 2007, Checkel and Moravcsik 2001, Fearon and Wendt 2002, Finnemore and Sikkink 1998: 911, Jupille *et al.* 2003, Katzenstein, Keohane and Krasner 1998, Lebow 2001, Lepgold and Lamborn 2001, Snidal 2002: 80, Zürn and Checkel 2005.

⁷⁷¹ Jupille *et al.* 2003: 21-22.

stress the centrality of national governments within this new mode of governance. This study's findings disprove such a contention and allege that the emergence and consolidation of the OMC since 2000 on the EU governance landscape has not weakened the Commission's autonomous power but rather recast it⁷⁷². Stripped of its exclusive right of legislative initiative, the Commission has reinvented its role within the OMC. Besides its ability to exploit its formal responsibilities and stretch its prerogatives beyond circumscribed bounds (a practice in line with a rationalist-inspired notion of institutional power prevalent within a hard law "command and control" model), the OMC's original institutional design has encouraged the Commission to make greater use of its productive power. Indeed, while the classic Community Method also afforded the Commission the possibility of wielding both types of power, the OMC served *to strike a new balance* between them. Premised on the notions of experimental learning and mutual cooperation, the Commission adjusted its behaviour to the OMC's original ethos. While the Community Method's controlled legislative framework has traditionally favoured a form of institutional power that works through formal rules and procedures, as evidenced in this project, the Commission placed equal importance on both types of its autonomous power within the OMC thus broadening the repertoire of strategic instruments at its disposal.

⁷⁷² In 2000, the OMC emerged as a pragmatic answer to challenges faced by the Union in terms of legitimacy and diversity (Borrás and Jacobsson 2004: 186-7). Indeed, the aftermath of the Maastricht treaty revealed the depth of the legitimacy crisis that faced the EU. Similarly, with the end of the Cold War, the Union was suddenly confronted with the prospect of enlargement towards central and east European countries and a subsequent increase of intra-EU diversity (of economies, positions on key EU debates and administrative capacity) (on the Commission's influence and autonomy following the 2004 enlargement, see Kurpas *et al* 2008). The OMC introduced a valuable form of process flexibility that allowed the EU to "find a feasible balance between the need to respect diversity among Member States, and the unity – and meaning – of common EU action" (Borrás and Jacobsson 2004: 186). In view of the powerful structural forces that led to the coining of the OMC, it is not surprising that it has become an enduring feature of the governance landscape of the EU.

On the issue of the generalizability of this project's findings, the decision to select cases coordinated within two highly institutionalized strands of the OMC (EES and OMC/SPSI) and to leave aside weaker versions of the Method (typically characterized by fragmentary architectures and a limited range of policy coordinative instruments) allows us to draw inferences about a wider population of policy issues coordinated supranationally within "strong" strands of the OMC. Specifically, the institutional specificities of the hypotheses outlined above mean that this project's theoretical framework and findings will be generalizable in policy areas placed within the EES, the OMC/SPSI and the OMC for macroeconomic policy, which shares the same formula of collective guidelines (broad economic policy guidelines), reporting standards, and Committee system (Economic Policy Committee, Economic and Financial Committee). A key limitation of this research project is its small-N case selection. While a process-tracing methodology necessarily precludes any large-N analysis, empirical findings are drawn from just two cases. Thus, an important avenue for future research involves extending this theoretical framework to more cases in view of increasing the external validity of this study's findings and checking the relevance of the scope condition of "issue sensitivity" in demarcating the explanatory realm of the Commission's productive and institutional power.

Finally, broadening our outlook further, another promising area of research concerns the transposition of this rich understanding of the Commission's power (and this project's theoretical framework) to the realm of IR and the role of international organizations within a global system of governance. Taking a stand against the methodological fundamentalism which has typically characterized the "Great Debate" between rational choice and social constructivism in the field of IR, a much richer picture of social reality

can be provided by sustaining a conversation across paradigms. This greyer area of pragmatic dialogue allows us to step beyond IR's proclivity towards a rationalist-coercive notion of power and offer a truer representation of the extent and nature of international organizations' autonomous power in the global arena.

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9 Annexes

Annex 1: OMC Processes by Policy Area⁷⁷³

Process	Macro-Economic Policy	Employment	Fiscal Surveillance	Immigration	Taxation	Better Regulation	Training/Education	Enterprise
Treaty Basis	Strong Art. 99	Strong Art. 125-130	Strong Art. 104	Weak Art. 61, 63	Weak Art. 91, 92, 93	None	Weak Art. 149, 150	Strong Art. 95, 157
Process Announced	Treaty Provision Maastricht 1992	European Council Luxembourg 1997	Treaty Provisions Jan. 1999	European Council Tempere Oct. 99	ECOFIN Nov. 99 (Primarolo Group) Feira Council 2000	European Council Lisbon Mar. 2000	European Council Lisbon Mar. 2000	European Council Lisbon Mar. 2000
Community Budgetary Leverage	No	No	Yes	No	No	No	No	No
ECJ Involvement	No	No	No	Yes/No	No	No	No	Yes/No
DG	ECFIN	EMPL	ECFIN	JAI	TAXUD	SG	EAC	ENTR MARKT
Council Formation	Ecofin	EPSCO	European Council Ecofin	JHA	Ecofin	Ecofin	EYC	Competitiveness
INSTRUMENTS								
Established Common Objectives	Yes	Yes	Yes	In preparation	Yes	No	Yes	Yes
Indicators	Yes	Yes	Yes	No	No	In preparation	Yes	Yes
EU Targets	Yes	Yes	Yes	No	No	Certain areas	Yes	Yes
MS Targets		Certain MS	Yes	No	No	Certain areas	No	Yes
Benchmarking	Yes	Yes	Yes	No	No	No	Yes	Yes
Best Practice	No	Yes	No	Certain areas	Yes	Certain MS	Yes	Yes
Guidelines	Yes	Yes	Yes	Certain areas	Yes	Certain areas	Yes	Yes
Community Action Programme	Yes	Yes	No	YES	Yes	Yes	Yes	Yes
National Action Plans	Yes (annual)	Yes (annual)	No	In preparation	No	Certain MS	No	No
National Strategies	Yes	Yes	No	Yes	No	Certain MS	No	No
Peer Review Process	No	Yes	Yes	No	Yes (1999)	YES	No	No
Scoreboards	No	No	No	Yes (Tampere biannual scoreboard)	No	No	Yes	Yes
Council Recommendation	Yes	Yes	Yes	No	No	No	No	No
Commission Recommendations	Yes	Yes	Yes	No	No	No	No	No

⁷⁷³ Source: Laffan and Shaw 2005: 13-1

<i>Process</i>	Information Society	Research and Development	Social Inclusion	Sustainable Development	Healthcare	Youth	Pensions	Tourism
<i>Treaty Basis</i>	Weak Art. 156,157	Strong Art. 163-173	Strong Art. 136, 137 and 140	Strong Art. 6, 175, 95t	Weak Art. 152(2), (4)	Weak Art. 149	Weak Art. 42, 137, 140, 308	Weak Art. 3
<i>Process Launched</i>	European Council Lisbon Mar. 2000	European Council Lisbon Mar. 2000	European Council Stockholm Mar. 2001	European Council Gothenburg Jun. 2001	European Council Gothenburg Jan. 2001	Commission White Paper Nov. 2001	European Council Laeken Dec. 2001	Council Resolution of 21 st May 2002
<i>Community Budgetary Leverage</i>	No	Direct	No	Indirect	No	No	No	No
<i>ECJ Involvement</i>	No	No	No	Yes	No	No	No	No
<i>DG</i>	INFSO	RTD	EMPL	ENV ENER	SANCO	EAC	EMPL	ENTR
<i>Council Formation</i>	TTE	Competitiveness	EPSCO	Environment Council	EPSCO	EYC	EPSCO	Competitiveness
INSTRUMENTS								
<i>Established Common Objectives</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
<i>Indicators</i>	Yes	Yes	Yes	Yes	No	No	No	No
<i>EU Targets</i>	Yes	Yes	Not all MS	Yes	No	No	No	No
<i>MS Targets</i>	No	No	Certain Areas	Proposed (Kyoto)	No	No	No	No
<i>Benchmarking</i>	Certain Areas	Yes	Yes	No	No	No	Certain areas	No
<i>Best Practice</i>	Yes	Yes	Yes	Implicit	Certain areas	No	Implicit	No
<i>Guidelines</i>	Yes	No	Yes	No	No	No	No	No
<i>Community Action Plan</i>	Yes (i2010)	Yes (FP7)	Yes (Combat social exclusion 2001-5)	Yes (Environment 2010)	Yes (Public Health 2003-2008)	Yes (Youth Programme 2007-13)	No	No
<i>National Action Plan</i>	No	No	Yes (every 3-4 years)	No	No	No	No	No
<i>National Strategies</i>	No	No	Yes	No	No	No	Yes	No
<i>Peer Review Process</i>	No	Informal	Yes	No	No	No	Yes (2002)	No
<i>Scoreboards</i>	Yes	Yes	No	Yes	No	No	No	No
<i>Council Recommendation</i>	No	No	No	No	No	No	No	No
<i>Commission Recommendations</i>	No	No	No	No	No	No	No	No

Annex 2: The Four Advisory Committees involved in OMC Processes⁷⁷⁴

	Employment Committee (EMCO)	Economic Policy Committee (EPC)	Economic and Financial Committee (EFC)	Social Protection Committee (SPC)
Treaty Base	Art. 130 TEC	Art. 272 TEC	Art. 114 TEC	Art. 144 TEC
Council Configuration	Employment, Social Policy, Health and Consumer Affairs (4-6 meetings/year)	Economic and Financial Affairs (10-12 meetings/year)	Economic and Financial Affairs	Employment, Social Policy, Health and Consumer Affairs
Commission DG and location of Secretariat	DG Employment, Social Affairs and Equal Opportunities	DG Economic and Financial Affairs	DG Economic and Financial Affairs	DG Employment, Social Affairs and Equal Opportunities
Members	2/Member State 2 from the Commission	2/Member State 2 from the Commission and the ECB ⁷⁷⁵	2/Member State 2 from the Commission and ECB ⁷⁷⁶	2/Member State 2 from the Commission
Main Tasks	Contributes to the Employment policy coordination and other related processes: integrated guidelines for growth and jobs, review of NAPs/NRPs, Peer Review Programme	Contributes to the integrated guidelines for growth and jobs, prepares macro-economic dialogue and acts as a preparatory body for the EFC	Follows the financial situation in the Member States, examines the freedom of movement of capital and the balance of payments. Important functions with regard to the Stability and Growth Pact and the Excessive Deficit Procedure (Art. 104 TEC)	Monitors the development of social protection and social inclusion policy in Member States (including pensions and health policy), reviews NAPs/NSRs, promotes exchange of best practice and of information, prepares reports and opinions
Member's Domestic Ministry Affiliation	Labour markets and financial affairs	Financial or economic affairs	Financial or economic affairs	Social policy and labour
Number of Meetings per year	6-7	10-12	10-14	10-11

⁷⁷⁴ Source: Adapted from Jacobsson and Vifell 2005: 221

⁷⁷⁵ According to the statutes, member states as well as the ECB and the Commission should each appoint four members; however, common practice is now to have only two members present each.

⁷⁷⁶ Until 2003 the national Central Banks were also represented. Today they may only participate in the main committee when stability of financial markets is discussed. This change was brought about mainly due to the enlargement.

Annex 3: Longitudinal Analysis of Central Policy Coordinative Junctures in EES

Submission/Publication Dates														
	1997	1998	1999	2000	2001	2002	2003	2004	Lisbon Reform	2005	2006	2007	2008	2009
NAPs and NRPs, Implementation Reports	NAPempl	NAPempl	NAPempl	NAPempl	NAPempl	NAPempl	NAPempl	NAPempl		NRP 2005-2008 (Oct 2005)	Progress Report (Oct 2006)	Progress Report (Oct 2007)	NRP 2008-2010 (Oct 2008)	
Joint Reports	JER	JER	JER	JER	JER	JER	JER	JER		APR and JER (Dec 2005)	APR and JER (Dec 2006)	APR and JER (Dec 2007)	APR and JER (Dec 2008)	
Guidelines and Objectives	Original Guidelines and 4 pillars of EES	Annual Revision	Annual Revision	Annual Revision	5 horizontal objectives	new horizontal objective of "Quality in Work"	10 New Reformed Guidelines and 3 Objectives	---		Integrated Guidelines (2005-2008) (June 2005)	--	--	Integrated Guidelines (2008-2010)	--
Quantified Targets				Lisbon Council Targets on overall & female employ. rates	Stockholm Council: Older workers empl. rate	Barcelona Council: Exit age of labour market; childcare facilities	Quantified Targets associated to New Guidelines							
Indicators pertaining to QWE					Laeken Indicators on QWE									
Community Action Programme	EES is loosely connected to European Social Fund (ESF) (2000-2006) ⁷⁷⁷										PROGRESS (Programme for Employment and Social Solidarity) (2007-2013) of 743,25 million Euros			

⁷⁷⁷ CEC 2001b

Annex 4: Process-Tracing Analysis - Three Periods in the Development of QWE

	Time Period 1 (t1) 1997- end 2000 “An Original Aperture”	Time Period 2 (t2) Early 2001- end 2002 “Ideational Ascendancy”	Time Period 3 (t3) 2003 - 2010 “Doldrum Years”
Partitioning of the history of QWE	Gradually emergence of notion of QWE and its inclusion in the EES	Conceptual clarification and consolidation of QWE	Waning of QWE’s place on the EES agenda
Commission’s Objective	Placing QWE onto the EES agenda	Securing and consolidating the position of QWE on the EES agenda	Maintaining the presence and visibility QWE on EES agenda
Social Constructivist Predictions	<ul style="list-style-type: none"> ○ The Commission will set in motion a process of discursive formation, sketching the overall contours of a tentative QWE discourse while leaving its minutiae undefined (<i>hypotheses 7, 8 and 9</i>). ○ The Commission’s role within the interactive function of discourse will remain limited. 	<ul style="list-style-type: none"> ○ The Commission will engage in a strategy of discursive enhancement, clarifying and consolidating the ideational dimension of its discourse (<i>hypotheses 7, 8 and 9</i>). ○ The Commission will seek to diffuse its discourse by means of policy papers and reports (<i>hypothesis 10</i>) and by establishing and sustaining a supranational epistemic community championing EU intervention in the area of QWE (<i>hypothesis 11</i>). 	<ul style="list-style-type: none"> ○ The Commission will pursue a strategy of discursive transformation, adjusting QWE’s ideational tenets to match emerging concerns associated with the new political and economic context (<i>hypotheses 7, 8 and 9</i>). ○ The Commission will continue to publish policy papers and reports on QWE (<i>hypothesis 10</i>) and mobilize a like-minded transnational coalition of policy experts concerned with the issue (<i>hypothesis 11</i>).
Rational Choice Predictions	<ul style="list-style-type: none"> ○ The Commission will act as informal agenda-setter. In so doing, it will seek to form strategic partnerships and co-opt national governments; capitalizing on an asymmetric balance of information to set forth a policy proposal on QWE that will act as a “constructed focal point” around which MS will converge (<i>hypothesis 6</i>). 	<ul style="list-style-type: none"> ○ The Commission will persist in its ambition of manufacturing consensus around a policy proposal of its making (<i>hypothesis 6</i>). ○ The Commission will pursue two routes of bureaucratic drift: injecting its preferences into OMC Committee proceedings via EMCO secretariat which it staffs (<i>hypothesis 1</i>); and extending its M&E prerogative beyond its legal bounds (<i>hypothesis 2</i>). ○ MS will seek to limit in scope of Commission discretion by, relying on the oversight provided by the EMCO/ISG Chairs (<i>hypothesis 3</i>), engaging in unilateral non-cooperation (<i>hypothesis 4</i>), and revising the Commission’s mandate (<i>hypothesis 5</i>). 	<ul style="list-style-type: none"> ○ During these doldrum years, a series of fleeting policy windows will offer the Commission the opportunity to intermittently exert its informal agenda-setting power (<i>hypothesis 6</i>).

Annex 5: Longitudinal Analysis of Central Policy Coordinative Junctures in OMC/SPSI

Submission/Publication Dates											
	2001	2002	2003	2004	Lisbon Reform	2005	2006	2007	2008	2009	
NAPs or NSRs for SPSI	NAPincls EU15 (2001-2003) (June 2001)		NAPincls EU15 (2003-2005) (July-Sept 2003)	NAPincls EU10 (2004-2006) (July 2004)		Implementation Reports EU15 (2003-2005) (June 2005)	NSR (2006-2008) (Sept 2006)		NSR (2008-2010) (Sept 2008)		
Joint Reports		Joint Report on Social Inclusion 2002 (March 2002)		Joint Report on Social Inclusion 2004 (May 2004)		Joint Report/SPSI 2005 (March 2005) AND <i>Report on Social Inclusion 2005 – An Analysis of the NAPs on Social Inclusion (2004-2006) submitted by the 10 new MS (Feb 2005)</i>	Joint Report/SPSI 2006 (March 2006) AND <i>Social Inclusion in Europe 2006 – Implementation and Update Reports on 2003-5 NAPs on SI and Update Reports on 2004-6 NAPs on SI (March 2006)</i>	Joint Report/SPSI 2007 (March 2007)	Joint Report/SPSI 2008 & Supporting Document (March 2008) AND <i>Monitoring Progress towards the objectives of the European Strategy for SP & SI (October 2008)</i>	Joint Report/SPSI 2009 (March 2009)	
Objectives	Four Nice Objectives (December 2000)	(Revision of Nice Objectives) (Nov 2002)				Three Revised Objectives for the Social Inclusion Stream of the OMC/SPSI					
Indicators	Laeken Indicators (Dec 2001)						New Common Indicators (June 2006)				
Community Action Prog	Community Action Programme (2002-2006) of 75 million Euros							PROGRESS (Programme for Employment and Social Solidarity) (2007-2013) of 743,25 million Euros			

Annex 6: Process-Tracing Analysis - Three Periods in the Development of Child Poverty and Social Exclusion

	Time Period 1 (t1) 2000- 2003 “An Original Aperture”	Time Period 2 (t2) Early 2004 - 2006 “Ideational Consolidation and Growing Political Commitment”	Time Period 3 (t3) 2007 - 2010 “Reaching Consensus”
Partitioning of the history of CPSE	Gradually emergence of notion of CPSE and its inclusion in the OMC/SI	Conceptual Clarification and Consolidation	Political consensus and wide-ranging ideational convergence
Commission’s Objective	Placing CPSE on the OMC/SI Agenda	Consolidating CPSE’s position on the OMC/SI agenda	Securing its place as core element of OMC/SI agenda
Social Constructivist Predictions	<ul style="list-style-type: none"> ○ The Commission will set in motion a process of discursive formation, establishing the ideational foundations of a CPSE discourse while leaving its minutiae undefined (<i>hypotheses 7, 8 and 9</i>). ○ At this early stage, the Commission’s role within the interactive function of discourse will remain limited. 	<ul style="list-style-type: none"> ○ The Commission will engage in a strategy of discursive enhancement, clarifying and consolidating the ideational arguments of its discourse (<i>hypotheses 7, 8 and 9</i>). ○ The Commission will seek to diffuse its discourse by means of policy papers and expert reports (<i>hypothesis 10</i>) and by establishing and sustaining a supranational epistemic community of experts favouring EU intervention in the area of CPSE (<i>hypothesis 11</i>). 	<ul style="list-style-type: none"> ○ The Commission will pursue a strategy of ideational consolidation, adjusting its tenets to emerging concerns associated with new political and economic climate (<i>hypotheses 7, 8 and 9</i>). ○ The Commission will place increased emphasis on the production/diffusion of policy papers and expert reports concerned with CPSE (<i>hypothesis 10</i>), and inexorably seek to mobilize a growing number of transnational coalitions of policy experts championing its discourse (<i>hypothesis 11</i>).
Rational Choice Predictions	<ul style="list-style-type: none"> ○ The Commission will act as informal agenda-setter. In so doing, it will seek to capitalize on an asymmetric balance of information tilted in its favour in order to place CPSE on the OMC/SI agenda, being mindful to strategically formulate its proposal in a manner that will secure collective endorsement on the part of all Member government (<i>hypothesis 6</i>). 	<ul style="list-style-type: none"> ○ The Commission will persist in its ambition of manufacturing consensus around constructed focal points of its own design, while expanding the policy remit and statistical basis of CPSI (<i>hypothesis 6</i>). ○ With the explicit advent of child poverty on the OMC/SI agenda, the Commission will pursue two routes of bureaucratic drift: injecting its preferences into OMC Committee proceedings via EMCO secretariat which it staffs (<i>hypothesis 1</i>) and extending its M&E prerogative beyond its legal bounds (<i>hypothesis 2</i>). ○ In order to curb agency shirking on the part of the Commission, MS will employ three controls mechanisms at their disposal: charging a directly-elected chairperson with overseeing the Commission’s behaviour within OMC/SI Committees (<i>hypothesis 3</i>), sanctioning bureaucratic drift by means of unilateral non-cooperation (<i>hypothesis 4</i>), and revising the Commission’s mandate (<i>hypothesis 5</i>). 	<ul style="list-style-type: none"> ○ The Commission will continue to act as informal agenda-setter within the field of CPSE, all the while seeking to steadily expand the remit of the concept, as well as its collectively agreed statistical basis (<i>hypothesis 6</i>). ○ Commission will continue to push for greater agency discretion via its relationship with the EMCO Secretariat (<i>hypothesis 1</i>) and its capacity to stretch its M&E prerogative beyond the limits prescribed in its formal mandate (<i>hypothesis 2</i>). ○ MS will seek to limit in scope of Commission discretion by, relying on the oversight provided by the EMCO/ISG Chairs (<i>hypothesis 3</i>), engaging in unilateral non-cooperation (<i>hypothesis 4</i>), and revising the Commission’s mandate (<i>hypothesis 5</i>).

Annex 7: List of Interviewees on the Issue of Child Poverty and Social Exclusion

For the purpose of preserving respondents' anonymity, the specific period during which a position was held by the interviewee is not made available; rather the broad specification "in the course of 2000-10" is noted.

Number	Date	Position held by respondents in the course of 2000-10	Type of Interview
1	21/05/2010	Member for the United Kingdom, SPC	Phone interview
2	25/06/2010	Senior independent consultant in area of child poverty and child well-being	Phone interview
3	29/06/2010	Senior researcher in the area of child poverty and social exclusion; previously worked for DG EMPL	Phone Interview
4	01/07/2010	Senior researcher, Tarki Social Research Institute (part of the Social Situation Observatory)	Phone Interview
5	28/07/2010	Independent consultant in the area of child poverty and social exclusion; previously worked for the European Children's Network (EURONET)	Phone Interview
6	28/07/2010	Member of the European Anti-Poverty Network (EAPN)	Phone Interview
7	02/08/2010	Member for the United Kingdom , SPC	Phone Interview
8	03/08/2010	Policy officer, ESN (European Social Network)	Phone Interview
9	03/08/2010	Chair of the ISG, SPC	Phone Interview
10	27/08/2010	Chair of the SPC	Phone interview
11	06/09/2010	Independent social policy expert, specializing in children's rights	Phone interview
<i>Field Trip to Brussels 13th July to 19th July 2010</i>			
12	13/07/2010	Member of the SPC Secretariat	Face-to-face interview
13	13/07/2010	Commission administrator, "Social Protection and Inclusion Policies" unit	Face-to-face interview
14	14/07/2010	Commission administrator, "Inclusion,	Face-to-face

		Social Policy Aspects of Migration, Streamlining of Social Policies” unit	interview
15	14/07/2010	Commission administrator, “Social Protection and Inclusion Policies” unit	Face-to-face interview
16	15/07/2010	Senior policy adviser, UNICEF Brussels Office	Face-to-face interview
17	16/07/2010	Commission administrator, “Labour Law” unit	Face-to-face interview
18	19/07/2010	Member of the ISG Secretariat, SPC	Face-to-face interview
<i>Field Trip to Brussels 19th July to 23rd July 2010</i>			
19	19/07/2010	Policy officer, Platform of European Social NGOs (Social Platform)	Face-to-face interview
20	20/07/2010	Policy officer, Eurochild	Face-to-face interview
21	22/07/2010	Member for Belgium of the ISG, SPC	Face-to-face interview
22	23/07/2010	Policy officer, FEANTSA (Federation of National Organizations Working with the Homeless)	Face-to-face interview
23	23/07/2010	Senior researcher, Applica (part of the Social Situation Observatory)	Face-to-face interview

Annex 8: List of Interviewees on the Issue of Quality in Work

For the purpose of preserving respondents' anonymity, the specific period during which a position was held by the interviewee is not made available; rather the broad specification "in the course of 2000-10" is noted.

Number	Date	Position held by respondents in the course of 2000-10	Type of Interview
1	19/04/2010	Commission administrator in DG EMPL, "Employment Analysis" unit	Phone interview
2	20/04/2010	Member of the EMCO Secretariat	Phone interview
3	10/05/2010	Senior researcher, European Foundation for the Improvement of Living and Working Conditions (Eurofound)	Phone interview
4	12/05/2010	Alternate member for the United Kingdom, EMCO	Phone interview
5	14/05/2010	Member of the EMCO Secretariat	Phone interview
6	21/05/2010	Member for the United Kingdom, EMCO	Phone interview
7	28/05/2010	Independent labour economics expert	Phone interview
8	28/05/2010	Commission administrator in DG EMPL, "Employment Analysis" unit	Phone interview
9	02/06/2010	Policy officer, Eurofound	Phone interview
10	04/06/2010	Senior researcher in labour economics, previously worked for DG EMPL	Phone interview
<i>Field Trip to Brussels 26-30 April 2010</i>			
11	26/04/2010	Member for Hungary, EMCO	Face-to-face interview in Brussels
12	26/04/2010	Commission administrator in DG EMPL, "European Employment Strategy, Corporate Social Responsibility, Local Development" unit	Face-to-face interview in Brussels
13	26/04/2010	Member for Sweden, EMCO	Face-to-face interview in Brussels
14	26/04/2010	Commission administrator in DG EMPL, Advisor to Odile Quintin, Director General of DG EMPL	Face-to-face interview in Brussels

		between 2000 and 2005	
15	27/04/2010	Member for Belgium, EMCO	Face-to-face interview in Brussels, dual interview
16	27/04/2010	Member for Belgium, EMCO	Face-to-face interview in Brussels, dual interview
17	27/04/2010	Senior researcher at the European Social Observatory	Face-to-face interview in Brussels
18	28/04/2010	Commission administrator, Head of Unit in DG EMPL	Face-to-face interview in Brussels
19	28/04/2010	Commission administrator, Head of Directorate in DG EMPL	Face-to-face interview in Brussels
20	29/04/2010	Researcher in labour economics	Face-to-face interview in Brussels
21	29/04/2010	Senior labour market researcher at the ETUI	Face-to-face interview in Brussels, dual interview
22	29/04/2010	Senior labour market researcher at the ETUI	Face-to-face interview in Brussels, dual interview
23	29/04/2010	Senior officer at the ETUI	Face-to-face interview in Brussels
24	30/04/2010	Senior researcher in DG EMPL, “Employment Analysis” unit	Face-to-face interview in Brussels
25	30/04/2010	Member of the Secretariat of ISG, EMCO	Face-to-face interview in Brussels
<i>Interviews carried out in 2005 and 2006</i>			
26	November 2005	Member for the United Kingdom, EMCO	Face-to-face interview in London
27	January 2006	Member for France of ISG, EMCO	Face-to-face interview in Paris, dual interview