Analysing Conceptions of Social Justice in the European Union

Zoe Louise Adams

Thesis submitted for assessment with a view to obtaining the degree of
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SUMMARY

This paper draws on findings from a broad research project that employed a constructionist approach in analysing policy-discourse in the EU. It uses sources produced by the European Commission between 1958 and 2015 for this purpose. The research is used as the basis from which to analyse how the EU's conception of social justice has changed over time. The paper analyses two periods in detail, namely 1958 – 1979 and 2010 – 2015 to illustrate the nature of the change that has taken place.

The purpose of the paper is to provide the groundwork for further study into the reasons behind the growing dissatisfaction that European citizens feel towards the EU, and to help to reveal the possible ways this problem can be addressed. It intends to do this by using discourse-analysis to gain a better understanding of the relationship between discourse, legal measures, and social outcomes, and to provide a benchmark against which the effectiveness of legal and policy-measures can be assessed. It attempts to shed light on the institutionally embedded ideas and understandings that underpin the law and the legal process, how these change over time, and how they influence and shape the nature of the contribution that the EU makes to society.

CONTENTS

ANALYSING CONCEPTIONS OF SOCIAL JUSTICE IN THE EUROPEAN UNION

ZOE ADAMS

INTRODUCTION

This paper starts from the premise that the European Union was intended to create the sort of society that the majority of its citizens consider to be socially just. However, many European Citizens are dissatisfied with the EU today and there is an urgent need to determine exactly why this is the case.[1] This is an essential pre-requisite for addressing some of the most pressing issues pervading contemporary political and legal debate: what should the future of the EU be, and what practical steps will be required to realise it?

This paper expresses the belief that one preliminary step in addressing these issues is to establish the nature of the conception of social justice that the EU holds, and has held, throughout its history. This is a pre-requisite for establishing if the EU's conception of social justice is in line with that of its citizens, and is therefore necessary to help European Citizens understand the reasons for their dissatisfaction. This paper employs a constructionist approach in analysing policy-discourse in order to understand how the EU's conception of social justice has changed over time. In all, five different time periods between 1958 and 2015 can be identified as distinct phases in the evolution of the EU's policy-discourse. In this paper, for reasons of space, the focus is on the first and last of these periods (1958-1979 and 2010-15 respectively). This choice clarifies the nature of the change which has taken place over time, characterised by a complete transformation in the way the EU understands the project it embodies.

[1] While objectively measuring citizen dissatisfaction in the EU is a complex process, a widespread growth in 'Euroscpeticism' is well-documented.(Dinan 2014, 2; Hooghe and Marks 2009) In support of the assumption in this paper that dissatisfaction is widespread, see: 40 years of public opinion on the EU: http://ec.europa.eu/public_opinion/topics/eb40years_en.pdf; (Briggs 2015; Treib 2014; Gottfried 2014; Bertoncini and Koenig 2014)

The paper begins by setting itself in context by providing a background to the topic (Section One). It will then give an outline of the methodology employed in the research (Section Two). It will then frame the analysis by offering a number of possible understandings of what social justice means, following which the conceptual framework will be presented (Section Three). The paper will then attempt to illustrate the extent to which the EU's conception of social justice has changed, presenting an analysis of the discourse between 1958 and 1979, followed by an analysis of the discourse since 2010 (Section Four). This will be followed by a short discussion, after which the specific contributions the paper can make to legal scholarship will be identified. It will conclude with some final remarks. (Section Five). Additional information on the sources used for the research is provided in Annex 1.

SECTION ONE: BACKGROUND AND CONTEXT

CONTEXT

The European Economic Community[2] was a product of the fundamental economic, social and political changes taking place in the national and international post-war world.[3] The EEC can be seen as part of the new post-war settlement and the new expectations that European societies had of the state in relation to its role in enhancing welfare.[4] The Second World War called into question both the legitimacy of the nation-state system and its suitability for meeting the needs of modern societies.[5] The war had given rise to new social and economic needs and had revealed the inadequacies of, and growing dis-satisfaction with, the idea of the nation-state as the optimum form of social organisation.[6]

This paper takes the position that the EEC was fashioned with these concerns in mind. Its inception can be linked with the new ways in which states were expected to contribute to evolving ideas of social justice. However the EEC's effect on, and its relationship with, the traditional state system was never made explicit.[7] Given the existence of competing social theories, and therefore different theories of welfare, there was no consensus on the nature of the problems it was meant to solve or how it was supposed to do so. Assessing the EU's legitimacy, and how 'successful' it has been is difficult because different conceptions of social justice expect the EU to have achieved, and be achieving, different things. The nature of one's satisfaction or dissatisfaction with the EU depends upon the conception of social

[2] Throughout this paper, the term 'EU' will be used when speaking of the EEC, EC or the EU in the abstract but the nomenclature specific to the era in question when undertaking the time-specific analysis will be used.

[3] (Giubboni, Gormley, and Shaw 2006, 7)

[4] The paper deliberately adopts a broad definition of "society" given that different conceptions of social justice understand this term in different ways.

[5] Changes in the global environment, in particular the influence of the Cold War, also played an important part here: see section one: 'historical context' and (Stone 2014a; Messenger 2014, 36–37)

[6] (Dinan 2014, 348; Giubboni, Gormley, and Shaw 2006, 9)

[7] (Delanty 1998, 3 and 6.1)

justice that one holds, making it difficult to understand the reasons for, or address, the widespread dissatisfaction with the EU that we see today.[8]

In this paper, a 'conception of social justice' refers to a particular set of beliefs and understandings about the nature of reality, about what life should be like and therefore how society should be organised. It implies that actors will form views of what welfare requires in terms of political organisation, how political institutions should act, what objectives should be pursued and what means should be employed to achieve them. It assumes that this is the frame through which the 'legitimacy' of public power is understood and assessed by citizens, and the frame through which policy problems and solutions are conceived by policy-makers.

Most approaches to discourse-analysis recognise that, for its producers and audience, reality is constructed through discourse. It is this discourse that determines what forms of action are seen to be relevant and rational, and which irrelevant and unthinkable. This means that policy discourse significantly shapes the concrete legal measures that actors will try to bring into being. An analysis of policy discourse is therefore vital to one's understanding of why certain measures are taken, while others are not, why they are taken in the way that they are taken, and what they are intended to achieve. EU policy discourse helps to make explicit some of the assumptions that underpin the law and legal process such that an analysis of this discourse can be an important preliminary step towards an informed critique of, and attempt to improve, the practical contribution that EU law can make to society.

A potentially productive starting point for this project is to look at conceptions of social justice at the level of policy discourse to see how, if at all, the EU's conception of social justice has changed over time. Discourse analysis is a particularly appropriate way to explore the nature of the shared beliefs and understandings that frame the way that actors in a particular setting and context, such as the EU, think and act.[9] It is this that will underpin the various policy ideas articulated in the discourse.[10] It frames not only how policy problems

[8] Referred to in: (Dinan 2014, 2); (Hooghe and Marks 2009) For 40 years of public opinion on the EU see: http://ec.europa.eu/public_opinion/topics/eb40years_en.pdf

[9] This is what is meant by the conception of social justice *of the EU* as an institution: see a similar interpretation of 'institutions' in: (SCHMIDT 2010, 55)

[10] Similar approaches are employed in the political science literature: (Kingdon and Thurber 1984; 'The Varied Role of Ideas in Politics' 2010) (Mehta 2010)

and solutions are conceived, but also actors' own perceptions of what their interests are. It is the frame through which they interpret their overall historical, economic and social context, the various legal and policy-making rules to which they are subject, and therefore how they believe discourse should be articulated if they are to bring their desired policies into effect.

The articulation of discourse will also be influenced by any link made between the perceived legitimacy of a policy and its success. It may be believed that articulating a policy in a particular way will have more resonance with its audience's conception of social justice, and therefore be more likely to be perceived to be legitimate. Alternatively, social expectations might condition what policies it believes it should be pursuing.[11]

The legitimacy of the EU can be assessed by citizens only on the basis of what they know: the way that the law affects them in their everyday life, the nature and quality of the life they lead, and the society in which they live. Understanding the relationship between the EU's 'conception of social justice', its policy-discourse, legal outcomes and social consequences, is therefore important for facilitating a transparent assessment of the EU. Discourse analysis can help to reveal underlying conceptions of social justice, such that a benchmark can be provided against which to assess the 'success' of the EU. It can facilitate a better understanding of how policy and the legal framework interact, and therefore how policy influences social outcomes. It can therefore shed light on the relative efficacy of different EU legal instruments, and the way EU law operates in practice.

This suggests that this paper will not only make a contribution to EU legal scholarship, but will also help to ground contemporary critiques of the EU. It will help to indicate, from the perspective of any given individual, both the extent to which the EU has delivered on its promises, and whether it was ever, or is now, even promising the 'right' things. This can then help to provide the basis for informed public debate over how the concerns of European citizens can be addressed today, and what practical steps can be taken to do so.

HISTORICAL CONTEXT

[11] For a similar understanding of the relationship between policy-discourse, legitimacy and social expectations, see: (Seabrooke 2007b; 2007a, 3)

This paper adopts just one of a number of possible interpretations of the post-war world and the political context of the process of integration. It makes certain assumptions about the long-term intentions of the founding states and the nature and legitimacy of state power, matters over which different political theories disagree. In order to justify the assumptions made, it is important to reflect upon the different ways in which the process of integration has been understood in the literature and more firmly place the EU in its historical context.[12]

The argument advanced in this paper is that the state exists to perform those actions that must be performed collectively if they are to serve the interests of all. It argues that state legitimacy depends upon there being a shared conception of social justice between citizen and state: agreement over what action the state should take and how, if it is to serve this collective interest. In the post-war environment, state legitimacy was increasingly seen to be linked with the extent to which it secured the basic well-being of its citizens, and therefore linked with meeting welfare requirements. This paper explains the emergence of the EU by reference to its functional importance in the post-war environment in ensuring states could do this.

It is important to demonstrate that proceeding on the basis of these assumptions, given the theoretical and practical consequences which flow from them, is a potentially productive way of obtaining an insight into the EU's changing conception of social justice. The exploration of various theories of European integration below illustrates that, in accordance with the assumptions made in this paper, there is broad consensus that European integration was linked to the perceived need for the state to act in the interest of its citizens, however that interest is conceived.

Milward and Moravcsik[13] have been powerful proponents of the view that short-term economic interests[14] were the driving force behind integration.[15] Milward particularly argued that the fundamental changes in the post-war environment, and the resulting transformation in

[12] There is a vast literature on the history of European integration. This project necessarily confines itself only to an overview.

[13] (Milward and Sørensen 1945; Moravcsik and Katzenstein 1998)

[14] Moravcsik promoted the view that it is *commercial* interests that determine the preference of states. (Moravcsik and Katzenstein 1998)

[15] (Moravcsik and Katzenstein 1998)

the global political and economic system, meant that international relations based on interdependence became unsuitable for supporting states' new domestic policies after the war.[16] He argued that the EU was seen as a means to help states rebuild their social and economic capacities to enable them to pursue these policies. However, these 'new' policies were formed against a backdrop in which societies' expectations from states were changing. While he argues that the purpose of the EU was to *rebuild* the nation state system, not to challenge it, it is implicit in his argument that integration was linked with the greater role that states believed they had to play in contributing directly to welfare, even if the EU's contribution to this was intended to be primarily economic.[17]

The Cold War, and changes in foreign relations generally, have been seen as significant in making inter-state co-operation seem particularly attractive throughout the 1950s.[18] However, the influence of these factors is just one dimension of the broader transformation that was taking place in post-war Europe more generally. Many argue that it simply *strengthened* the appeal of economic and political integration[19] by impacting on states' perceptions of the limitations on their abilities to meet the changing expectations of their societies. [20]

Many have identified a messianic[21] element in the founding documents of the EEC, understood to reflect the changed outlook of Europeans brought about by the war.[22] It is suggested that citizens were no longer willing to tolerate the economic nationalism, nor the

[16] (Milward and Sørensen 1945)

[17] (Milward and Sørensen 1945; Moravcsik and Katzenstein 1998)

[18] Integration also appealed as a means to tame the security threat from the Soviet Union and from Germany: (Messenger 2014, 57)

[19] (Messenger 2014, 57)

[20] (Stone 2014b, 6–7) In this way it is perhaps mistaken to see all the changes taking place in the lives of Europeans as over-determined by the capitalism-communism rivalry. While the Cold War context provided one of a number of motivations behind European integration, it would be mistaken to see it as the most significant factor behind the creation of the EEC: (Messenger 2014, 37) see: (Dinan 2014, 37; Messenger 2014, 37)

[21] Joseph Weiler is the most well-known proponent of this view. He believes the "promise of a better future" was the main driver in European integration. See: (Weiler 2012, 256)

[22] (Weiler 1991) In particular: The Schuman Declaration, Treaty of Rome and the Treaty of Paris.

inter-state conflicts, they blamed for it.[23] Instead it seemed that there was a growing belief that international disputes should be resolved in an atmosphere of collaboration and co-operation.[24] This went hand in hand with citizens' changing conception of the legitimacy of state power. This then helped to fuel the emergence of a strong federalist movement after the war, out of a belief that the political unification of Europe was necessary to contain the destructive state nationalism many blamed for oppression and economic and social decline.

It has also been argued that states were acutely *aware* at this time that their legitimacy increasingly depended not only on securing the economic and social conditions being demanded by their people, but on guaranteeing that the oppression enabled by war *could not* happen again: long-term co-operation and a commitment to common objectives was seen to be a way to achieve this. [25] This reinforces the assumption that state legitimacy was heavily dependent upon the benefit states' actions were seen to bring to society.

This brief overview illustrates a small number of possible interpretations of the post-war context, and how it might have provided the impetus for the creation of an organization that challenged/qualified the traditional qualities of the nation-state system. The post-war environment changed society's expectations, while also changing the constraints under which states could act. However one argues that these changed expectations and constraints were understood at the time, it appears that the theories of European integration explored here support the assumptions underpinning this paper. They reinforce the view that in the aftermath of the Second World War, expectations of what sort of society Europeans should be able to live in were changing, and that the emergence of the EEC was intimately related to these changes.

[23] There is also support for this view expressed by specific Commissioners: see (Levi-Sandri 1968)

[24] (Nicolaïdis 2013)

[25] (Nicolaïdis 2013) (Parsons 2003, 1–28, 20)

SECTION TWO: METHODOLOGY

DISCOURSE ANALYSIS

THE NATURE OF DISCOURSE

The aim of discourse analysis is to uncover the way in which different issues are understood within a specific social setting. The objective is to identify institutionally embedded interpretative schemas that produce shared understandings of issues and events. This paper assumes that policy discourses reflect a set of policy ideas formed on the basis of these understandings: a shared 'conception of social justice'.

Discourse is both the tool through which understandings are *articulated*, and the frame through which they are *conceived.* All actors in the policy-making process pursue different interests, but these interests are themselves conceived through a particular discursive frame in a particular institutional and social context.

DISCOURSE IN THE EU

Discourse must be understood in its historical, institutional and social context, and in light of the rules that affect policy-making and discourse production.[26] A number of significant changes to the Treaty and to the policy-making framework take place during the period studied and it is clear that the discourse changes significantly in light of them. However, changes in the language and framing of the discourse cannot necessarily be equated with a change in the underlying conception of social justice.

It is important to recognise that changes in the legal and policy-making framework are changes *internal* to the EU; they should not be seen as exogenous factors because they are given meaning only when internalised through discourse. They do not *determine* the EU's conception of social justice. The discourse articulates how these background factors have

[26] (RADAELLI and SCHMIDT 2003)

been interpreted and understood, in light of the conceptual frame – the conception of social justice – through which it is produced.

To truly engage with the discourse, it is necessary to be aware of changes in the legal and policy-making context, in order to be able to identify which changes suggest a change in the underlying conception of social justice, and which might be attributable to the particular legal constraints under which the discourse is being produced at a particular time.

In light of this, in this paper, each section of the analysis is preceded by a short overview of the background and context, including reference to the important legislative developments and policy-strategies and systematic reference is also made to such factors throughout the analysis itself. Further information is provided in Annex 1.

METHODOLOGY

The methodology has been constructed by drawing on different approaches to discourse analysis, particularly those associated with more recent social constructionist approaches to the study of European integration.[27] It has drawn on the idea of the 'ideal-type' to formulate the conceptual framework through which this discourse is analysed. It denotes a discourse as being 'dominant' when it remains relatively stable over time and is conveyed consistently within and between the majority of sources.

PERIODIZATION

The paper identifies five different periods in the history of the EU that it treats separately for the purposes of the analysis. These are distinguished on the basis of the existence of subtle differences and nuances in the different dominant conceptions of social justice that have stabilised for a particular period of time.

[27] (Jørgensen, Pollack, and Rosamond 2007, 59) – primarily associated with scholars such as Dietz and Waever: ('Discursive Approaches' 2004)

In addition, ideas associated with discursive institutionalism have been influential: (RADAELLI and SCHMIDT 2003)

The first period (1958-1979) is one in which the conception of social justice underpinning the discourse remains relatively consistent. The subsequent periods are all underpinned by a Market Model conception of social justice.[28] Although the meaning of the concept of the 'free market' at the heart of the conception differs between them, and there are also subtle nuances in the way that the different aspects of the conception of social justice are understood, 1979 marks a turning point in this respect.

SOURCE SELECTION

The primary sources relied on for the research were policy-documents and speeches produced by the European Commission. The Commission's independence, its formal right of initiative, and its role in policy communication, suggested that relying on these sources was a useful way to ascertain a representative 'EU' discourse within the time constraints of the project.
The process of source selection was continuous, undertaken both in advance to and contemporaneously with the analysis.

The approach taken to source selection was influenced by the need to reduce the risk of overlooking relevant sources,[29] to reduce the impact of any selection bias,[30] or of over-representing the perspective of either the Commission, or a specific Directorate General.

The paper does not attempt to present in detail all the analysis that has been undertaken. It covers only two periods in detail and given that this is a legal paper, an analytical, narrative style has been adopted and the sources and the empirical work are referred to contemporaneously with making a particular argument. However, a conscious attempt has been made to draw as much detail as possible into the narrative, to enhance transparency and open the interpretation of the sources up to scrutiny. While quotes and extracts have been

[28] This refers to the ideal-types formulated in Section Three.

[29] The risk of overlooking relevant sources was mitigated by systematic searching and re-searching and by cross-referring between documents. References found in secondary literature were also carefully followed-up. In order to search for and access documents, the Archive of European Integration was relied on; http://aei.pitt.edu, the website of the European Commission and their access to documents page: http://ec.europa.eu/transparency/access_documents/index_en.htm, and EUROPA: http://europa.eu/publications/official-documents/index_en.htm, and EUr-lex: http://eur-lex.europa.eu/oj/direct-access.html as well as the webpages for specific DGs and for different Colleges of the Commission.

[30] The risk of selection bias was addressed by exploring additional primary and secondary sources to check the consistency and reliability of the analysis.

selected to support and illustrate the argument being made, at times quotes have also been selected specifically to illustrate the potential *ambiguity* of a particular statement/discourse.

The analysis has attempted to present the discourse that is most representative of the sources. For the two periods addressed in detail, only the most well-known sources have been referred to expressly. This represents a small fraction of the total number of sources analysed in detail when ascertaining the most accurate description of the dominant discourse, itself just a small fraction of the total number of sources that have been analysed and used for the purposes of verification throughout the entire project. A breakdown of the sources by period is included in Annex 1.

SECTION THREE: FRAMING THE ANALYSIS

THE EMERGENCE OF THE EU AND ITS RELATIONSHIP WITH THE STATE

There are different perspectives on what makes the exercise of decision-making power by the state legitimate. This means that different theories of the nature of the state influence how one might defend or justify the EU's exercise of decision-making power. On the basis of the premises advanced so far in this paper, one potentially useful interpretation is that its legitimacy, as with the exercise of state power, lies in the contribution it makes to welfare; the extent to which it creates the type of society citizens believe to be socially just.

The EEC was established as a result of decisions taken by the governments of the six founding states. The nature of the post-war world is broadly accepted, in one way or another, to have been an important factor in explaining why these decisions were taken when they were. Given the assumptions made above about the legitimacy of the exercise of state power, the legitimacy of establishing the EEC can be understood on the assumption that states believed that this would be conducive to meeting the present and future needs of their societies. This paper makes the argument that EU power must therefore be legitimate only to the extent that it seeks to satisfy those needs *however that concept of need is interpreted.* This means that if member states, citizens and the EU hold conflicting conceptions of social justice, there will be disagreement over what action by the EU is legitimate, and which goals member states and citizens expect it to set and achieve.

Given that the EEC did not purport to *replace* the nation-state,[31] this implies that the legitimate action that the EEC could take, would be limited to that which it believed to be necessary to supplement nation-states' efforts to meet the welfare requirements of their societies: *preventing* states from acting in ways that might compromise their ability to meet these requirements, while *refraining* from acting in ways that might compromise their ability to do so.

This suggests that the EU's conception of social justice, and therefore its view of how welfare requirements should be met, should determine its understanding of what action should be taken, how it should be taken, and who should be responsible for carrying it out. It means

[31] Even if there were certain 'federalists' that believed it was the beginning of a process intended to do so.

that the extent and nature of EU action should be dictated by its assessment of what *welfare* requires, what *states* need to ensure these requirements are met, and what *citizens* expect.

SOCIAL JUSTICE

This paper assumes that to understand whether something accords with principles of social justice is to assess whether some action or institution serves a purpose that honours or advances some important human good: whether it contributes to what it is believed is *good* for human life. This means that a given conception of social justice revolves around what its proponents believe human welfare requires, and *how* they think its requirements should be met. [32]

DIFFERENT CONCEPTIONS OF SOCIAL JUSTICE

On this basis, a list of questions can be formulated, the answers to which will give rise to a particular conception of social justice. [33] Breaking down these elements in this way helps to illustrate the multi-dimensional nature of conceptions of social justice, and the many possible ways in which such conceptions might differ.

One world-view question: The most basic question to be addressed relates to one's world-view – one's understanding of the way the world works. Is the world a 'material' reality or is the world, and the individuals within it, 'socially constructed'? This question should be born in mind at all times when interpreting the discourse.

Four "welfare" questions: The different conceptions of welfare can be broken down into four key questions:

(1) **Focus:**[34] What is the nature of the person whose welfare one is concerned with: are people self-interested actors, or are they socially embedded? What are the boundaries between the state, society and the market and what is the relationship between them? What does the idea of citizenship convey? Do individuals come pre-formed with

[32] The term 'welfare' is used synonymously with 'well-being" and the satisfaction of 'needs': one *fares well* to the extent that one's needs are being met.

[33] The questions have been formulated after extensive reference has been made to different theories of welfare, and the main points of contention have been drawn out.

[34] This draws on different theories of the nature of public service and of citizenship and society. See: (Prosser 2005)(Gewirth 1998; Faulkner 1998) (Delanty 1998, 1–3); (Schweizer 2011)

exogenous preferences, or are preferences and value socially constructed? Is there a collective dimension to welfare, or is individual welfare all that is important?

(2) **Quality:**[35] What is the 'end point' of welfare: do we aim at individual self-satisfaction, or a higher sense of self-realisation/flourishing?

(3) **Scope:** What is the scope of the enquiry: Is the market a sufficiently broad area of interaction and the main arena for the enhancement of welfare, or are there other important spheres of social interaction? Should policy be concerned with the market and the world of work, or does it need to consider all spheres of life? In what capacity are policy subjects conceived?

(4) **Distribution:** What is the distributional dimension of welfare: does welfare require that policies continuously increase aggregate welfare, or do they also need to enhance access to basic goods, equality of opportunity, and the equal distribution of welfare?

Three practical questions: The answers to the above questions will give rise to a particular view of what welfare *is,* and therefore what welfare requires. This will give rise to three practical questions relating to *how* these requirements should be met.

(1) **Relationship:** What is the relationship between the objective of economic growth and enhancing welfare? Is there a presumption that pursuing economic growth is the most effective way to increase welfare, or might economic growth be insufficient, or even counter-productive? Do policies contribute to welfare *indirectly,* by contributing to the achievement of economic objectives, or do policies contribute directly, pursuing independent objectives that have intrinsic importance?

(2) **How:** How does one know what individuals need to enhance welfare: Is there a universal, objectively identifiable set of human needs that must be satisfied to enhance welfare, or is human need entirely a product of *individual subjective* interpretation? If need is subjective, how can policy be formulated appropriately? Whose interests should have priority?

[35] The distinction drawn distinguishes between those theories of welfare that are often described as "desire-based" and those described as "virtue-based". The idea of human flourishing is referred to in a broad sense. This term is derived from the Aristotolean conception of "Eudaimonia" but has been interpreted in a number of ways by different scholars working in this field: (Dean 2012; Qizilbash 1996; 'Aristotle's Definition of Eudaimonia' 2015).(Sumner 1999)(Dean 2014)

(3) **Who**: How should the responsibilities for enhancing welfare be divided? What role should be played by the market, the state and the EU? How is this question to be decided in a given situation? Is it purely a matter of economic efficiency, or are there important differences between the different actors that must be considered if the division is to be compatible with what welfare requires?

TWO MODELS OF SOCIAL JUSTICE

In answering the questions identified above, it is possible to formulate two 'ideal-type' models of social justice.[36] The analysis will not assume that the conception discerned from the discourse ever fits neatly within either of these models; they are merely formulated to ground the analysis.

In this paper, a socially just society is a society in which the requirements of welfare are met. Consequently, **to contribute to social justice is to meet the requirements of welfare in the manner and to the extent required by the model that is adhered to.**

In the table below, Model 2: Society Model often (but not always) incorporates the requirements of Model 1: Market Model, but in some way adds to, or qualifies it. The two models are explained in detail below, and summarised in Annex 2.

	MODEL 1: THE "MARKET" MODEL	**MODEL 2: THE "SOCIETY" MODEL**
	DIMENSIONS OF WELFARE	
	MARKET MODEL	SOCIETY MODEL
World View	Material – the world is seen as an ontological reality. Individuals and the world 'exist' as objective facts.	Constituted – The world and the individual are socially constructed, through discourse, language and perception. Individuals do not have innate

[36] The paper has deliberately refrained from identifying these models with any particular ideology in the interests of neutrality.

Individuals possess an internal sense of identity and this forms the basis for their preferences. These preferences are exogenously given. Individuals attempt to invoke the most effective means available in order to satisfy them.

Isolated – the satisfaction of individual desires is what contributes to welfare.

Individuals are seen as *consumers* of public services, as holders of individual rights that are exercisable against other individuals, and protected by the State. All that distinguishes the individual as 'citizen' from the individual as 'consumer' is his participation in the political process, seen to be important to ensure that individuals' preferences are taken into account when decisions that affect them are taken collectively.

There is nothing tying individuals together except their mutual interest in co-existence. The role of the state is purely functional: States must ensure that the conditions that welfare requires exist and the services they depend on are provided. This can be done by maintaining the operation of the market and/or intervening where it proves to be insufficient to meet the requirements of

values, identities or preferences, because these are formed through interaction. All value is subjective. Meaning is a shared construct, and the only reality that matters is that which is *perceived.* It makes little sense to speak of optimal action because optimality is relative to those sharing a given perception of reality.

Embedded – given that preference formation is a process involving social exchange, both individual need satisfaction and the creation of a society conducive to social interaction are essential to welfare. This means individual welfare is dependent upon protecting the welfare of the collective.

Society is made up of a web of complex relationships binding individuals together. These relationships are the source of the social interaction that underpins the formation of individual identity, and are important for the protection of human dignity. There is an overriding belief in the essential equality of the human being. States are seen to owe a duty to individuals to protect the relationships binding them together and to uphold the social fabric of which they are a part. Individuals are not seen to be consumers of goods and services, but 'citizens' to whom states owe particular duties: to provide the conditions and services which welfare requires. While this can be achieved by maintaining the operation of the market, not all duties can be discharged in this way.

	welfare ('Market Failure'). Consultation of individuals contributes to welfare only insofar as it is seen to increase the quality of service provision, and maximise 'citizen' satisfaction.	Consequently, there are certain duties and certain services which the state itself must provide if it is to adequately protect the 'social fabric' that binds society together. Consultation serves the purpose of ensuring that all interests are *considered* by the state, but the overriding obligation of the State is to take decisions that serve the collective interest: maintaining the solidarity and cohesion which binds individuals together and forms the very basis of welfare. Consequently, the specific interests of individual citizens can never override this duty. The importance of participation in decision-making derives not from ensuring that policy serves individuals' preferences, but from the contribution that participation can make to identity formation, and from the fact that participation enables the equal *consideration* of all interests in society and thus helps to uphold equality and protect human dignity.
Quality	Formal – individuals are assumed to have pre-formed preferences, and the inherent ability to act rationally. Welfare requires access to the means to satisfy these preferences, and the removal of obstacles preventing their satisfaction: ensuring personal and physical security, and protection from external intervention. This might take the form of judicial protection for individual rights. Preferences are expressed and satisfied in	Substantive – facilitating social interaction is seen to be a pre-requisite to the formation of preferences and values. Welfare requires the removal of personal, social and economic barriers to, and opportunities and conditions for, social interaction as well as access to the means to live a life in accordance with the values that individuals have formed. This means that culture, leisure, work and the environment are all seen to be intrinsically important contributors to welfare.

	the market and by exercising freedom of choice through the political process.	
Scope	Economic – the market is seen to be the source of welfare. It ensures efficient distribution and maximises the resources available for the satisfaction of preferences. It operates in a way that maximises choice and enhances personal freedom. The scope of policy therefore extends to all matters linked with the operation of the market and the subjects of policy are defined by reference to their relationship with the market.	Society – welfare requirements cannot be met by the market. Other arenas for social interaction are necessary for preference formation, and are important sources of welfare in and of themselves. The scope of policies must extend beyond the market, as policies *directly* contribute to improving living conditions and quality of life. Policy must be concerned with all the spheres of life that impact on welfare, and therefore to all spheres of social interaction. It is in their capacity as citizens that policy subjects are understood, they are distinguished not by their role in the market, but by reference to their specific needs and/or characteristics and are understood by reference to their relationship with society.
Distribution	Desert and opportunity: Welfare is served by enhancing aggregate welfare. Distribution is optimal where it is conducive to maximising the overall welfare of the whole. Given the risk that inequalities may themselves prove to be inefficient and prevent the market operating optimally, basic conditions of equality should be maintained. However, redistribution is rarely necessary, is an illegitimate interference with personal freedom, and should be limited to what is	Full egalitarian: only in a society in which welfare is distributed equally can the scope for meaningful social interaction be maximised. Interference in the market by means of redistribution is of intrinsic importance if it leads to a more equal distribution of welfare. This is because an equal distribution of welfare maximises the scope for social interaction and thereby maximises the welfare of the whole, reinforcing the social structure upon which *all* individuals depend. Maximising the welfare of the collective, equally distributed, is itself vital for individual welfare.

	conducive to increasing aggregate welfare.	

PRACTICAL QUESTIONS

	MARKET MODEL	SOCIETY MODEL
Relationship	There is a strong presumption that the pursuit of economic growth is the most effective way to enhance welfare. Employment is seen to be important to enable growth to be distributed so that individuals have the means with which to satisfy their preferences. All policies indirectly enhance welfare through the contribution they make to economic growth and therefore the operation of the market. If they have a negative impact on economic growth or employment, they are not seen to be conducive to enhancing welfare, but are seen to be counter-productive. As a result, economic growth as a *means* to enhancing welfare is often conflated with economic growth as an end in itself.	There is no risk that economic growth will be seen to be sufficient to enhance welfare given that welfare requires more than the satisfaction of subjective preferences through the market. The pursuit of economic growth may even undermine welfare, if its pursuit proves damaging to the social fabric in which individuals are embedded. Economic growth is merely one of a number of legitimate objectives that have to be pursued through a policy mix that together combine to meet the requirements of welfare as equally as possible. The value of each and every policy derives from the *direct* contribution it makes to this objective.
How	Subjective – Beyond the satisfaction of basic subsistence need, preferences as revealed through the market determine what welfare requires. This means that policy must be designed to maintain a	Objective - In addition to basic subsistence needs, there exists an objective and universal set of needs that constitute pre-requisites to the subjective formation of preferences. There is also a set of values which *all* states must protect and uphold in

market in which this information can be obtained. Beyond maintaining the market, policy must be supplemented by consulting market actors who have information on how the market is operating in practice, and the means to assess 'consumer' preference, to provide information on how the market is operating and what policy measures are necessary so that it can ensure subjective preferences can be met. Consultation with businesses is seen to be particularly important as businesses are seen to be the source of the growth on which welfare depends. Consultation with 'citizens' is only seen to be necessary to ensure that policy is aligned with individuals' preferences and maximises 'citizen/consumer' satisfaction, bringing costs and prices into alignment.

society if welfare requirements can be met. This means that policies must be formed on the basis of an objective conception of what welfare requires.

Preference and need are not revealed in the market alone, but in all the spheres in which social interaction takes place. This means that the objective content of policy must be supplemented by information obtained by consulting directly with a broad range of actors. Citizens themselves should be consulted both because of the intrinsic value attributed to participation, and because there is no presumption that *specific* welfare requirements will be revealed in the market. It is also necessary so that *personal* barriers to preference formation can be ascertained and given equal *consideration*. However, specific preferences cannot override the principal duty to ensure the objective conditions for *collective* welfare.

Who

The division of competence between the market, the state and the EU is decided on the basis of economic efficiency. A market free from distortions is seen to be the most efficient way to meet welfare requirements. Consequently, the only role for the EU and states is in correcting market distortions and market failure, however conceived. The EU should ensure that the framework conditions for

The division of competence between the market, the state and the EU takes account of the importance of maintaining economic efficiency. However, it is not appropriate for the market to set social standards or to undermine the social fabric underpinning societies. Important differences in the values of each state require that states retain the power to tailor policy objectives in such a way that it is able to discharge its duties to its citizens, and this should be allowed to compromise

the market's operation are secured and enforced, while states should ensure that distortions more efficiently addressed at a local level, are addressed and avoided. Regulatory standards are set at an optimal level if decided by the market when operating under freely competitive conditions.	economic efficiency to an extent – this is to be determined by reference to where the balance between economic efficiency and the need for state-specific measures falls from the perspective of ensuring the requirements of welfare are met. Regulation of the market is permitted above and beyond correction of market failure because this might be necessary to make the operation of the market compatible with other objectives intrinsically important to welfare, and to prevent social fragmentation. There is a presumption that state intervention in the market serves the collective interest.

Model-1: The first model is a basic, market-oriented model, conceived in light of a material world-view. Its underlying assumption is that individuals are rational actors with an inherent capacity for forming preferences, on the basis of which they will act. What they *need,* and what welfare requires, derives from what their preferences are, and the conditions required for ensuring they can be satisfied.

This requires a stable market that maximises quality and choice, and provides access to the means to take advantage of it. The state protects personal freedom in order that individuals can be *free* to maximise their own welfare. This may require the grant, and protection, of certain individual *rights* to safeguard this freedom. It is through the market, and the exercise of purely political, democratic rights of participation, that preferences are expressed. It is through political participation and democratic rights that the need for collective decision-making is reconciled with individual freedom.

Policies are legitimate only insofar as they maximise choice, employment and growth, as these factors ensure that welfare requirements can be met most efficiently. This means that the overriding objective for states is to maximise aggregate wealth. Inequality is relevant only insofar as it might put growth at risk.

Policy is to be informed by what the maintenance of the market requires. This must be informed by consultation with market actors, to identify market failures and distortions and to align production processes with consumer preferences so as to maximise efficiency. Decision-making responsibility must also be allocated in accordance with efficiency criteria. This Model will be referred to as the "Market Model."

Model-2: The second model is framed by a 'constitutive' world-view. It places emphasis on the basic equality that exists between inter-dependent human beings. Individuals' identities are socially constructed – formed by interacting with others and the external environment. This helps them form ideas of what they value, and understand how to live their lives in accordance with them.

To meet welfare requirements, policy should prioritise the maintenance of social relationships, and the maximization of opportunities for interaction and self-exploration. Policy is formulated objectively, from a broad consensus on what all human beings need to live full and meaningful lives, and what is required to uphold the values of solidarity and cohesion binding society together: this is necessary to serve the collective welfare on which individual welfare depends.

It is important that citizens be directly consulted to ensure that all *specific* needs are given equal *consideration*, to protect human dignity and equality and to ensure that policy can, if necessary, be tailored to addressing particular social, economic and personal barriers to social participation. This ensures the whole of society can benefit from one another's participation in all areas of social life.

Policies are conceived in terms of the *direct* contribution they can make to welfare; they need not necessarily be conducive to maximising economic growth. It is the state's duty to ensure appropriate standards are set, such that state-specific regulation of the market may be required, even if the effect is to 'distort' the market. Decision-making competence must be determined by balancing the need for efficiency with the overriding need to maximize the equal distribution of welfare. This model will be referred to as the "Society Model."

SECTION FOUR: ANALYSIS[37]

As already explained, for reasons of space and in order to clarify the argument, the detailed analysis in this section focuses on two periods, namely 1958-1979 and 2010 - 2015. In order to contextualise the analysis of these two periods, it will be helpful to begin with a brief overview of developments across the period as a whole, drawing on the wider body of research carried out for this paper (on which, see Annex 1). This research will also be referred to, where relevant, throughout the analysis of the two periods covered in detail.

After the overview, the analysis will present in detail the discourse between 1958 and 1979 followed by the discourse from the post-2010 period. Both sections will begin with a brief overview of the background and context[38] and will follow with an analysis of the different aspects of social justice, drawing on the conceptual framework developed in the previous section. A summary of this framework is provided in Annex 2.

OVERVIEW[39]

The analysis suggests that the EU's conception of social justice has changed significantly over time. The two periods described in detail reflect the periods in which the dominant conception was at its most stable, coherent and consistent.[40] Most changes in the discourse have been gradual, but a particularly dramatic shift appears to have occurred around 1979. Before 1979, the Society Model conception dominates, and there is relatively little change in the way that the different aspects of social justice are conceived between 1958 and 1979. However, from 1979, while the precise contours of the conception of social justice and the

[37] Throughout this section, only the clearest examples have been quoted. References to further support for each substantive point can be found in the footnotes. It has only been possible to cite a small selection of the sources that support the point being made. In each case, a conclusion has only been drawn if the example given is representative of the majority of the discourse. Page numbers have been given where possible, but sometimes this has been prevented by reason of the form in which the source was accessible.

[38] It has not been possible to give a detailed overview of all the important background events and changes in the institutional environment that have taken place during each period. Instead, a number of factors have been selected for each period where it has appeared from the sources that they have had an impact on the discourse produced.

[39] In the "Overview" section, quotes have been used for illustrative purposes, to give a very general indication of the overall themes of the discourse.

[40] i.e there are few competing discourse strands, and during these periods, the conception is particularly stable over time, within and between different sources.

nature and number of competing discourse strands change considerably, it is clear that the Market Model conception of social justice dominates.

From 1979, the dominant discourse becomes what can perhaps be characterised as a 'market only' approach to social justice.[41] The role that the market is seen to play then evolves progressively over time. The meaning of a 'free market' is first re-articulated, from 1985, in a way that portrays the market as 'free' only after 'inevitable' market failures have been *corrected*. The meaning attributed to market failure then evolves from 1985, alongside the changes taking place in other aspects of the discourse. The scope of intervention believed to be required, the means identified as appropriate, and the actors best placed to do so are reconceptualised in order that they make sense in light of the political and economic context, and the rest of the discourse. The same can be said of the way in which the discourse *articulates* the reasons for which market failure should be addressed, and how.

In the late 1980s, *redistributive* measures are said to ensure the *convergence* required to 'correct' the market, while in the mid-late 2000s, the discourse makes it clear that it is the *cohesion* created by *investment* that will do this.[42] In the early 1980s, 'vocational training' is said to be necessary to facilitate *adaptability* and ensure *flexibility* in matching supply and demand.[43] In the late 2000s it is *social investment* that is said to guarantee the 'equality of opportunity' that serves the same purpose. The different formulations derive from the need to maintain coherence with the rest of the discourse. This shows that discourse must evolve if it is to continue to make sense in the context of the broader political and economic context in which it is deployed.

[41] However, unlike in the post-2010 period, there are a number of competing discourse strands existing in some sources.

[42] (Commission 1985, 15; Delors 1988, 20) "Regional policy…[is] concerned with reducing structural differences between regions…which is an essential adjunct to the development of the internal market" (Commission 1985, 40) vs. "By mobilizing the potential for growth [through investment] in all regions, cohesion policy improves the geographical balance and raises the potential growth rate in the Union as a whole" (European Commission 2005b, 7)

[43] "Flexibility is the order of the day" (Thorn 1983, 13; Jenkins 1980a, 33–35) vs. "Education and investing in human capital formation is essential to ensure labour market participation" because "people need access to opportunities" (Commission of the European Communities 2008, 9)

After 2010, it appears that the consequences of *any* market failure are seen to be less significant than the possibility of *regulatory* or *policy* failure such that policy must be conceived almost exclusively in light of what the market is seen to require.

THE EVOLUTION OF THE CONCEPTION OF SOCIAL JUSTICE

As will be explained more fully in subsequent sections of the paper, from 1979, welfare is reduced to that which can be achieved through a competitive market - generating wealth, choice and enhancing freedom. This makes policies that restrict its operation appear to be counter-productive, reducing welfare to the satisfaction of subjective preference. This characterises the **"Quality"** dimension of social justice throughout all the following periods. [44]

The scope of policy is dictated by what it is believed the market requires. Given that the belief is that jobs and growth are the sources of welfare, the discourse consistently expresses the belief that all policy objectives can be delivered through measures that focus on the market.[45] Policy subjects are conceived in terms of the role that they play in, and their relationship with, the market. The citizen is equated with potential worker and/or consumer.[46] While there is variation in the way that this is framed in the discourse, this conception of the "**Scope"** dimension also remains consistent from 1979.

From 1979, it is believed that increasing aggregate welfare by increasing economic growth in the Community as a whole is the only reason for which policy-makers should be concerned

[44]Eg. "[Free Competition] is a sine qua non for a steady improvement in living standards and employment prospects…an essential means for satisfying to a great extent the individual and collective needs of our society" (F. H. J. J. Andriessen 1983, 3) See also: (F. H. J. J. Andriessen 1984b, 4)

[45] "Legislative proposals have been limited to areas where necessary to achieve the social dimension *of the internal market"* (Commission 1989, 4) "The key objectives of [social policy] will have to be the creation of new jobs, retaining schemes and increase in the mobility of workers" and an employment policy that contributes to job creation and competitiveness. (F. H. J. J. Andriessen 1984a; F. Andriessen 1981, 7)

[46] "It is in their capacity as consumer that the public is especially affected by Community action" (Commission 1988a, 10) Women, children and the elderly are important policy subjects only by virtue of "the specific problems encountered by these groups on entering employment", "the ever increasing role [they have] to play in the *economy"* and the fact that "a lack of integration is also an *economic* issue" (Commission 1989, 50,38,53 respectively)

with inequality.[47] This belief influences the way that redistributive policies are conceived in each of the different periods.

In the 1979-1985 period, market failure is narrowly construed. Social policy is understood to perform an almost exclusively redistributive and costly role, rarely legitimate given that the optimum distribution is seen to be determined by the inherent allocative efficiency of the market.[48] This means that equal opportunity in the market is the paramount aim, and ex-post redistribution justified only in *very narrow* situations of demonstrable market failure.

From 1985, while interference with market-based allocations is still seen to be inefficient, the discourse expresses the belief that in order for the market to operate optimally and maximize aggregate growth, it actually requires some form of corrective redistributive measures, and a number of 'flanking' policies to support its operation. It is this that underpins the need for cohesion policies, and limited forms of social policy.[49]

From 1993, it is believed that redistributive policies should be used only exceptionally, because the market will operate optimally only if supported by policies that are exclusively *productive*.[50] It sees a greater role for the Community in regulating the market, but all policies are legitimate only if there is no long-term cost.[51] This gives rise to a reconceptualisation of the role to be played by social and cohesion policies, articulated

[47] It is necessary to "protect the weakest in society" because otherwise "Europe cannot compete globally" (European Commission 2005a, 8)

[48] (F. H. J. J. Andriessen 1983, 2)

[49] (Commission 1990, 7) "Reform of the structural funds must…be seen in the context of stronger economic growth for everyone, including the most prosperous regions" (Commission 1985, 15)The role for Community redistributive policies is "To ensure greater stability, optimum allocation of resources…stimulate competitiveness and the balance distribution of wealth allowing for individual merit"(Delors 1987, 7)

[50] "The current levels of public expenditure, particularly in the social field, have become un sustainable, and have used up resources which could have been channeled into productive investment" (Commission 1993, 50) Social policy focuses on *investment* in "the development of human resources" as "a critical element…to strengthen medium term growth [and] improve the competitiveness of the European economy" (Commission 1995, 10) Social protection is framed as a *productive* factor. (Commission 1998, 9)

[51] "The pursuit of high social standards should not be seen only as a cost but also a key element in the competitive formula" (Commission 1994, 2)

through the use of terms such as modernization, investment and sustainability.[52] These concepts come to play an important role in the discourse after 2010.

From the mid-2000s, the language of equal opportunities emerges more frequently in the discourse, and there are references to the need to equalize starting points and remedy disadvantage so individuals are better able to access the market and exercise their rights.[53] However, this too is seen to be instrumental for maximizing labour market participation, to reduce the cost of social protection, and thereby increase aggregate growth.[54]

The way in which the conception of the **"Focus"** dimension evolves is the most interesting of all the different dimensions of welfare. It is the dimension in relation to which there are more competing discourses, and therefore more contestations in relation to concrete policy areas. This dimension will be discussed in detail in Section Five. However, it is important to highlight that a Society Model conception of this dimension appears to persist alongside the dominant discourse from 1979 to 2000, but is largely confined to the specific policy issue of 'social exclusion'.

There is no 'stable' articulation of social exclusion in the discourse.[55] Its relevance for understanding the conception of social justice can only be understood by assessing the purpose its deployment is seen to serve in the context in which it is being used. Social exclusion is acknowledged to be a 'social problem' such that how this problem is defined makes the desired 'solution' seem more or less appropriate or legitimate. The way the discourse articulates the *causes* of social exclusion dictates the nature of the *solution*, and the way it articulates the *effect* of social exclusion, influences how important it is seen to be to address it. In this manner, the different ways in which the concept is formulated demonstrate changes in the way in which the relationship between the state and the market, the state and society, and the individual's place within it, are understood.

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[52] "Cohesion policy…explicitly addresses economic and social inequalities…*for the purpose of supporting economic growth* and sustainable development…" (Commission 2004, 25)

[53] (Commission of the European Communities 2008, 6)

[54] (Commission of the European Communities 2008, 3,6) (Portrayed as necessary to take advantage of globalization, and to support the Lisbon Agenda)

[55] Others have highlighted this feature of the concept: (Armstrong 2010, 19)

Social exclusion is first conceived as a widespread, multi-dimensional and *structural* social problem, consistently with other aspects of the discourse articulating the Society Model "**Focus"** dimension of welfare.[56] However, as the "**Focus"** dimension is progressively reconceptualised, so too is the concept of social exclusion. By the late 2000s, it is equated with labour market participation, the only conceptualisation that makes sense in the context of the rest of the discourse. After 2010, it is virtually indistinguishable from poverty: only if it is framed as an *economic* problem can it be consistent with fiscal consolidation and the belief that welfare depends *exclusively* on growth and jobs.

This discourse strand notwithstanding, it is clear that the dominant conception of this dimension remains consistent from 1979. Further, from the end of the 1990s, competing discourses disappear. The form in which the dominant conception is manifested in the post-2010 period, while framed in a different way, does not differ in substance from the way that this has been understood from 1979.

From 1979, competition in a completely free market, combined with economic growth, is seen to be the best way to meet welfare requirements and is therefore treated as the overriding 'ends' towards which all policy should be directed. While the way in which it is understood that policies *can* and *do* contribute to growth and competitiveness changes over time, from 1979 the importance of public policies is seen to derive from the *indirect* contribution that they make to welfare, *through* the contribution they make to growth and competitiveness (The '**Relationship'** aspect).[57]

The dominant conception of the **"How"** aspect that emerges in 1979 remains stable throughout the entire period. It believes that policies should be directed towards meeting the needs of business and the market: maintaining a 'business friendly regulatory environment' becomes the primary objective of policy.[58] Consultation with business is one way in which

[56] While the term is not invoked in the discourse during the first two periods, the *idea* of social exclusion and the need for policies to address it is implicit in the way that many policy objectives are conceived. See: (Levi-Sandri 1970b, 3) (Levi-Sandri 1970a, 8)

[57] Eg. "Transforming the space…into a single dynamic and flexible market…is a goal to which *all* Community policies in their various forms must contribute" (Commission 1987, 13)

[58] "No one is in any doubt as to the responsibility of government and of the Community to create as favourable an environment as possible for company competitiveness" (Commission 1993, 15; Commission 2005a, 4)

market failure - however conceived - is believed to be identified, and therefore is an additional input for policy-making, particularly from 1985. However, as will be discussed in more detail in Section Five, participation of a progressively broader range of social actors is seen to be increasingly important from 1993. This eventually stabilizes as an independent discourse linked with the importance of participation for purposes of increasing legitimacy, rather than as a basis for policy-making.

From 1979, economic efficiency becomes the criterion against which to decide whether the state, the market, or the EU should be responsible for dictating the content of policy (The **"Who"** aspect). The market, provided it is able to operate freely *in practice*, is seen to be the most efficient decision-maker in terms of standard-setting and distribution.[59] This means that the role of the state and the EU is divided according to which party is best placed to maintain the conditions for the market to operate in this way.[60] This is so notwithstanding that in terms of concrete legislative *output* the extent to which harmonisation legislation has been passed has actually varied significantly over time. This dimension has been influenced by changes in the economic governance framework, which have progressively limited the degree of autonomy that states have enjoyed. In the post 2010 period in particular, there appears to be an overriding presumption that state-level policy is *inherently* less efficient than the market and the Community.

CONVENTIONAL PERIODIZATION

There is no 'standard' periodization of the history of the EU; the way in which different periods are identified ultimately depends upon the perspective from which its history is being analysed. It may correspond with observed changes in the study's object of interest (i.e the conception of social justice) or, particularly when the intention is to *explain* change, changes in relation to independent factors believed to be causally significant.[61]

[59] "The price mechanism (rather than the state) …is the most effective *and also the most democratic* co-ordinator of the…decisions taken daily in the market place." (Commission 1986, 15)

[60] Such that the Community is seen to be best placed to ensure the market operates effectively and free from distortion. (Commission 1988b, 25; Delors 1987, 7)

[61] For example, changes in the institutional framework, legal framework, number of states, political or economic context or broader 'world' events.

This notwithstanding, in terms of periodization, there is a high degree of overlap in the different periodizations adopted in the literature. Whether coming from the perspective of economic governance, social policy development, European citizenship, or political integration, there is a broad consensus over which periods of time should be considered as separate 'phases' in the history of the EU.

Broadly speaking, the literature distinguishes the following:

- The 1950s and 1960s
- The 1970s and early 1980s
- The period between the SEA and the Treaty of Maastricht (1985 – 1993)
- The period between Maastricht and the late 1990s/early 2000s (corresponding broadly with the Treaty of Amsterdam (1997), the Treaty of Nice (2001) and the Lisbon Agenda (2000))
- The post-2004 period (corresponding with the Eastern enlargement, the failed ratification of the Constitutional Treaty and the re-launch of the Lisbon Agenda
- The period after 2010 (corresponding with the coming into force of the Lisbon Treaty and the onset of the euro-crisis).

The research calls into question this periodization. It suggests that changes in the discourse and/or the underlying conception of social justice do not always correspond with the traditional narrative of the history of the EU or the factors most frequently seen to be important in understanding the path of its evolution. [62]

The research calls into question the view that the period of Delors' presidency was particularly significant for developing a more 'social' character to the Community.[63] It questions the wealth of literature[64] that refers to the late 1990s and early 2000s as if it marked the high point of European Social Policy.[65] It implies that, for those interested in 'locating' the high point of the social dimension of the EU, it is before 1979 that one should look. This

[62]Such as changes in policy-making, the legal and institutional framework, or in the political and economic context.

[63] The "Golden Age" of social policy: (Barbier 2013, 16:49) For more details on the sources behind these conclusions, see Annex 1.

[64] (Hatzopoulos 2005, 1602; Deakin 2005; Barnard 2014; Salais 2006; Rogowski, Salais, and Whiteside 2012)

[65] Mary Daly refers to "… the Lisbon process – the EU at its most social since the Delors era during the 1980s and 1990s" in a recent article. (Daly 2012, 275; Barbier 2013, 16:49)

suggests that the 'economic' character of the Treaty of Rome and the progressively more 'social' character of the treaties thereafter, need not necessarily indicate that there had been a change in the way the EU legal framework was being understood.

This paper questions the commonly held view that the period between 1985 and 1993 was the era during which the conception of social justice was underpinned by market fundamentalism in its most extreme form.[66] This description better fits the understanding behind the discourse between 1979 and 1985. Between 1985 and the late 1990s there exist a number of discourse strands that challenge this new 'paradigm,'[67] and only in the late 1990s does market fundamentalism really come to characterize the way that social justice is conceived. Nonetheless, *within* the frame of market fundamentalism, between 1979 and 2010, the meaning and implications of the way the "free market" is conceived, changes quite considerably. The post-2010 'free market' is a concept with a very different meaning from the concept of the free market of previous periods.

Finally, the research calls into question the importance the literature has attributed to certain events that have taken place in the broader economic and political environment in explaining the evolution of the EU. It challenges the view that the overall policy-orientation is intrinsically related to changes in the EU growth rate, because the discourse remains stable throughout the recession in the early 1970s, and throughout the period between 1993 and 2010.[68] It calls into question how significant events linked with the EU's 'legitimacy crisis' have been, as neither the 'crisis' in the early 1970s, nor the mid-2000s has changed the conception of social justice underpinning the discourse.[69] The paper also calls into question the extent to which foreign policy developments, particularly in relation to the ongoing Cold War context, have influenced the overall orientation of the EU.[70]

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[66] This is understood as a strong belief in the ability of the free market to solve most – and at its most extreme, all - economic and social problems, such that an active role for state intervention is seen to be inimical to solving them. The term was popularized in (Soros 1998)

[67] I.E expressing a belief that *even* when perfectly competitive, the market may not be sufficient to meet welfare requirements.

[68] The 1993-2010 period is characterized by a considerable degree of change in the economic climate, one which does not appear to impact on the conception of social justice underpinning the discourse.

[69] These are two of the periods in which there were clear indications of public discontent: The 1970s marked the end of the post-war 'permissive consensus' and 2004 the rejection by the Dutch and French voters of the Constitutional Treaty. (Dinan 2014, 1; Calligaro 2013, 2; Sternberg 2013, 70–71)

[70] See for example: (Rosato 2011)

The analysis also raises a number of questions that it would be useful to address in future research. It indicates that observable changes in social policy in terms of legislative output and regulatory style, do not correspond with any change taking place at the deeper level of the conception of social justice, or in how social problems and the role of the EU is conceived. It is therefore important to understand how the discourse can remain stable, while the outputs of policy-making change considerably. It requires further investigation into the way in which policy ideas are translated into concrete legislative outcomes.

BACKGROUND AND CONTEXT

There are a number of distinguishing features to the background and context, and the sources available, between 1958 and 1973 as compared with 1973-1979.[71]

The discourse during 1958-1973 is produced while the Community is taking its first steps towards implementing the Treaty, at the same time as it is trying to understand the Treaty and give itself institutional form.[72] By 1973, the Community and its institutions are well established and have 15 years of policy-making experience behind them.

There are fewer sources available, fewer policy areas,[73] and fewer member states before 1973.[74] The style of policy making is different as policies are largely dictated by the Treaty's timetable for creating the customs union. The main sources relied upon in the analysis are speeches, and unlike after 1973, there are few sector-specific policy documents to assess. This implies that there is a greater risk of over-representing the perspective of a particular policy area or a particular actor in the earlier years of the Community. In addition, the reports and general policy documents that are produced contain predominantly technical and statistical language which is difficult to draw on for the purposes of the analysis, such that a higher number of sources have to be excluded.

As a result of the economic situation in the EEC, particularly before the mid-1960s, completing the common market programme is seen to be the absolute priority.[75] There is an urgent need to establish the basic economic structures that can provide the foundations for

[71] 1973 corresponds with the period following the Paris Summit and the first enlargement of the Community, and broadly corresponds with the on-set of the recession.

[72] (Vauchez 2013, 6). At the outset no shared framework of understanding was immediately available, but occurred via a process of 'institutionalization'. On this process, see: (Vauchez 2013, 5) also citing: (Fligstein, McNichol, and others 1997)

[73] From the early 1970s, additional policy areas emerged in the work of the Community, and pre-existing policies were re-launched. For example: social policy, transport policy, development aid, environmental policy and consumer protection policy, a re-orientation of industrial policy, research, regional policy and the creation of the regional fund (18 March 1975)

[74] The UK, Ireland and Denmark join the Community in January 1973 increasing the membership from 6 to 9.

[75] This is clearly explained in the discourse: (Jenkins 1980b, 1–2)

economic growth in Europe, to meet the very *basic* needs of citizens.[76] However one conceives of the concept of welfare, welfare requirements would not be met without such basic structures being in place to underpin economic development. This makes it difficult to interpret the discourse so as to distinguish between the two models. The 'bigger' questions over which the models differ are to emerge in later sourcesafter a basic framework for growth in the Community has been established. [77]

In contrast, the 1960s are a period of rapid growth in the Community, which provides a significant contrast to the economic recession, rising unemployment and rising inflation that follows the oil shock of 1973-4. It is also significant that between 1958 and1973, much of the discourse is dominated by the post-war and Cold War context.[78] This, and the concern for maintaining amicable Franco-German relations, has a considerable influence on what is seen to be the immediate policy priorities. Given the presence of a *genuine* external security threat, basic security and territorial stability could not be assumed.[79] As a result, much of the discourse is framed so as to emphasise to member state governments the benefits of co-operating on the inter-state plane, primarily in terms of foreign policy. Both models see basic territorial security as integral to welfare, so this discourse strand is unhelpful in answering many of the questions posed.[80] By contrast, the 1970s are characterised by a period of peaceful co-existence between the East and West. [81] The Community's relationship with the Soviet Union, following European Political Co-operation in 1970, is more concerned with the development of trading relations than with defensive foreign policy.[82]

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[76] The concern over basic housing, for example, dominated many of the earliest speeches produced by the DG for social affairs: (Levi-Sandri 1962b) It is also given emphasis in Initiative 64: (European Commission 1963, 13 para. 82))

[77] The preliminary nature of the economic objectives in the Treaty is expressly acknowledged. (Commission 1959, 8)

[78] This is particularly apparent from many speeches made by Walter Hallstein, particularly: (Hallstein 1967)(Hallstein 1962)

[79] Pre-occupation with regaining independence from US aid, and proving the unity of Europe and its existence as a 'great power' between the East and West particularly dominate the speeches produced by Walter Hallstein at this time.

[80] It is in this context that the emphasis placed on the objective of *peace* should be understood: "The European Community is first and foremost a work of peace" (Hallstein 1967, 14)

[81] (Ulusoy 2015, 8)

[82] See generally:(Anderson, Jeffrey, J. 2014)

Nonetheless, despite the differences that exist in the economic and political contexts in which the discourse is produced, the number and nature of the sources, the number of member states and therefore the number of actors involved in the production of discourse, the conception of social justice from 1958 to 1979 remains remarkably stable and consistent, *notwithstanding* that the policy *output* and measures actually taken throughout the two periods, differ quite considerably.

WELFARE

The Society Model conception of welfare dominates the discourse from 1958 – 1979.
The conception of the "**Quality"** dimension of welfare remains consistent from 1959 to 1979. Welfare is seen to consist in an objective state of well-being *above and beyond* preference satisfaction.

The discourse sees welfare as requiring *real* freedom of choice, over where to work *and* over how to contribute to 'all walks of life,' to work *and* to society.[83] Improving living and working standards[84] is equated with improving the 'overall conditions of existence' for the individual:[85]

"In the Community…the number of those who do not enjoy…a minimum standard of life is important. Guaranteeing to these persons a minimum income which allows them not just to subsist, but to live *decently*, is a *duty* of states and of the Community…not limited to guaranteeing resources to disadvantaged persons…but providing the conditions for *true fulfilment*, participation in decision-making and integration into society."[86] …"Particularly in a society of abundance, [we] often forget the essential requirements in the fields of health, education, housing…it is also vital that the individual should have a sense of purpose in his place of work and in society and should be able in *both* spheres to assume his own share of

[83] This is implied in the social policy guidelines: (Commission 1971a) See also: (Commission 1973c, 15)

[84] (1957, Art.2)

[85] (Malfatti 1970a, 5)

[86] (Levi-Sandri 1970b, 3) 'True fulfilment' is alluded to elsewhere: education is "a basic human need and right"…necessary to "enable the worker to realise *his full potential"* not just in the labour market, but in life more generally. (Commission 1973c, 15)

responsibility [while] the *natural balances* in our human environment must be re-established and preserved."[87]

The Social Action Programme expressly rejects the view that increasing economic prosperity is by itself sufficient to lead to the "improved quality of life which our people rightly expect…"[88] Providing growth and employment is not seen to enhance welfare unless the conditions of that employment, and the processes generating growth, adhere to particular, objective, values of dignity. In the competition policy sources, the discourse sees social and economic progress as dependent not only on future growth and employment, but also on ensuring that full employment is secured "in conditions of human dignity and satisfaction."[89] It is seen to be necessary to *humanise* work, guaranteeing not just employment, but job *enrichment.*[90] Beyond work, the purpose of economic union is to enable *development,* a concept that goes beyond satisfying the material conditions of existence: "problems of the environment, urban areas, transport, the home, health conditions, schools and permanent education, aid to the aged, *organisation of culture and leisure* all form part of the *overall plan* to create *a community advancing in peace and freedom, affording every man the means whereby he can enhance his dignity*".[91]

The Society Model conception of the "**Focus"** dimension is also consistently evident in the discourse. The state is seen to have a *responsibility* for providing a specific type of social environment.[92] Where inequalities exist, growth conflicts with society's values, leads to a deterioration of the natural environment, or fails to secure worker participation, the operation of the market may be politically unacceptable.[93]

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[87] (Levi-Sandri 1970a, 8) See also discourse in environmental policy documents: (Commission 1976a, 11; Commission 1975a)

[88] (Commission 1973c, 13)

[89] (Vouel 1977b, 1)

[90] (Commission 1976c; Commission 1973c)(Commission 1976b, 32) See also the focus on humanisation in:(Shanks 1974, 2)

[91] (Malfatti 1970a, 5)

[92] (Malfatti 1970a, 5) Malfatti states that higher growth *necessarily* means the state and the Community have a *responsibility* to make sure that the plan [for development] is realised.

[93] (Commission 1973c, 13)

The individual is seen to be embedded in a social network underpinned by solidarity and equality, with individual welfare dependent on the welfare of the collective.[94] Concern is expressed for *both* individual welfare and "satisfying collective needs" thereby calling for an overall policy "*for society,* striving to improve the quality of life, working conditions and the environment." [95]… "Economic and Monetary Union is worth achieving overall because it will provide a solid basis on which could be built…a policy for society." It would take the Community "*beyond* its present role as market controller and organizer [so it] will become a political centre…based on solidarity and equity." [96] The idea of European Union is seen to be a matter of preserving and fortifying "our peace and liberty… justice for *all*, individual freedom and intellectual integrity…[and] a sense of social fairness." [97]

This discourse constructs a view of the Community in light of a particular conception of what the idea of society demands: a form of public power that not only controls the market, but intervenes to promote solidarity and equity, defending the collective interest from any negative effects caused by the market. It expresses a particular conception of the role of the state, and constructs its own role in light of what the Community must do to supplement it as a result of the creation of the common market.

The state's duty to uphold social values and protect the collective interest is seen to be more important than increasing growth: "Basing one's own actions on the hypothesis of growth does not….mean acquiescing lazily and optimistically in the illusion that all growth is inherently beneficial. The truth is rather to the contrary…ecological needs pose a first, severe

[94] "All present day development must be directed towards the individual, who should enjoy, thanks to such development, improved possibilities of advancement, which will help him in his turn to contribute in greater measure to the *well-being of society*"(Levi Sandri 1964, 2) See also the "double commitment to individual freedom on the one hand and to social justice on the other*"* where "both halves should count equally": (Jenkins 1978, 2)

[95](Commission 1973a, 5) The Community has no environmental policy competence at this time, and there is no DG for environment. Nonetheless, during the 1970s the Commission presented the first Environmental Action Programme and by 1981 a DG for environment was established. See also: (Commission 1976c, 3)

[96] (Altiero Spinelli 1973, 2)

[97] (Jenkins 1977, 3)

constraint…so too [does] quality of life at the daily workplace and elsewhere." The discourse stresses that improving the working environment and *enriching* work takes priority.[98]

This is highly indicative of the features of the Society Model, and is evident in many areas of the discourse:

The discourse in competition policy conceives state aid,[99] crisis measures[100] and the importance of the *public* provision of services on this basis.[101] They are primarily seen to be important for efficiency reasons,[102] but the Competition Commissioner adopts a sensitive approach to the issue, proposing to *clarify* with governments the principles on which state undertakings should operate.[103] While the discourse indicates that efficiency considerations are seen to be extremely important, the matter is treated far more sensitively than in subsequent periods.[104] The discourse suggests that the Commission is suspicious that many policies adopted during the economic recession are pursuing (protectionist) *economic* aims, rather than being adopted for social reasons linked with the collective interest. While state intervention does not enjoy a *presumption* of legitimacy even in this early period, the legitimacy of the public character of a particular service is not solely determined by efficiency criteria: *either* the collective interest *or* market failure might justify the restriction on competition imposed.[105]

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[98] (Altiero Spinelli 1972b, 2) Quality of life includes "environmental aspects like forestation and lack of pollution, public transport, and improving the quality of life of the citizens of Europe at their daily workplace and elsewhere" and includes strategies to "enrich work and respond to the basic human need for participation in decision-making"

[99] The general discourse and the first competition policy report is consistent with this: (European Commission 1972, 17)

[100] (Vouel 1977a, 10) : Expressing disappointment that there is little room under the Treaty to "pursue measures that are acknowledged to be in the common interest" to enable struggling industries to find their way out of difficulties as smoothly as possible.

[101] (Commission 1978, 28)

[102] (Vouel 1977a, 10) Before the mid-1970s, the impact of the Community rules on state enterprises is still being investigated and no approach yet developed. But see:(European Commission 1972, 47)

[103] (Vouel 1977b, 4)

[104] It is not immediately clear that it is *efficiency* that is seen to be the reason for the public character of a service: recognition is given to states' "legitimate wish to safeguard the *effectiveness* of public undertakings" implying that effectiveness is not solely a matter of *efficiency*. (Commission 1977, 144)

[105] The discourse supports intervention to encourage 'social innovation' in the collective interest: (Shanks 1974, 9)

By contrast with the post-2010 discourse, the economic recession of the 1970s does not appear to call into question the importance of state expenditure on social policy "but…[requires] strengthening the consensus within our societies about an *equitable* balance between private and public consumption..."[106] In contrast to the *modernization* discourse found in the context of the post-2008 recession, the value of solidarity and the role of public authorities in protecting it, is implicit in the discourse and the context of economic recession does not appear to change this. [107]

The environmental policy sources clearly illustrate the dominance of the Society Model conception of the "**Scope"**, **"Focus"** and "**Quality"** dimensions. The Community definition of 'environment' is stated to include "all those elements which, in an intricate relationship, form the surroundings, setting and the living conditions of man *and society*, as they are or as they are *experienced*." [108] This includes the physical environment, the social environment - "the material and *immaterial*[109] elements that form the setting and conditions of our lives (housing, means of transport, the infrastructure for providing care, amenities, culture…the chance to educate oneself, to act freely, to expand one's life)," [110] the improvement of welfare systems, income, job security, working conditions, housing and education" - and also the cultural environment "the preservation of urban and rural sites of interest and beauty spots, the improvement of teaching and information, cultural and leisure activities"[111] Individuals are clearly seen to be embedded within a particular social, physical and cultural context, one which not only forms the background conditions for life, but which is *actively experienced* by "man and society" in a way that makes an important contribution to welfare. This discourse attributes intrinsic value to *social experience* beyond the market.

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[106](P. Hillery 1975) (Commission 1978, 28)

[107] "Limits must be set to the self-interest of social groups. Demands made on society must be accompanied by correspondingly high returns by the group: the social groups must put their own particular interests further behind those of the public as a whole… the duty of public authorities is to represent with appropriate determination the interests of the general public…" (Commission 1976c, 5) "We must find the opportunity of taking Community solidarity further" (Ortoli 1973, 8)

[108] (Carpentier 1972, 1) See also: (Commission 1972, 10) (Commission 1976a, 11; Commission 1975a)

[109] See also reference to *psychological needs* of workers: (Shanks 1974, 3)

[110] (Carpentier 1972, 2)

[111] (Commission 1972, 11)

The sources support the view that the Society Model conception of the "**Distribution"** dimension of welfare dominates, notwithstanding that the discourse *admits* that by the 1970s, the Community has failed to ensure fair distribution and to remedy social inequalities *in practice*.[112] The understanding of what policy *should* be trying to achieve remains consistent: it should achieve an equal distribution of *welfare* because increases in *aggregate* wealth is seen to be insufficient.[113] In line with the Society Model conception of both the "**Focus"** and **"Distribution"** dimensions, and in marked contrast with the post-1979 discourse, solidarity is understood to require a fair distribution of welfare even at the *expense* of aggregate growth.[114]

"Economic growth can be regarded as optimum growth only if, at the same time, some degree of harmony is achieved in the relative *development* of the different social groups, if the gap between the level of development in the various areas making up the territory of each member states is narrowed and if the gap between average standards of living throughout the community is reduced."[115] The overriding concern for ensuring the fair distribution of welfare, between individuals, social groups and between regions, is frequently made explicit.[116] "A real political union will be possible only if the Communities secure effective social justice, a fairer distribution of created wealth between the social classes…"[117] In contrast with the discourse from 1979, the discourse does not frame divergent conditions by reference to the problems they might pose to aggregate growth. Instead, concerns over

[112](Commission 1973c, 13)

[113] (Malfatti 1970a, 8) "Economic growth must be used to raise living standards, but the goal of "greater social justice" is ultimately about fair distribution of income and wealth"…"Satisfactory economic growth, a high level of employment, balanced payments and stable prices" are "only acceptable if the distribution of these incomes improves simultaneously" (Commission 1971a, 46) "From the social point of view*, it is not sufficient to know if wealth has increased, and by how much*, but also knowing how it has been distributed, and the benefits distributed" (Levi-Sandri 1970a, 1) Industrial policy "must increasingly pursue qualitative objectives...a narrowing – with improvements for everyone – of the disparities of all types that still separate men according to the social or occupational group and the region or nation they belong to, the improvement of working conditions, the level of education, the protection of the natural environment…" (Commission 1970, 6–7)

[114] (Levi-Sandri 1970b, 4)

[115] (Commission 1966a, II 26) Repeated in the policy guidelines: III-2.

[116] (Levi-Sandri 1962a, 4–5) Stating that regardless of the motives that underpinned the inclusion of Art.119 in the treaty, there was "no doubt that equal pay has a clear function in each modern state, of establishing true equity between various social strata so as to give a genuine content to the principles of liberty and equality…principles that should not merely be paid lip service"

[117] "…Political union would not be possible and not strike root properly in democracy and liberty if, within itself, it allowed of widely ranging social structures neither justified nor justifiable on particular grounds" (Levi-Sandri 1962a, 7 and 15) See also: (Commission 1966a, I–5)

distribution are seen to stem from the intrinsic importance of the value of solidarity: fair distribution is seen to be necessary to ensure fairness in "the breakdown of overall income in favour of low income groups"… "if the relative income of certain social groups or occupations needs to be improved, the overall increases in other income categories *will have to* be a little less." [118]

This perspective is maintained even in the context of the recession.[119] The discourse changes after 1973 only in the sense that, given the basic structures for growth are now well-established, there is no longer seen to be any *excuse* for social inequalities to exist: "The Community has now reached a stage in its economic development when it can, and indeed *must*, afford to question more critically the pattern and the costs of economic growth and the distribution of its resources."[120] which now also includes a fairer distribution of economic *power*.[121]

It is clear that rising unemployment, inflation and recession are not seen to justify prioritising aggregate wealth over tackling inequalities. It suggests that the rising inequality with which citizens are dissatisfied in the 1970s results from the fact that Community policies are not delivering in *practice* the results the Community expected, rather than from a misalignment between what citizens and the Community believe it *should* be trying to achieve.

The Society Model conception of the "**Scope"** dimension of welfare stays consistent throughout this period. Nonetheless, it is clear that the actual policies produced before and after 1973 are quite different. In the first period, concrete policy proposals are framed in a way that might suggest that *economic* actors are the main policy subjects. Measures connected with, and concerns over the conditions relating to the world of work dominate the

[118] (Commission 1966a, III–20) See also concern that economic policy make a contribution to raising the standard of living and improving the quality of life and to "a greater community of action in support of the underprivileged" (Commission 1971b, 10)

[119] The discourse stresses that a pre-requisite to wage restraint must be a more equitable distribution of wealth, income and economic power. It suggests that the pursuit of growth might become unacceptable, *because* of its impact on the distribution of income and wealth and on worker participation. (Haferkamp 1976, 8–10)

[120] (Commission 1973c, 14)

[121] Instrumental in reducing inequalities, and also as an intrinsically important aim: (Haferkamp 1976, 8–10) See also:(Shanks 1974, 3)

discourse.[122] Policy subjects are often referred to as *workers*, perhaps suggesting that it is believed that the income generated and expended in the market is sufficient to ensure welfare requirements are met. The discourse refers to 'living and working conditions' usually when speaking of the *worker.* Free movement is understood in a similar way: "the individual's right to choose to *work* in another member state if he thinks his prospects may be better there, is one of the Community's main social advantages for *workers*…"[123]

While these features may suggest a Market Model conception of the "**Scope"** dimension, this interpretation is unconvincing when taken in context. The Community's *concern* for welfare appears to extend far beyond market-based mechanisms and market actors. The frequent references that are made to the working and living conditions of *labour* and *workers* has to be understood against the backdrop of the language employed in the Treaty, and the limits on competence it contains.[124] The work-focussed terminology does not conflict with the fact that the Community sees its objective as contributing to the welfare of *all* of society. It shows how background factors, such as the limited role the Community feel able to play within the political and institutional constraints in which it is operating, influence the way discourse is articulated.[125]

This has to be contrasted with the 1970s, when there is broad consensus between the different institutions and the member states on the need to give the Community a 'human' face, and it is this that facilitates the development of an independent social action programme, and a re-orientation of policy around more purely 'social' aims after 1973, but not before.[126]

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[122] (Commission 1971a, 51–52; Levi-Sandri 1962b; Levi-Sandri 1965; Levi-Sandri 1970a)

[123] (Hallstein 1966a)

[124] Notwithstanding the labour focus of social policy, "all 170 million Community citizens have an interest in Community Social Policy" (Levi-Sandri 1962a, 2)

[125] A series of events in the early 1960s, culminating in the empty chair crisis of 1965, weakens the Community institutions and generates rifts between the member states. This leads to strategic use of the veto in the Council, and a degree of legislative deadlock. These circumstances are referred to in the discourse: Harmonization in the social field is seen as *essential* notwithstanding the limited powers enjoyed under the treaty:(Commission 1972, 13 paras. 78–82) (Sandri 1966, 5)

[126] See the Final Declaration of the Paris Summit: "Economic expansion is not an end in itself. Its firm aim should be to enable disparities in living conditions to be reduced. It must take place with the participation of all Social Partners. It should result in an improvement of the quality of life as well as standards of living" it also stated that the member states "attach as much importance to vigorous action in the social field as to the achievement of the economic and monetary union" (Council 1972, 14) See also: (Kenner 2002, chap. 2)

Even before 1973, the discourse frequently refers to the treaty objective of improving living and working conditions[127]in the context of improving the quality of life[128] of the *citizen,* and not just the worker.[129] Competition policy is not seen to be confined to the economic sphere but directed at "those that contribute to economic, *and* social life."[130] The discourse emphasizes that the main objective of the Community is the "progressive improvement of the living and working conditions of *citizens* in *all walks of life*." [131] Similarly, in contrast to much of the post-2000 discourse, the social problem of 'exclusion' is not seen to be a problem deriving from being excluded from the *labour market*, but from the ability to benefit from general well-being.[132] Policy subjects are frequently referred to in terms such as 'citizen', 'individual', 'man' and 'people' even if Community *measures* are concerned with matters affecting workers.

Meeting the requirements of welfare is seen in terms of what the Community order *as a whole* – policy measures taken at both Community and state level – can achieve, based on a particular conception of the state's role in guaranteeing welfare.[133] States are expected to use policy to ensure the welfare requirements of non-economic actors, and social problems extending beyond the market, are addressed.[134] There is little doubt that meeting these requirements is seen to be a crucial part of what Community policy is designed to achieve.[135]

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[127] (Commission 1971a)

[128] (Mansholt 1972b) 2

[129] (Commission 1971a, 52) (Commission 1971b, I–2)

[130] (Commission 1962, 20)

[131] (Commission 1966a, I–5)

[132] "As more and more people are enjoying a better life, it is wrong that millions capable of leading a normal, decent life, should be excluded from the general well-being" (Commission 1971a, 46)

[133] (Commission 1971a, 48) "The Community must be able to back measures taken in Member countries to improve the distribution of incomes or to implement reforms aimed at greater social justice" (Commission 1971a, 49)

[134] Similarly, after 1973 welfare is seen to relate to matters such as "the content of work, better chances to find work, making *lives* more purposeful and rewarding and a framework for more satisfaction in life *away from work*" (Jenkins 1977) (Commission 1973b, 6)

[135] (Levi-Sandri 1970a, 8)

The difference after 1973, however, is that the member states have now implicitly endorsed the use of existing treaty competences as a basis for more concrete Community initiatives.[136] It is clear that social policy objectives are seen to have intrinsic importance, independent from the economic objectives that the creation of the common market was designed to realise. "That social questions, though very much at the fore at the national level, might seem to be ill defined at Community level, cannot justify a passive social attitude on the part of the Community institutions."[137]

The logic of the approach is explained in a speech made by Patrick Hillery in 1975. [138] Referring to the 1950s and 60s: while "concrete social measures at Community level were only felt to be needed if the free movement of goods, services or labour might be impeded by inconsistent social provisions"… "it would be wrong to get the impression that Community social policy during this period was entirely dominated by economic concerns. Many people, both inside the Commission and outside….sought to make the European Community into a positive instrument for improving the standard of living and working conditions of the *whole* Community population."[139] It is clear that this remained the case after 1973.

In the 1970s, while the scope for a greater role for the Community in contributing to 'social' objectives is increased by a number of changes in the political context, and the measures adopted by the Community change quite considerably, the discourse remains consistent from 1958. [140] It stresses that for each Community policy, the Commission "must ask how will this improve the lot of the European *citizen*?" [141] because "all our actions must be guided by

[136] (1957, Art. 100 EEC and 235 EEC) See: (Kenner 2002, 23)These articles were endorsed at the Paris Summit and expressly referred to in some of the sources: (Commission 1973c, 14)

[137] (Commission 1962, 44)

[138] Vice-President of the Commission with special responsibility for social affairs 1973-1976

[139] (P. J. Hillery 1975c) See also: "... the object of the harmonisation of social systems is not only the levelling or alignment of employers' charges and obviating distortions of competition, it is primarily to forge an instrument of social progress and betterment, towards a higher standards of living for all categories of workers" (Levi-Sandri 1962b, 7)

[140] Not only is the climate for action to develop a Community social policy more favourable, but the possibility of passing legislation through the Council is increased with the departure of De Gaulle in 1969 and, along with the relative consensus between the states at this time, the hurdle imposed by the Luxembourg Compromise and the need for unanimity in the Council is considerably reduced.

[141] (Jenkins 1977, 10)

human concern."[142]It does not see the main policy subjects as market-actors: "Europe has direct relevance not only to the members of our economies, but to combating the ugliness and frustrations and injustices of *every day life*…[to the] transcendental purposes of world peace and human freedom." [143] requiring a "more active community social policy if the well-being of *all peoples* of the Community is to be maintained."[144] Policies with direct impact on individuals in capacities *other* than that of their role in the market increase in number during this period, and this is clearly evident in the sources analysed. However, from 1958 to 1979, the discourse is consistent as to what the Community order *as a whole* is seen to be intended to achieve in light of the particular political and legal constraints to which it is subject.

This clearly shows that despite significant changes taking place within and outside the Community throughout this period, a relatively consistent Society Model conception of welfare is dominant from 1958 to 1979.

RELATIONSHIP

The Society Model conception of this aspect of social justice dominates the discourse. The discourse does not conflate economic growth with meeting welfare requirements, nor express a belief that all policies contribute to welfare only indirectly through the contribution they make to economic growth. It is clear that all policy areas are seen to be intrinsically important for meeting welfare requirements, independently from the contribution they can make to economic growth.[145]

The fact that the discourse after 1973 is being produced in the context of economic recession does not change the way that this aspect of social justice is conceived. Moreover, while the Common Market, and much of the work of the Community in the early years is primarily

[142] (Ortoli 1973, 3)

[143] (Jenkins 1977, 3)

[144] (Commission 1973c) Frequently recognising the needs, concerns and general importance of the *human,* seen as the common 'status' binding together the citizens of Europe (Ortoli 1973; Jenkins 1977, 3; Commission 1973c)

[145] "the aims of the Community are as much social as economic, and the former cannot be regarded simply as a consequence of the latter, but should also be achieved as a result of action taken for social reasons……even if some of the rules…in the social field relate in the first place to economic needs and serve economic ends, they are unquestionably to be looked on now, within the framework of the Treaty, as principles and rules of social policy, and they must be implemented as such." (Commission 1962, 5-6)

concerned with practical matters of an economic nature, this does not alter the fact that such matters are seen to be just the preliminary part of a much broader project aimed at ensuring a better future and quality of life for the citizens of Europe.[146]

The discourse distinguishes between the objectives of the Community project, and the *immediate* or *intermediate* objectives that had to be achieved as part of the creation of the Common Market. [147] The preliminary nature of these *economic* objectives is frequently acknowledged.[148] The sources suggest that the reason the discourse in the early part of the first period is dominated by concerns over economic growth is attributable to the extreme economic situation that states found themselves in during the early years of the EEC. It does not contradict the belief expressed in the discourse that economic policies are just part of achieving the much broader purposes of the Community.[149]

Levi Sandri[150] expressly counters the argument that, given the nature of the negotiations behind many of the social provisions in the Treaty, these provisions should be given an economic reading.[151] He argues that these origins notwithstanding, they do not serve economic ends.[152] This is so even if the 'social aims' of the EEC, clearly expressed in the Treaty, cannot "in number and in material significance stand comparison with those

[146]See generally: (Levi-Sandri 1962b)

[147] (Pescatore and Dwyer 1974) uses similar terminology.

[148] The purportedly economic nature of the EEC is forcefully contradicted by a number of explicit statements in many of the sources: "the EEC is in no way a purely economic venture" … "even though the focus of much of the Community's action [lies] in the economic sphere" (Hallstein 1966b) (Commission 1962, 5) (Levi-Sandri 1962b, 5–6) (Hallstein 1966a, 21)

[149] (Commission 1966b, 8) For example, by the mid-1960s, with many of these preliminary objectives having been largely achieved "the road [was] sufficiently well marked out for the creative efforts of the institutions to be directed elsewhere" informed by "how we wish to live in this new economic area and what future we desire" Competition Policy is "not looked upon as an end in itself" but as "a suitable…and feasible means of achieving the objectives embodied in the treaties: (Groeben 1961a, 8)

[150] Levi Lionelli Sandri, Commissioner responsible for social affairs, 1960 – 1970.

[151] Art. 119 on equal pay resulted from France's concerns that her commitment to this principle would put her at a competitive disadvantage: (Sweet, Sandholtz, and Fligstein 2001, 116–118)

[152] "It is widely held…that these provisions, even though they are described as 'social', serve what is to all intents and purposes a purely economic end, in keeping with certain principles enshrined in the Treaty, for example, to avoid so far as possible what are known as "distortion of competition" …It is pointed out (and this is undeniably true) that [Article 119] was written into the Treaty at the express request of France…anxious to guard against competition…more generally it could then be argued that all social provisions serve an economic end …I do not believe that the social provisions of the Treaties of Paris and of Rome can be viewed from such a narrow angle…" He devotes the rest of the speech to substantiating this argument. (Levi-Sandri 1962b, 4–5)

concerning other sectors of Community activity…[such that] on the contrary, one might get the impression that these social provisions are merely something added to the Treaty of Rome – an after thought…" [153]

Instead, he stresses that "The Community's action should pursue no other ends in respect of the clearly expressed social aims of the Treaty, on the strength of which the Community has most authoritatively been proclaimed to be a social community, on the grounds that it is beyond all question the social objectives which predominate."[154]

The different medium term economic policies emphasise that the "overall aim [of economic policy] is a rapid improvement in the standard of living of citizens"[155] and it is the factors which are seen to be decisive in improving such standards that form the basis of the policy priorities, not just the pursuit of economic growth.[156]It is not seen to be acceptable to strive for growth at any cost, unless the *process* itself is acceptable:[157]growth is said to be 'optimal' only if it actually contributes to *real* development.[158]

While the discourse sees social and economic policies as mutually reinforcing, it does not suggest that social policies are merely instrumental to meeting economic objectives. [159] During the early part of the first period, generating growth *was* a pre-requisite for achieving social objectives, and social policy *had* to be used to complement this, because the basic needs of individuals could not yet be guaranteed within current economic means and without

[153] (Levi-Sandri 1962b, 3)

[154] (Levi-Sandri 1962b, 4)

[155] (Commission 1966a, I–2) (Commission 1971b, 9)

[156] i.e as if it was seen as the best way to meet welfare requirements. (Commission 1966a, III–2)

[157] "Economic Growth can be regarded as optimum growth only if at the same time, some degree of harmony is achieved in the relative development of different social groups, if the gap between the level of development in the various areas …of each member state is narrowed and if the gap between average standards of living throughout the Community is reduced" (Commission 1966a, I–2, I–3)

[158] (Commission 1966a, II–26) The same approach is evident after 1973: The discourse stresses that qualitative objectives cannot be compromised by quantitative economic targets and that meeting the needs of society must always be the prime consideration (Commission 1976c, 40) See also: (P. Hillery 1975) where it is stressed that the expenditure of the member states should be defined in light of real social need and (P. J. Hillery 1975c) where it is argued that economic growth is not simply an automatic catalyst for social progress and that as a result social policy cannot be a mere after-thought.

[159] (Commission 1971b) See also (Groeben 1961b)

some form of market system being in place.[160]It is clear that, as the Community develops, the matters over which the two models conflict emerge in the discourse, and it becomes clear that it is believed to be both legitimate, and necessary, for more important concerns to *limit* the pursuit of economic growth. This is evident in the discourse not just during the years of economic growth, but also in the context of the recession of the 1970s:

In relation to competition policy, it is stated that: "if the objectives of the Treaty are to be attained, the competitive system cannot only benefit from but actually needs amplification *or even some degree of rectification* by means of common currency and economic policies, an active regional policy and measures of social policy." … "with the ultimate goal of achieving justice".[161] It seems that the role of policies is seen to go beyond the correction of market failure. The idea of *rectification* appears to imply that the *market* must be made compatible with broader social goals. The pursuit of perfect competition is rejected because the structural transformations that market forces may give rise to may require some form of intervention by the state or the Community, otherwise "the social cost might not necessarily be acceptable."[162] Consequently, it is stated that the removal of barriers to effective competition "*must* be accompanied by back-up and promotional measures for industry as a whole and for certain sectors facing special problems."[163]

In a similar way, the discourse states that economic policy "cannot be limited to the twin objectives of growth and stability. Its real value depends on the contribution it makes to better living conditions; it must both raise the standards of living and improve the quality of life." As a result, policy "must alleviate the cost of changes to individuals, in accordance with the

[160] "What is socially desirable may be limited, in practice, by what is economically possible, conversely social policy exerts an appreciable impact on economic activity…the interdependence of these two factors means that economic development and social progress must go hand in hand. If the guidelines are to be realistic, economic and social requirements must each be given their due." (Commission 1966a, III–4)

[161] (Groeben 1961a, 6)

[162] (Vouel 1977a, 3)

[163] (Commission 1973a, 5) This must be contrasted with the discourse that emerges from 1979 where a very different approach is taken to 'failing industries' and the legitimacy of state aid. From 2010, state aid rules are applied strictly as they are seen to "squander the growth potential of the internal market" (Commission 2014a, 7) See also:(Commission 2013c, 6)

principles of solidarity that are at the basis of all modern societies"[164] while "expanding manpower should be used (as a policy strategy) [only] as far as *social policy will allow."*[165]
This perspective also underpins the way harmonisation is understood. The discourse sees harmonisation not just in terms of preventing distortions of competition, but in restoring an overall balance in states' economic and social development for their mutual benefit; ensuring each state can retain its identity, protecting states from the damaging impact of regulatory competition. [166] It is clear that the market is *not* seen to be an appropriate way to set social standards and the need for policy to maintain these standards is not subject to the requirement to 'respect' the dictates of the market. [167]

In the area of industrial policy, Spinelli[168] forcefully argues that it is an "illusion that all growth is inherently beneficent…even the most beneficent growth tends to become pernicious and destructive in the long run." He argues instead that primacy must be given to ecological needs and quality of life - in the workplace and elsewhere.[169] It is believed that "Industrial development and the dynamism of the market *must* be made compatible with social and human requirements"[170] and must "increasingly pursue *qualitative objectives.*"[171]
"The natural concomitants of a European Industrial policy …[are] not only an increase in the quality of goods made available to consumers but also… a qualitative improvement in man's living conditions."[172]
Once again, the discourse does not change with the onset of the recession in the 1970s: it emphasises that in the formulation of industrial policy, "'social aspects' must be watched constantly"…and "the necessary transformations" must be "organised under socially

[164] (Commission 1971b, 37)

[165] (Commission 1966a, III–5)

[166] (Commission 1973a, 11)

[167] (Shanks 1977a, 380)
[168] Altiero Spinelli, Member of the European Commission with responsibility for Industrial Policy, 1970-1976.

[169] (Altiero Spinelli 1972b, 2)

[170] (Commission 1970, 6–7)

[171] (Commission 1970, 6–7)

[172] (Commission 1970, 7)

acceptable conditions."[173] It is stated that the pace of change may even need to be *slowed down* in order to better master its social consequences.[174] In contrast to much of the post-2000 discourse, there is less emphasis placed on the need for *individuals* to adapt to change and more on the need for policies to be adapted to make the process of change easier.[175] Consequently, "Necessary changes must be worked out *with* the workers rather than imposed upon them,"[176] and "the development of new technologies [must] take account of aspirations for improved working conditions."[177] and costs equitably shared.[178]

It is also clear that the discourse believes public expenditure should be used to achieve social objectives.[179] This is a distinct contrast with the discourse in later periods:[180] "Public expenditure [is] an important investment for the attainment of social objectives,"[181]… "private consumption might have to grow *less* rapidly than national product", in order to permit a *more* rapid increase in community services (publicly provided) which the Commission sees as necessary to meet public needs and ensure *fair* distribution of goods and services.[182]

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[173] (Altiero Spinelli 1972a, 15)

[174] (Commission 1978, 6; Davignon 1978). In respect of "recovery instruments" there is a need "to provide additional protection for those sections of society hardest hit by the crisis and to modify the use of such instruments(Commission 1975b, 8)"

[175] The discourse sees the Community role as rendering such changes both "economically possible and socially acceptable" (Commission 1978, 6) See also: (Vouel 1977b, 3)

[176] (Commission 1978, 18)

[177] (Commission 1978, 17)

[178] (Commission 1978, 16)

[179] See: (Commission 1978, 28)

[180] From 1979, the discourse frames public expenditure on social objectives as a *cost* and therefore counter-productive, detracting from the economic growth seen to be the most important means for meeting welfare requirements. Eg: "the social security budget [must] not reduce the competitivity of industries of service sectors" and should be redirected towards promoting investment and cutting production costs. (Commission 1981a, 3)

[181] (Commission 1971b, 37)

[182] (Commission 1971b, 6) See also: "It must be remembered that a permanently restrictive approach to public expenditure would hamper the effort being made to satisfy the growing needs of the community" (Commission 1966a, III–3)

In the context of environmental policies, it is clear that growth can, and *must*, be sacrificed in the name of environmental preservation given its value to *society* and, unlike in the post-2010 discourse this is so irrespective of its value as an economic resource.[183] It expresses the belief that policies might legitimately impact negatively on growth while still ensuring that a maximum contribution is made to meeting welfare requirements.[184] It expressly states that "*any* exploitation of natural resources…which causes significant damage to the ecological balance *must* be avoided" and "*expansion*" must be reconciled with the "increasing need to preserve the natural environment."[185] This is so *even* in the context of the recession.

In other sources, the need to ensure "sufficiently *controlled* growth" is emphasised out of concern for protection of the physical, social and *cultural* environment.[186] This is seen to require that the Community "change the order of precedence, to switch from the priority given to efficiency values to an increasingly insistent reference to other values such as responsibility towards other people of the present and future generations and towards their natural and social environment…"[187] It contrasts significantly with how environmental concerns are conceived in later periods.

It is clear that the discourse sees all policies as pursuing distinct, intrinsically important objectives that together contribute to meeting the requirements of welfare. This is seen to justify implementing policies even if the scale of economic growth and/or job creation might be reduced as a result. This is consistent with the Society Model conception. It is clear that

[183] "We shall have to pursue *new objectives* which are completely at variance with the wishes of the citizen of today, which restrict his freedom of consumption and production and which will make him realise that his present prosperity is in part only a false prosperity.". (Mansholt 1972a) See industrial policy for the belief that growth is just one aspect of the much broader goal of social justice: (Commission 1973a, 15; Commission 1978, 6,8,17,18; Davignon 1978)

[184] It is expressly stated that investment in public transport and environmental protection must be maintained in the recession: (Commission 1975b, 8)

[185] (Commission 1976a, 25) There is one more ambiguous statement: While "Community Environmental policy sets out to improve living conditions and protect our natural environment" a rider is added: "*without* creating barriers to trade and distortions of competition" (Commission 1976d, 13)

[186] "Beyond a certain level of prosperity, economic growth should be controlled more strictly in line with quality requirements" (Carpentier 1972, 11)

[187] …"[the Community's strength] should enable it to accept the changes which it will itself have to impose on its production and consumption systems, to meet the social aspirations of its people and the need to conserve the environment." (Carpentier 1972, 6–7)

the discourse does not treat economic growth as if it is an overriding aim of all policy, because it is clear that it does not see the market as the best and only means to meet welfare requirements.

HOW

The Society Model conception of this aspect of social justice dominates the discourse.

A Market Model conception would suggest that the Commission could not formulate policy on the basis of an objective idea of what welfare requires. The appropriate way to formulate policy would be seen to be assessing what the market, businesses and consumers 'need'. It would see market failure and individual preference, revealed by direct consultation with *economic* actors, as important sources of the information necessary for policy making. This conception characterises the discourse from 1979 but is not consistent with the discourse of the early period.

The discourse suggests that the "Community interest" is formulated objectively by the Commission. It expresses the belief that policy can meet welfare requirements if, informed by the Community's own collection and analysis of data,[188] it provides "a *satisfactory* answer to the problems posed by the social evolution of the society in which we are living".[189] according to an objective idea of what is required.[190]

The quantitative growth-related objectives set by the Community during the recession are not seen to override the whole range of social and economic objectives which have "a very important place in the thinking of those responsible for policy"[191] and which underpin the *objective* content of policy.[192]Nor do they qualify the overriding need to "make…proposals

[188] Particularly after 1973, also by engaging with social partners and member states to determine the situation 'on the ground'.

[189] (Commission 1966b, 9)

[190] (Malfatti 1970b)(Commission 1971a; Commission 1971b)

[191] (Commission 1976c, 39)

[192] (Commission 1976c, 39) Similarly: (Commission 1973c)

reflect the community interest at all times."[193] The discourse recognizes citizens' "entirely *legitimate* demands for a more just society and better quality of life"[194] and emphasises that "there are problems in the *social field* common to all member states …which [can] be best dealt with at Community level…"[195] This strongly suggests that it was believed that policy should primarily be based upon an objective view of what welfare requires.

The discourse does not see the *needs* of business or of the market as the most important considerations for policy making. While in the mid-1970s, the sources indicate that, "providing the right [regulatory] environment for the individual firm" is seen to be important, it is clear that "each measure…has its own merit [and] also forms part of a mutually supportive whole."[196] While it is acknowledged that changes in the international economy have meant that "Openness towards the outside world is an irreversible fact of life…[and] implacably forces us to make our industries competitive on world markets"[197] the need to help firms to become competitive is only one of the many considerations informing policy.[198] The idea of a 'business-friendly' regulatory environment, dominating the discourse in subsequent periods, is largely absent from the discourse at this time.[199] The sources during both periods express a belief that *objective* requirements might legitimately override subjective preferences given the possibility that they might be formed in conditions in which individuals and states are incapable of understanding what welfare *actually* requires.[200]

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[193] (Ortoli 1976)

[194] (Commission 1973c, 13) See also: (Shanks 1974, 2)
[195] (Commission 1973c, 13)

[196] (Commission 1978, 8) In a similar way, "everything should be done to ensure that this [public investment in infrastructure] makes the maximum contribution to improving the business climate" but at the same time, it is still seen to be important to maintain investment in public transport and environmental protection (Commission 1975b, 8–9)

[197] (Vouel 1977a, 2)

[198] For example, see the balanced approach adopted in the sixth competition report "Neither the laissez-faire approach nor interventionism can as absolute principles offer a durable solution to the problems we are up against. The one would be found unacceptable: the other would lead to excessive conservatism" (Commission 1977, 3) See also: "We should consider whether we need to do anything…to remove the competitive penalties…which social innovators may face in the common market…to remove such [competitive] penalties if they do exist" (Shanks 1974, 9)
[199] In the discourse after 1979 it is forcefully expressed that the "Miles and miles of European red-tape…[are] symptoms of the *decadence* of the welfare state" (F. Andriessen 1982, 1)

[200] As quoted above: (Mansholt 1972a)

This clearly suggests that the Society Model conception underpins the discourse: policy is formed from an objective conception of what collective welfare requires, one which cannot be over-ridden by individual preference.

In the early years, it seems that the Commission does not supplement policy with information gathered by directly engaging with a broad range of social actors. The discourse rarely mentions social dialogue or consultation, and when doing so refers only to economic actors, seeing its importance primarily in terms of its contribution in the context of policy *implementation* rather than formation. [201]

The discourse does, however, state that "in every aspect of the construction of the Community…all European *citizens* must be able to participate."[202] Moreover, there are many examples that social dialogue is seen to be an important part of domestic employment regimes. While the Commission rarely supplements policy with information obtained through consultation,[203]in a number of speeches, the need for Community level labour organisations is stressed.[204]It is seen to be one way in which the involvement of *European Citizens* in *building* Europe can be achieved in the absence of an elected European Parliament.[205] The discourse makes it clear that the objective was to inform the institutions of the "feelings, needs and aspirations of the great masses"[206] represented by "all who have a role in social matters" to help the Community to orient policy towards enhancing *collective* welfare.[207] It states that the Community "has always associated the representatives of industry with its

[201] (Levi-Sandri 1968)

[202].(Levi-Sandri 1968)

[203] The only role in relation to social dialogue that the Treaty provided for was a duty to promote close cooperation between member states as regards the right of association and collective bargaining.(1957, Art.118)

[204] (Levi-Sandri 1968; Levi Sandri 1964; Levi-Sandri 1965)

[205] (Levi Sandri 1964, 2) "In the meantime we must use other means and systems to infuse an increasing measure of effective democracy into Community life"… "Europe must be a true human Community made by man for man" See also: (Levi-Sandri 1968)

[206] (Levi Sandri 1964, 3)

[207] It is stated that the ultimate purpose would be to ensure that policy could "lead to the progressive levelling up of living standards".(Levi Sandri 1964, 4–5): "All present day development must be directed towards the individual, who should enjoy, thanks to such development, improved possibilities for advancement which will help him in his turn to contribute in greater measures to the wellbeing of society" (Levi Sandri 1964, 2)

work on social matters"[208] – and it appears this is not just in respect of ensuring Community policies are implemented effectively. It indicates that Community level industrial organisations, should be just the first step in creating "a true human Community made by man for man"[209] in which "all European citizens must be able to participate".[210]

After 1973, the discourse is even clearer in its articulation of the belief that consultation with social partners is an additional but crucial basis upon which to formulate policy.[211] However, the Heads of Government at the Paris Summit had stated specifically that the Social Action Programme should take steps to agree collective agreements at European level, and increase the involvement of labour in management - perhaps explaining why progress is made in this area after 1973 but not before, and the sources referring to it more numerous.[212]

This post-1973 discourse clearly sees consultation as a means to reconcile competing interests and ensure that policy is as informed as possible about the social and economic problems that have to be addressed.[213] It is also seen to be a crucial pre-requisite to expecting society's co-operation with some of the difficult changes involved in recovery: to ensure the process adopted can be in the interest of all the peoples of Europe.[214] The discourse emphasises the need to reach a 'social consensus' between public authorities and social partners, not just over "the objectives of full employment, growth and stability. The general objectives of qualitative and social progress must also be included."[215]

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[208] (Levi-Sandri 1965)

[209] (Levi Sandri 1964, 2)

[210] (Levi-Sandri 1968)

[211] "Firms should carry on and should be required to discuss properly with…the appropriate social partners institutions and report on their social achievements, social prospects and perhaps their plans in the social area for the years ahead"(Shanks 1974, 12) .

[212] (Council 1972, 19 – 21)

[213] "*All* those concerned [with the present difficulties] will have to pursue a genuine policy of ensuring the fullest possible mutual information and consultation" such that "In this context, cooperation between unions, employers and authorities…takes on an important function."(Commission 1975b, 6)

[214] (P. J. Hillery 1975b, 1) To be contrasted with the discourse post-2010 where participation is to ensure effective implementation of a pre-decided recovery strategy: "Reform requires a major *effort* from all parts of society" because "change is *necessary"* (Barroso 2011, 8)

[215] (Commission 1976c, 41) See also: (P. J. Hillery 1975a)(Shanks 1974, 12)

The discourse relates the need for consultation to the belief that the Community cannot determine independently the *full* extent of what is necessary to meet the needs of each society.[216] The discourse stresses "the need to work together" particularly given that those hardest hit by the recession "have no organized representation of their own".[217] It is in this context that the discourse expresses the belief that co-operation between Member States should be *facilitated* by Community level policies, with consultation, participation and democratisation seen to be particularly important for this purpose.[218]

It is clear that the discourse believes that the standard to be achieved through policy is objective, but consultation and co-operation is seen to be crucial from 1958-1979 if policy is to be appropriately tailored to address the *specific* problems necessary to achieve it - despite the fact that particularly before 1973 the mechanisms for such consultation are not yet established. While consultation and participation most often refers to the role to be played by industrial representatives, it is clear that the matters to be addressed are all those likely to impact on the collective welfare of Europeans generally. This strongly supports the view that the Society Model conception of this aspect of social justice dominates the discourse during this period.

WHO

The Society Model conception of this aspect of social justice dominates the discourse from 1958 - 1979. The discourse does not draw on efficiency arguments alone in assessing the appropriate division of competence. It assumes that the Member States should continue to intervene in their national economies through a mixture of economic and social policy, expressing a belief that Member States are better able to protect the social values of particular

[216] "If the European Community is to acquire a 'human face' it must expose itself to the maximum consultation with the people and the institutions for whom it is legislating. If it is to develop a social programme which responds to the needs and priorities of the people of Europe, it must discuss with them what their needs are, and how they can best be fulfilled. If it is to enlist the support of the social partners in the fight against unemployment and inflation, it must be prepared to examine appropriate strategies with them. A non-participative social policy is a contradiction in terms" (Shanks 1977a, 381)

[217] (Haferkamp 1975)

[218] (Ortoli 1973, 26)

importance to their own citizens.[219] It takes a nuanced approach in which a careful balance is sought between this and the need for common action in a Community in which states' economies and societies are becoming increasingly interdependent:

"There are differences in priority in defining the components of social progress and growth as well as the choice of instruments" particularly in the more 'qualitative areas' of policy. Consequently "One should not seek uniformity in this area, [but] certain conditions for convergence in the Community should nevertheless be fulfilled."[220] The Community's role is to provide "the resources that will…be devoted by Member States to the promotion of different activities" and empower states to pursue policies that are better attuned to the needs of their societies.[221] This is to be contrasted with the belief that states should design policy in light of Community objectives *alone* in the post-2010 period.[222]

The discourse rejects the view that regulation of the market, particularly at state level, prevents it from operating optimally. It sees state regulation of the market as a pre-condition for its creation. It suggests that states *must* be allowed to mediate between the market and its impact on society.

The Community is understood to be: "an economic order based on freedom [but one which] can *only exist* in the world today at the price of *constant state intervention* in economic life."[223] The system of free competition in the common market is not understood to be the sole means for meeting the treaty objectives. Free competition at this level is understood

[219] This is also inherent in the Treaty: (Giubboni, Gormley, and Shaw 2006) (Lenaerts 1993, 852–855)

[220] (Commission 1976c, 40) See also: the task of the Community in the social field is not to equalise but to establish minimum standards, below which nobody should be allowed to fall, but on the basis of which those who can afford to do so should build their own more ambitious systems. Thus nobody's social advance should be held back by Community measures; but the weakest should be helped to advance further than they otherwise could" (Shanks 1974, 380)

[221] (Commission 1978, 7)(P. J. Hillery 1975c) "The Commission has never proposed the transfer to Community level of those responsibilities and functions carried out more appropriately at other levels. However, there are some problems which must be dealt with on the widest possible basis and the number of these grows with the increasing inter-dependence of our economie." See also the commitment to "the pursuit at national level of policies suited to individual characteristics and problems of each country:(Commission 1974, 3)

[222] "We need…the Commission to propose and assess the actions that member states should take - governments…cannot do this by themselves" (Barroso 2011, 2)

[223] (Commission 1962, 5)

simply to be underpinning, and underpinned by, domestic policy:[224] "welfare *conditions* the policy and economy of every modern state… and is given particular importance by the Community"[225]which intends to enable states to fund the social policies that best accord with their national values.[226]

As a result, harmonisation is seen to be particularly necessary during the 1970s, to prevent states yielding to the pressure to drive *down* social standards in an attempt to stimulate economic recovery.[227] Harmonisation is not conceived as a replacement for state policy autonomy, but seen to *supplement* it when the interdependence between them might lead to it being compromised. The discourse stresses that at all times the Community will ensure that each state/system retains its identity and capacity to tailor policy to individual particularities.[228]

The Community role is seen to be to co-ordinate the policies of states to ensure they can be pursued in harmony.[229] The discourse suggests that the Community's role is seen to lie in identifying areas of interdependence and *enabling* Member States to co-ordinate their policies, by acting as "a valuable clearing house for ideas" and issuing "recommendations, promoting and co-ordinating[230] research and organizing pilot projects."[231] with common

[224] (Commission 1962, 5)

[225] (Levi-Sandri 1962b, 2) The discourse expressly rejects the view that the Community should restrict state intervention in the overriding interest of free competition: (Groeben 1961b) The discourse expresses the view that "[The modern State] lays down essential conditions for the economic activities of its citizens…through what we call 'policy'" (Hallstein 1962)

[226] (Commission 1971b)

[227] Common action is necessary to: "ensure that the measures taken to remedy external payment difficulties do not…jeopardise our efforts to achieve social justice" (Commission 1974, 4) See also discourse in: (Commission 1974, 5) (Shanks 1977b, 380)

[228] (Commission 1973a, 11)

[229] The "essential aim of Community action is to preserve and enrich the fertile pluralism of our society…it is and will continue to be based on free enterprise, on agreements…between workers and employers' organisations and on programmes carried out by regional and national public authorities…nevertheless, it is essential that joint action be *decided upon* within the Community institutions to ensure that…all member states receive the maximum advantages that membership can bring for their economic and social development." (Commission 1973a, 5–6)

[230] See also:(Commission 1973b, 12)

[231] (P. J. Hillery 1975c) In regional policy also it is stated that "Community Regional Policy cannot be a substitute for the national regional policies of the member states…it must complement them with the aim of reducing the main disparities across the Community…*for this reason* the effectiveness of the Community's policy will also depend on the close co-operation of the Member States" (Commission 1973b, 12)

policies becoming progressively more necessary as the increasing interdependence of states' economies becomes clear.[232]

In contrast to the Market Model conception, the discourse does not express the belief that the market can bring about the correct standards, nor does it limit harmonisation to clearly identifiable cases of market failure. Economic efficiency is merely one of a number of considerations in assessing how competence should be divided. The discourse clearly suggests that the Society Model conception of social justice dominates all aspects of social justice from 1958 to 1979.

[232] (P. J. Hillery 1975c) Political background factors may also have been influential: attempts to foster co-operation were proving particularly difficult in the 1960s, given the growing frustration over the legislative deadlock in the Council (Rey 1968)

2010 - 2015[233]

BACKGROUND AND CONTEXT

The discourse during this period is produced in a fundamentally different economic and political context to that of the previous periods, but is similar to the post-1973 discourse in that the policy-agenda is dominated by the prevailing economic 'crisis'.[234] The Europe 2020 Strategy,[235] instigated as the Lisbon Strategy's successor, doubles as the EU's exit-strategy from the crisis in the Eurozone,[236]which it conceives to be a symptom of all the economic, social and political problems facing the EU.[237]

The new strategy coincides with the coming into force of the Treaty of Lisbon,[238] and the transformation and strengthening of the framework of economic governance at EU level, prompted by the crisis.[239]

Consequently, the discourse is being produced in a fundamentally different legal and institutional environment at this time, affecting the legal frame through which policies are

[233] Where discourse from the period between 1979 and 2010 is referred to in this section, the sources relied upon are those referred to in Annex 1.

[234] For the Key dates see: http://www.britannica.com/EBchecked/topic/1795026/euro-zone-debt-crisis/301861/Timeline-of-key-events-in-the-European-sovereign-debt-crisis

[235] Europe 2020 is guided by a series of headline targets and priorities related to employment policy, poverty reduction, research and development and climate change, all aimed at raising Europe's competitiveness. It introduces new mechanisms for economic policy co-ordination, increased monitoring of national budgets and fiscal consolidation, as part of strengthening the overall framework of economic governance in response to the crisis: This includes *ex ante* review of state budgets against priorities set by the EU, reporting and evaluation duties, competitiveness scoreboards and a mechanism through which country-specific recommendations and targets can be set.

[236] (Commission 2010b, 2–3) For details, see: (Copeland and James 2014, 1)

[237] (Commission 2010b, 2)

[238] 1 December 2009.

[239] This substantially restricts the policy autonomy of the member states in respect of large areas of economic and social policy. (Adams and Deakin 2015, 114) For an overview of the changes in the economic governance framework, see: (Degryse 2012)

conceived and affecting the balance of power between the different institutions and their influence on the discourse.

THE EU'S CONCEPTION OF SOCIAL JUSTICE TODAY

One of the distinguishing features of the discourse produced during this period is that it draws on a number of discursive frames in an apparent attempt to legitimise the policies being pursued. It appears that it is drawing on both *legal* legitimacy, referring to concepts and duties embodied in the Treaty of Lisbon[240] and *social* legitimacy, framing the discourse by reference to concepts and ideas that it believes to be consistent with states' and citizens' conceptions of social justice.

It is possible that the new way in which policy ideas are being *articulated* is an implicit recognition by the EU that the objectives it is pursuing, and the means being employed, may not be consistent with what citizens believe it should be trying to achieve. This seems to be being interpreted as implying that policies need to be re-framed rather than re-formulated, as a means to improve *perceptions* of legitimacy. It may also be the case that the EU is acknowledging the importance of the background to, and changes introduced, in the Treaty of Lisbon. The discourse may be attempting to appeal to the Member States to illustrate that there is a legal and democratic basis for the policies being adopted, and therefore a justification for acting collectively.

The discourse does not suggest that the changed legal context or citizens' attitudes towards the EU, have prompted a reorientation in the way that social justice is conceived. However, it provides a particularly interesting contrast with the discourse produced between 1958 and 1979 because many of the concepts employed during the earlier period are used in the post-2010 discourse, but in ways that demonstrate a very different understanding behind them. It is clear that the EU is no longer aiming to create the same type of society that it believed it should be creating during the first twenty years of its existence. This section will attempt to highlight some of the more significant changes that can be identified in the discourse.

WELFARE

[240] and the Europe 2020 strategy, which the European governments have endorsed.

Consistently with the discourse from 1979, the EU no longer believes in an objective state of well-being above and beyond individual preference satisfaction. It no longer believes there are many spheres of life which contribute to welfare, and therefore conceives of policy problems, subjects, and solutions, in terms of their relationship with the market. ("**Scope**" and "**Quality"**) Its conception of the **"Focus"** and **"Distribution"** dimensions have been fundamentally transformed, with significant consequences for the way in which a number of policy areas are now conceived. For this reason, this section will focus primarily on these latter two dimensions of welfare.

The overriding argument the discourse presents is that only if states accept the need for EU level policy-making, and therefore act collectively, will the values of *all* European societies, and the *European* Social Model (ESM) which they all share, be upheld: "The *only way* we will get the scale and efficiency we need to be a global player…to *safeguard our values*…in a changing world" is to follow the policy prescriptions – whatever their content – mandated at EU level, the policies designed to "stabilise the EMU, boost sustainable growth and restore competitiveness."[241]

Fundamental changes to the way that states conduct their social policies are therefore framed as being required to 'preserve' the EU's values and social model,[242] but the discourse makes no attempt to give substance to what the 'ESM' actually is, or what these values actually mean. [243] It merely makes it clear that they depend on *growth and jobs* for sustainability, development and maintenance.[244] This argument is used to justify extensive structural reforms,[245] and the 'modernisation' of labour law and social protection systems.[246] The

[241] (Barroso 2012, 3–4) The specific 'European values,' and the concept itself, are invoked in the majority of the sources either to *reassure* states and citizens that policies *respect* these values, *derive* from them *or* are necessary to *preserve* them for the future.
[242] (Barroso 2011; European Commission 2012; Barroso 2012; Commission 2013b)

[243] "Reforms to our labour markets, public finances and pensions require a major effort from all parts of society. We know these changes are necessary *so we can…keep our social model*" (Barroso 2011, 8) "Determined fiscal consolidation is a means to an end: it is essential for restoring macro-financial stability as a basis for growth and securing the future of the European Social Model" where what this is goes unelaborated. (Commission 2011b, 2) See also:(Commission 2010b, 26)

[244] "Only by restoring growth and confidence will we develop the EU's unique social model"… "Preserving our social model involves strengthening the internal market..."(Commission 2011b, 2)

[245] "To support the EU's economic growth potential and the sustainability of *our social model*, the consolidation of public finances in the context of the SGP (Stability and Growth Pact) involves setting priorities and making hard choices" (Commission 2010b, 26)"

discourse makes it clear that 'modern' social protection systems are those that help to maximise growth by requiring lower levels of public expenditure: making sure that 'work pays', through active labour market policies[247] creating *incentives* to work,[248] and *minimum*[249] safety-nets confined to '*the most vulnerable'* in society[250] i.e those who *cannot* participate in the market:[251] the old, the young and the disabled.[252]This reinforces the way that the new role for public policies is conceived: as justified *only* if any cost involved will lead to long-term economic gain. It is this that underpins the belief that state expenditure on life-long education and social services– 'social investment' - is necessary. It derives from the need to maximise labour market participation[253] and thereby maximise growth in the economy as a whole.[254] Gone is the belief that manpower policy should be used only insofar as *social policy* will allow. [255]

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[246] "Action under this head will require *modernizing* our employment, education and training policies…"(Commission 2010b, 17) "Ultimately, reforming and modernizing our economies is needed to underpin our European Social Model"(Commission 2014c, 5) This leads to the argument that "Employment protection rules and institutions should provide a suitable environment to stimulate investment while offering *modern* levels of protection" (Commission 2014c, 10)

[247] "The modernization of social policies entails giving activation measures a more prominent role" (Commission 2013b, 2)

[248] "Unemployment benefits should be reviewed to ensure that they provide incentives to work, avoid benefit dependency and support adaptability to the business cycle. Member States should design benefits to reward return to work…through time-limited support, and conditionality linking training and job search more closely to benefits. Member States need to ensure work pays through greater coherence between the level of income taxes…and unemployment benefits." (Commission 2010e, 6)

[249] Social protection should be simplified and better targeted, "Ensuring that those *most in need* receive adequate support *while reducing the burden on public finances"* (Commission 2013b, 8)

[250] For example: (Commission 2011a, 12) stressing the need for adequate and affordable social services to prevent the marginalization of vulnerable groups, within an overall context of determined fiscal *consolidation*. Similarly only 'essential' or 'basic' social safety nets are seen to be required: "we need to remember the needs of the aging and the most vulnerable in society". (Barroso 2009, 15) Poverty is frequently reduced to the most extreme concept of deprivation, with the need to "supply food for the most deprived persons" the main means to combat it. (Barroso 2011, 8)

[251] (Commission 2011a, 12)

[252] (Thyssen 2014)

[253] To protect the vulnerable it is seen to be necessary to "[Ensure] access to services *supporting integration in the labour market"* (Commission 2011a, 12)

[254] "Meeting the poverty target "would not only improve their lives but also bring economic benefits for the society as a whole. (European Commission 2012, 11)" "Society as a whole bears the social and economic costs of unemployment, poverty and social exclusion" (Commission 2013b, 2) See also: (Commission 2013b, 3) (Commission 2013b; Barroso 2011; Commission 2010a; Commission 2010e; Commission 2011a; European Commission 2012; Commission 2013b)

[255] (Commission 1966a, III–5)

The discourse frames this policy orientation as if it *empowers* individuals to take advantage of the opportunities deriving from market participation.[256]This also underpins the way that the role for the state in helping to meet welfare requirements is conceived. The role is now almost entirely passive[257]consisting in preserving the free exercise of individual rights[258] ensuring these rights are enforced,[259] respected[260] and/or recognised[261]while guaranteeing conditions for personal and physical security.[262] This discourse continues the discourse from the 1993-2010 period by equating individual rights with welfare *because* they are seen to be the best way to maximize input into the market, increasing competitiveness and growth. This rights-based discourse should be contrasted with the language of welfare and well-being employed between 1958 and 1979. It illustrates that equal opportunities in the market is the *limit* of what it is believed that welfare requires of policy-makers.

The discourse uses the concept of 'social cohesion' in a similarly instrumental way. [263] From 1985, social cohesion achieved via limited redistributive measures is seen to be necessary for the purposes of maximizing aggregate growth. In the post-2010 period it is framed as both the product of *and* pre-requisite to growth, *created* by a high-employment economy. [264] However, a high-employment economy is only *possible* when labour market participation is

[256] (Commission 2013b; Thyssen 2014; Andor 2014a; Commission 2012b; Commission 2010a; Barroso 2009; Commission 2013b; Commission 2010g)

[257] At the EU level, removing obstacles to the exercise of individual rights is seen to require *guaranteeing* their enforcement by ensuring Directives are implemented; making their exercise simpler through reducing costs and administrative burdens; and increasing awareness of rights information campaigns: (Commission 2010f, 23)

[258] (Barroso 2011)

[259] (Commission 2010f, 21–22)

[260] (Barroso 2010, 7)

[261] Many documents advocate a 'rights based approach' : eg. (Commission 2014b, 10)

[262] The Area of Freedom, Security and Justice is seen to cover all the matters that are relevant for this purpose. "Everything we do is for the citizens of Europe…fundamental rights exist wherever they go. Everyone in Europe must respect the law and the government must respect human rights, including those of minorities. …" "An area of freedom, *liberty* and security will create a place where Europeans can prosper" (Barroso 2010, 7) The Area of Freedom, Security and Justice has been strengthened in the Lisbon Treaty. For an overview, see: http://www.europarl.europa.eu/aboutparliament/en/displayFtu.html?ftuId=FTU_5.12.1.html [Accessed 29th May 2015]

[263] During this period, social cohesion is both an express Treaty objective, and a core part of the Europe 2020 strategy. (2007 Art.2(3) TEU)

[264] (Commission 2010b, 5)

maximized.[265]This means that social cohesion does not have an autonomous meaning in the discourse. It reflects the 'ideal' of a high employment economy delivering maximum growth through increased competitiveness.[266] Policies are framed as if they are aimed at achieving social cohesion, when in fact the new argument is that maximum growth and competitiveness are themselves sufficient for social cohesion to be 'achieved'. This means that there can be no justification for state policies to mediate between the market's operation and its impact on society, because expenditure on policies is framed as if it is no longer required.

The market itself is seen to *create* social cohesion. It is no longer seen to be a value that states must *protect* by restricting the measures that can be used to maximise growth. *Irrespective* of the immediate social consequences, fiscal consolidation and structural adjustment are not seen to *conflict* with the objective of 'achieving' social cohesion: they are believed to be the pre-requisite for the greater competitiveness upon which 'inclusive' growth – the socially cohesive high-employment economy – depends.[267] This makes the belief that "fiscal consolidation *will have* to go hand in hand with important structural reforms in particular of pensions, health care social protection and employment systems" appear to be in the interests of maintaining cohesion.[268]

This is just one of the ways in which the discourse indicates the prevailing conception of the **"Focus"** dimension of welfare. It does not mark a qualitative shift from the way that the discourse has been developing since 1979, but for the first time draws on language associated with the Society Model conception as the frame through which it is articulated. [269] Whereas in previous periods, the discourse rejects the need for the state to protect social cohesion except to the extent necessary to maximize growth, in this period, it sees this as *synonymous with* promoting competitiveness, and implementing the vigorous fiscal consolidation and structural reforms *required* by the market. The changes made to the legal environment by

[265] (Commission 2010b, 17) A properly operating single market is seen to be a source of economic growth *and* social cohesion.(Barroso 2009, 28)

[266] (Barroso 2010, 5)

[267] "Sound public finances are a means to an end: growth for jobs. Our goal is growth, sustainable growth, inclusive growth" (Barroso 2010)

[268] (Commission 2010b, 27)

[269] And language in Art.3(3) TEU

virtue of the Treaty of Lisbon, and the growing discontent felt by citizens, does not appear to have changed the way that this aspect of social justice is *understood* but has simply changed the way that the discourse is being framed.

The difference between this discourse and the discourse produced during the recession in the early 1970s could not be clearer.[270] Social cohesion is seen to derive from ensuring states tailor policies to the dictates of the market rather than *preventing* the market from dismantling the social fabric of society.[271]

The discourse during this period, as was also the case between 1958 and 1979,[272] attributes particular importance to the special role that "services of general interest" play in the Member States.[273] It adopts a flexible approach to determining when restrictions on competition may be justified, so states retain some control over service delivery. [274] Nonetheless, it does not reflect a qualitative shift from how these services have been conceived since 1979.

In the 1979 period, the legitimacy of giving a privileged position to *public undertakings* and *public service providers* is seen to depend on whether doing so is an economically efficient way to address a *clearly demonstrable* market failure.[275] Public services are said to be

[270] "Industrial development and the dynamism of the market *must* be made compatible with social and human requirements" (Commission 1970, 6–7)

[271] That the priority is to tailor policies to the market is evident in a number of sources: "We have the people, we have the companies. What they *both* need is an open and modern single market" (Barroso 2010, 5) "To support the EU's economic growth potential and the sustainability of our social models, the consolidation of public finances in the context of the Stability and Growth Pact involves setting priorities and making hard choices" (Commission 2010b, 26) "Budgetary consolidation programmes should prioritise growth enhancing items" (Commission 2010b, 26) The discourse continues to see state intervention in the market as justified only to *enhance* the market's growth potential, or in the presence of market failure (Commission 2013c, 6)

[272] In the discourse on public services.

[273] This approach appears to have been gradually emerging in the discourse from the mid-2000s.

[274] (2007, Art.14, Art.106 TFEU) This covers so-called "Services of General *Economic* Interest" and "Social Services of General Interest."

[275] For example, Andriessen is "not in favour" of "far-reaching government involvement in the economy" because "I have yet to come across a single instance of a country in which government has successfully managed to perform the role of entrepreneur". (F. H. J. J. Andriessen 1984b, 9) It is stated that a dirigiste industrial policy would "be more likely to reflect political bargaining process or so-called fairness between nations than hard industrial reality"(Tugendhat 1984, 4). Fair competition is seen to require ensuring "state undertakings in the public sector…are operating on an equal footing with their competitors in the private sector… providing this does not prejudice the *carrying out* of services in the general interest" (Commission 1980, 10)"The Directive (on State aid) is designed to preserve the principle of Equality of Opportunity for

'special,' solely by reason of the fact that they are services to which universal access is required.[276] The ultimate question is seen to be whether the normal rules of competition can operate in respect of the undertaking in question if left to market forces. State aid is understood in a similar way: "The Commission is …always prepared to take a favourable view of aid [in areas] which are of considerable importance to the Community's *economic* development and the employment level" while aid for *non-economic* reasons is not seen to be legitimate.[277] This contrasts considerably with the approach taken in the early 1970s.[278]

The main distinguishing feature of the post-2010 period is that preserving the public character of *social* service provision is *expressly* recognized to be important for economic reasons: to secure universal access and guarantee a specific standard of provision. Restrictions are still legitimate only if it is clear that the market would not ensure this standard of delivery by itself.[279] The only real change is that *investing* in *social* services is seen to bring economic returns for states by increasing labour market participation, and is no longer conceived as constituting an illegitimate cost.

While there has been significant development over time in the precise policy-approach taken to public services, the very fact that the constant factor has been that states must justify any intervention into the market involved in the organization of such services demonstrates that, in contrast with the discourse between 1958 and 1979, there is no assumption that the state is

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competing private and public sector companies…" and in doing so "[cannot] be interpreted as a failure...to recognize the special role of public undertakings can play in the Community's economic system" (Commission 1981b, 10)

[276] (Commission 1980, 10)

[277] "National aids must be assessed against broader economic objectives"(F. H. J. J. Andriessen 1981, 6) "The essential role of public authorities at all levels…is to ensure that the economic, social, fiscal and legal framework within which enterprise operate encourages them to adapt to market opportunities in a positive manner. The limited resources available to public authorities should be used primarily to support the efforts of the dynamic enterprise and not to provide artificial support for state of declining enterprises" (Davignon 1979, 8) "My philosophy starts from the principle of free competition between firms"… "State aids must be assessed against general economic objectives" While these may give way to some 'higher objectives' the only such objectives recognised have economic justifications, with the exception only of trade and industries in difficulty, an exception which is expressly stated to be very limited. (F. H. J. J. Andriessen 1984b, 12–13)"

[278] "…human and social factors involved…may justify aid which might go beyond what is required by strictly economic reasoning" (European Commission 1972, 18)

[279] 'Public service obligations cannot be imposed if [the service] can be provided under normal market conditions" (Commission 2013a, 9)(Commission 2013c, 5)

best placed to defend the public interest.[280] Since 1979, it has remained the case that the state must prove itself to be *more efficient* than the market if any intervention is to be legitimate.

In the post-2010 period, it is clear that social services are seen to make an important contribution to growth, which is the reason why some intervention in the market can be justified *at all*. However, this consideration has to be balanced with the intrinsic importance attributed to protecting *individual* choice, and economic freedom.[281] In line with the Market Model, the discourse expresses the belief that the state should not intervene to protect social values that conflict with 'market' aims. There is no room in this understanding for ideas of collective welfare, and it is implicit that the primary concern is the protection of the individual's rights. [282] The discourse severs the welfare of the individual from the welfare of the whole because, consistent with the discourse from 1979 onwards, it has no conception of individual embeddedness: it does not see collective welfare as the fundamental foundation upon which individual welfare is built.

While social services are now exempt from a number of the state aid rules,[283]the discourse distinguishes between economic and non-economic services by reference to whether the service is based on 'solidarity': if membership in the scheme of distribution is compulsory, and there is redistribution within the system. [284] It therefore sees 'solidarity' as a limitation on individual freedom, rather than as a voluntary expression of community membership and identity, based on risk sharing and belonging. [285]

[280] Where an "economic order based on freedom...can only exist...at the price of constant state intervention in economic life" because "welfare conditions the policy and economy of every modern state...and is given particular importance by the Community" (Commission 1962, 5)(Levi-Sandri 1962b, 2)

[281] For example, social services are seen to make a contribution to job generation and social cohesion, poverty reduction and the EU 2020 targets. (Commission 2010c, 6)

[282] See a similar perspective in: (Hervey 2000, 47)

[283] "services meeting social needs" are exempted from the duty to notify the Commission of state aid. However, State aid rules apply to the financing of social services of an economic nature. (Commission 2012a)

[284] This discourse endorses the approach of the Court (Commission 2013a, 9)

[285] For an interesting overview of these two possible interpretations of solidarity, see: (Davies 2010) See also: (Hervey 2000) Contrast with the discourse in the first period: Policy "must alleviate the cost of changes to individuals, in accordance with the principles of solidarity that are at the basis of all modern societies" (Commission 1973c, 37)

There is no longer any evidence of a competing Society Model conception of the "**Focus"** dimension in the discourse. Instead, the concepts common to such a conception have been appropriated as the frames through which the Market Model conception is articulated, either by virtue of their inclusion in the Treaty of Lisbon, or as a conscious attempt to legitimize the policy approach.

Welfare requirements are believed to be met as a result of the opportunities provided by the market, and as a result the discourse clearly expresses the belief that labour market participation is sufficient to solve problems of social exclusion, poverty and a lack of cohesion.[286] 'Social exclusion' is indistinguishable from poverty, both of which being framed as *economic* problems,[287] understood in terms of a predominantly materialistic conception of deprivation.[288] The discourse often equates 'social participation' with 'labour market participation', and 'empowerment with the ability to exercise rights in the market.[289] Environmental protection is important because resource-efficiency facilitates growth and job creation while social services and education are important because they increase employability.[290]

The discourse clearly illustrates the way in which the state's role in relation to welfare has been reconceptualised. One way in which it does this is through the use of the concept of 'sustainability' which, unlike in the 1958-1979 period, is now equated with resource efficiency:[291] the cost-effective use of both environmental *and* economic resources.

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[286] "Jobs are essential to escape from poverty and contribute to equality, equity, justice, peace and security. The creation of decent jobs, particularly from a long-term development perspective, strengthens growth"(Commission 2014b, 8)

[287] "Poverty in its *multiple dimensions* includes a lack of income and sufficient *material* resources to live in dignity; inadequate access to basic services, such as healthcare, housing and education; *labor market* exclusion and poor quality work. These elements are the root causes of poverty and explain how individuals and families become socially excluded" (Commission 2010g, 7)

[288]The Poverty target (to lift 20 million people out of the 'at risk of poverty and social exclusion' category) allows for three alternative definitions of poverty: by reference to a relative income poverty threshold; a material deprivation threshold and a 'jobless' household threshold.

[289] Ensuring that "people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society" is seen to be achieved by meeting the "employment and education targets" (Commission 2010g, 4)

[290] (Commission 2011a, 11; Commission 2012b, 11; Commission 2010e, 15; Commission 2014c, 11)

[291] (Commission 2010a, 6)

The overriding importance of ensuring 'sustainable' resource use is seen to derive from the need to "decouple growth from resource use [to] give Europe a competitive advantage".[292] The importance of environmental policies is seen to lie in the *economic* potential of the 'green economy,'[293] emphasising the need for "Turning the challenge of a sustainable Europe to our competitive advantage…to show how fighting climate change can help to modernise our economies."[294] The need to "invest in more sustainability" is not just about "doing the right thing for the future of the planet. Europe stands to benefit enormously from investing in low carbon technologies for future jobs and growth."[295]

Imposing *strict* constraints on public spending, pursuing fiscal consolidation and implementing structural reforms is seen to render growth sustainable.[296] The "unravelling of the social safety net" is 'caused' by unsustainable social spending because "money spent on servicing debt cannot be spent on the social good."[297] It is because growth and jobs are seen to be the sources of this 'social good' that the strategy of *further* reductions in spending, *further* structural reforms and sound public finances[298] is seen to be the most effective means to meet welfare requirements.[299] Sustainable growth therefore requires *cuts* in social

[292](Commission 2010d, 5) See also: "We should aim to decouple growth from energy use and become a more resource efficient economy, which will not only give Europe a competitive advantage but also reduce its dependency on foreign resources (Commission 2010b, 15)

[293] "Renewable energies are not just the sinew of ecological do-gooders…[they are] a sine qua non if tomorrow's Europe really is going to create lasting, consistent and sustainable *locational advantages* which are directly comparable with those of other world players " (Juncker 2014b, 17)

[294] (Barroso 2009, 15)

[295] …"Without structural reforms, we will not create sustainable growth…now is the time to modernise our social market economy so it can compete globally.". (Barroso 2009, 21) See also: "Restoring sustainable growth and job creation requires positive action at EU and national levels to support competitiveness and social inclusion…action to promote the right framework to help businesses create jobs and find new markets" (Commission 2011b, 3)

[296] (Barroso 2010, 2)

[297] (Barroso 2010, 3)

[298] (Barroso 2010, 3) "We do not have much room for fiscal stimulus…but that does not mean we cannot do more to promote growth….those with the fiscal space available can explore it in a sustainable way [but] *all* member states need to promote structural reforms so we can increase our competitiveness in the world and promote growth" (Barroso 2011, 7) "Lasting sustainable growth and higher living standards *can only* be built on sound public finances, deep structural reform and targeted investment. These challenges can only be met if there Is sufficient growth" (European Commission 2012, 3) "Where economic growth…turns out to be higher than expected, fiscal consolidation should be *accelerated* "(Commission 2010e, 4)

[299] (European Commission 2012, 16)

spending, serving the long-term interests of all by ensuring the costs of the crisis are not passed on to the next generation,[300] increasing investors' confidence in the EU.[301] The perceived implications of 'sustainability' must be contrasted with the discourse between 1958-1979, where it is expressly stated that economic recovery and growth is *conditional* upon ensuring that the means used are socially acceptable,[302]given that "...a permanently restrictive approach to public expenditure would hamper the effort being made to satisfy the growing needs of the community."[303]

It also contrasts considerably with the way that environmental policy was originally conceived. Sustainability has always been inherent in the overall approach to environmental policy, but in the early years of the community its *intrinsic* importance for welfare was the primary consideration, requiring that growth be "sufficiently controlled" to give *priority* to "values such as responsibility towards other people, the present and future generations and towards their natural and social environment."[304]

While the conception of the "**Distribution"** dimension that emerged in 1979, attributing overriding importance to increasing aggregate growth, continues to dominate the discourse, more so than in previous periods, inequalities are now seen to be a problem *exclusively* for investor confidence and growth potential. The discourse sees poverty as a potential drain on economic growth and equates the problem of unequal social and economic conditions between countries with the creation of divergent competitive conditions.[305] The need to

[300] "Fiscal responsibility is not contrary to the social values of Europe. It means 'not passing on the cost of the crisis to the next generation'" (Thyssen 2015)

[301] Sustainable growth is growth that will convince the market of the long-term stability of the European economy: "The most urgent task for the EU is to restore confidence…stronger fiscal consolidation is needed…" (Commission 2010e, 4)

[302] (Vouel 1977a, 3)

[303] (Commission 1966a, III–3)

[304] (Carpentier 1972, 11, 6–7)

[305] See :"The poverty divide is a threat to the EMU…this is why the Community and Member States agreed on the scoreboard of key employment and social indicators" (Andor 2014a) "The point is to create conditions enabling us to restore convergence in employment and social outcomes and other economic fundamentals throughout the currency union, so that we strengthen the whole EMU's growth potential". (Andor 2014b) "Insufficient investment in social policies that strengthen human capital development…can contribute to explaining differences in economic competitiveness between States and the current disequilibria observed in the EU…reducing productive potential" (Commission 2013b, 8)

"[pay] attention to the most vulnerable" derives from the fact that doing so "has a positive impact on growth and creates benefits enjoyed by all."[306] "Society as a whole bears the social and economic costs of unemployment, poverty and social exclusion."[307]

While the discourse assumes that 'social investment' will promote the labour participation necessary to remedy poverty and social exclusion,[308] such policies are contingent on prioritizing growth. This means that fiscal consolidation measures and structural reforms, which might have difficult consequences for particular groups, are seen to be *necessary* if these social problems are to be addressed in the longer term:[309] "The process of restructuring our economies is disruptive, politically challenging and *socially difficult*, but it is *necessary* to lay the foundations for *future* growth and competiveness that will be smart, sustainable and inclusive."[310] The discourse expresses the belief that it does not matter how the costs of the process are distributed, because prioritising growth at all costs *now*, will ultimately 'remedy' problems such as poverty and exclusion in the longer-term.[311] The unequal distribution of the 'social consequences of the crisis' are only seen to be of concern if this might undermine growth.[312] In sharp contrast to this discourse, the discourse between 1958 and 1973 firmly rejects the view that 'necessary' restructuring should dictate the present-day social conditions of citizens: "Unless these problems, of inequalities and of the unacceptable by-products of

[306] (Commission 2010g, 13)

[307] (Commission 2013b, 2)

[308] Given that there "are clear signs of increases in the number of people at risk of income poverty…and social exclusion, with acute health problems and homelessness in the most extreme cases" a policy priority should be "Ensuring access to services supporting integration in the labour market" (Commission 2011a, 12) "To promote inclusion and to prevent poverty: Active inclusion strategies should be developed….as well as broad access to affordable and high quality services such as social and health services, childcare, housing and energy supply" (Commission 2012b, 12) "The targets are inter-related…better educational levels help employability and progress in increasing the employment rate helps to reduce poverty" (Commission 2010b, 8)

[309] (Barroso 2011; European Commission 2012; Barroso 2012; Commission 2013b)

[310] (Commission 2013b, 3)

[311] "Restoring economic growth with more and better jobs *will be* the key to the fight against poverty" (Commission 2010g, 3)

[312] "The crisis has had a particularly negative impact on the most disadvantaged and the share of people at risk of poverty has risen to 24% in the EU. This also includes a growing risk of structural unemployment and increased exit from the labour market, *which could have significantly negative effects on EU growth potential"* (Commission 2013d, 11) "The poverty divide is a threat to the EMU…" (Andor 2014a, 672) See also: "The combination of high unemployment rates ,low participation in the labour market and fewer hours worked compared to other parts of the world undermines the EU's economic performance." (Commission 2010e, 5)

growth can be resolved, economic growth will fail to provide the quality of life our people rightly expect from it...Unless the process of growth can be put more fully to the services of society, growth itself might become politically unacceptable"[313]

In the post-2010 period, a socially just Europe is seen to be "a Europe of opportunity where those that aspire are elevated and those in need are not *neglected",*[314] an EU where *effort* is rewarded.[315] Equality of opportunity to access the market, itself instrumental in increasing aggregate growth, is the limit of what policy intervention should aim to achieve. While the discourse states that the most vulnerable must not be 'left behind',[316] or 'neglected', such persons are stigmatised in the discourse for not taking advantage of the opportunities provided to them.[317]

What emerges most clearly in the discourse during this period, as compared even with the discourse as it was developing from 1979, is a sense that inequality is positively *justified*. The emphasis on the virtue of long-term growth appears to have supplanted the duty on states to meet the *present day* welfare requirements of citizens.[318] Consequently, by looking to the prospects that future growth and prosperity could bring, it almost seems as if the very reason that growth and prosperity is said to be important is no longer considered. Moreover, it appears that, provided that growth is likely to occur, the impact of the means used to achieve it is only relevant if there is a risk that negative externalities might slow down the process.

RELATIONSHIP

[313] (Commission 1973c, 13)

[314] (Barroso 2010)

[315] There is a slight shift in the tenor of the discourse after 2014. There is a reference to "Prosperity for all, not just a few" but only in a few isolated sources. (Juncker 2014b)

[316] (Barroso 2010, 4)

[317] This framing is used to justify the minimal nature of the 'safety-nets' seen to be 'required'. For example, the discourse refers to the need to review unemployment benefits "to ensure that they provide incentives to work, avoid *benefit dependency…"* (Commission 2010e, 6) This must be contrasted with the discourse in the first period: … "Satisfactory economic growth, a high level of employment, balanced payments and stable prices" are "only acceptable if the distribution of these incomes improves simultaneously" (Commission 1971a, 46)

[318] To be contrasted with "It is not sufficient to know if wealth has increased, and by how much, but also knowing how it has been distributed, and the benefits distributed" (Levi-Sandri 1970a, 1)

The discourse states that *all* public spending should be growth oriented[319]because it is believed that growth is the source of jobs *and* welfare,[320] to be created by increasing global competitiveness.[321] It sees vigorous fiscal adjustment,[322]alongside far-reaching structural reforms,[323] *more* 'open markets,' further liberalisation of services,[324]lower public expenditure,[325] and policies designed to create investor[326] and business friendly regulatory environments,[327] as the means through which to guarantee welfare.

Just as was the case in the dominant discourse from 1979, all policies derive their importance from their direct contribution to growth, or their contribution to competitiveness or labour market participation: the sources of the *opportunities* on which welfare is seen to depend.[328]Public expenditure on policy measures is seen to be justified only if short or *long-*

[319] (Commission 2010b; Barroso 2010; Commission 2010a; Commission 2011a; Commission 2012b; European Commission 2012)

[320]It sees growth as the source of jobs, and *therefore* of opportunities and prosperity for all. See: (Barroso 2009, 29); "Markets do not exist in isolation. They exist to serve a purpose. And that purpose is prosperity for all" where the single market is "the rock on which European growth is built" (Barroso 2009, 28) It also frequently states that the benefits of the EU for citizens derive from growth (Commission 2010b; Barroso 2011, 11; Barroso 2012)

[321] The discourse frequently states that growth is the ultimate aim of *all* policy and many sources stress that the overriding policy priorities are growth and jobs: (Barroso 2013; Commission 2014d, 2; European Commission 2010, 3)(Commission 2010b; Barroso 2009; Commission 2010a; Commission 2010g; Barroso 2010; European Commission 2010; Commission 2011b) Many sources stress that competitiveness is the source of growth and jobs: (Barroso 2009; Commission 2010b; Barroso 2011; Commission 2010a, 777; Commission 2010e; Commission 2011a; Barroso 2012; Juncker 2014a)

[322] (Commission 2010d; Commission 2010b; Commission 2010g; Barroso 2010, 10; Commission 2011a; Commission 2010e; European Commission 2012; Juncker 2014a; Commission 2014d; Commission 2014c)

[323] (Commission 2010b; Commission 2010f; Barroso 2010, 10; Barroso 2011, 11; Commission 2010e; Commission 2012b; Barroso 2012, 12; Commission 2012b; Commission 2013b; Barroso 2013; Commission 2014c; Thyssen 2014; Commission 2014d; Commission 2014c)

[324] (Commission 2010d; Commission 2010a; Barroso 2009; Barroso 2010; Barroso 2012; Juncker 2014b)

[325] (Commission 2010e, 6)

[326] (Commission 2014c; Commission 2014d; Juncker 2014b; Barroso 2012, 12)

[327] (Commission 2010d; Commission 2010a; Commission 2010f; Barroso 2010; Commission 2010e; Commission 2011a; European Commission 2012; Barroso 2012, 12; Commission 2014c; Juncker 2014b; Commission 2014c)

[328] (Commission 2010b, 17) "The basis for the [Europe 2020] strategy is our commitment to open and sound markets…. it is based on a staunch defence of the internal market, and the competition and state aid rules, which provide a level playing field, guaranteeing access and opportunity for all…namely consumers and SMEs" (Barroso 2009, 11) "Our prospects for a *prosperous* union depend on Europeans having the *opportunities* to secure a better future *for themselves* and their families. Restoring economic growth with more and better jobs will be *the key* to the fight against poverty" (Commission 2010g, 3)

term economic gain is envisaged.[329]All policies must be conceived within an overall framework of fiscal consolidation and cost-*efficiency,*[330]requiring "sometimes very painful" adjustments, because "it is *only* through these reforms that we can come to a better future."[331]The discourse sees growth-enhancing items as the priorities for spending, while spending on public services is the main target for *cuts* and reforms designed to increase cost-effectiveness and efficiency.[332] In the context of the 1970s recession, public spending on public services was actually *prioritised*.[333] Here, the overriding frame is that every policy has to prove it will increase growth or competitiveness to be legitimate and/or *permitted*.
This understanding underpins the approach to all policy areas:

State aid *must* be targeted at market failures so as not to keep "inefficient and non-viable companies on life support."[334] It is a horizontal tool and *must* be designed to help member states re-launch growth *while* ensuring fiscal sustainability.[335] Investing in skills and jobs and on social inclusion is seen to be necessary given the risk that "a structural mismatch between the supply and demand for labour …will hinder recovery and *long term growth"*[336] and "Future economic growth and competitiveness *requires* investing in human capital."[337]

Meeting the poverty target "…will also bring economic benefit for the society as a whole" by increasing labour market participation, lowering the costs associated with social protection,

[329] This justifies expenditure on social services: "Social services are therefore essential for fostering inclusive growth: economically, expenditure on these services enhances human capital and thus is a form of investment, a social investment with mid-to long-term returns to individuals, society and the economy as a whole"… "*This* is why the Annual Growth Survey 2013, when calling for additional efforts to promote social inclusion and to tackle poverty, asks the Member States to ensure 'broad access to affordable and high quality services…"(Commission 2013a, 3)

[330] (Commission 2011a) "The Stability and Growth Pact provides the appropriate framework for a flexible and efficient fiscal adjustment" (Commission 2012b, 4)

[331] (Barroso 2012)

[332] (Commission 2012b, 5; Commission 2011a, 9; Commission 2013d, 7)

[333] (Commission 1975b, 8)

[334] (Commission 2013c, 6)

[335] (Commission 2013c, 6) See also: "Unlawful government subsidies can tilt the level playing field, erect unnecessary barriers and squander the growth potential of the internal market".(Commission 2014a, 7)

[336] (Commission 2011a, 10)

[337] (Commission 2013b, 2–3)

and contributing to economic growth. [338] It is because expenditure on social services is "a form of investment" that broad access to high quality services is seen as an important way to promote social inclusion and combat poverty.[339] The need to make social protection systems more 'effective' is seen to derive from the argument that: "*Effective* social protection systems that help those in need [are] not an obstacle to prosperity. It is an indispensable element of it….it is precisely those countries with the most effective social protection systems…that are among the most competitive and successful economies of the world."[340]

The discourse expresses the belief that it is only if, and to the extent that, environmental policies contribute to growth and competitiveness that they are legitimate: "There can be no contradiction between the short term measures taken today and the long term sustainability and competitiveness of the European economy"[341] because "Green and growth *must* go together."[342] Cohesion policy and the structural funds are justified because the growth potential of the EU depends on eliminating imbalances in economic competitiveness, and increasing market confidence.[343]

The discourse expresses the belief that it is important to assess the 'social impact' of policy, but only to the extent that social problems might detract from growth and/or competitiveness.[344] The discourse sees policies that contribute to growth as *sufficient* and *optimal* for meeting welfare requirements. This is seen to imply that welfare *requires* that

[338] (European Commission 2012, 11) The problem of poverty is reduced to a problem of "increasing pressures on public spending, leading to difficult trade-offs for the provision of social services and benefits." (European Commission 2012, 14)

[339] (Commission 2013a, 3)

[340] (Barroso 2012, 6)

[341] (Barroso 2009, 19)

[342] (Barroso 2011, 7)

[343] This comes through particularly strongly in: (Andor 2014b; Barroso 2011) The latter emphasizes the need to do what is "credible from the market's point of view" . Expenditure on cohesion policy is also seen to ensure that all actors are committed to implementing the EU's strategy and is therefore important for ensuring that the growth and competition objectives are not undermined: "Economic, social and territorial cohesion will remain at the heart of the Europe 2020 strategy to ensure that all energies and capacities are mobilised and focused on the pursuit of the strategy's policies. Cohesion policy and its structural funds…are *key delivery mechanisms* to achieve [these priorities]."(Commission 2010b, 21)

[344] (Commission 2011a, 10)

growth be prioritised, such that the *immediate* 'social impact' *must* be subordinated to what growth requires if welfare requirements are to be met.

Considerations of social fairness are referred to occasionally in the discourse after 2013,[345] and it is expressly stated in one speech that: "Mistakes were made [in the measures taken during the crisis]. There was a lack of social fairness"[346] …"in the future, any support and reform programme [must] go through not only a fiscal sustainability assessment, but a social impact assessment as well"… "I will not sacrifice Europe's safety, health, social and decent protection standards or our cultural diversity on the alter of free trade."[347]

However, it is clear that even after 2013, 'social fairness' is seen as an important consideration for policy only if there is 'fiscal space' available to consider it.[348]It is still the case that: "This is about one thing: growth, which is necessary to remedy today's most pressing problem: unemployment…Europe must therefore *speed up* the pace of structural reforms. At the EU level exploiting the potential of the single market *comes first."*[349] The consequences of giving 'greater consideration' to social fairness are no more evident in the 2015 programme or annual growth survey than in previous years.[350] Even when 'fairness' is seen to be an important matter for policies to pursue, the legitimacy of doing so is conditional

[345] This is particularly evident after the new Commission takes office in 2014.

[346] (Juncker 2014b)

[347] (Juncker 2014b, 8)

[348] (Commission 2014c, 14) The only substantive change in the discourse in the 2013 annual growth survey is the statement: "*In line with the Stability and Growth Pact*…strategies should focus on…a composition of adjustment which supports growth *and social fairness"* BUT "The Stability and Growth pact provides the *appropriate* framework for a flexible and efficient adjustment" "(Commission 2012b, 4) While "Solidarity and fairness…will be essential elements in ensuring that the efforts undertaken will be politically and socially acceptable" beyond this the discourse merely subtly reframes the discourse that was present in the previous reports, to suggest that the measures that have been said to be required since 2011, are actually about "countering the effects of the crisis" rather than purely increasing the employment rate or increasing growth (Commission 2012b, 12,13). See also (Commission 2013d, 11) except for one statement: "The internal market provisions cannot be valued more highly than social provisions, which otherwise would just be minimum standards. The internal market does not automatically have priority. Social factors must also play a role in Europe" (Juncker 2014b, 16)

[349] (Commission 2013b, 5) "The New economic narrative of the Commission is built around three main strands – boosting investment, pursuing structural reforms and fiscal responsibility" (Commission 2014d, 4)

[350] Fairness is referred to only in the context of tax avoidance and the judicial system, and the only evidence that 'social impact' is being considered is in the statement "Work has already been started to strengthen the social dimension of the EMU" (Commission 2014c, 17)

upon being compatible with growth.[351] Prioritising growth is seen to have such positive long-term effects for meeting welfare requirements, that the immediate 'social impact' of policy is seen to be of very limited importance.

HOW

In the post-2010 period, a defining feature of the discourse is that the economic crisis appears to be being interpreted as if it is the direct result of *policy* failure, rather than *market* failure. Consequently, what emerges in the discourse is a sense that there is no longer *any* legitimate role for policies that do not obey the market, and it is the EU who is seen to be best placed to ensure that policies are thereby constructed appropriately.

The overriding belief expressed in the post-2010 discourse is that the market *must* dictate the content of policies otherwise investor confidence, macro-economic stability and competitiveness, and therefore growth and welfare, will be undermined. This is a clear contrast with the objective conception of welfare seen to be of overriding importance in the first period.[352]

A discourse strand concerning consultation and participation has been developing since the early 1990s, and it is clear in the post-2010 period that this aspect of policy is now seen to be completely *distinct* from practical matters related to policy-formation. It does not qualify the overriding belief that the needs of business and the market should provide the basis of policy. The Treaty requires broad consultation and regular dialogue with civil society for the purposes of policy-making. [353] The discourse emphasises that almost all policies have been preceded by broad public consultation. As was the case in the 1993-2010 period, at times the discourse appears to see consultation with citizens as important to ensure that policy is

[351] The new agenda, set out in the 2014 Political guidelines, are 'launched' by means of a package for "Jobs, Growth and Investment" embodied by an 'integrated approach' combining "Structural, fiscal and monetary" policies in a "growth-friendly" way encompassing "structural reforms, fiscal responsibility and investment". (Commission 2014c, 4–5) It is still believed that "Ambitious structural reforms…through the effects on growth, productivity and employment…can contribute to improving the overall social situation and reducing poverty, as well as the sustainability of private and public debt."(Commission 2014c, 10)

[352] It is stated to be a duty of the state and the Community to guarantee "the conditions for true fulfilment" (Levi-Sandri 1970b, 3)

[353] (2007, Art.11)

adequately tailored to meeting welfare requirements[354] but this does not appear to match with the way that consultation is conceived in practice.

The way the discourse is articulated implies that these policies are conceived in light of an awareness of the growing public discontent over the EU's legitimacy and its so-called 'democratic' deficit, issues which many provisions of the Treaty of Lisbon were also designed to address.[355] It often seems that participation is seen to be purely instrumental for mobilising support for policy measures,[356] and for ensuring that controversial policies are 'properly' implemented.[357]

The discourse does not indicate how, or if, the results of consultation and dialogue might form the basis of, or lead to modification or supplementation, of specific policies.[358] The way in which the duty to consult has been performed has been heavily criticised, particularly in respect of the consultation that preceded the Europe 2020 strategy.[359] Overall, establishing the specific concerns of citizens is predominantly seen to be an important way to gauge public opinion upon which to base *information* campaigns designed to increase perceptions of legitimacy.[360]

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[354] "European Citizens' involvement is vital for the success of our efforts, not only as passive beneficiaries but as actors…involv(ed) in policy-making. Such tools can bring more depth and a qualitative aspect of understanding to citizen's concerns." (Commission 2010f, 23)

[355] (EUR-lex 2014)

[356] (Barroso 2011, 8) See a similar interpretation in: (Cseres and Schrauwen 2012, 12–13)

[357] "There is a need for greater involvement of national parliaments, social partners and civil society in order to serve public understanding and *acceptance* of the necessary reforms." (Commission 2013b) See also: (Brussel 2014, 13)

[358] For similar criticisms:(Cseres and Schrauwen 2012; DAWSON 2011) To be contrasted with the discourse from 1985, where the strategy adopted by the Commission in 1985 was expressly constructed on the basis of the preferences expressed by 'civil society' wherein civil society consists entirely of industrial and governmental representatives. It appeared to be a strategy used to convince governments over the 'correctness' of the approach being taken at Community level. (Commission 1985, 7)

[359] The consultation process ran from November 2009 until January 2010 (only three months before the strategy was launched) and the document was 'deliberately' vague. It provoked a lot of criticism from a number of NGO's and MEP's who wanted to delay the process to leave time to develop a social plan to be incorporated in the strategy: (Copeland and James 2014, 8) The overall tendency appears to be to give the views of stakeholders more emphasis than those of citizens, to overlook the duty entirely where significant changes in policy are concerned, and to draft consultation documents in a way that is too vague, or too technical and complex, to facilitate meaningful responses.(European Citizen Access Service 2013) (Dinan 2011, 8)

[360] (Commission 2001a, 21,23)

The fact that a policy has been preceded by broad public consultation does not necessarily imply that the information obtained has been *considered*.[361]Many of the consultation questions are framed in such a way as to pre-empt the responses that can be given.[362] It seems that broad consultation is seen to be a way to build support for *preconceived* policies among different groups in society so as to increase the likelihood of adoption. The discourse from this and the previous period clearly suggests that citizens' concerns cannot supersede the overriding importance attributed to meeting the needs of businesses and the market. This does not therefore mark a *qualitative* change from the way in which this aspect has been conceived since 1979. Consultation and citizen participation seems to be seen as more important for increasing public awareness of the EU[363] and mobilising support for policies, than for directly informing policy strategies themselves.[364] It is too early to tell if the discourse produced by the new Commission marks a qualitative change.[365]The significance of this aspect of the discourse is discussed more fully in Section Five.

While the mechanisms, and the substantive policies, were less developed between 1958 and 1979, the discourse clearly expressed the belief that ensuring that all citizens were able to contribute to the building of Europe, and informing the Commission of the most pressing *social* problems, was of extreme importance. The EU's conception of this aspect of social justice has clearly transformed considerably.

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[361] There is little evidence that the conclusions from consultation are taken into account in the formation of the policy. See: (Commission 2009) There is evidence that despite a number of flag-ship initiatives to enhance citizen participation for the purpose of informing EU policy-makers, there is little evidence that any of the conclusions reached via these processes are actually fed into on-going policy discussions. See: (Boucher 2009, 11) A discourse analysis of communication policy documents has revealed that dialogue with citizens is seen to be primarily important to improve perceptions of the EU and promote awareness. (Brussel 2014, 9) There is an additional problem raised by the lack of representativeness of the consultations, the lack of transparency in what principles determine which opinions are considered and the lack of procedures to guarantee equality in the context of who can participate in decision-making. Moreover, the Commission is free to accept or reject views without explanation. See: (Cseres and Schrauwen 2012; SANCO 2007)

[362] In the context of cohesion policy, for example, see: (European Commission 2005b, 33) The three questions were "To what extent should cohesion policy support the growth and jobs agenda and the Lisbon process? What new element might be included in order to address this agenda? What aspects do you consider to be less relevant to this agenda?" This is an aspect of the EU's consultations that has been noticed by others: (Quittkat 2011, 661–662)(Brussel 2014, 11)(Cseres and Schrauwen 2012; Kohler-Koch 2010, 100–116).

[363] (Commission 2010f, 20–21)

[364] (Barroso 2009, 34)

[365] Some speeches of the President of the European Commission appears to express the belief that it is necessary to assess the *real* impact of policies on people's lives, and use these assessments to inform future policies. (Juncker 2014b, 18)

This aspect of social justice has been conceived in a similar way since 1979, with the market seen to be the most efficient setter of standards and decider of distributional outcomes, leaving little room for state-specific policies. Given the way the causes of the crisis are conceived in this period, the need to boost competitiveness and stabilise global financial markets is seen to be *more* important than preserving the powers of the Member States to tailor the way they respond to the crisis to the particular needs and preferences of their societies. [366] State policies themselves are seen to be to blame for the crisis. This means the market is believed to be best-placed to *dictate* the content and orientation of policies because restoring competitiveness and stabilising the markets is the only way that the 'crisis' can be addressed, growth restored, and welfare requirements met. This means that, unlike during the late 1980s and 1990s, even EU policies are *entirely* dictated by what it believes the market requires. EU policies are no longer believed to be required to manipulate or correct the market, but instead to enforce its requirements. The crucial difference between this and the conception dominant between 1979 and 1985 is that member states are not trusted to obey the market on their own.

Given that it is through competitiveness, stability and growth that 'best results' are seen to be achieved, the discourse sees the EU as better placed than states to determine how the "European Interest" should be pursued.[367] It frames the 'global' nature of the 'problems' that face the EU – not just the economic crisis, but also globalisation and competition more generally - in such a way as to imply that Member States are not *capable* of determining appropriate policy responses on their own.[368]It adopts different diagnoses of the 'crisis' at different times in order to serve the purposes of this argument.[369] It seems to be believed that

[366] This is particularly evident in the way the discourse subordinates the cultural importance of wage-setting mechanisms to the need for increased competitiveness; in its approach to state aid and to services of general interest. (European Commission 2012, 14) (Commission 2013c, 6) (Commission 2014a, 7)

[367] The discourse refers to an overriding "European interest" and the need to "kill off the idea that the member state and EU level are rivals. Everyone should be working to the same goal – to serve the best results for citizens." (Barroso 2009, 38)

[368] "We need more than ever the independent authority of the Commission to propose and assess the actions that the member states should take – Governments…cannot do this by themselves" (Barroso 2011, 2) (Barroso 2012)

[369] In 2010, the crisis is framed as an economic and governance crisis stemming from unsustainable budgets: blamed for the unraveling of the 'social safety net.' This underpins arguments for increased surveillance, monitoring and incentives for compliance over macro-economic policy at EU level. (Barroso 2010) In 2011, the

only the EU is capable of formulating the policy objectives that can meet welfare requirements because only 'EU' objectives are likely to be entirely 'dictated' by the market.[370]

The discourse reinforces this argument by stating that *only* by pursuing reforms initiated at EU level, and meeting *EU* objectives, will '*our'* values and '*our'* social model be preserved. Only the EU can pursue the "European interest" which ensures the values of *all* European societies are preserved. This articulation appears to be intended to imply that, given the shared nature of these values, there is no *need* for member states to retain significant policy autonomy.[371]While similar arguments were used to justify common action between 1958 and 1979, by contrast, there was no presumption that EU action was *exclusive* or that state autonomy should be curtailed more than absolutely necessary.[372]

In contrast to the first period, the discourse expresses the belief that sensitivity to national diversity requires context-sensitive policy *implementation,* rather than a culturally sensitive and differentiated approach to policy *formation.*[373] It understands 'diversity' as referring to differences in economic and social *circumstances,* rather than in cultures or value systems.[374] This means that respecting diversity is achieved by "pursuing differentiated growth-friendly

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crisis is framed as both a sovereign debt crisis and a crisis of political confidence so as to underpin policies aimed at restoring confidence through greater stability and growth, and more collective action: "The roots of the crisis are well-known. Europe has not met the challenges of competitiveness. Some of our Member States have lived beyond their means. Some behavior in the financial markets have been irresponsible and inadmissible. We have allowed imbalances between our Member States to grow, particularly in the euro area. (Barroso 2011, 7) In 2012, the diagnosis adopted is used to reinforce the need for fiscal consolidation and an even greater focus on competitiveness: "*Irresponsible practices in the financial sector, unsustainable public debt and a lack of competitiveness in* some *member states"*(Barroso 2012). Overall, all objectives are seen to require EU action, because all the problems facing the EU are framed as either *caused* by allowing member states to act alone, or to be undermined if the *perception* of unity is undermined in the market. Other writers have found similar trends in the discourse as it relates to trade policy: (De Ville and Orbie 2014)

[370] This underpins the way the new framework of country-reporting operates (Commission 2010b, 27)

[371] "This [European Unity and more integration] is the only way we will get the scale and efficiency we need to be a global player…*to safeguard our values*…in a changing world" (Barroso 2012) "Determined fiscal consolidation (as mandated by Commission priority-setting)…is essential for restoring macro-financial stability as a basis for growth and securing the future of the European Social Model " (Commission 2011a, 4)

[372] This is because the Community is "an economic order based on freedom [but one which] can only exist...at the price of constant state intervention" (Commission 1962, 5)

[373] The Union "Shall respect its rich cultural and linguistic diversity" (2007, Art.2(4) TEU)

[374] Whereas in the first period, it is expressly stated that Community Policy must make allowance for differences in states' "scales of values" (Commission 1971b, 11)

fiscal consolidation" but such "differentiated strategies should be pursued *within the common framework*, taking account of country-specific *fiscal and macro-financial risks,"*[375] and *within* the constraints of "the overall objective of fiscal consolidation".[376] This means the structural reforms seen to be necessary are those required to make tax, pension, labour and social protection systems 'more competitive' *irrespective* of the risk that pressures from regulatory competition might result in a lower standard of protection.[377]In contrast, the discourse in the early period expressly believed that competition could *never* be allowed to lead to a lowering in social standards, and it was this that underpinned the approach to harmonization.[378]It is clear that the conception of this aspect of social justice has changed significantly.

[375] (Commission 2011a, 24) (Commission 2014c, 4)

[376] (Commission 2011a)

[377] The discourse also sees international trade as being in the best interest of the European Citizen, requiring deregulation in the pursuit of 'open markets' thus *increasing* the 'need' to ensure the market is the prime setter of standards(Commission 2010d, 5) There is one exception, but this does not appear to indicate a change of approach: "This Commission is making a political priority of lightening the regulatory load while keeping high levels of social, health and environmental protection and consumer choice. We will overhaul the rules to make sure they contribute to the jobs and growth agenda and do not impose unnecessary red tape or administrative burdens, while at the same time bringing the benefits that citizens expect" However, there does not appear to be any indication of how these standards are being ensured as part of this process given that active measures to guarantee them are not seen to be necessary. Moreover, given that competitiveness is seen to be crucial for the 'jobs and growth' agenda, this seems to be a re-framing of the discourse more than a qualitative change, particularly in the context of the new growth initiative. (Commission 2014d, 3) This interpretation is supported by: (Commission 2014c, 9)

[378] "the task of the Community in the social field is not to equalize but to establish minimum standards, below which nobody should be allowed to fall, but on the basis of which those who can afford to do so should build their own more ambitious systems. Thus nobody's *social advance* should be held back by Community measures" (Shanks 1977a, 380)

SECTION FIVE: DISCUSSION

In this section, an attempt is made to examine in more detail what the analysis suggests in terms of how discourse, and the underlying conceptions behind it, can change. Gaining a better understanding of this process is important to better appreciate the relationship between the discourse, the conception of social justice, and different legislative and social outcomes, to understand the likely trajectory of European policy-making, and to reveal potential avenues for reform. This is particularly important given that the analysis has shown how different the EU's conception of justice is today from that which dominated its first 20 years of existence, and also, it seems, from the conception of social justice of its citizens.[379]

The section will begin by drawing on the findings from this paper and the discourse analysis of all the five periods, to explore the process of change and determine what light it can shed on understanding the future development of the EU. It will then use this to discuss some of the issues that have been raised in the context of two particular aspects of social justice: "**How"** and "**Focus"**. These areas illustrate most clearly the changes that have taken place in the EU's conception of social justice. More than any other aspect, they are intrinsically linked with much broader questions over the nature of EU governance and the problem of its 'legitimacy'. Perhaps as a result, they have given rise to much discursive struggle in relation to a number of issues and policy areas, particularly from 1979 onwards.

UNDERSTANDING CHANGE

The analysis supports the view that discursive change is a process that occurs when actors draw on the discursive resources available to them to help them make sense of the broader political, economic and institutional environment they find themselves in. Changes in this broader environment have to be 'understood' by these actors and they then have to be articulated in a way that is meaningful both to them, and to those for whom the discourse is intended.

This means that the EU's policy-discourse *constrains* and to some extent *produces* the very conceptions of social justice that it articulates. It is both the *resource* that enables it to

[379] As suggested by changing public attitudes toward the EU.

understand the world and the *tool* it deploys to make these understandings cognisable to others.[380] This means that familiar concepts and understandings have to be constantly reconceptualised and reframed, and this increases the likelihood that alternative understandings might emerge. Change should not, therefore, be seen to necessarily result from any 'calculated' attempt by actors to 'overthrow' a particular discourse.

The analysis suggests that it is rare for a dominant discourse to be completely uncontested. The success of a competing discourse appears to depend on the extent to which it can 'makes sense' of the prevailing dominant discourse by approaching it from a different perspective, investing its concepts and understandings with different meanings. The analysis illustrates that change occurs as part of a process through which discourse strands are constantly supplemented, qualified, reconstructed, and reframed.

The majority of the analysis tells a story of *gradual change,* particularly between 1979 and 2010. The sudden and significant shift observable around 1979 is therefore challenging to explain. However, the context in which the EEC was operating was undergoing significant change in the 1970s. In a context of rising inflation and rising unemployment, the EEC was struggling to understand why the measures traditionally believed appropriate to resolve these problems were not working.

The economic situation was getting worse, yet a rapid recovery was taking place in the US and Japan, and the perceived role of scientific progress in this process was highlighting areas of weakness in the EEC. The domestic political debates showed broad awareness of these circumstances, and were increasingly linking EEC legitimacy with *economic* outcomes.[381] The EEC was particularly aware of the (declining) support it enjoyed amongst its citizens.[382] The 'post-war' narrative that dominated the discourse of the earlier period appeared to be losing its resonance with the new generation, and it appeared that the EEC could no longer rely on economic growth as an alternative legitimating factor in its favour.

[380] (Foucault 1991, 58) (Dietz 1999, 605)

[381] (Dietz 1999, 607; Diez 2001, 27) This appears to have been particularly true in the context of the British political debate.

[382] Particularly so after the introduction of the Euro-barometer in 1973, and the political unrest of the late 1960s.

It is possible to understand the sudden change in the discourse by reference to the fact that the prevailing conception of social justice could no longer make sense of its broader political, economic and institutional environment in a way that proved convincing to all involved: its citizens, the member states and the EEC itself. There was a lack of fit between what it believed and said it was doing, what citizens expected, and what it was achieving in practice. The alternative discourse offered a new interpretation of the problems being faced, and appeared to be able to articulate this in a way that made *more sense* and therefore appear more legitimate, than the discourse that had until that point been dominant.

The research indicates how this new discourse framed itself in direct opposition to the 'old' discourse. It used its related concepts, such as the 'European Welfare State', and re-articulated them such that they were portrayed as the causes of the problems the new discourse purported to be able to address.[383] It drew on discourses prevailing in the broader political debate to ensure these new ideas could be articulated in a way that would resonate with a broad range of actors.

The analysis shows that, by 1985, this discourse had 'softened': the role of the state and the EU in addressing market failure had been reconceptualised and the nature of the problems being addressed had been reframed. The discourse has continued to shift in response to changing circumstances ever since, suggesting that to become stable, discourses constantly re-interpret the discursive environment, and the broader context, to ensure that they remain internally *and* externally coherent. This helps to explain why it is possible for conceptions of social justice to change over time and why the Market Model conception of social justice is manifested in different forms throughout the period studied. It suggests that there is a constant process of adjustment, ensuring an alignment between what citizens and states expect, and what the EU believes it should be aiming for and how.

These observations help to explain why the discourse in the 1958-1979 and post-2010 periods seems relatively stable and uncontested. Throughout the founding years, the post-war context seems to have offered a shared experience upon which the discourse could draw to make itself cognisable. In the post-2010 context, the economic crisis seems to be playing a similar

[383] (F. Andriessen 1982, 1)

role. It appears that dominance and stability is more likely when there is a strong over-arching narrative available through which discourse can be articulated. However, the experience of the 1958-1979 period suggests that over time, if a narrative appears to be losing some of its resonance, it can become exhausted. Change may then be quite fundamental, as was the case in 1979, particularly if a coherent and *more convincing* narrative is available,[384] or change can be gradual: contradictions might surface over time, but be convincingly re-conceptualised by virtue of subtler re-articulation or reframing. Such reframing seems to be taking place in the post-2010 discourse, as concepts that have frequently been used throughout the history of the EU's discourse, and are now embodied in the Treaty of Lisbon, are being invested with new meanings.

This implies that it is not possible to predict how the discourse, or more importantly the conception of social justice behind it, is likely to evolve in the future. The EU's ability to make sense of the world depends on the discursive resources available to it at a particular time and on its ability to articulate a more convincing understanding that makes it, and others, doubt the explanatory power of the dominant discourse. The subtle reframing of the Market Model discourse that has taken place in light of the crisis, drawing on the *legal* legitimacy of the new Treaty, and drawing on ideas familiar to competing conceptions of social justice, may be enough to sustain the Market Model conception that dominates the EU today.

"HOW" AND "FOCUS

The analysis has revealed that since 1979, there have been two co-existing and competing discourse strands in relation to the "**How"** dimension. The dominant discourse has remained stable: it stresses that the needs of business and the market *must* dictate the content of policy. However, another discourse has developed alongside it, one which has seen the input and participation of a progressively broader range of social actors as important for policy-making. It is clear, particularly in the post-2010 discourse, that this has created a tension with the widely accepted view that the needs of the market should be overriding.

Nonetheless, it seems that both discourses have been able to co-exist because of the way that consultation and participation have been understood and articulated: by reference to their

[384] Some have expressed the view that globalization was the narrative that replaced the need for peace in the justification for European Integration today. (Delanty 1998, 3.3)

contribution to building consensus, increasing the effectiveness of policy, promoting awareness and addressing the perceived 'lack of legitimacy' in the EU - all matters that are consistent with the dominant discourse. [385] That the issues relevant to the "**How"** dimension resonate in a number of contexts has increased the 'resources' upon which the discourse has been able to draw, and has allowed these 'contradictory' discourse strands to co-exist for a significant period of time.

The analysis suggests that the EU believes that improving perceptions of legitimacy is important to ensure the effectiveness of policy delivery. However, in the post-2010 period in particular, it seems that the impact of this belief has been the progressive development of a series of *separate* substantive policy areas that use communication, information and interaction to increase legitimacy *without* necessarily changing the way that policy, or social justice, is conceived. Consequently, the discourse appears to be being re-framed out of a belief that it is important for citizens to agree with the objectives being pursued, without this having a substantive impact on what objectives the EU actually believes it should pursue.

The analysis suggests that this was not the case during the so-called 'legitimacy crisis' of the 1970s. It seems that during *this* period, a comprehensive attempt was being made to re-orientate policies both out of a belief that this was what citizens desired and that this would be necessary for policies to be capable of achieving their intended objectives. The discourse clearly illustrates that the Community had begun to question *the way* its objectives were being pursued at this time, but *not* necessarily the objectives themselves. This is clear in the way that the conception of social justice remains consistent from 1958 to 1979, even though the substance of the policies themselves changed significantly.

It may be that the key difference between this 'legitimacy crisis' and that which has arguably plagued the EU since the early 1990s,[386] is that the EU's conception of social justice in the 1970s appears to have been consistent with that of states and citizens.[387] There is little evidence of a conscious attempt to re-frame or re-articulate policies, to bolster legitimacy. Instead, it seems that it was believed that the Community had to change the *practical*

[385] (Brussel 2014; Michailidou 2008; C. Bee 2010, 96–98)

[386] (Dinan 2014, 1)

[387] As evidenced in: (Council 1972, Preamble, 14)

contribution it was making to meeting citizens' concerns by rethinking how policies worked in practice.[388]

Issues relating to the EU's declining legitimacy were interpreted as a failure to deliver in *practice* what the Community had always, and continued, to believe it should be trying to achieve. It is possible that the fundamental changes that took place in the way social justice was conceived after 1979 indicate that the Community was beginning to question whether these objectives themselves were actually the cause of the Community's declining legitimacy, therefore prompting a more substantial reconsideration of what 'social justice' really meant in practice. The fact that in the post-2010 period, policies appear to have been reframed but not fundamentally reconceptualised, may be an implicit recognition that citizens' conception of social justice and that of the EU are diverging. However, this then raises the question as to why there has been no real substantive change in the EU's conception of social justice.

The questions which underpin the "**Focus"** dimension of welfare have been manifested in the discourse as part of the broader debate over the sort of system of governance the EU should, and could, be creating. This dimension raises issues in relation to the state's role in regulating the market, and its relationship with society. It concerns questions at the heart of the debate over the relationship between states, the EU and individuals, and the nature and existence of 'society' itself.

The Society Model conception of the "**Focus"** dimension that characterises the discourse between 1958 and 1979 is based on an understanding of such issues which are by their nature state-centric and society-specific. [389] The analysis has shown that the Society Model conception of this dimension was strongest in the discourse before the formal introduction of

[388] For example: "it is clear that standards and expectations throughout the Community with regard to work are rising and rising very fast; conditions which were quite acceptable with regard to work ten or even five years ago are unacceptable today". This recognition underpins a series of new concrete proposals for how to help to 'humanize' work: (Shanks 1974, 2)

[389] In the context of the 'welfare state' and European integration, Ferrera has made a similar point. The concept of the welfare state presupposes the existence of a clearly demarcated and cohesive society whose members believe they belong to the same whole, as a part of which they face similar risks and have similar needs. He refers to the concept of 'closure' as the fundamental pre-condition for the development of an ethos of social solidarity and redistributive arrangements within a given space. In contrast, European integration is underpinned by a logic of opening, aimed at fostering free-movement and non-discrimination, thereby weakening the traditional special demarcation and closure practices that nation states have historically built around themselves. This same change can be seen as a challenge in the context of many of the assumptions on which the Society Model is built. (Ferrera 2009)

European citizenship in the Treaty of Maastricht.[390] It is clear, however, that the *form* in which European citizenship was embodied in the Treaty was consistent with the evolving Market Model conception of the "**Focus"** dimension, developing from 1979 and clearly manifested in the post-2010 discourse. This contrasts with the way that European citizenship and identity were conceived during the early years of the Community.[391]It appears that the challenges that the process of integration were raising, were more difficult to reconcile with the assumptions underpinning the Society Model than the Market Model from which the concept ultimately developed during the 1980s and 1990s. [392]

In the early years of economic integration, the concrete rights that citizens' derived directly from the Community were essentially *economic*. Yet, from the early 1970s it is clear that, with new legislation in the area of social policy, and against the background of the Social Action Programme, these rights were becoming progressively broader. At the same time, ideas of political rights – floated particularly in the Tindemans report and developed in the Adonnino report –were becoming part of what the idea of European citizenship was seen to convey. The way in which the role of the state, of rights and of participation were understood in the context of the Society Model conception was therefore being challenged from a number of different angles, particularly in the 1970s. To maintain the purely 'economic' character of European citizenship was inconsistent with the way that rights were seen to 'fit' within the broader social order. However, given the link this conception made between

[390] The definition of Citizenship commonly found in the literature is "the relationship between individuals and the political community": (Delanty 2002, 288) Delanty has argued that citizenship, however conceived, covers issues of rights, duties, participation and identity. It is therefore intimately linked with the issues at the heart of this dimension of welfare.

[391] In the early years of the Community, consistently with the dominating Society Model conception, the way in which European citizenship was constructed in the discourse was quite different from the legal form it was to take in the Treaty. It has been shown, through an analysis of the Commission's discourse on European identity, that in the 1970s, the idea of European citizenship was strongly tied to ideas of citizenship associated with the nation state. The discourse in the 1970s therefore left the door open for a federal type social citizenship, emphasizing collective identity and collective social needs. This collective identity was based on a common cultural heritage, and made the link between this and ideas of collective need and social welfare. From the 1980s, the link between culture and identity and social welfare was gradually lost from the discourse, tied instead to individual market opportunity, shifting the conception of citizenship rights from social rights of welfare towards civil rights of an economic kind. This then gave European citizenship a fundamentally political, as opposed to social and cultural, character - as is now reflected in its Treaty form. These findings are consistent with the analysis of the discourse in this paper. For two studies of Commission discourse in relation to European citizenship, see: (D. C. Bee 2008; Hansen 2000) For an alternative perspective drawing on legislation and case law in the founding years, see: (Olsen 2008, 53) for a similar analysis of the points made, see: (Somek 2008, 200–227) Two primary sources of interest: (Tindemans 1975; Adonnino 1985)

[392] For an empirical look at the origins of European citizenship in the early stages of European integration, see: (Olsen 2008) See also: (Closa 1992; Tindemans 1975; Commission 1988a)

citizenship and welfare, to move beyond such dimensions and embrace a more political conception of citizenship at the European level called into question the very nature of social identity, of society, and the role of the state.

It appears that the Society Model conception was unable to 'understand' the idea of European citizenship in the context in which it was emerging because it challenged many of its central premises. The challenges that integration posed for the traditional state-centric conception of society were becoming increasingly apparent as the scope of the rights which mobile individuals enjoyed in the Community were developing. If these rights were to be understood as part of a 'European citizenship', the logical implication would appear to be that the EU must be a new form of political community with its own citizens.[393] The assumptions on which the Society Model conception was based would therefore have to grapple with a number of difficult questions over the possibility that a new 'European Society,' was emerging, underpinned by a sense of collective identity that was independent from nationality, potentially underpinning and underpinned by values of *cross-border* solidarity and cohesion. Such questions would fundamentally challenge the assumptions on which the traditional relationship between the state, society and the individual were based. Must the state uphold and protect the cohesion of this European society in preference to the traditional state-centric values with which it had traditionally been concerned? Were the rights and obligations associated with citizenship to be derived solely from an individual's participation in the market and/or mobility? Was the overriding 'collective interest' in whose interests the state must act, now a collective *European* interest?

The analysis shows that the discourse strand embodying the Market Model conception of the "**Focus"** dimension could much more easily make sense of European citizenship because it 'had' no conception of society on which it depended. It could understand European citizenship as a *parallel* and *additional* form of citizenship without throwing into question its central assumptions. This discourse was therefore able to fashion a conception of citizenship

[393] While discourse in the founding years clearly expresses the belief that the EEC was a project of *political* integration, this had been very much linked with the treaty objective of peace. The impetus given by the Paris Summit, and the notion of 'special rights' (of political participation) advocated in the Tindemans report, indicate how the overall discourse was beginning to make links between the way in which the Community was developing, and the concrete implications for the relationship between the individual, the state and the Community. In this regard, the introduction of direct elections to the European Parliament must also be considered.

that was based on individual market opportunity and the protection of individual rights. Any implications that Citizenship might have could largely be treated 'separately' from the majority of the discourse. This meant that, in 'understanding' and constructing the concept of European citizenship, there were fewer politically sensitive questions to be addressed. This is entirely consistent with the way that the post-2010 discourse has 'appropriated' much of the language linked with the Society Model conception as a new way to articulate the dominant Market Model conception of social justice.

As has been referred to in the Overview Section, a 'competing' Society Model conception of the "**Focus"** dimension was present in the discourse until the late 1990s, predominantly confined to the context of social exclusion. However, it gave rise to a number of inconsistencies in the discourse as a whole. Policies directly addressing social exclusion state that **"**[social exclusion] is a structural phenomenon which…excludes part of the population from economic and social life" from "taking part in the social exchanges, from the component practices and rights of social integration and of identity." and refers to "The multi-dimensional nature of the mechanisms" of such exclusion. It indicates a belief that "It would be futile to combat social exclusion by tackling only one of its dimensions."[394] Yet, the dominant discourse reduces the action required to combat social exclusion to measures designed to promote employment.[395]

This may indicate that, far from manifesting a competing conception of social justice, this discourse expressed a sensitivity on the part of the EU to the traditional way in which citizens and states understood this dimension of welfare and the issues raised for it in the EU context. This might explain its persistence in the context of social exclusion, where the politically sensitive issues relating to the nature of national welfare systems are most relevant. It must be contrasted with the way that the post-2010 discourse frames its conception of social exclusion and the **"Focus"** dimension in general. Rather than recognising and respecting a conflicting perspective on these issues, the post-2010 discourse instead presents the dominant discourse *as if* it is expressing the same perspective.

[394] (Commission 1992, 7–8)

[395] (Prodi 1999, 99)(Commission 2004, 15)

This feature of the post-2010 discourse, and the fact that the competing discourse becomes obsolete after the late 1990s, perhaps highlights one potential source of the dissatisfaction that some feel towards the EU today. It seems that the gap between the EU's conception of social justice and that of citizens has widened. It seems the EU's sensitivity to, and tolerance of, competing understandings is no longer considered in its formulation of policy.

It also seems that the way in which European citizenship has been constructed in the discourse, and the form in which it was incorporated in the Treaty, has had an important influence on how the orientation of the EU has developed. Contrary to the view expressed in much of the literature, far from operating as a means through which to develop the 'social dimension' of the Community,[396] attempts to develop the idea of European citizenship appear to have undermined the very rationality of an aspect of social justice which has proven crucial to how a number of important EU policy areas have been conceived: state aids, social protection, redistribution, social policy, services of general interest, and the issue of state regulation of the market more generally. There has been remarkable continuity from the late 1990s in the way these policy areas have been conceived. [397] Instead of addressing the politically sensitive issues with which a Society Model conception would have to grapple, the Market Model conception appears to have attempted to side-step them, addressing them independently by means of a number of communication and information campaigns, and a separate discourse on democracy, rights and citizenship.[398] There appears to be no link made between the concept of citizenship, and the way issues relating to the **"Focus"** dimension are conceived and implemented in policy.

It seems clear that, in the present political climate, the deeper issues at the heart of the "**Focus"** dimension can no longer be avoided if the gap between the EU's conception of social justice and that of its citizens is to be addressed. It seems that addressing legitimacy,

[396] This is a view expressed by a number of commentators, particularly when discussing the citizenship case law of the ECJ. See in particular" (Hatzopoulos 2005, 1605) In addition, with particular reference to the way the concept of Citizenship has been developed by the Court of Justice, there is a substantial body of literature that suggests that Citizenship has had the effect of leading to "The emergence of a fundamental freedom beyond market integration" which is seen to shift "the economic paradigm of European integration" (Wollenschläger 2011)

[397] This is consistent with the individual rights based focus of much of the Court's case law. For more information on the orientation of the Court's case law, see: (Somek 2008, 220)

[398] For a few examples, see: (Commission 1988a; Commission 2001b; Commission 2005b; Commission 2010f)

and citizens' dissatisfaction, cannot be successful if 'citizenship' continues to be seen separately from the politically contentious policy areas identified above. Only if debates over citizenship begin to address questions concerning the nature of the market, and of society, and the respective role of the state and the EU in relation to them, will the gap between the EU's conception of social justice and that of its citizens be addressed.

RESEARCH IMPLICATIONS AND LIMITATIONS

This paper does not suggest that the claims being made about the EU's conception of social justice are *objectively* verifiable. Instead, this paper offers a series of observations so as to provide a particular perspective on the issues in question: viewed from *within* European policy discourse, it has sought to establish the *EU's* perspective on *what* welfare requires, *how* its requirements should be met, *who* should be responsible for doing so and what the EU's role should be - all issues very much at the heart of contemporary legal and political debate. In this paper, these issues are framed as issues relating to the meaning of 'social justice.'

It is important to stress that the research is not attempting to *explain* the policy discourse. It attempts to offer a *critical understanding,* by investigating the way in which the concept of social justice is invested with meaning – conceptualised - through the articulation of policy. It analyses how this conceptualisation influences the way that other concepts are conceived, and how it influences beliefs about how ideas should be framed if they are to *make sense* to others amongst the other concepts and discourses with which they co-exist.

The paper has therefore taken a constructionist approach to the study of the EU. It is based on the idea that shared systems of meaning exist, that they structure discourse and can therefore be the object of observation. It is just one of a number of research perspectives that could have been adopted. The value of this research depends on one's willingness to acquiesce in the belief that technique of discourse analysis can make a contribution to the study and understanding of the EU.[399]

[399] This is a research approach that has been gaining support in the academic community for a number of years. See:(Dietz 1999)

The importance of this particular paper depends on the explanatory power of the two models. The paper has tried to identify the different dimensions across which perspectives on the questions under investigation might differ, drawing on the literature, tensions existing in contemporary political, legal and academic debate and different individual responses to them. It has then attempted to operationalize these insights in a conceptual framework that is, as a result, as robust and convincing as possible.

The paper admits that a 'full' light is not being shed on the issues being explored because the research has confined itself to discourse produced by the Commission, just one of the institutions contributing to the policy-discourse in the EU; it has not covered 'soft-law' sources of discourse, such as the OMC, nor has it looked at the discourse produced by some of the smaller departments of the Commission. Moreover, while a substantial number of sources have been consulted, it has not been possible to cover all sources that may have proven relevant. However, this merely leaves scope for further investigation drawing on a different selection of materials. The validity and robustness of the research can be assessed by taking the research on the terms on which it has been premised. The justifications for, and limitations of adopting the approach taken have already been clearly outlined. It has been shown that there is no convincing reason that these limitations will prevent the research from making an important contribution to legal scholarship, and contemporary debates on the future of EU.

CONTRIBUTION: LEGAL SCHOLARSHIP

This research identifies the *broader* assumptions lying behind the legal measures that have been taken throughout specific periods in the EU's history. It can therefore assist in assessing the effectiveness of different EU legal instruments by giving substance to what specific measures were intended to achieve, why specific instruments were employed, and why they were conceived as they were. It provides the criteria against which to assess a measure's 'success' and opens the door to a more informed investigation into EU legal processes, and the effect of different measures on social outcomes.

The research has also highlighted a number of contradictions and inconsistencies in the conceptions of social justice prevailing at various times. This offers an alternative perspective as to why certain policies may not have been successful in the past. Tensions at the

conceptual level may have led to a mismatch between the objectives pursued and the means chosen to achieve them. It is therefore important to revisit historic policies to re-assess the reasons for which they were seen to have 'failed.' It is necessary to make sure that potential paths of reform were not closed off, and look back at reforms that have been made to ensure they have been addressing the causes of the problems they were purporting to address.

This paper has also shown that changing conceptions of social justice do not always correspond with changes in legislative and policy output. It opens the door to further study into the relationship between policy ideas, legislative output, and social impact.

This paper can also make an important contribution to the increasingly popular *constructionist* approach to the study of European integration.[400] It can contribute particularly well to the emergent field of integration studies that focuses on the role that discourse has played in European integration, by offering insight into the different understandings underpinning the decisions that have been taken over time.

The research can contribute to the existing literature on European governance. It reveals the policy issues over which the nature of European governance is most contested. It indicates how the nature of the debate on European governance influences policy-outcomes, and therefore helps to identify the issues that need to be resolved to 'tackle' the problem of the EU's legitimacy.[401]

The research can also contribute to the literature on European citizenship. It has illustrated that questions over what European citizenship and European identity *is*, *should* be, or *could become*, are bound up with how the '**"Focus"** dimension of welfare is understood. The debate forms part of the frame through which the EU determines what policies are required and how they should be conceived, and the paper has highlighted the policy areas that are most influenced by the contours of this debate. Moreover, this paper suggests that European

[400] Social constructionist approaches to European integration traditionally look at the process of socialization within European Institutions. Discourse analysis is a subset of this tradition as it is based on the same premise that interest and identity are *socially constructed.*(Dietz 1999, 599) For an overview of this literature, see:(Christiansen, Jorgensen, and Wiener 1999)

[401] For a small selection of literature pertinent to this area of EU law: (Weatherill 1995; Maduro 1998; Maduro 1997; Joerges 1994; Joerges, Mény, and Weiler 2000; Bercusson et al. 1997)

citizenship should not be treated as a separate field of study and/or policy as the debate on European citizenship cannot be separated from the day-to-day work of the EU.[402]

Finally, this paper raises an important issue over the relationship between overarching understandings, ideas and beliefs i.e 'conceptions of social justice' manifested in policy-discourse, and various policy measures taken and social outcomes achieved. It therefore poses key questions over what *practical* steps can be taken to better orient social outcomes with citizens' expectations, suggesting that there are limits to the legal means available for such purposes. The changes brought about by, and the new language introduced in the Treaty of Lisbon appear merely to have altered the way that the discourse is *articulated*. The concepts it embodies appear to have been interpreted and reconstructed through the 'frame' of the Market Model conception of social justice and, despite there being a number of quite different possible understandings of such concepts, these changes have not prompted a re-orientation in the way that the EU attempts to contribute to social justice today.

CONTRIBUTION: CONSIDERING THE FUTURE OF THE EU

The EU's powers, constitution and the legal, political and economic context in which it operates have changed significantly over time. It appears that many Europeans are not happy with all of these changes.[403] This paper reveals that an additional fundamental change has taken place: the EU's conception of social justice has changed profoundly since its inception. It is possible that the EU's conception of social justice may no longer be in line with that of its citizens, and this may be part of the reason for the dissatisfaction some citizens feel today. This suggests that it might be necessary to widen the parameters of public debate, to ensure the EU's conception of social justice is truly in line with that of its citizens.

By identifying which dimensions of social justice have been most contested over time, this paper can help to indicate the issues over which such public debate could most fruitfully be stimulated. For example, it reveals that policies in relation to state aid, public services, and

[402] Some examples of the work on European citizenship and identity include: (Cederman 2001)(Delanty 1995; Delanty 1998; Delanty and Rumford 2005; Delanty 2000; Delanty 2002)(Eder 2001; Eder and Giesen 2001)(Risse, Herrmann, and Brewer 2004)(Lehning.)(Shore and Black 1994)(Habermas 1990; Habermas and Cronin 1998) See also: (Schall 2012)(Bell 2002)

[403] (Bertoncini and Koenig 2014, 5)

redistribution are all related issues that emerge in the context of the historically contested **"Focus"** dimension of welfare, suggesting that debate over EU policy in these areas might need to make this relationship explicit. The paper also shows that the role of some policy areas, such as environmental and social policy, have changed quite significantly from the early years of the Community, to the present day. These may then be the priority policy areas over which to re-establish a public consensus. The research has also shown that the "European Social Model", and "European values" now play an important role in the discourse, with many policy prescriptions being taken in their name. This implies that there is an urgent need to determine what these concepts actually *mean* to citizens today, to *really* assess if these policy measures are 'necessary' to preserve them.

CONCLUDING REMARKS

This paper should be of interest not only to the academic community, but also to European citizens generally. For those who are 'dissatisfied' with the EU today, this paper can help them to establish the true source of their dissatisfaction, and help them to determine what should be done. For some, reforms to the EU's legislative and governance mechanisms, or to the scope of some of its powers, will suffice. However, for others, more far-reaching change will be required. Some of the dissatisfaction observable today may result from the fact that the EU is attempting to create a type of society that many do not believe to be 'socially just'. This is why wide public debate is vital. The future of the EU depends on establishing exactly *why* so many citizens are unhappy with the EU. For those convinced that it does, and should, have a future, the politically sensitive issues at the core of the concept of social justice must be addressed by means of real, open debate. Establishing public consensus on what social justice means in Europe today is the first step towards establishing if the EU has a future, and if so, what that future should be and how it can be helped to get there. This paper can help to make it possible for this step to be taken.

BIBLIOGRAPHY

Adams, Zoe, and Simon Deakin. 2015. 'Structural Adjustment, Economic Governance and Social Policy in a Regional Context: The Case of the Eurozone Crisis.' In *Research Handbook on Transnational Labour Law*, by A. Trebilcock and A. Blackett, 111–23. Edward Elgar Publishing Limited.

Adonnino, Pietro. 1985. 'Report from the Ad Hoc Committee on a People's Europe.' *Bulletin of the European Economic Community* 3.

Anderson, Jeffrey, J. 2014. 'The European Union, the Soviet Union, and the End of the Cold War.' In *Origins and Evolution of the European Union*, by Desmond Dinan, 255–73. OUP Oxford.

Andor, Làszlo. 2014a. 'Speech/14/672 Tackling Poverty and Inequality in the EU.' Speech presented at the Lecture at Université libre de Bruxelles, Brussels, October 9.

———. 2014b. 'Speech/14/684 Imbalances and Inequalities in the EU: Challenges to the Europe 2020 Strategy.' Speech presented at the Lecture at Université Libre de Bruxelles, Brussels, October 10.

Andriessen, F. H. J. J. 1981. 'A New Realism - European Policy in the Eighties. Address by Mr. F.H.J.J. Andriessen [Member of the Commission] to the Koninklijk Instituut Voor Internationale Betrekkingen (Royal Institute for International Relations). Brussels, 11 May 1981.' EU Speech. http://aei.pitt.edu/11852/.

———. 1983. 'Developments in the Competition Policy of the EEC. Speech by Mr. F.H.J.J. Andriessen, Member of the Commission of the European Communities, at the International Political Science Association, Research Committee. London, 25-26 February 1983.' EU Speech. http://aei.pitt.edu/12193/.

———. 1984a. 'European Competition Policy. Address given by Mr. F.H.J.J. Andriessen, Member of the Commission of the European Communities, to the Incorporated Law Society. Dublin, 24 May 1984.' EU Speech. http://aei.pitt.edu/12066/.

———. 1984b. 'La Politique de Concurrence de La CEE. Discours Prononce Par M. F.H.J.J. Andriessen, Membre de La Commission Des Communautes Europeennes a La Federation Des Enterprises de Belgique. Bruxelles, 29 Novembre 1984 = Competition Policy in the EEC. Speech by Mr. F.H.J.J. Andriessen, Member of the Commission, to the Federation of Enterprises of Belgium. Brussels, 29 November 1984.' EU Speech. http://aei.pitt.edu/11991/.

Andriessen, Frans. 1981. 'Competition Policy as a Key Instrument of European Economic and Industrial Policy. Speech by Mr. F.H.J.J. Andriessen [Member of the Commission] to the Annual Meeting of the NCW. Utrecht, 7 May 1981.' EU Speech. http://aei.pitt.edu/12464/.

———. 1982. 'The Future of the European Communities. Address given by Mr. Andriessen [Commissioner] on the Occasion of the 25th Anniversary of the EEC Treaty. The Hague, 25 March 1982.' EU Speech. http://aei.pitt.edu/12500/.

'Aristotle's Definition of Eudaimonia.' 2015. Accessed May 12. https://www.academia.edu/514238/Aristotles_Definition_of_Eudaimonia.

Armstrong, Kenneth A. 2010. *Governing Social Inclusion*. Oxford University Press. http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199278374.001.0001/acprof-9780199278374.

Barbier, Jean-Claude. 2013. *The Road to Social Europe: A Contemporary Approach to Political Cultures and Diversity in Europe*. Vol. 16. Routledge. http://books.google.co.uk/books?hl=en&lr=&id=2MZmx2SpR1UC&oi=fnd&pg=PP2&dq=the+road+to+social+europe+barbier&ots=43cBXKqqOC&sig=Ynw-MUQTErcTfP5EcydfQveO8t4.

Barnard, Catherine. 2014. 'EU Employment Law and the European Social Model: The Past, the Present and the Future.' *Current Legal Problems*, cuu015.

Barroso, José Manuel Durão. 2009. 'Political Guidelines for the next Commission: 2009-2014.'

———. 2010. 'Speech/10/411 State of the Union.' Speech, Strasbourg, September 7.

———. 2011. ‘Speech/11/607 European Renewal - State of the Union Address.’ presented at the European Parliament, Strasbourg, September 28.
———. 2012. ‘Speech/12/596 State of the Union 2012 Address.’ Speech presented at the Plenary session of the European parliament, Strasbourg, September 12.
———. 2013. ‘Speech/13/684 State of the Uninon Address 2013.’ Speech, Strasbourg, September 11.
Bee, Cristiano. 2010. ‘Understanding the EU’s Institutional Communication. Principles and Structure of a Contested Policy.’ *Mapping the European Public Sphere: Institutions, Media and Civil Society*, 83–98.
Bee, Dr Cristiano. 2008. ‘The “Institutionally Constructed” European Identity: Citizenship and Public Sphere Narrated by the Commission’. *Perspectives on European Politics and Society* 9 (4): 431–50. doi:10.1080/15705850802416861.
Bell, Mark. 2002. ‘European Social Policy: Between Market Integration and Social Citizenship.’ Oxford University Press.
Bercusson, Brian, Simon Deakin, Pertti Koistinen, Yota Kravaritou, Ulrich Muckeberger, Alain Supiot, and Bruno Veneziani. 1997. ‘A Manifesto for Social Europe.’ *European Law Journal* 3 (2): 189–205.
Bertoncini, Yves, and Nicole Koenig. 2014. ‘Euroscepticism or Europhobia: Voice vs. Exit.’ Notre-Europe.
Boucher, Stephen. 2009. *If Citizens Have a Voice, Who’s Listening?* CEPS. http://17.europe.bg/upload/docs/If_citizens.pdf.
Briggs, Mark. 2015. ‘Euroscepticism on the Rise in UK.’ Text. *EurActiv | EU News & Policy Debates, across Languages*. March 27. http://www.euractiv.com/sections/uk-europe/euroscepticism-rise-uk-313300.
Brussel, Annelies Van. 2014. ‘From Informing to Interacting? Exploring the European Commission’s Communication Strategy “to Be All Ears”.’ *Journal of Contemporary European Research* 10 (1). http://www.jcer.net/index.php/jcer/article/view/556.
Calligaro, Oriane. 2013. *Negotiating Europe: EU Promotion of Europeanness Since the 1950s*. Palgrave Macmillan.
Carpentier, Michael. 1972. ‘A Policy for the Environment in Europe. Speech by Mr. Carpentier [Director-General] to the Conference on Industry and the Environment Organized by International Business Communications Limited. London, 27-28 June 1972.’ EU Speech. http://aei.pitt.edu/12983/.
Cederman, Lars-Erik. 2001. ‘Nationalism and Bounded Integration: What It Would Take to Construct a European Demos.’ *European Journal of International Relations* 7 (2): 139–74.
Christiansen, Thomas, Knud Erik Jorgensen, and Antje Wiener. 1999. ‘Preface.’ *Journal of European Public Policy* 6 (4): 527–527. doi:10.1080/135017699343441.
Closa, Carlos. 1992. ‘The Concept of Citizenship in the Treaty on European Union.’ *Common Market Law Review* 29 (6): 1137–69.
Commission, European. 1959. ‘Report on the Social Situation in the Community in 1959.’ EU Commission - Working Document. http://aei.pitt.edu/32208/.
———. 1962. ‘Memorandum of the Commission on the Action Programme of the Community for the Second Stage. COM (62) 300 Final, 24 October 1962.’ EU Commission - COM Document. http://aei.pitt.edu/1327/.
———. 1966a. ‘Draft of the First Medium-Term Economic Policy Programme (1966 to 1970). Information Memo P-23/66, May 1966. Includes French Text.’ EU Commission - Press Notice. http://aei.pitt.edu/15740/.
———. 1966b. ‘The General Situation of the Community in 1965-666. Introduction and Chapter 1 of the General Report Covering the Period 1 April 1965-31 March 1966.’ EU Commission - Working Document. http://aei.pitt.edu/5403/.

———. 1970. ‘The Community’s Industrial Policy. Commission Memorandum to the Council. COM (70) 100 Final, 18 March 1970. Bulletin of the European Communities, Supplement 4/70.’ EU Commission - COM Document. http://aei.pitt.edu/5598/.
———. 1971a. ‘Preliminary Guidelines for a Social Policy Program in the Community. COM (71) 600 Final, 17 March 1971. Annex to the Bulletin of the European Communities 4/1971, Supplement 2/71.’ EU Commission - COM Document. http://aei.pitt.edu/6200/.
———. 1971b. ‘Third Medium-Term Economic Policy Programme. II/38/71-E, 9 February 1971.’ EU Commission - Working Document. http://aei.pitt.edu/38786/.
———. 1972. ‘Communication from the Commission to the Council on a European Communities’ Programme Concerning the Environment. SEC (72) 666 Final, 22 March 1972. Bulletin of the European Communities, Supplement 5/72.’ EU Commission - SEC Document. http://aei.pitt.edu/4647/.
———. 1973a. ‘Memorandum from the Commission on the Technological and Industrial Policy Programme. SEC (73) 1090 Final, 3 May 1973. Bulletin of the European Communities, Supplement 7/73.’ EU Commission - SEC Document. http://aei.pitt.edu/5144/.
———. 1973b. ‘Report on the Regional Problems in the Enlarged Community. COM (73) 550 Final, 2 May 1973.’ EU Commission - COM Document. http://aei.pitt.edu/5888/.
———. 1973c. ‘Social Action Programme. COM (73) 1600 Final, 24 October 1973. Bulletin of the European Communities, Supplement 2/74.’ EU Commission - COM Document. http://aei.pitt.edu/1253/.
———. 1974. ‘Declaration on the State of the Community. COM (74) 150 Final, 31 January 1974.’ EU Commission - COM Document. http://aei.pitt.edu/12917/.
———. 1975a. ‘Initial Reflections on the Second Action Programme of the European Communities on the Environment. COM (75) 289 Final, 17 June 1975.’ EU Commission - COM Document. http://aei.pitt.edu/31895/.
———. 1975b. ‘Tripartite Conference. Economic and Social Situation in the Community and Outlook. COM (75) 540 final/2, 5 November 1975.’ EU Commission - COM Document. http://aei.pitt.edu/15521/.
———. 1976a. ‘European Community Action Programme on the Environment (1977-1981). COM (76) 80 Final, 24 March 1976. Bulletin of the European Communities, Supplement 6/76.’ EU Commission - COM Document. http://aei.pitt.edu/4585/.
———. 1976b. ‘Fifth Report on Competition Policy . For Year 1975. April 1976.’ EU Commission - Working Document. http://aei.pitt.edu/31205/.
———. 1976c. ‘Fourth Medium-Term Economic Policy Programme (Draft). COM (76) 530 Final, 8 October 1976.’ EU Commission - COM Document. http://aei.pitt.edu/47333/.
———. 1976d. ‘Continuation and Implementation of a European Community Policy and Action Programme on the Environment. Draft Resolution of the Council. European Community Action Programme on the Environment (1977-1981). COM (76) 80 Final, 24 March 1976. Bulletin of the European Communities, Supplement 6/76.’
———. 1977. ‘Sixth Report on Competition Policy (published in Conjunction with the “Tenth General Report on the Activities of the Communities”). For Year 1976. April 1977’. EU Commission - Working Document. http://aei.pitt.edu/31206/.
———. 1978. ‘Report on Some Structural Aspects of Growth. COM (78) 255 Final, 22 June 1978.’ EU Commission - COM Document. http://aei.pitt.edu/5447/.
———. 1980. ‘Ninth Report on Competition Policy (published in Conjunction with the “Thirteenth General Report on the Activities of the European Communities”). April 1980’. EU Commission - Working Document. http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=CB2979603.
———. 1981a. ‘Commission Foreword to the Draft Fifth Medium-Term Economic Policy Programme 1981-85. Information Memo P-48/81, July 1981.’ EU Commission - Press Notice. http://aei.pitt.edu/31144/.

———. 1981b. ‘Tenth Report on Competition Policy (published in Conjunction with the “Fourteenth General Report on the Activities of the Communities in 1980”)’. EU Commission - Working Document. http://aei.pitt.edu/31207/.
———. 1985. ‘Programme of the Commission for 1985. Statement by Jacques Delors, President of the Commission, to the European Parliament and His Reply to the Ensuring Debate, Strasbourg, 12 March 1985. Bulletin of the European Communities, Supplement 4/85.’ EU Commission - Brochure. http://aei.pitt.edu/7630/.
———. 1986. ‘Fifteenth Report on Competition Policy (published in Conjunction with the “Nineteenth General Report on the Activities of the European Communities 1985”)’. EU Commission - Working Document. http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=CB4585430.
———. 1987. ‘Sixteenth Report on Competition Policy (published in Conjunction with the “Twentieth General Report on the Activities of the European Communities 1986”)’. EU Commission - Working Document. http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/EUR/ViewPublication-Start?PublicationKey=CB4886060.
———. 1988a. ‘A People’s Europe. Communication from the Commission to the European Parliament. COM (88) 331 Final, 7 July 1988.’ EU Commission - COM Document. http://aei.pitt.edu/3831/.
———. 1988b. ‘Social Dimension of the Internal Market. Commission Working Paper. SEC (88) 1148 Final, 14 September 1988.’ EU Commission - SEC Document. http://aei.pitt.edu/1346/.
———. 1989. ‘Communication from the Commission Concerning Its Action Programme Relating to the Implementation of the Community Charter of Basic Social Rights for Workers. COM (89) 568 Final, 29 November 1989.’ EU Commission - COM Document. http://aei.pitt.edu/1345/.
———. 1990. ‘Industrial Policy in an Open and Competitive Environment. Guidelines for a Community Approach. Communication of the Commission to the Council and to the European Parliament. COM (90) 556 Final, 16 November 1990.’ EU Commission - COM Document. http://aei.pitt.edu/5690/.
———. 1992. ‘Towards a Europe of Solidarity. Intensifying the Fight against Social Exclusion, Fostering Integration. Communication from the Commission. COM(92) 542 Final, 23 December 1992.’ EU Commission - COM Document. http://aei.pitt.edu/4819/.
———. 1993. ‘Growth, Competitiveness, Employment: The Challenges and Ways Forward into the 21st Century - White Paper. Parts A and B. COM (93) 700 final/A and B, 5 December 1993. Bulletin of the European Communities, Supplement 6/93.’ EU Commission - COM Document. http://aei.pitt.edu/1139/.
———. 1994. ‘European Social Policy - A Way Forward for the Union. A White Paper. Part A. COM (94) 333 Final, 27 July 1994.’ EU Commission - COM Document. http://aei.pitt.edu/1118/.
———. 1995. ‘Medium Term Social Action Programme 1995-1997. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions. COM (95) 134 Final, 12 April 1995.’ EU Commission - COM Document. http://aei.pitt.edu/5018/.
———. 1998. ‘Social Action Programme 1998-2000. Communication from the Commission. COM (98) 259 Final, 29 April 1998.’ EU Commission - COM Document. http://aei.pitt.edu/5106/.
———. 2001a. ‘COM(2001) 354 Final A New Framework for Co-Operation on Activities Concerning the Information and Communication Policy of the European Union.’
———. 2001b. ‘European Governance - A White Paper. COM (2001) 428 Final, 25 July 2001.’ EU Commission - COM Document. http://aei.pitt.edu/1188/.
———. 2004. ‘A New Partnership for Cohesion Convergence Competitiveness Cooperation. Third Report on Economic and Social Cohesion. COM (2004) 107 Final, 18 February 2004.’ EU Commission - COM Document. http://aei.pitt.edu/42151/.
———. 2005a. ‘COM (2005), 24, European Commission’s Communication Working Together for Growth and Jobs: A New Start for the Lisbon Strategy.’
———. 2005b. ‘COM(2005) 494 Final Plan-D for Democracy, Dialogue and Debate.’

———. 2009. ‘Sixth Progress Report on Economic and Social Cohesion. Report from the Commission to the European Parliament and the Council. COM (2009) 295 Final, 25 June 2009.’ EU Commission - COM Document. http://aei.pitt.edu/42162/.
———. 2010a. ‘Commission Work Programme 2011 Vol. I. COM (2010) 623 final/Vol. I, 27 October 2010.’ EU Commission - COM Document. http://aei.pitt.edu/40799/.
———. 2010b. ‘Europe 2020. A Strategy for Smart, Sustainable and Inclusive Growth. Communication from the Commission. COM (2010) 2020 Final, 3 March 2010.’ EU Commission - COM Document. http://aei.pitt.edu/42633/.
———. 2010c. ‘Second Biennial Report on Social Services of General Interest. Commission Staff Working Document. SEC (2010) 1284 Final, 22 October 2010.’ EU Commission - SEC Document. http://aei.pitt.edu/45910/.
———. 2010d. ‘Time to Act. Commission Work Programme 2010 Vol. I. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2010) 135 Final/ Vol. I, 31 March 2010.’ EU Commission - COM Document. http://aei.pitt.edu/40798/.
———. 2010e. ‘COM(2011) 11 Annual Growth Survey: Advancing the EU’s Comprehensive Response to the Crisis.’
———. 2010f. ‘COM (2010) 603 Citizenship Report.’
———. 2010g. ‘COM (2010) 758 Final. The European Platform against Poverty and Social Exclusion: A European Framework for Social and Territorial Cohesion.’
———. 2011a. ‘Annual Growth Survey 2012. Communication from the Commission. COM (2011) 815 Final, 23 November 2011.’ EU Commission - COM Document. http://aei.pitt.edu/42623/.
———. 2011b. ‘Delivering European Renewal. Commission Work Programme 2012 Vol. 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2011) 777 final/Vol. 1, 15 November 2011.’ EU Commission - COM Document. http://aei.pitt.edu/40801/.
———. 2012a. ‘Commission Decision of 20 December on the Application of Article 106(2) of the Treaty on the Functioning of the European Union to State Aid in the Form of Public Service Compensation Granted to Certain Undertakings Entrusted with the Operation of Services of General Economic Interest, OJ L 7.’
———. 2012b. ‘COM (2012) 750 Annual Growth Survey 2013.’
———. 2013a. ‘3rd Biennial Report on Social Services of General Interest. Social Investment Package. Commission Staff Working Document. SWD (2013) 40 Final, 20 February 2013.’ EU Commission - SEC Document. http://aei.pitt.edu/45915/.
———. 2013b. ‘Towards Social Investment for Growth and Cohesion – Including Implementing the European Social Fund 2014-2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2013) 83 Final, 20 February 2013.’ EU Commission - COM Document. http://aei.pitt.edu/45911/.
———. 2013c. ‘COM(2013) 257 Report on Competition Policy 2012.’
———. 2013d. ‘Annual Growth Survey 2014.’ http://ec.europa.eu/europe2020/pdf/2014/ags2014_en.pdf.
———. 2014a. ‘COM(2014) 249 Final Report on Competition Policy 2013.’
———. 2014b. ‘COM(2014) 335 Final A Decent Life For All.’
———. 2014c. ‘COM (2014) 902 Annual Growth Survey 2015.’
———. 2014d. ‘COM(2014) 910 Final Work Programme 2015.’
Commission of the European Communities. 2008. ‘Renewed Social Agenda: Opportunities, Access and Solidarity in 21st Century Europe - 2008: Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions.’ Office for Official Publications of the European Communities.

Copeland, Paul, and Scott James. 2014. 'Policy Windows, Ambiguity and Commission Entrepreneurship: Explaining the Relaunch of the European Union's Economic Reform Agenda.' *Journal of European Public Policy* 21 (1): 1–19. doi:10.1080/13501763.2013.800789.
Council, European. 1972. 'Meetings of the Heads of State or Government (Summit), Paris, 19-21, October 1972 Bulletin of the European Communities. October 1972, No 10. Luxembourg: Office for Official Publications of the European Communities. "Statement from the Paris Summit", P. 14-26.' EU European Council. http://aei.pitt.edu/1919/.
Cseres, Kati, and Annette Schrauwen. 2012. 'Empowering Consumer-Citizens: Changing Rights or Merely Discourse?' *Amsterdam Centre for European Law and Governance Research Paper*, no. 2012-03. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2154869.
Daly, Mary. 2012. 'Paradigms in EU Social Policy: A Critical Account of Europe 2020.' *Transfer: European Review of Labour and Research* 18 (3): 273–84. doi:10.1177/1024258912448598.
Davies, Gareth. 2010. 'The Price of Letting Courts Value Solidarity: The Judicial Role in Liberalizing Welfare.' In *Promoting Solidarity in the European Union*, edited by Malcolm Ross and Yuri Borgmann-Prebil, 106–21. Oxford University Press.
Davignon, Etienne. 1978. 'Notes for a Speech on Industrial Policy to Be given by Mr. Davignon [Commissioner for Industrial Affairs]. The Hague, 8 June 1978.' EU Speech. http://aei.pitt.edu/12685/.
———. 1979. 'The Role of the European Commission Is Unquestionably a Political One. Summary of the Talk given by Mr. Etienne Davignon to the IRRI. Brussels, 11 September 1979.' EU Speech. http://aei.pitt.edu/11329/.
DAWSON, Mark. 2011. 'New Governance and the Transformation of European Law: The Case of the Open Method Coordination for Social Inclusion.'
Deakin, Simon. 2005. 'The Capability Concept and the Evolution of European Social Policy.' ESRC Centre for Business Research - Working Paper wp303. ESRC Centre for Business Research. http://ideas.repec.org/p/cbr/cbrwps/wp303.html.
Dean, Hartley. 2012. *Social Policy*. Polity.
———. 2014. 'Chapter 8. Life First Welfare and the Scope for a "Eudemonic Ethic" of Social Security'. In *Deconstructing Flexicurity and Developing Alternative Approaches: Towards New Concepts and Approaches for Employment and Social Policy*, by Maarten Keune, 152–72. Routledge.
Degryse, Christophe. 2012. 'The New European Economic Governance.' http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2202702.
Delanty, Gerard. 1995. *Inventing Europe: Idea, Identity, Reality*. Palgrave Macmillan. http://sro.sussex.ac.uk/31062/.
———. 1998. 'Social Theory and European Transformation: Is There a European Society?' *Sociological Research Online* 3. http://www.socresonline.org.uk/3/1/1.
———. 2000. *Citizenship in the Global Age: Culture, Society and Politics*. Buckingham: Open University Press.
———. 2002. 'Models of European Identity: Reconciling Universalism and Particularism.' *Perspectives on European Politics and Society* 3 (3): 345–59.
Delanty, Gerard, and Chris Rumford. 2005. *Rethinking Europe: Social Theory and the Implications of Europeanization*. Routledge. https://books.google.co.uk/books?hl=en&lr=&id=C9JtRVRQumIC&oi=fnd&pg=PR3&dq=Delanty+inventing+europe&ots=QzLmjwnmBX&sig=jiTh45BDDR9L4W-oEIJ-Dbx7hK8.
Delors, Jacques. 1987. 'The Single Act: A New Frontier for Europe. Communication from the Commission to the Council. COM (87) 100 Final, 15 February 1987. Bulletin of the European Communities, Supplement 1/87.' EU Commission - COM Document. http://aei.pitt.edu/1760/.
———. 1988. 'Programme of the Commission for 1988. Address by Jacques Delors, President of the Commission, to the European Parliament. Strasbourg, 20 January 1988. Bulletin of the European Communities, Supplement 1/88.' EU Commission - Working Document. http://aei.pitt.edu/30730/.

De Ville, Ferdi, and Jan Orbie. 2014. 'The European Commission's Neoliberal Trade Discourse Since the Crisis: Legitimizing Continuity through Subtle Discursive Change.' *The British Journal of Politics & International Relations* 16 (1): 149–67. doi:10.1111/1467-856X.12022.

Dietz, T. 1999. 'Speaking ''Europe.' *The Politics of Integration Discourse', Journal of European Public Policy* 6 (4): 598–613.

Diez, Thomas. 2001. 'Europe as a Discursive Battleground Discourse Analysis and European Integration Studies.' *Cooperation and Conflict* 36 (1): 5–38. doi:10.1177/00108360121962245.

Dinan, Desmond. 2011. 'Governance and Institutions: Implementing the Lisbon Treaty in the Shadow of the Euro Crisis.' *JCMS: Journal of Common Market Studies* 49 (September): 103–21. doi:10.1111/j.1468-5965.2011.02183.x.

———. 2014. *Origins and Evolution of the European Union*. 2d editon.. New European Union Series. Oxford: Oxford University Press.

'Discursive Approaches.' 2004. In *European Integration Theory*, by Antje Wiener and Thomas Diez, 197–215. Oxford University Press Oxford. https://www.liu.se/utbildning/pabyggnad/F7MER/student/courses/733a45-contemporary-european-institutions/filarkiv/spring-2012/1.329929/EuropeanIntegrationTheory.pdf.

Eder, Klaus. 2001. 'Integration through Culture.' In *European Citizenship between National Legacies and Postnational Projects, Oxford University Press, Oxford*, by Eder, Klaus-Giesen, Bernhard, 222–44.

Eder, Klaus, and Bernhard Giesen. 2001. *European Citizenship between National Legacies and Postnational Projects*. OUP. http://cadmus.eui.eu/handle/1814/35317.

EUR-lex. 2014. 'Legislative Summary of the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, Official Journal (C 306/1) 17 December 2007.' *EUR-Lex*. February 5. http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:ai0021&from=EN.

European Citizen Access Service. 2013. 'Economic Governance: Public Consultations during the Crisis. Contribution to the European Citizenship and Political Rights Seminar Barcelona 17th October 2013.' http://jeanmonnetchair.uab.cat/docs/Venables.pdf.

European Commission. 1963. 'Commission's Reccommendation to the Council E.E.C Bulletin, 1963, Supplement.'

———. 1972. 'First Report on Competition Policy (annexed to the "Fifth General Report on the Activities of the Communities"). For Year 1971. April 1972'. EU Commission - Working Document. http://aei.pitt.edu/31201/.

———. 2005a. 'COM(2005)12 - Strategic Objectives 2005 - 2009 - Europe 2010: A Partnership for European Renewal Prosperity, Solidarity and Security.'

———. 2005b. 'COM(2005) 299 Final Communication from the Commission - Cohesion Policy in Support of Growth and Jobs - Community Strategic Guidelines, 2007-2013.'

———. 2010. 'COM (2010) 608 Single Market Act.'

———. 2012. 'COM (2012) 299 Action for Stability, Growth and Jobs.'

Faulkner, David. 1998. 'Public Services, Citizenship, and the State–the British Experience 1967-97.' *Public Services and Citizenship in European Law Public and Labour Law Perspectives, Oxford*, 35–48.

Ferrera, Maurizio. 2009. 'The JCMS Annual Lecture: National Welfare States and European Integration: In Search of a "Virtuous Nesting"*'. *JCMS: Journal of Common Market Studies* 47 (2): 219–33. doi:10.1111/j.1468-5965.2009.00802.x.

Fligstein, Neil, Jason McNichol, and others. 1997. 'The Institutional Terrain of the European Union.' Jean Monnet Chair. http://ideas.repec.org/p/erp/jeanmo/p0292.html.

Foucault, Michel. 1991. 'Politics and the Study of Discourse.' In *The Foucault Effect: Studies in Governmentality*, by Michel Foucault, Graham Burchell, Colin Gordon, and Peter Miller, 73–86. University of Chicago Press.

Gewirth, Alan R. 1998. *The Community of Rights*. Springer. http://link.springer.com/chapter/10.1007/978-94-011-5186-3_13.
Giubboni, Stefano, Laurence Gormley, and Jo Shaw. 2006. *Social Rights and Market Freedom in the European Constitution: A Labour Law Perspective*. Cambridge University Press.
Gottfried, Glenn. 2014. 'Continental Drift: Understanding the Growth of Euroscepticism.' October 8. http://www.ippr.org/publications/continental-drift-understanding-the-growth-of-euroscepticism.
Groeben, Hans von der. 1961a. 'Competition in the Common Market. Speech by Hans von Der Groeben, Member of the Commission of the European Economic Community, during the Debate on the Draft Regulation pursuant to Articles 85 and 86 of the EEC Treaty in the European Parliament. Strasbourg, 19 October 1961.' EU Speech. http://aei.pitt.edu/14786/.
———. 1961b. 'Policy on Competition in the EEC. Supplement to the Bulletin of the European Economic Community 7-8/61.' EU Commission - Working Document. http://aei.pitt.edu/32825/.
Habermas, Jürgen. 1990. 'Citizenship and National Identity: Some Reflections on the Future of Europe.'
Habermas, Jürgen, and Ciaran Cronin. 1998. 'The European Nation-State: On the Past and Future of Sovereignty and Citizenship.' *Public Culture* 10 (2): 397–416.
Haferkamp, Wilhelm. 1975. 'Summary of the Introductory Address by Vice-President Wilhelm Haferkamp, Conference of Ministers for Economic Affairs, Ministers of Labour, the Commission, and the Two Sides of Industry, Brussels, 18 November 1975.' EU Speech. http://aei.pitt.edu/8551/.
———. 1976. 'Statement by Mr. Wilhelm Haferkamp, Vice President of the European Communities, at the Tripartite Conference. Luxembourg, 24 June 1976.' EU Speech. http://aei.pitt.edu/10842/.
Hallstein, Walter. 1962. 'The European Economic Community as an Element in a New World Order. Address by President [of Commission of European Economic Community] Walter Hallstein to the Diplomatic Press Association. Paris, 22 June 1962.' EU Speech. http://aei.pitt.edu/14825/.
———. 1966a. 'Address to the European Parliament by Professor Dr. Walter Hallstein, President of the Commission of the European Economic Community, Introducing the Ninth General Report of the Commission of the European Economic Community. Strasbourg, 29 June 1966. Includes French Version.' EU Speech. http://aei.pitt.edu/13678/.
———. 1966b. 'Economic Union: Achievements and Prospects. Address by the President of the Commission of the European Economic Community, Professor Walter Hallstein, to the Joint Meeting of the European Parliament, the Councils, the High Authority of the ECSC, the Commission of Euratom, and the Commission of the EEC. Strasbourg, 28 November 1966. Includes French Version.' EU Speech. http://aei.pitt.edu/13729/.
———. 1967. 'Halfway to European Unity. Statement by Professor Walter Hallstein, President of the Commission of the European Economic Community. Tenth Anniversary of the Signature of the Rome Treaty. Published in Die Zeit, 17 and 24 March 1967.' EU Speech. http://aei.pitt.edu/13606/.
Hansen, Peo. 2000. '"European Citizenship", or Where Neoliberalism Meets Ethno-Culturalism'. *European Societies* 2 (2): 139–65. doi:10.1080/146166900412046.
Hatzopoulos, Vassilis. 2005. 'A (more) Social Europe: A Political Crossroad or a Legal One-Way? Dialogues between Luxembourg and Lisbon.' *Common Market Law Review* 42 (6): 1599–1635.
Hervey, Tamara K. 2000. 'Social Solidarity: A Buttress Against Internal Market Law?' In *Social Law and Policy in an Evolving European Union*, by Josephine Shaw, 31–47. Oxford: Hart Publishing Ltd.
Hillery, Patrick. 1975. 'Reflections on the Future [of Social Policy]. Extracts from Speech by Vice-President Hillery to the European Atlantic Group. London, 20 February 1975.' EU Speech. http://aei.pitt.edu/8418/.

Hillery, Patrick J. 1975a. 'Does the Community Need a Social Policy? Speech by Patrick Hillery to the Financial Times/Irish Times Conference "Europe After the Referendum." Dublin, 24 July 1975'. EU Speech. http://aei.pitt.edu/8501/.
———. 1975b. 'Extracts from Adress by Dr. P.J. Hillery, President of the Paul Finet Foundation. Luxembourg, 3 October 1975.' EU Speech. http://aei.pitt.edu/8529/.
———. 1975c. 'Revolution in Community Social Policy. Extract from a Speech by Dr. P.J. Hillery, Vice-President of the Commission, to the European Atlantic Group, House of Commons. London, 20 February 1975.' EU Speech. http://aei.pitt.edu/8417/.
Hooghe, Liesbet, and Gary Marks. 2009. 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus.' *British Journal of Political Science* 39 (01): 1–23.
Jenkins, Roy. 1977. 'Address by the Right Honourable Roy Jenkins, President of the Commission of the European Communities, to the European Parliament. Luxembourg, 11 January 1977.' EU Speech. http://aei.pitt.edu/10997/.
———. 1978. 'Europe: Why Social Democrats Should Support a New Advance. The Rita Hinden Memorial Lecture Delivered by the Right Hon. Roy Jenkins, President of the Commission of the European Communities. London, 4 February 1978.' EU Speech. http://aei.pitt.edu/11255/.
———. 1980a. 'Programme of the Commission for 1980.' EU Commission - Working Document. http://aei.pitt.edu/8799/.
———. 1980b. 'The Future of the European Community. Churchill Memorial Lecture by the Right Hon Roy Jenkins, President of the Commission of the European Communities. Luxembourg, 20 November 1980.' EU Speech. http://aei.pitt.edu/11376/.
Joerges, Christian. 1994. 'European Economic Law, the Nation-State and the Maastricht Treaty.' *Europe After Maastricht. An Ever Closer Union*, 29–62.
Joerges, Christian, Yves Mény, and Joseph HH Weiler. 2000. 'What Kind of Constitution for What Kind of Polity? Responses to Joschka Fischer.' http://cadmus.eui.eu/handle/1814/17255.
Jørgensen, Knud Erik, Mark Pollack, and Ben Rosamond. 2007. *The SAGE Handbook of European Union Politics*. SAGE.
Juncker. 2014a. 'Opening Statement.' Strasbourg, July 15.
Juncker, Jean-Claude. 2014b. 'Speech/14/546 A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change.' Speech presented at the Plenary Session of the European Parliament, Strasbourg, July 15.
Kenner, Jeff. 2002. *EU Employment Law: From Rome to Amsterdam and Beyond*. Bloomsbury Publishing.
Kingdon, John W., and James A. Thurber. 1984. *Agendas, Alternatives, and Public Policies*. Vol. 45. Little, Brown Boston. http://mason.gmu.edu/~alovell/portfolio/images/Educ875_Agendas,%20Alternatives%20and%20Public%20Policies.pdf.
Kohler-Koch, Beate. 2010. 'Civil Society and EU Democracy: "astroturf" Representation?' *Journal of European Public Policy* 17 (1): 100–116. doi:10.1080/13501760903464986.
Lehning, Percy B. n.d. 'European Citizenship: A Mirage?'.' *Citizenship, Democracy and Justice in the New Europe*, 175–99.
Lenaerts, Koen. 1993. 'Principle of Subsidiarity and the Environment in the European Union: Keeping the Balance of Federalism, The.' *Fordham Int'l LJ* 17: 846.
Levi-Sandri, Lionello. 1962a. 'Address by M. Levi Sandri, President of the Social Affairs Group of the Commission of the European Economic Community, to the 46th International Labour Conference. Geneva, 14 June 1962.' EU Speech. http://aei.pitt.edu/14823/.
———. 1962b. 'Speech [on Social Policy] by Lionello Levi Sandri, President of the Social Affairs Group of the Commission of the European Economic Community. Dortmund, 21 July 1962.' EU Speech. http://aei.pitt.edu/14828/.

Levi Sandri, Lionello. 1964. 'European Democracy, Social Policy and Role of the Trade Unions. Address by Mr. Levi Sandri. Strasbourg, 15 April 1964.' EU Speech. http://aei.pitt.edu/14222/.
Levi-Sandri, Lionello. 1965. 'Social Policy and Medium-Term Economic Policy. Extracts from the Address by M. Levi-Sandri, Vice-President of the EEC Commission, at the 49th International Labour Conference. Geneva, 11 June 1965. Includes French Version.' EU Speech. http://aei.pitt.edu/13640/.
———. 1968. 'Address [on Labor Union Contributions to the Community] by M. Lionello Levi Sandri, Vice-President of the Commission of the European Communities, on the Occasion of the Sixteenth IFCTU Congress. Luxembourg, 1 October 1968. Includes French Version.' EU Speech. http://aei.pitt.edu/14017/.
———. 1970a. 'La Politique Sociale de La Communaute Europeenne Au Debut Des Annees Soixante-Dix. Allocution Par Lionello Levi-Sandri. Strasbourg, 11 Mars 1970. = The Social Policy of the European Community at the Beginning of 1970's. Speech by Lionello Levi-Sandri [Member of Commission] [on the Report on the Social Situation in 1969]. Strasbourg, 11 March 1970. Includes English Summary.' EU Speech. http://aei.pitt.edu/14130/.
———. 1970b. 'Speech by Vice-President [of Commission] Mr. Levi Sandri before the International Labour Conference. Geneva, 11 June 1970.' EU Speech. http://aei.pitt.edu/14150/.
Maduro, Miguel Poiares. 1997. 'Reforming the Market or the State? Article 30 and the European Constitution: Economic Freedom and Political Rights.' *European Law Journal* 3 (1): 55–82.
———. 1998. 'We the Court.' *European Public Law (* 6: 2000.
Malfatti, Franco Maria. 1970a. 'Speech by the Hon. Franco Maria Malfatti, President of the Commission of the European Communities, to the European Parliament. Luxembourg, 8 July 1970.' EU Speech. http://aei.pitt.edu/14158/.
———. 1970b. 'Summary of an Address [on Progress toward European Integration] by Mr. Malfatti, President of the Commission of the European Communities, to the European Parliament. Strasbourg, 15 September 1970.' EU Speech. http://aei.pitt.edu/14164/.
Mansholt, Sicco. 1972a. 'Address by Mr. Sicco L. Mansholt, President of the Commission of the European Communities, to the United Nations Conference on the Human Environment. Stockholm, 8 June 1972.' EU Speech. http://aei.pitt.edu/12980/.
———. 1972b. 'Summary of Address [on Economic and Monetary Union, Development Policy and Institutional Affairs] by Mr. Sicco Mansholt, President of the Commission of the European Communities, to the European Parliament. Strasbourg, 19 April 1972.' EU Speech. http://aei.pitt.edu/12961/.
Messenger, David A. 2014. 'Dividing Europe: The Cold War and European Integration.' In *Origins and Evolution of the European Union*, by Desmond Dinan, 2d editon.., 36–59. New European Union Series. Oxford: Oxford University Press.
Michailidou, Asimina. 2008. 'Democracy and New Media in the European Union: Communication or Participation Deficit?' *Journal of Contemporary European Research* 4 (4): 346–68.
Milward, Alan S., and Vibeke Sørensen. 1945. 'Interdependence or Integration? A National Choice.' *The Frontier of National Sovereignty: History and Theory* 1992: 1–32.
Moravcsik, Andrew, and Peter J. Katzenstein. 1998. *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. Vol. 1. Cambridge Univ Press. http://journals.cambridge.org/production/action/cjoGetFulltext?fulltextid=6273064.
Nicolaïdis, Kalypso. 2013. 'European Demoicracy and Its Crisis: European Demoicracy and Its Crisis.' *JCMS: Journal of Common Market Studies* 51 (2): 351–69. doi:10.1111/jcms.12006.
Olsen, Espen D. H. 2008. 'The Origins of European Citizenship in the First Two Decades of European Integration.' *Journal of European Public Policy* 15 (1): 40–57. doi:10.1080/13501760701702157.
Ortoli, Francois-Xavier. 1973. 'Presentation of the General Report for 1972 and Programme of the Commission for 1973. Address by Mr. Francois-Xavier Ortoli, President of the Commission of

the European Communities, to the European Parliament. Luxembourg, 13 February 1973. Includes French Version.' EU Speech. http://aei.pitt.edu/13922/.

———. 1976. 'Presentation of the General Report for 1975 and Programme of the Commission for 1976. Address by Mr. Francois-Xavier Ortoli, President of the Commission of the European Communities, to the European Parliament. Strasbourg, 10 February 1976. Full Texts and Summaries in English and French.' EU Speech. http://aei.pitt.edu/12787/.

Parsons, Craig. 2003. *A Certain Idea of Europe*. Cornell University Press. https://books.google.it/books?hl=en&lr=&id=sgqKtbvCVvMC&oi=fnd&pg=PR9&ots=eEkCXOOIVR&sig=WYXz8Q681ABLI-_PauIifBIHolQ.

Pescatore, Pierre, and Christopher Dwyer. 1974. *The Law of Integration*. Sijthoff.

Prodi, Romano. 1999. 'Speech/99/114. Speech by Romano Prodi. President-Designate of the European Commission to the European Parliament.' Speech, Strasbourg, September 14.

Prosser, Tony. 2005. *The Limits of Competition LawMarkets and Public Services*. Oxford University Press. http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199266692.001.0001/acprof-9780199266692.

Qizilbash, Mozaffar. 1996. 'Capabilities, Well-being and Human Development: A Survey.' *Journal of Development Studies* 33 (2): 143–62. doi:10.1080/00220389608422460.

Quittkat, Christine. 2011. 'The European Commission's Online Consultations: A Success Story?' *JCMS: Journal of Common Market Studies* 49 (3): 653–74.

RADAELLI, Claudio M., and Vivien A. SCHMIDT. 2003. *Discourse and Policy Change in Europe*. http://cadmus.eui.eu/handle/1814/2529.

Rey, Jean. 1968. 'Remarks [on Current Successes and Failures in Europe] by Jean Rey, President of the Commission of the European Communities, at the Annual International Dinner of the Harvard Business School. New York, 16 April 1968.' EU Speech. http://aei.pitt.edu/13977/.

Risse, Thomas, Richard K. Herrmann, and Marilynn B. Brewer. 2004. *Transnational Identities: Becoming European in the EU*. Rowman & Littlefield.

Rogowski, Ralf, Robert Salais, and Noel Whiteside. 2012. *Transforming European Employment Policy: Labour Market Transitions and the Promotion of Capability*. Edward Elgar Publishing. http://books.google.co.uk/books?hl=en&lr=&id=uRSynfuhYJUC&oi=fnd&pg=PR1&dq=rogowski+transforming+european+employment+policy&ots=A5ZxVdSCnu&sig=UNncgOY6r286aKMoFmVhIIK7zZw.

Rosato, Sebastian. 2011. 'Europe's Troubles: Power Politics and the State of the European Project.' *International Security* 35 (4): 45–86. doi:10.1162/ISEC_a_00035.

Salais, Robert. 2006. 'Reforming the European Social Model and the Politics of Indicators: From the Unemployment Rate to the Employment Rate in the European Employment Strategy.' *Unwrapping the European Social Model*, 189–212.

SANCO, DG. 2007. 'Healthy Democracy.' *Conclusions and Actions Following the DG SANCO 2006 Peer Review Group on Stakeholder Involvement*.

Sandri, Lionello Levi. 1966. 'Social Policy in the Common Market 1958-65. Community Topics 22, July 1966.' EU Commission - Brochure. http://aei.pitt.edu/34503/.

Schall, Carly Elizabeth. 2012. 'Is the Problem of European Citizenship a Problem of Social Citizenship? Social Policy, Federalism, and Democracy in the EU and United States *.' *Sociological Inquiry* 82 (1): 123–44. doi:10.1111/j.1475-682X.2011.00401.x.

Schweizer, Heike. 2011. 'Services of General Economic Interest: European Law's Impact on the Role of Markets and of Member States.' In *Market Integration and Public Services in the European Union*, edited by Marise Cremona, 11–72. Oxford University Press. http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199607730.001.0001/acprof-9780199607730.

Seabrooke, Leonard. 2007a. 'Everyday Legitimacy and International Financial Orders: The Social Sources of Imperialism and Hegemony in Global Finance.' *New Political Economy* 12 (1): 1–18.

———. 2007b. ‘The Everyday Social Sources of Economic Crises: From “Great Frustrations” to “Great Revelations” in Interwar Britain’. *International Studies Quarterly* 51 (4): 795–810. doi:10.1111/j.1468-2478.2007.00477.x.
Shanks, Michael. 1974. ‘Summary of the Comments [on Labour Policy and Working Conditions] by Mr. Michael Shanks, Brussels, 5-7 November 1974.’ EU Speech. http://aei.pitt.edu/13020/.
———. 1977a. ‘Introductory Article: The Social Policy of the European Communities.’ *Common Market Law Review* 14 (4): 375–83.
———. 1977b. ‘Introductory Article: The Social Policy of the European Communities.’ *Common Market Law Review* 14 (4): 375–83.
Shore, Cris, and Annabel Black. 1994. ‘Citizens’ Europe and the Construction of European Identity.’ *The Anthropology of Europe: Identities and Boundaries in Conflict*, 275–98.
Somek, Alexander. 2008. *Individualism*. Oxford University Press. http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199542086.001.0001/acprof-9780199542086.
Soros, George. 1998. *The Crisis of Global Capitalism: Open Society Endangered*. PublicAffairs.
Spinelli, Alterio. 1973. ‘Report [on Future of Europe] by A. Spinelli [Member of Commission] - Meeting of the Instituto Affari Internazionali. Rome, 21-24 November 1973. Includes French Version.’ EU Speech. http://aei.pitt.edu/13967/.
Spinelli, Altiero. 1972a. ‘Industry and Society in the European Community. Full Text and Summary of an Introductory Speech by Mr. A. Spinelli, Member of the Commission of the European Communities, with Particular Responsibility for Industrial, Technological and Scientific Affairs. Venice, 20 April 1972.’ EU Speech. http://aei.pitt.edu/12963/.
———. 1972b. ‘Introductory Speech by A. Spinelli, Member of the Commission of the European Communities, to the Conference “Industry and Society in the European Community,” Venice 1972’. EU Speech. http://aei.pitt.edu/39275/.
Sternberg, Claudia Schrag. 2013. *The Struggle for EU Legitimacy: Public Contestation, 1950-2005*. Palgrave Macmillan.
Stone, Dan. 2014a. *Goodbye to All That?: The Story of Europe Since 1945*. Oxford University Press.
———. 2014b. *Goodbye to All That?: The Story of Europe Since 1945*. Oxford University Press. https://books.google.co.uk/books?hl=en&lr=&id=bcnRAgAAQBAJ&oi=fnd&pg=PP2&dq=dan+stone+goodbye+to+all+that&ots=tKLsZWK-YN&sig=at4RDd137KOfpvyt22tkrLtTICs.
Sumner, L. W. 1999. *Welfare, Happiness, and Ethics*. Oxford University Press. http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198238782.001.0001/acprof-9780198238782.
Sweet, Alec Stone, Wayne Sandholtz, and Neil Fligstein. 2001. *The Institutionalization of Europe*. Oxford University Press.
‘The Varied Role of Ideas in Politics.’ 2010. In *Ideas and Politics in Social Science Research*, by Daniel Béland and Robert Henry Cox. Oxford University Press. http://books.google.it/books?hl=en&lr=&id=BriV1LD1dcQC&oi=fnd&pg=PT3&dq=the+varied+roles+of+ideas+in+politics+mehta&ots=SN_jm700Ea&sig=frj-_preDtJi3HiGA60FN34Cv_o.
Thorn, Gaston. 1983. ‘Programme of the Commission for 1983-1984.’ EU Commission - Working Document. http://aei.pitt.edu/8796/.
Thyssen, Mariann. 2014. ‘Speech/14/2000 A Fresh Start for Job Creation and Social Fairness.’ Speech presented at the Annual Convention of the European Platform against Poverty and social exclusion, Brussels, November 20.
———. 2015. ‘Speech/15/4404 The Future of Protection of Social Rights in Europe.’ Speech presented at the Opening Conference of the Belgian Chairmanship of the Council of Europe, Brussels, February 12.
Tindemans, Leo. 1975. ‘European Union. Report by Mr. Leo Tindemans, Prime Minister of Belgium, to the European Council. Bulletin of the European Communities, Supplement 1/76.’ EU Other. http://aei.pitt.edu/942/.

Treib, Oliver. 2014. 'The Voter Says No, but Nobody Listens: Causes and Consequences of the Eurosceptic Vote in the 2014 European Elections.' *Journal of European Public Policy* 21 (10): 1541–54. doi:10.1080/13501763.2014.941534.

Tugendhat, Christopher. 1984. 'What next for the Community? Speech [on Industrial Policy] by Mr. Christopher Tugendhat, Vice-President of the European Commission, to the American Chamber of Commerce. Berlin, 4 October 1984.' EU Speech. http://aei.pitt.edu/12008/.

Ulusoy, Hasan. 2015. *Collective Security in Europe*. Accessed June 19. http://sam.gov.tr/wp-content/uploads/2012/01/Hasan-Ulusoy2.pdf.

Union, European. 1957. *Treaty Establishing the European Economic Community. Rome, 25 March 1957, 298 U.N.T.S. 11*.

———. 2007. *Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, Official Journal (C 306/1) 17 December 2007*.

Vauchez, Antoine. 2013. 'Brokering Europe Euro-Lawyers and the Making of a Transnational Polity.' *LSE Legal Studies*. http://www.lse.ac.uk/collections/LAW/wps/WPS2013-19_Vauchez.pdf.

Vouel, Raymond. 1977a. 'Discussion on the 6th Annual Report on Competition Policy. Speech by Minister Raymond Vouel, Member of the Commission of the European Communities. Strasbourg, 16 November 1977.' EU Speech. http://aei.pitt.edu/11108/.

———. 1977b. 'Presentation of the Sixth Report on Competition Policy. Introductory Statement by Raymond Vouel, Member of the Commission. Brussels, 22 April 1977.' EU Speech. http://aei.pitt.edu/11144/.

Weatherill, Stephen. 1995. *Law and Integration in the European Union*. Oxford University Press, USA.

Weiler, J. H. H. 1991. 'The Transformation of Europe.' *The Yale Law Journal* 100 (8): 2403–83. doi:10.2307/796898.

———. 2012. 'Europe in Crisis-On Political Messianism, Legitimacy and the Rule of Law.' *Sing. J. Legal Stud.*, 248.

Wollenschläger, Ferdinand. 2011. 'A New Fundamental Freedom beyond Market Integration: Union Citizenship and Its Dynamics for Shifting the Economic Paradigm of European Integration.' *European Law Journal* 17 (1): 1–34. doi:10.1111/j.1468-0386.2010.00536.x.