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Die Entwicklung des territorialen Rahmens sozialpolitisch relevanter Solidarität

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Stefanie Börner, Monika Eigmüller, Monika Senghaas

(RE)ORGANISING SOCIAL SECURITY

Social Policy in Europe between Territory, Legitimacy
and Identity

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Zusammenfassung

In den jüngeren Debatten werden Wohlfahrtsstaaten häufig mit Nationalstaaten gleichgesetzt und demzufolge einer redistributiven Sozialpolitik auf EU-Ebene aufgrund des fehlenden *europäischen* Zusammengehörigkeitsgefühls kaum Chancen eingeräumt. Indem abgeschlossene und gegenwärtige Phasen sozialpolitischen Rescalings betrachtet werden, untersucht dieser Beitrag, unter welchen Voraussetzungen es zur Ausweitung des territorialen Rahmens der Organisation von Sozialpolitik kommt und fragt wann, warum und auf welche Art politische, kollektive und individuelle Akteure dazu bereit sind, ihren sozialpolitischen Handlungsrahmen auszuweiten. Mithilfe der diachronen Perspektive kann untersucht werden, wie ein bestimmtes territoriales Prinzip neue Handlungskategorien und Bezugspunkte hervorbringt, die sich ihrerseits wiederum in neue Zugehörigkeitskategorien und Solidaritätstypen übersetzen lassen. Entsprechend werden die Akteursinteressen, Deutungsmuster, Motive und diskursiven Veränderungen analysiert. Die Ergebnisse deuten auf das enge Wechselspiel zwischen politischen und ökonomischen Transformation auf der Strukturebene und dynamischen Referenz- und Handlungsrahmen auf der Mikroebene hin. Statt also am starren Modell nationaler Sicherungssysteme festzuhalten, beleuchtet ein historisch informierter Ansatz den zugleich kreativen und konfliktiven Prozess der Herausbildung sozialpolitischer Handlungsräume.

Abstract

Recent debates often suggest that welfare states are nation states and that therefore comprehensive social policies at EU level are not conceivable given the lack of a European collective identity. In reconsidering former and current periods of social policy rescaling, this paper enquires into the preconditions of expanding the territorial frame of organising social policy and asks when, why and how actors are willing to change their frames of actions with respect to welfare policies. This diachronic perspective allows us to examine how a certain territorial principle creates new categories of action and reference points that are able to establish new types of belonging and solidarity. In order to do so we analyse actors' interests, interpretations, motives and discursive shifts. The findings point to the close intertwining between general structural changes at the economic and political level on the one hand and the shifting frames of reference and scopes of action on the part of political, collective and individual actors on the other hand. Therefore, we argue that structural transformations alter political discourses and actors' interests, which, in the long run, may lead to the introduction of new actors, ideas and territorial principles as well. So instead of suggesting the rigid nature of national welfare states and linked to this the missing solidarity at the European level a historically informed approach sheds light on the creative and conflictive processes that led to the predominance of national social policies.

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1 Introduction

In view of an ever proceeding European integration as well as an increasing number of cross-border problems Europe faces in the course of the crisis, questions regarding the development of the Union's social dimension are of growing importance. However, according to a number of scholars, the future prospects of more intensified and encompassing EU social policies are said to be rather poor given the missing collective identity at the European level and a lack of transnational solidarity that is able to transcend the prevailing national solidarities (Kielmansegg 1996; Scharpf 1997; Streeck 2000; Offe 1998, 2003). In their interpretation welfare states are nation states (de Swaan 1992). However, neither in the past nor today the political development towards a higher level of decision making is mainly contingent upon collective identities. Reconsidering former periods of social policy making, the article therefore takes a closer look at these processes so as to uncover the close intertwining between general structural changes at the economic and political level on the one hand and the shifting frames of reference and scopes of action on the part of political, collective and individual actors on the other hand.

The origins of national welfare states date back to the nineteenth century, when the work of children, young persons and woman as well as the modalities of work in general became subject to state legislation. The 'take-off of the modern welfare state' (Flora and Alber 1981: 48) was the evolution of social insurance programmes since the 1880s (Kuhnle and Sander 2010). After Germany had introduced compulsory health insurance in 1883, an accident insurance scheme in 1884 and disability and old age insurance in 1889 most West European countries passed at least one of the core social insurance laws before the outbreak of World War I (Flora and Alber 1981: 59, Abbott and deViney 1992). These programmes, financed either through contributions or through taxes, provided for income maintenance during typical phases of employment incapacity and non-employment.

It is remarkable how public arrangements to cope with destitution have been rescaled to an ever higher level during the last 150 years. This development culminated in the national welfare state that extended social insurance on behalf of ‘increasing numbers of citizens to ever greater varieties of risks’ (Baldwin 1990: 1). It was the nation state that provided from now on the frame of reference for the organisation of social security (Wagner and Zimmermann 2003). With the emergence of social insurance legislation at central state level also the scope of social solidarity was expanded to the national scale. Thus, the shift from private to public responsibility for welfare provision brought about a principal change in the organisation of social solidarity. However, socio-historical research has shown that the nationalisation of social solidarity was a process that has been anything but uncontroversial (de Swaan 1988; Baldwin 1990; Börner 2013; Senghaas 2013). Empirical evidence suggest that early welfare schemes could not rely on nation-wide feelings of solidarity. Instead, the development of the national welfare state is to be understood as a process of establishing a link between trust, democracy and solidarity at the national level (Wagner and Zimmermann 2003: 261; Moreno and McEwen 2005). Existing means of social security provision such as locally organised poor relief or support provided by trade unions were conceived as alternative frameworks for organising social security (Zimmermann 2006). In particular in countries with a strong liberal tradition such as France or Great Britain, mutual benefit societies were regarded as functional equivalents for compulsory health insurance (van der Linden 1996; Fraser 2003).

Given these conflictive and long-term processes of constructing the congruence of nation and welfare state, there is no reason to think that social solidarity among strangers is only able to establish within a national framework. Therefore, in order to shed light on the pre-conditions of rescaling social policies, the article enquires into the conditions of expanding the territorial frame of organising social policy and asks when, why and how actors are willing to change their frames of actions with respect to welfare policies. It turns these questions historically in order to shed light on the complex processes that finally led to the nationalisation of social politics in Europe during the first half of the twentieth century. The historical insights gained allow us the specific theoretical question of how a certain territorial principle creates new categories of action and reference points that are able to establish new types of belonging and solidarity to be posed. Thus, it becomes possible to examine recent and to a certain degree even future developments at the European level more comprehensively.

To fruitfully use historical insights and decode current developments at the European level, historical sociology, historical institutionalism and *socio-histoire*¹ offer a range of social-

1 In a close dialogue between history and sociology the *Socio-histoire du politique* aims at a historical reconstruction of social and political categories such as unemployment (Topalov 1994; Zimmermann 2006) or family (Lénoir 2003) in order to understand and denaturalise the developments of categories of public action that appear to be quite natural today. This consequent sociology of the actors sheds light on forgotten alternatives, conflicts and power constellations that finally led to the studied phenomenon (Rowell 2006).

historical concepts and tools for analysing and comparing recent social transformations (Eig Müller 2012a). Their common starting point is that social phenomena are bound to space and time and hence only understandable in terms of the specific historical background they are embedded in. However, this does not mean that diachronic comparisons are infeasible. Analysing the specific historical constellation within which both actions and structure are intertwined provides us with the possibility to compare across time and place. Key to this inter-temporal approach is the study of processes so as to be able to tackle the *dynamic interplay* between acting and the structural level. Since with Giddens (1984) we assume a close interrelation between macro level factors and agency at the micro level, we widen the programme of classical comparative historical sociology. This means that not only structural shifts and institutional changes are to be analysed but also micro-sociological aspects such as various actors' ideas, interests and interpretations and their transformations against the background of the respective institutional etc. contexts. By concentrating on the actors' interests, interpretations, motives and discursive shift this micro-macro interplay becomes accessible. Moreover, this focus on actors allows European social policy to be considered not only in terms of functionalist automatism and spill-over mechanisms as it is mostly done in the literature (e.g. Leibfried 2005).² With the actors-centred approach we particularly draw on the legacy of the French *socio-histoire* that emphasises the historical emergence of presently operating categories and the micro foundations of social change by identifying the involved actors, their interests and ideas in order to better grasp the meaning of transformative processes and understand how social categories and new frames of action came to prevail (see e.g. Noiriel 2006; Garrigou 2002; Offerlé 1993).

So in combining historical sociology's macro sociology with the French micro-sociological perspective on past processes and thus scrutinising the consequences of emergent opportunity structures for different groups of actors, the article hints at the complex logics and diverse dimensions that shape processes of social policy rescaling. In order to unravel the intertwined processes the first part discusses the structural transformation and how they translate into ideas and shape individual preferences and political decision-making processes. The second part then presents the political logic and the third part concentrates on individual motives of rescaling social policies that are summarised as economic and identitarian orientations. Evidence is drawn from two centralised and two rather plurinational Western European welfare states at the end of the nineteenth and beginning of the twentieth century, namely France and Germany, Great Britain and Austria³. This period will be referred to as nationalisation of social security. The insights gained will be contrasted with

2 Interestingly, the functionalist interpretation of social policy development at nation state level (namely industrialisation etc. as driving force) has been discarded early. A comparable development that describes EU social policy not only as the result of market compatibility requirements and the like is still in its infancy (see Falkner 1998).

3 With Austria we refer to the northern and western part of the Dual Monarchy of Austro-Hungary between 1867 and 1918, so-called Cisleithania.

findings from research on the development of EU social policy between the 1950s and today.

Overall, we aim at reconsidering historical processes in order to be able to assess current arguments. Analysing the shifting interests, strategies, identities and discourses helps to better understand the political construction of a supranational unit such as the EU. It explains why the EU pursues a rhetoric of cohesion and strives for harmonisation in the field of social security, but also why some of its member states are reluctant to give up their social policy competencies irrespective of their own capacity to provide social protection and thus why European integration is sometimes perceived as a major threat to national solidarity and existing achievements in the realm of social welfare.

2 Social integration meets economic integration: The territorial dimension of the social question

During the last decades the process of European economic integration, although, of course, not without effect for political and even social integration at the EU level, has created an awkward structural imbalance in the eyes of many scholars. On the one hand European citizens have been witnessing the dissolution of the nationally defined boundaries of European economic systems and labour markets while on the other hand actual social transfers to single persons that protect against the repercussions of the economic sphere remain with the nation state (see for instance Böhnisch and Schröer 2005). What is more, this 'structural asymmetry' tends to undermine the social achievements of Europe's most comprehensive and generous welfare states (Scharpf 2010: 211). This challenges social integration at the national level since the approved national solidarity is about to break up (Münch 1998). Within member states this transformation is accompanied by a loss of sovereignty because albeit a multi-level organisation constituted by nation states the EU has been steadily gaining power and national governments are increasingly affected by decisions of the European Court of Justice (ECJ) as well as by regulations of the European Commission (for social policy see Leibfried and Pierson 1995, Ferrera 2003; Leibfried 2005).

Thus, in the face of these political, economic and social shifts the preconditions of social integration within a sovereign national framework can no longer be taken for granted (Clarke 2005: 407; Bach 2006: 175). However, EU social policy is not regarded as viable alternative either, the reasons being first, the EU's missing mandate and fiscal sovereignty and institutional obstacles such as the so called joint decision trap and secondly, the lack of a Europe-wide solidarity and collective identity given the enormous heterogeneity of the member states' value and social security systems. But since this article is concerned with the question under which conditions actors are nevertheless in favour of rescaling social policies, the story does not end here.

Although it is hard to imagine from today's perspective, considered from a pure political-institutional point of view the constellation was no more advantageous in the advent of the formation of national welfare states. During the nineteenth century, in lots of Western European countries the growing discrepancy between the organisation of the economic and the social reached its climax in several respects. There 'was a growing tension between actual, and even more clearly potential, economic progress and the hampering actions of absolutist, frequently semi-feudal, rulers and governments clinging to traditional economic policies' (Pollard 1981: 17).

The dissolution of traditional local economic boundaries since the late eighteenth century is connected with the abolition of the guild systems that have been increasingly perceived as an impediment to labour mobility. Throughout the nineteenth century the European guild systems were weakened and replaced by free trade laws establishing free markets for labour, capital and goods, introducing free competition and a single currency, standardising measures and weights, and breaking down customs barriers (which resulted in a multitude of protected national economies at the end of the nineteenth century) (Pollard 1981; Stolleis 2001).

With free trade and the abolition of obligatory guilds, a national order of work regulations, labour markets and tariffs began to establish. As a consequence, the mainly locally organised social security schemes (namely poor relief and mutual benefit societies) were no longer able to meet the requirements of the national economies and labour markets as well as a more mobile labour force: While the new economic order required the workers to adapt to cyclical fluctuations, the mostly local systems of benefit funds for workers failed to meet this claim because workers risked to lose their acquired entitlements when having to leave a mutual benefit society.⁴ Therefore, in Germany, the social reformer Lujo Brentano (1879) suggested that the system of social security should be formed according to the existing economic principles as well, that is a free and nation-wide system of insurance funds that allows workers to change their occupational location without losing the accumulated insurance contributions.

Also in other European countries, the economic changes that resulted in the establishment of national labour markets within territorial boundaries were a crucial part of the debates preceding the introduction of social insurance programmes. In contemporary discussions on what was called the social question, the increase of domestic migration played an important role. Spatial mobility was perceived as an essential part of the transformation from a rural to an industrial society. Linked to the emergence of nationally organised labour markets was a growing incongruence between the scope of economic and social policies, which different groups of actors put forward in the discussion.

4 At the micro-level this mobility requirement is reflected by the immense importance of domestic migration at that time. Nearly every second citizen was part of this human flow, either short distance or long distance (Köllmann 1974), both of which could have meant the loss of hard-earned entitlements for sick pay.

In order to justify the necessity of state controlled social security systems, political elites referred to the territorial dimension of the social question. They pointed out that with an increasingly mobile workforce the existing social security schemes would no longer provide sufficient coverage. When the Austrian Parliament discussed the Government's proposal for an obligatory insurance scheme against work accidents in 1886, Deputies stressed the need to provide a viable alternative to local poor relief. The conservative social reformer Liechtenstein, for instance, argued that a locally based system of social protection was only justified as long as people used to work at the same place where they were born and would die at the same place where they were born. Under the conditions of regional mobility, with workers moving from the countryside to the growing industrial centres, he declared poor relief to be an 'uninhabitable ruin' (House of Deputies 1886: 2614, own translation).⁵

Members of local or occupational sick clubs were particularly concerned with the free movement of persons within and in-between these private insurance funds since this directly affected their well-being. At a central meeting of the benefit societies in Berlin in 1884, for instance, a member of the metal workers' fund aptly remarked that the workers were witnessing a period of centralisation and that therefore the huge number of benefit funds had to give way to larger ones (QGDS 2009: 375).

So also historically, at the very outset the perceived incongruence between the scope of social and economic policies impeded a successful social integration, to use a contemporary argument (Bach 2008). The argument here is that, medium term, this very imbalance triggered by major economic transformations at the structural level caused a rethinking at the political and individual level. For years and sometimes even for decades national and municipal authorities, workers, members of benefit societies and social reformers debated the various membership spaces that might serve as an alternative to the existing small-scale schemes and thus directly reacted to the observed structural changes. This often neglected territorial dimension of the contemporary discussions on social policy is one piece of the puzzle that finally led to the nationalisation of the social.

A similar process can be observed today, but unlike the situation at the end of the nineteenth century by now social risks are well covered by public social security schemes. The concept of a public social security has been established successfully since the late nineteenth century. So, even if we face a new territorial organisation of market structures in the European Community today (institutionalised as the European Single Market⁶) that is similar to the development in the European nation states at the end of the nineteenth century,

5 'Sobald aber, meine Herren, die Sesshaftigkeit der Bevölkerung durch das Einströmen der ländlichen Arbeiter in die Fabriken der Städte den ersten Stoß erlitten hatte und durch die Erfindungen der Maschinenteknik die frühere Uniformität der Arbeit einer bedeutenden Differenzierung hatte platzmachen müssen, musste die Armengesetzgebung mit der Heimatsgemeinde als Grundlage allmählich immer größere Lücken und Schäden aufweisen und schließlich zu einer unbewohnbaren Ruine werden.'

6 In order to secure the free movement of goods, capital, services and people this process initiated in 1986 through the Single European Act entails the removal of trade barriers, the approximation of laws and standards and the equal treatment of all European citizens.

we can not find a similar revolutionary idea of a large-scale public social security like in the former period of nationalising social security. However, what we can observe today is an incremental process of aligning the different social security schemes within the European member states on the one hand and a slow territorial opening of national systems towards all European citizens on the other hand. These unintended processes, akin to those during the nineteenth century, can partly be attributed to the new mode of territorialisation yielding, for example, cross-border mobility of workers within the EU. However, unlike during the nationalisation of social security, in the beginning it has been more the ideology of a free common European market and the political idea of a new territorial frame of the European labour market than the feeling of a *de facto* requirement caused by an increasing mobility within the European Community which triggered the first steps towards an EU social policy. For instance the approximation of social security standards within the member states has been interpreted as a necessary precondition of the effective realisation of labour mobility within the common market. Being the core idea of European integration the ‘freedom of movement for workers’, it is said in the Council Regulation No. 1612/68,

should be secured within the Community by the end of the transitional period at the latest; whereas the attainment of this objective entails the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment, as well as the right of such workers to move freely within the Community in order to pursue activities as employed persons subject to any limitations justified on grounds of public policy, public security or public health (European Council 1968).

Among national authorities these ideas have not always been welcome as the example of cross-border healthcare shows. Most of the 15 member states vehemently opposed the idea of an EU-wide patient mobility because they anticipated higher costs and destructive consequences for domestic healthcare and nationally-constituted solidarity mechanisms (see Ferrera 2005; Obermaier 2008, 2009). However, since they were directly related to the basic principle of free movement questions of cross-border healthcare entered the political agenda although the Commission did not hold any competences in this area. Even if the necessity of reorganising social security in Europe in the course of the establishment of workers mobility was obvious by the 1950s already, it took some more time to bring these insights into law. This reluctance of the European legislative was the reason why the ECJ and his judgements became the major source of social security organisation within the EU (Leibfried 2005; Joerges 2010). Between 1954 and 2001 more than 20 percent of all ECJ judgements were dealing with social security issues, initiated mainly by single European citizens who claimed their social rights as European citizens and brought to the ECJ via infringement procedure (Eigmüller 2013; ECJ 1997–2002).

This outstanding position of the judiciary in the process of European social integration is mainly caused by the failing will of the member states to create a common social policy within the EU and their fear of loosing competences in this policy field. Hence, so far the Commission has been lacking any direct mandate for social policy. Thus, the emergence of

a common social policy at the European level can mainly be explained by the specific interest constellations and the peculiarities of multi-level-governance. In contrast, during past processes various actors perceived a functional necessity stemming from the observed increasing mobility and the like, which – coupled with the new ideology of nation building – let them to reframe social security as a national responsibility and reorganise it at the national level.

According to the ECJ, the responsibility to legislate social issues, in particular means-tested social services, still remains with the member states. Yet, the strength of defining the content of social rights – i.e. the scope of social policies – has been removed from the national context bit by bit: With regard to the provision of certain social goods the national territorial principle is being overridden by EU citizens who can now request distinct social services outside their member state of residence. At the same time, the pool of persons entitled for social benefits extends far beyond former national borders both financially and legally, given that under certain circumstances even means-tested social services now are allocated according to residency instead of nationality (Eigmüller 2013). So EU member states are experiencing an important process of removing boundaries that previously were essential features of national welfare regimes (Ferrera 2003; Threlfall 2003). However, these newly emerging spheres of social entitlement are neither homogeneous nor congruent with each other. Rather, we can see a variety of only partially overlapping territorial as well as community spheres. Depending on the field of social policy being governed, they digress more or less from the national situation. Thus, the EU challenges the member states' basic principle of territoriality and therefore diverges from one important foundation of the national welfare state: the congruency of territory and membership with regard to the allocation of encompassing social rights.

3 Rescaling as source of political legitimacy

The introduction of social insurance brought about a fundamental change towards a territorial structuring of social security. Thus, the previous section made clear that the major transformations in the organisation of social security at the end of the nineteenth century were not only the result of the emerging social question (Kaufmann 2003, 2012), but also evolved around a territorial question. The final acts establishing obligatory insurance in case of work accidents, sickness, inability and old age finished long debates about the adequate scope of social security and encompassed all members of the state territory that were eligible according to the laws. In contrast to previous social security schemes that were often structured along occupational lines, membership in national insurance programmes was organised on a territorial basis. Social security was tied to the national territory, while at the same time principles of risk sharing were established within the national framework (Ferrera 2005). Given this strong link to state boundaries and categories of belonging, social programmes have been and still are crucial instruments of social integration and political

legitimation. Historically, they helped to define the boundaries of political communities and to create a network of intimate relations between citizens and the central government within a polity's territory (Banting 1995: 270; Manow 2005; Moreno and McEwen 2005). Therefore the question which territorial framework was to be chosen for organising social security was closely linked to the specific interests of the protagonists of social policy making. In the following, like in the previous paragraph, we will first provide the actors' major arguments when it came to the formation of nationally constituted social security schemes and then present the reasoning of today's actors before we discuss parallels and key differences between the two transformative periods.

Although nothing new, the fact that in most countries political elites were the driving forces behind social reforms draws attention to the motives of the national authorities. Notably in Germany and Austria, who were the first states to establish social insurance systems for industrial workers in the 1880s, the authorities' main interest was to stabilise the existing political order and to gain legitimacy for their government. Being probably the best known example, the formation of the German welfare state since the 1880s was 'a large-scale exercise in nation- and state-building' (Manow 2005: 226). On the one hand it offered the central government a new arena of political activity and a new administrative domain for the central state, on the other hand it provided possibilities for workers to politically participate and socially integrate. For them, the nation became a key collective reference unit. Political authorities explicitly referred to this welcome side effect of social policy making.

In November 1881, the "Imperial Address" to the *Reichstag*, which laid out the principles of social policy making, stated that it was necessary to positively further the workers' well-being in order to safeguard the inner peace of the home country (QGDS 2003: 61–65). Framed as Bonapartist approach this political strategy can be understood 'as a means used by social elites of preserving the status quo, sidestepping the threat of major reform by granting modest concessions to increasingly important but still largely disenfranchised classes' (Baldwin 1990: 39).

Also in Austria, where social legislation under the conservative government of Prime Minister Graf von Taaffe closely followed Bismarck's workers' insurance schemes, social programmes served as an instrument to legitimise the existing political order (Talos 1981). By providing workers with state guaranteed financial benefits during times of temporary or permanent disability to work, political elites hoped to strengthen the workers' identification with the monarchy. In the multi-ethnic Austro-Hungarian Empire, political and social integration through social policy was characterised by a distinct territorial dimension: Public welfare provision at central state level was meant to be a unifying tool that would keep the different nationalities together in the supranational framework of the monarchy. In the Austrian Parliament, the German Deputy Karl Lueger referred to the motives of German political elites laid down in the "Imperial Address" and adapted it to the conditions of a multi-national empire when he said:

If these institutions will be brought into being, this will evoke in every single citizen, no matter which province he stems from or which language he is speaking, the awareness that he belongs to a great and powerful state, a state which protects himself and his family, wherever in the empire he is staying and wherever he has founded a family. (House of Deputies 1886: 2534, own translation)⁷

In France, where the development of a public system of social security started somewhat belatedly with the *loi sur les retraites ouvrières et paysannes* (Workers' and Peasants' Pension Act) in 1910, social integration was also discussed as a major motive behind social policy:

The law that we are elaborating on shall be a law of pacification and national unity. [...] This Bill is supposed to establish unity among employer and employee, both with regard to their cooperation and to their mutual feelings of human solidarity. (Débats parlementaires 1905: 1471, own translation)⁸

The development of social policy in multi-level systems such as the EU or federal states illustrates that the framework chosen for the organisation of social policy is crucial for issues of legitimation and even identification. According to Keith Banting (1995), social policy making can therefore be framed as 'competitive state building' in the process of which different actors compete with each other for political competences (or try to prevent a loss thereof respectively). Also during the nineteenth century elements of 'competitive state-building' that revolve around cultural and territorial conflicts can be found as the example of the political conflict between British friendly societies and the public authorities shows.

It does not come as a surprise that, when the first ideas of a national obligatory insurance scheme started to spread in Britain and state intervention entered a new stage at around the turn of the century because public authorities gave up their own reluctant position and began to intervene in the social sphere, friendly societies vehemently opposed the state plans. It is agreed in the literature that British benefit societies were a powerful and serious opposition to public social legislation and that they wielded an enormous influence on its final arrangement and implementation (in detail see Gilbert 1966; Birke 1983; Fraser 2003). Without a doubt, obligatory insurance would have been a strong menace to the peace of friendly societies and thus their collective efforts aimed at preventing a loss of competencies and maintaining their position as powerful actor in the field of health insurance. They became active for the first time when contributory old-age insurance entered the political agenda during the 1880s. At the end of a long-lasting debate the Old Age Pension Bill, finally passed in 1908, introduced tax-financed, means-tested benefits instead of pensions based on compulsory contributions (Birke 1983: 166–171).

⁷ *'Wenn diese Institutionen ins Leben gerufen werden, dann wird in jedem Staatsbürger, welcher Provinz auch immer er entstammt und welche Sprache immer er spricht, das Bewusstsein wachgerufen werden, dass er einem großen und mächtigen Staatswesen angehört, einem Staatswesen, welches ihn und seine Familie schützt, wo immer im Reiche er sich auch aufhält und wo immer er eine Familie gegründet hat.'*

⁸ *'Il faut que la loi que nous élaborons soit une loi d'apaisement et d'union nationale. [...] Il faut que cette loi cimenter l'union du patron et de l'ouvrier dans le sentiment de leur collaboration comme dans celui de leur solidarité humaine.'*

The voluntary societies' influence on the first national health insurance scheme in Britain (Part I of the National Insurance Act), enacted three years later, was even greater. Friendly societies' vested interests resulting from a century-long historical accretion clashed with the central state when it started to campaign for social policy measures as well and hence unleashed a story of competitive policy-making between private and public interests. Convinced of the fact that such a scheme would not only evoke a 'crisis in the history of mutual thrift by voluntary effort' but also destroy the institutions, friendly societies started a campaign to lobby against the bill. The state programme would destroy 'those feelings of benevolence' and 'the warm-hearted, sympathetic visit of the sick steward [will] be replaced by a cold officialism that will only perform so much service for so much monetary consideration [...]' (Oddfellows' Magazine June 1909, cited by Cordery 2003: 165–166). Like a mantra, the friendly society organs of that time repeated these arguments, thus showing how much the groups feared their public competitor. On the other hand, their one hundred years of experience made them the first point of call for the state to consult and therefore 'the State made the fateful decision of using existing societies to administer the new benefits and of avoiding any direct State administration' (Beveridge 1949: 74). Given their incorporation into the projected national scheme friendly societies finally came to accept the idea of public insurance as a matter of principle (Gilbert 1966). In Germany and Austria, where mutual benefit societies were in a much weaker position, but the elites nevertheless recognised their local and occupational expertise, a similar process took place.

Taken together, the state endeavours, driven by considerations of enhancing political legitimacy, provoked fierce opposition of corporate and civil society actors that rather preferred to stick to the status quo. Such a conflict-theoretical perspective explains why social policy making at the European level, which is marked by a steady conflict of interests between the EU and its member states, is so hard. Akin to the situation during the nationalisation of social security also today alternative social policy settings and actors compete with each other when it comes to questions of sovereignty, membership boundaries or the autonomy of domestic social protection systems (see Falkner 1998; Hantrais 2007).

Taking a closer look at the European level, the arguments driving the common interest of transferring social policy competences to the European level differ slightly between the key actors at EU level. The European Parliament has largely been in favour of such a transfer. It is argued that a higher degree of social policy organisation at the European level leads to a higher degree of legitimacy of the EU and that a common social policy would strengthen the solidarity between European citizens (Hantrais 2007). A common social policy within the EU would therefore not only strengthen the position of the European Parliament as the legitimate democratic representative of the European project but also the bonds between the European citizens and therewith the European project as a whole. This argument of gaining legitimacy by using social policy has also influenced the European Commission: In 1993, the former president of the European Commission, Jaques Delors, launched the concept of a "Social Europe" namely as a source of legitimacy to support the economic integration project (Geyer 2000). Twelve years later, the negative referenda in

France and the Netherlands made clear that the democratic and social deficit of the European project was also felt among European citizens. Within the national societies the issue of social policy as a motor of integration and legitimation seemed to play a prominent role as well because the lack of social programmes within the EU and the exclusive concentration on the neoliberal project of market building became one key argument in the public debates of these years. A successful implementation of the common market needs a social backing, so the constantly repeated argument of the Commission. Finally, in the long run, more competences in the field of social policy would also strengthen the position of the European Commission itself. Less idealistic, the ECJ, as the most important actor in driving social policy up to the European level, is not in favour or against a transfer of competences in the field of social policy. Instead, according to its main purpose of ensuring the correct interpretation and application of the treaties establishing the European Communities, the ECJ is mainly interested in the enforcement of the common market programme and the four freedoms – which includes to a certain extent also a common social policy regulation, like in the case of patient mobility.

So, akin to the period of nationalisation, arguments claiming that EU social policy serves as a source of legitimacy which is needed as basis for building the future of the European project are widely used in the European political debates – in the full knowledge that, for the same reason, the member states are trying to avoid the slightest signs of a loss of such competences. However, this section made clear that neither the political debates nor the ideas of the European Parliament or the Commission are the actual driving forces behind social policy making at the European level but rather the jurisdiction of the ECJ. Thus, the crucial question today is not, whether the idea of input-legitimation is again used to initiate a rescaling of social policies, but if, in the long run, an existing European social policy will indeed contribute to create such a new mode of legitimacy.

4 Economic and identitarian considerations in rescaling social policies

The last two sections shed light on the power-related issues and macro-structural aspects against the background of which collective and political actors are likely to promote a rescaling of social policies toward a higher level. Since this article started from the assumption that an existing collective identity cannot explain the scope of social policies, it now turns to this collective dimension of social policy making. So far the actors used collective identities and solidarities as a mere strategic instrument in the political game. This final part discusses why individual actors shift their loyalties and frames of reference and asks whether collective references (beyond strategic considerations) play a role at all.⁹

⁹ In contrast to the mentioned theoretical works according to mainstream *empirical* research this is not the case and attitudes and behaviour are attributed to a person's respective rationalist-economic interests that arise in connection with the prevailing social order. In case of EU social policy this means that those

The excursion to historical processes of preference formation deepens our understanding of how actors shape their motives concerning the expansion of the scope of social policies. During the introduction of national health insurance members of private benefit societies had to align their previous small-scale solidarity, because legislation urged them to increase the number of members, which usually meant that they had to expand the previous territorial or occupational boundaries of redistribution. Their arguments and personal attitudes towards the enacted laws provide insights into the collective preconditions of social security rescaling. The members' arguments concerning an expansion of their redistributive in-group ranged from the idea of social closure within extremely small groups to the concept of a universal solidarity of labour by joining together all trades, but they were usually linked to economic arguments that emphasise the benefits of such an opening towards previously excluded categories. For instance members envisioning a wider concept of solidarity welcome expansion due to the overall benefits for the working class movement (Cabinet Makers 1909: 208) or they highlight financial and administrative benefits of the rescaling such as a more efficient administration or higher mobility:

We cannot, on account of numbers, become an approved Society under Part I of the Act, only by joining in with other Societies. This difficulty can be overcome by joining in with other Unions and combining together for the purpose of becoming an approved Society. [...] [A]dministration could be more efficiently and economically carried out. The larger the movement, the less cost in management. (Plate Moulders 1910: 3–5)

However, economic orientations alone did not account for the attitudes towards integrating the different schemes. The members' preferences were rather informed by both identity-induced and economic considerations as becomes clear in the following citations where, due to financial reasons, British and German workers preferred to stick with the given group: 'When it comes to financial questions fellowship will come to an end here, each profession and each trade association have to take care of themselves' (Shoemakers 1883: 27, own translation)¹⁰, therefore – one could add – '[J]et Cabinet Makers manage their own affairs; – and other trades – Glass Grinders, Mattress Makers, Polishers, etc., etc., manage their own' (Cabinet Makers 1909: 209).

But not only those who opposed expansion often combined economic interests with identitarian orientations since proponents of a wider redistributive scope prefer to open their benefit fund along familiar categories of belonging, such as other but kindred occupations or the own professional organisation at national level (see Börner 2013).

who are to gain from a transfer of competencies are more likely to support a social Europe than those who already live in a strong welfare state and therefore rather fear a dismantling of social achievements. Scandinavians, for instance, can therefore be expected to oppose transnational social policies, while citizens of southern European countries that are marked by low levels of social expenditures are much more likely to endorse an expansion of European welfare policies (Mau 2005, see also Beramendi 2007; Wilke 2012).

10 *„Beim Kassenwesen hat die Freundschaft ein Ende, da muß jeder Beruf und jeder Gewerkverein für sich selbst sorgen.“*

Similar rationales can be found today in terms of expanding national solidarities towards the European level among opponents and supporters alike. While the respective member state's cultural and political legacies make it hard for the citizens to imagine a European community, at the same time the already established EU-level institutions provide sufficient contact points and opportunities to at least partly shift one's interests and identities and to make people endorse social programmes that transcend national boundaries. Individuals claiming their social rights within the newly formed European judicial area provide a good example for this process. They thus start a negotiation process at the political level, between the ECJ and the European political actors, at the end of which new social rights may be granted to the European citizens (Eigmüller 2013). This was the case for instance with the *Directive on the application of patients' rights in cross-border healthcare* (Directive 2011/24/EU) adopted in 2011.

Initially, the EU did not have any competences in the area of healthcare. During the 1990s this changed dramatically, one reason being the skilful way the European Commission established itself as important actor in the field of public health while subsequently blurring more and more the lines between healthcare and public health, the other being the gradual disintegration of the original coupling of social legislation and certain purposes of stay. Originally, cross-border healthcare exclusively applied to employees and their dependents. However, further steps towards integration in other policy areas, such as the service directive and the four freedoms of the internal market, gave way to the interpretation that cross-border healthcare would also be available for other European citizens. Without single European citizens who acted according to their awareness of the legal opportunities under which the single market law directly serves for every individual, these traces would not have been any more than vague legal opportunities. The first who took action was Nicolas Decker who, in 1995, sued his health insurance for not reimbursing him his pair of glasses bought in another European member state. One year later, the Luxemburgian Raymond Kohll sued his health insurance because it had refused to refund his daughter's orthodontist outpatient treatment in the Netherlands (Decker C-120/95; Kohll C-158/96). Both cases were finally decided by the ECJ who ruled under Art. 30 and 36 EEC in favour of the claimants. These first claims were followed by a host of similar cases in the following years (Müller-Fauré and van Riet C-385/99, Watts C-372/04, Inizan C-56/01, Leichtle C-8/02). With their actions some of the cross-border patients aimed at saving costs, while others intended to shorten waiting periods, receive a better treatment or one that was unavailable in their country (Glinos and Baeten 2006; Martinsen 2007). In order to pursue these individual interests, all claimants presupposed a European sphere of healthcare, within which they are able to move freely, seeking cross-border healthcare. Interestingly, in all these cases the claimants drew explicitly on the assumed individual rights of European patients in a common healthcare domain and, moreover, the claims went far beyond the services that until that time had pertained for European citizens, even for European workers (Eigmüller 2012b). The claimants' specific understanding of their social rights as EU citizens and their private interests ensuing therefrom finally paved the way for a common framework of

European healthcare. Most of the member states opposed this development as long as possible, until, lastly, they were forced by these individual claims and the subsequent rulings of the ECJ to approve a common directive on cross-border mobility of patients (Directive 2011/24/EU), which marked a major turning point in the development of a common European social policy.

In sum, between different groups of actors the attitudes diverge and their willingness to accept a new scale of action varies according to anticipated financial and general benefits of rescaling; less cost, more efficient administration, higher mobility, better quality are often forwarded reasons here. Yet not only private benefits, but also categories of belonging have been and are still shaping the preferences. This means actors opposed to rescaling refer to a group's established (e.g. occupational or national) identity and hence members are not willing to widen the solidarity towards previously excluded groups; also those in favour of expansion prefer rescaling towards kindred categories of belonging or within the scope of new, but already familiar categories. Over time, these argumentative patterns remained stable, the only difference being that nowadays citizens are asked to expand their familiar national solidarity, while 100 years ago Shoemakers and Carpenters were asked if they are willing to include other occupational categories.

The fact that also individual actors have an impact on processes of Europeanisation sheds light on another important aspect too that is usually ignored by rational choice explanations, which perceive preference formation and the shifting of social policy reference frames in terms of economic gains and losses. One cannot explain social policy rescaling without considering the role of collective identities because it is not without a reason that in the political sphere actors tend to frame social politics in terms of emotional categories such as solidarity and identity in order to alter loyalties and make new policies work. Since not only economic orientations impact individual interests but also orientations related to one's collective identities, we conceive of shifting interests and shifting loyalties as highly intertwined processes. The two examples make clear that before people start referring to and acting according to new scales of action they have to become aware of this new political level and gain insight into its functions, norms and mode of operation.

5 Conclusion

Social policy making has a long and eventful history of restructuring and reframing that constantly witnessed the introduction of new actors, ideas, principles and social imbalances to be addressed. Hence, instead of suggesting a continuity of national welfare states as it is often done in recent debates, we argue that this story of rescaling and conflictive political negotiations is marked by both major and incremental shifts. The article assumes that studying the emergence of national social security systems, being one of those transformative moments helps us to reconsider current processes of Europeanisation in the field of social policy. In contrast to the functionalist and institutionalist mainstream literature on

EU social politics this new perspective brings us to the conclusion that in order to understand social policy making at European level it is crucial to consider how the different actors frame their ideas, interests and strategies against the background of their respective structural and institutional circumstances.

Rescaling the existing private or local schemes of social security that outlived the nineteenth century can only be understood in light of the territorial restructuring, which made actors change their minds with respect to the adequate location of social programmes. The tangible consequences workers experienced in the course of the opening of local and regional economic structures also entered the academic and political debates. Although European actors argue in a similar vein, today's situation is different because they face a variety of comprehensive state schemes that render a complete transfer of competencies extremely unlikely (Eigmüller 2010). Since social policy making between the 1880s and 1920s was linked to state and nation building, this first discursive shift in response to structural transformations was closely intertwined with the prevalent political rationales of that time. Thus, social policy proved to be a welcome power instrument for enhancing legitimacy and forging the social bonds between members of a polity. In view of the current constellation the UK provides an instructive example of how in such a process of competitive state-building the parties concerned negotiate the inclusion of the previous, quite different actors in the field given their long-term experience with social insurance *and* in order to break their opposition (see Börner 2013). Also in the EU such path-dependent developments are both the result of strategic political concessions and the desire to make use of existing expert knowledge and structures. Here it would be interesting to further enquire into former techniques of coping with diversity.

Last but not least we also considered individual interests of widening the boundaries of the social. The arguments found combine both identity-induced motives and interests that maximise private benefits. This is in line with first empirical studies on preference formation regarding redistribution or European integration (Hooghe and Marks 2004; Tausch et al. 2010). The very same arguments can be found among European actors as well, the difference being that today individual actors even are involved in EU social policy making as claimants which gives their private activities much more than only a symbolic leverage. So, even in the absence of an EU-wide solidarity transnational structures of social security and social welfare are in the making, which in the end also apply to those who have not been in favour of opening the boundaries of national schemes. By historicising the given frames of national solidarity we were thus able to show that the implementation of social policies does not require a collective identity. People might strive for the congruency between the social order and their group of reference, but categories of belonging are much more flexible and context-sensitive than many scholars have assumed recently, that is they may shape as a consequence of major structural transformations that are translated into politics. This means that given the emerging European structures people start to refer to the existing institutions and integrate its opportunity structure in their horizon of acting. The current

identity hypothesis that prevails within the academic debate does not cover these complex processes.

Highlighting the actors' interpretative patterns and interests allows for a more differentiated understanding of the logic of EU social policy making. Hence, the mainstream functionalist spill-over explanations as well as the identity hypothesis suggesting the *impossibility* of EU level social policies (de Swaan 1992; Scharpf 1997; Streeck 2000; Offe 1998, 2003) have to be supplemented by an actor-centred approach that nevertheless highlights the political, institutional and economic context factors. The three dimensions discussed cannot be separated as it has been done in this paper for reasons of clarity. The analysis rather shows how macro-level structures and institutions shape the interests and opportunity structures of political, corporate and individual actors, whose actions are then shaping the structural level again. This takes a long time. So instead of suggesting the rigid nature of *national* welfare states and linked to this the missing solidarity at the European level, as it has often been discussed during the last years, a historically informed approach sheds light on the creative and conflictive processes that led to the predominance of national social policies in the first place. Such an endeavour is inevitably selective but nevertheless fruitful. On the one hand it emphasises the processuality and long-term nature, on the other hand the constructive power of political boundaries to create social unities becomes also clear, the consequence being that what we refer to today as nation-wide solidarity is grasped as a much more dynamic and contingent institution that can also be subject to social change and political negotiations.

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