“Let’s talk about it.” – Theorizing the OMC (inclusion) in light of its real life application

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Introduction

Against the background of an ever more economically integrated European Union (EU), there have been diverse attempts to add a social dimension to the process of European integration the latest of which is to be found in the Open Method of co-ordination (OMC)\(^2\), installed officially during the Lisbon summit in 2000. This soft law instrument – used in a variety of policies areas such as employment, social inclusion, pensions, immigration policy, environment, amongst others – is to produce convergence in policy outcome in the respective fields of the member states. It is an instrument which supposedly respects the diversity of national institutional settings, programmes and ideas of justice while leading the member states to similar standards in their welfare mix as well as to the modernisation of the so-called European Social Model (ESM) (Wincott 2001: 2). My thesis project is looking at the social inclusion process inaugurated in 2000 and its implementation in France and Germany. The leading question is what influence the inclusion process is able to unfold in member states, i.e. the role the OMC/inclusion takes in the political processes of member states and its eventual incorporation into existing structures. The results of the study should provide an answer about the degree of the Europeanization of national social policies and what this eventually means for the further developments of European social policies and politics.

There are several underlying hypotheses to this study three of which shall be named here: 1) The path dependency of institutionalised welfare arrangements to which belong, amongst others, administrative political cultures, is too strong for such a soft instrument to bring about significant modifications; 2) The theoretical assumptions underlying the OMC are not feasible in reality as they tend to underestimate (if not forget) real power hierarchies as well as the political contexts of deliberative processes, amongst others (Jacobsson and Vifell 2003); 3) The ongoing “discourses” about in- and outsiders, about what “social justice” should mean practically and what not, as well as the labour market oriented activation strategies incorporated in the Lisbon ideology do not point in the direction of the development of integrated policies against social exclusion and therefore render the likelihood of a success story even smaller.

In this paper I will address theoretical and conceptual questions on how to analyse the OMC/inclusion. In the first part I will introduce into the Lisbon process and the Lisbon ideology – and show that it makes it difficult to maintain an integrated definition of social exclusion – as well as the mechanisms of the OMC. In a next step, light will be shed on the concept of social exclusion in order to see if political and academic definitions and conceptualisations are compatible with the concept applied in the OMC/inclusion. Thirdly, the theoretical groundings of and the literature on the OMC will be revisited and questioned in regard to some main assumptions about the concepts of learning, deliberation, and policy transfer. Afterwards, the methodological difficulty to measure “influence” in a political multi-level process will be addressed. Finally a framework on how to come to grips with the OMC/inclusion process at work will be offered.

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\(^1\) I am grateful to Milena Buechs for helpful comments on an earlier version of this paper.

\(^2\) The OMC has received great attention of researchers, to the extent of being called the “catch word of the season” (Wessels 2003: 3).
Presenting the Lisbon process and the OMC

When talking about the OMC/inclusion it is necessary to have a look at the Lisbon process as well as the ideology the Lisbon strategy encompasses. This means looking back at the European Council that took place in Spring 2000 in Lisbon where the OMC was officially introduced, tempting to understand which factors brought it into life, shed a light on the normative groundings of the Lisbon strategy and finally naming the mechanisms on which it rests.

The Lisbon Summit of March 2000 was organized "to agree on a new strategic goal for the Union in order to strengthen employment, economic reform and social cohesion as part of a knowledge-based economy". (Lisbon European Council Conclusions, p.1) The strategic goal set forward was "to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion." (idem, p. 5). The policy mix chosen in order to attain the goal consists of the by now well know triangle of economic growth, employment and social cohesion (Begg and Berghman 2002: 191-192), thereby formulating the conviction that "economic efficiency and social protection are not two conflicting targets but two complementary aims" (Berghman et al 2003: 26).

The four common objectives (not “guidelines” as in the European Employment Strategy) that were agreed upon for the social inclusion process at the Nice Council in December 2000 were: 1) Access to employment and to resources, rights, goods and services, 2) prevention of the risks of exclusion, 3) help for the most vulnerable and 4) mobilisation of all relevant actors. Policies are asked to integrate “the solidarity principle into Member States’ employment, education and training, health and housing policies and defining priority actions for specific target groups (single parent families, refugees, homeless, children at risk, elderly and people with disabilities)” (Berghman et al 2003: 194). As can easily be seen, these objectives are very broad and leave a lot of space for interpretation and implementation. Since the inauguration of these objectives, two rounds of National Action Plans (NAPs) (summer 2001, summer 2003) have been completed and the second Joint Report of the Commission has just been published.

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Paragraph 37 of the Lisbon Summit conclusions, 23-24 March 2000 goes as follows:

"Implementing a new open method of coordination

1. Implementation of the strategic goal will be facilitated by applying a new open method of coordination as the means of spreading best practices and achieving greater convergence towards the main EU goals. This method, which is designed to help Member States to progressively developing their own policies, involves:
- fixing guidelines for the Union combined with specific timetables for achieving the goals which they set in the short, medium and long terms;
- establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practices;
- translating these European guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences;
- periodic monitoring, evaluation and peer review organised as mutual learning processes.

2. A fully decentralised approach will be applied in line with the principle of subsidiarity in which the Union, Member States, the regional and local levels, as well as the social partners and civil society, will be actively involved, using variable forms of partnership. A method of benchmarking best practices on managing change will be devised by the European Commission networking with different providers and users, namely the social partners, companies and NGOs.”

The first one (April 2002) having encountered criticism for its earlier version from some member states because of attempts by the Commission to categorise and group member states according to their strategies against social exclusion. Where as France was complimented (22) on its comprehensive, proactive and
In February 2001 a sub-group on indicators within the Social Protection Committee (SPC) began to develop a common set of social indicators. The SPC formalised a set of ten primary and eight secondary social indicators in October 2001, which were accepted by the Employment and Social Affairs Council and endorsed by the European Council meeting in Laeken in December 2001. Another important change between the first and the second round of NAPs was the development of a common outline by the SPC, designed mainly to: 1) increase the readability and thereby the possibilities of comparison; 2) encourage member states to focus more the development of strategies rather than presenting what it already in place; 3) encourage member states to set more quantified targets and 4) ensure a greater visibility of the local and regional levels as well as the participation of other than state actors (by asking member states to describe how these actors have been involved, Berghman et al 2003: 106).

**Why it came into being**

There is, since a few years only, a widely shared analysis both between politicians and academics that (west-) European welfare states are facing challenges in a manner that may put their very existence into question if serious adaptations and reforms are not realized in order to maintain the heart of the European welfare systems. Commonly named in the respective debates are, amongst others, the ageing of the population, severe unemployment rates in numerous member states of the EU that put a strain on social protection systems by gaining fewer taxes while having to spend more on social minima incomes as well as economic pressures resulting from growing world-wide markets (Berghman et al 2003).

It is in this context as well as in a context of political legitimacy crisis of the EU (Hartwig and Meyer 2002: 1) – resulting from growing unemployment rates, advanced economic integration with no corresponding social integration nourishing growing poverty and social exclusion and the growing success stories of extreme-right parties in several member states – that the European Council of Spring 2000 in Lisbon gave birth to the Open Method of Coordination (OMC). Its declared objective – beside the goal to “eradicate” poverty and social exclusion by 2010 – is convergence of policy outcomes throughout the member states.

How can this development in an area where member states traditionally have claimed their prerogative be explained and what exactly is the OMC?

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5 Which member states do no have to follow (both France and Germany did).
6 “The number of people living below the poverty line and in social exclusion in the Union is unacceptable. Steps must be taken to make a decisive impact on the eradication of poverty …” (The Presidency Conclusions, Lisbon European Council, 23 - 24 March 2000)
7 The method is “open” in regard to the means and ways through which to achieve to common goals; it is “open” with respect to the policy outcomes; it is –theoretically – “open” to the participation of numerous actors (Telò 2001: 9-10). It is less clear whether non-participation in the process is also “open” to member states (Wincott 2001: 8. It has also been argued that it can be categorised as “open” because it might serve as a “passerelle” towards the Community method (Telò 2001: 10).
8 While Chalmers and Lodge equally detect a legitimacy crisis of the EU at that time, they interpret this crisis as a reason for national leaders to not transfer even more policy areas to the EU, as broad public support would be inexistent (Chalmers and Lodge 2003: 15). Meanwhile, this argument is not in line with numerous EU-wide opinion polls throughout the last ten years where citizens have mostly been in favour of more Europeanization, particularly in the social policy and the common foreign defence and security areas.
9 While “convergence” has not been properly defined in the Lisbon conclusions, it can be assumed that what is meant is convergence in outcome. Several researchers remain sceptical whether the OMC is an adequate instrument to reach this goal (Büchs 2003: 10) or that it might even increase divergence by nurturing institutional diversity (Wasner 2003: 8).
When trying to explain the birth of the OMC it is not enough to point to the factors already named above or others such as that 13 out of the 15 then-in-place governments were social-democratic driven governments (Carmel 2003: 4, Dehousse 2003: 8), nor that the concept of social exclusion had gained widespread acceptance in the EU institutions during the 1990s and led to a growing number of activities in the social field\textsuperscript{10} nor that monetary union had put pressure on member states to coordinate their macro-economic policies (Radaelli 2003: 22) thereby acting – for the social-democratic leaders – as a catalyst for policy coordination in the social policy field (Dehousse 2003: 7). One also needs to have a look at the mechanisms of the OMC which will now be presented.

To begin with, it is important to remember that the OMC has not come out of nowhere\textsuperscript{11}, but that some of its elements had been practised quite some time before in different policy areas, particularly in the so-called Luxemburg process\textsuperscript{12} (Berghman and Okma 2002: 3, Dehousse 2003: 5, Radaelli 2003: 17-18; Ahonen 2001: 6). Even though this does not explain why soft governance mechanisms came into being to begin with, it means that the instruments were already available and only needed to be drawn together\textsuperscript{13}. The wrestling with the question of new forms of governance within and for the EU has equally not started in 2000, but quite some time before as illustrate the two White Papers of the Commission on the Reform of the Commission and the European Governance (1999). It also deserves attention that quite a few OMCs are in place by now but that they do not all contain the same mechanisms, nor the same treaty base or sanctioning possibilities; that is to say, some of them are harder, some softer “soft law” (Radaelli 2003: 18). Which are the instruments of the OMC/inclusion, commonly described as a soft OMC?

In the case of the OMC/inclusion the following procedures are foreseen:

1. Definition of guidelines for the Union combined with timetables for achieving the goals which they set in short-term, medium-term and long-term.
2. Establishment of quantitative and qualitative indicators and benchmarks as a means of comparing best practices.
3. Translation of European guidelines into national and regional policies by setting targets and adopting measures taking into account the national and regional differences and peculiarities.
4. The periodic follow-up, evaluation and review organized as a mutual learning process.

In a chronicle order, the European Council will first decide on common objectives (so far four). Afterwards begins – theoretically – the consultation process at the national and subnational levels between the leading ministry and other actors concerned and the drawing up of the NAP which is supposed to contain examples of best practices. In a third step, the Commission evaluates the NAPs, organizes seminars in which best practices as well as policy developments from the different member states are presented and finally comes up with a

\textsuperscript{10} De la Porte and Pochet have argued that an institutional reason for its coming into existence a “strategic interest in bringing new players in the game” of the European Commission “in order to strengthen its own negotiating hand and obtain relevant information” (de la Porte and Pochet 2003b: 4). While there is no reason to contradict their analysis of the European Commission wanting to strengthen its role, this factor is nevertheless judged less influential than the ones named above and below.

\textsuperscript{11} ”The OMC is also the result of a long story of trial and error in the social field, where various methods have been tested (harmonisation, minimum regulation, negotiated legislation)” (de la Porte and Pochet 2003b: 4).

\textsuperscript{12} It was nevertheless in the Maastricht Treaty in which elements of this mode of governance where formalised, namely in the field of fiscal policy coordination to meet the convergence criteria for EMU. In international organisations such as the OECD or the IMF, elements of the OMC have been practised since the 1960s (Schäfer 2002).

\textsuperscript{13} As for the struggle against social exclusion, certain aspects of the OMC, such as processes of mutual learning, exchange of information and best practices and the evaluation of experiences, have already been retained in the Treaty of Amsterdam (art. 137, 2).
Joint report on the so far 15 NAPs. During the whole time, the Social Protection Committee (SPC) meets regularly and eventually is successful in co-steering the process by agreeing on common indicators and presenting them to the heads of states, or by proposing a common outline for the NAPs in order to increase their readability, comparability and structure them more in the direction of strategic action plans.

The idea behind this process is that member states have to reflect on their respective policies, document them and coordinate them “towards the achievement of targets defined on a European level” (Berghman et al 2003: 12). The documentation of policies as well as the comparison of the common indicators (accepted for the second round of NAPs) should afterwards work in favour of the exchange of “best practices” from which one can learn and of the transfer of successful policies. Equally, it is supposed to set the grounds for a benchmarking process and the “naming and shaming” through which bad pupils are expected to reorient or better organise their respective policies. The main advantages are usually seen in the flexible nature of the process of the OMC as well as on its capacity to preserve national diversity and respect the principle of subsidiarity (Radaelli 2003: 26) while supposedly leading member states in the same welfare direction: ‘The theoretical advantages include respect of national diversity while pursuing common goals, the iterativeness of the process, increased participation of regional, local and non-state actors contributing to increased legitimacy and effectiveness” (de la Porte and Pochet 2003a: 19, Radaelli 2003: 25). Generally it is assumed that the problem-solving capacities of member states are increased, and that the different actors and levels are better coordinated and engage in a process of mutual learning and comparison.

It is also important to note that a) the common objectives are very broad rather than detailed, thereby leaving a lot of room for the actual interpretation and implementation in the member states, that b) there are no formal sanctions mechanisms foreseen (Radaelli 2003: 38; Trubek and Trubek 2003: 2) for this OMC and that c) by leaving the implementation more or less completely up to the political will (and the economic situation) of member states while delegating a rather coordinating role to the Commission, this OMC is clearly situated in a stronger intergovernmentalist politics design (Wessels 2003).

What do these features tell us about the reasons for support for the OMC/inclusion? The most obvious is that the OMC/inclusion is a soft “soft law” instrument and I will argue that this is the main reason that made it acceptable for the Lisbon Council (Begg and Berghman 2002: 14).

The OMC is a “flexible” tool of governance in that it allows – or even stresses – for permanent revision of common goals in the light of experiences and performances and that it does not call for convergence of policies and strategies, but for convergence of outcome.

It is worth noting and questioning the underlying assumption of thinking of politics in terms of “problem solving” instead of a result of political interests and negotiations.

As Armstrong argues, this might be the very reason for the support from “Member States, the Commission and NGOs” (Armstrong 2003: 16); see as well Berghman et al 2003: 91).

A “soft” instrument of sanctioning can be detected in the procedure of “naming and shaming”.

That is to say rules and processes that do not have an obligatory character and do not involve legal sanctions in the case they are not implemented. The achievement of the sought objective is based mainly on the moral and political commitment (Berghman et al 2003: 85).

This does not mean that the Commission can not try to come in as an agenda-setter and by its many resources actually is influencing the agenda, but this is not its official role in the process. The Commission has made its preferences clear in stating that the OMC constitutes an additional steering instrument to legislative ones, not their replacement (European Commission 2001: 37-41).

For a discussion of advantages and deficiencies of intergovernmentalist as well as of other theories used to explain the switch in European policy-making, see Schäfer 2002.

For analyses which accentuate a gain of power for the Commission, see Telò (2001) or Wessels (2003).
191). It is clearly a “governing by objectives” instead of “governing by legislation” (Berghman et al 2003: 89) that leaves the full responsibility for implementation to the member states, thereby does not touch on the principle of subsidiarity22 and respects the diversity of national welfare arrangements. It might as well have attracted the sympathy of politicians because while minimizing the actual lost of sovereignty it provides them the opportunity to “shift the blame for unpopular decisions to the EU” (Mosher 2001: 4, see also Schäfer 2002: 30 and Telò 2001: 14). Equally, politicians might have been attracted to it because the OMC clearly focuses on processes instead of outcomes (thereby leaving future possible negative outcomes to future governments).

One will thus find OMCs in policy areas where treaty base is weak or not existent23, where there is no (sufficient) will for harmonization, where diversity and differences in legislation are acknowledged to be too strong and too broad to be harmonized, where political inactivity is nevertheless not acceptable, where – in this case – “one-size-fits-all policies aimed at fighting social exclusion in the EU are not likely to have a significant impact in all countries” (Tsakloglou und Papadopoulos 2002: 223), where subnational actors play an important role and where strategic uncertainty24 speaks in favour of flexible tools of governance that allow for mutual learning processes and adaptations of pieces of the process when deemed necessary (Berghman et al 2003: 99-100; Zeitlin 2003).

The Lisbon Ideology

*The Lisbon “ideology” calls for no less than a “great transformation” of Europe’s political, economic, and social landscape, and is now being used to legitimate nearly all of the EU’s economic, social, and environmental policies (Tucker 2003: 1).*

But all these factors still do not explain the use of the OMCs in several sensitive policy areas of the welfare systems. While the above mentioned reasons can help us to understand the specific time of its official birth, it is necessary to have a look at the embedding ideology, the theoretical context, of several OMCs (employment, inclusion, pensions, health) (Berghman et al 2003 : 115).

The theoretical context of reference that was defined at the Lisbon Summit is the concept “of an active welfare state based on employment” (Berghman et al 2003: 15, Trubek and Trubek 2003: 4-5). This concept rests on the idea that “increased growth with more and better jobs should reduce social exclusion” (Mayes 2002: 195) and that the modernisation of what is broadly called the ESM, by “generating a ‘productive’ approach to social protection, should increase the ability to grow more rapidly” (idem)25. The goal is furthermore to be reached

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22 The Nice Treaty “made clear (1) that “combating social exclusion” is an objective of the EU member states and (2) that resort to harmonisation of national laws in the field of social exclusion is not permitted” (Armstrong 2003: 8-9)

23 In contrast to the OMC/inclusion, the European Employment Strategy – OMC is treaty based (Article 128 of the Amsterdam Treaty). In regard to social exclusion, articles 136 and 137 of the same treaty allow the EU to support member states in their fight against social exclusion, but no reference is being made to the OMC or particular instruments.

24 One indicator of the wide-spread uncertainty being the ever-growing number of think tanks or advisory boards that advise governments as well as the EU (Hemerijck and Visser 2003: 18).

25 It becomes clear right away that the concept adopted in Lisbon is not in line with the multi-dimensional phenomenon of social exclusion. ‘Social exclusion is not simply a ‘state’ in the sense of a measurable quantity of socially excluded persons or households, susceptible to a ‘once-and-for-all’ solution, but is also a ‘process’’ (Mayes 2002: 196).
through “life-long learning” processes, the investment particularly in information and communication technologies.26

When trying to trace back the emergence of this new hegemonic ideology in the EU, it is useful to have a look at British Commission on Social Justice27, the EU White Paper on competitiveness and Growth (1993), the EU White Paper on Social Policy (1994), the program of the Labour Party (1997), and the Green Paper A New Contract for Welfare (1998), produced by the newly arrived Blair administration28, where the British government presented its analysis of the connections between poverty, exclusion and the benefits system and which has since been the theoretical basis for proposed reforms (Stephney, Lynch and Jordan 1999: 109). The central idea of the document is to “rebuild the welfare state around work” (p. 23), estimating that “paid work is the surest route out of poverty” (p. 3). The goal is to be reached through ‘a change of culture among benefits claimants, employers and public servants’ (p. 24)29, the new culture being associated with a reduction of fraud and the enforcement of work responsibilities, and, in the case of failure, punitive sanctioning.

The fact that social exclusion within this new context is dramatically reduced to fighting unemployment and increasing growth finds its practical correlation in the fiscal and economic governance in the EU, namely the Broad Economic Policy Guidelines (BEPG) and the Stability and Growth Pact (SGP), which are institutionally and normatively privileged areas of policy making (Radaelli 2003: 22; Scharpf 2002: 655; Ahonen 2001: 9; Chalmers and Lodge 2003: 13) and policies “exemplified by the requirement that all other OMC’s be consistent with the BEPGs” (Tucker 2003: 20)30. And insofar as an emphasis is put on fighting unemployment in order to reduce social exclusion, the “space which OMC/inclusion occupies is constrained by the European Employment Strategy”31 (EES) (Armstrong 2003: 13). It is therefore possible to argue that the social agenda is currently governed in order to maintain the economy but not fore social purposes themselves (Carmel 2003: 13). In this context, employment and social policies are not only subordinated to the overall goal of competitiveness, but are intended to actively support this goal (Schäfer 2002: 15; Chalmers and Lodge 2003: 13).

Why are these short remarks necessary? I will argue that in order to realize the so-called modernisation of the ESM in the way described above, major discursive efforts are necessary in order to spread the new ideology. The OMC is a practical instrument to pursue these efforts

26 Mayes takes a critical standpoint as to the effectiveness of these measures: “Moreover, the quantitative impact of the increased investment under the Lisbon strategy, particularly in knowledge-based skills and other aspects of human capital, remains speculative” (Mayes 2002: 199). See also Tucker 2003:14 for inherent tensions between the concept of competitiveness and social cohesion.

27 This Commission, in which Anthony Giddens was a member, published as early as 1994 a report where one can already find the theoretical assumptions of new workfare policies (Commission on Social Justice 1994).

28 Bulpett has pointed out that the Report of the Commission on Social Justice (1994) of the Labour party already contained the basic elements of the new ideology: ‘The welfare state must enable people to achieve self-improvement and self-support, it must offer a hand up and not a hand out’ (Report, cited by Bulpett 2002: 141). She shows that the ideas of partnership between the public and the private, with a heavy emphasis on the importance of community as a provider of social capital and the citizen as a ‘stake holder’” as well as the idea that rights imply responsibilities were already in place (Bulpett 2002: 141).

29 It is obvious that this strategy is strongly influenced by the Clinton administration (“Ending welfare as we know it”) (Stephney, Lynch & Jordan 1999 : 110).

30 De la Porte and Pochet agree with this analysis when stating that “poverty and exclusion receive only marginal consideration in the BEPG” (de la Porte and Pochet 2003b: 15).

31 Member States have been asked, after the first round of NAPs, to adapt the “employment” part of the NAP/inclusion to the employment strategies set out in the NAPs of the EES in the second round.

32 Chalmers and Lodge in this context speak of the “colonisation of the Welfare State by the economic policy-making process” (Chalmers and Lodge 2003: 13).
(Offe 2003: 463) and social scientists have openly confirmed this interpretation: ‘It might be seen as both a cognitive tool for policy learning and “policy mimicking” and as a normative tool'\(^33\) to define a new social paradigm” (Begg and Berghman 2002: 192), one of its potentials lies in the “destabilization of an existing understanding” of social justice and social policies (Berghman et al 2003: 99) or, as Tucker puts it, the OMCs have become the institutional “carriers” of the Lisbon ideology (Tucker 2003: 3).

Following the work of Tucker\(^34\), I will argue that the Lisbon ideology “is being used to legitimate political reform” (Tucker 2003: 3) and that it fosters cognitive convergence (Tucker 2003: 4, see also Dehousse 2003: 14 and Ferrera et al 2002: 7) around a new social paradigm, new definitions of what is “social”, “what is to be governed as ‘social’, and how this social is to be governed” (Carmel 2003: 4) thereby reducing the political space for thinking and acting\(^35\).

What makes for a concept to be classified “ideology”? Ideologies have several functions. They influence “thought, behaviour and language” (Tucker 2003: 10), and thereby are introduced in discourses as well as in institutions and give meaning to social interactions. The predominance of the hegemonic thought and language – amongst leading politicians and academics – can be perfectly demonstrated\(^36\). Second, ideologies lead to a reduction of complexity, suppressing the parts of reality in contradiction with one’s own convictions as well as alternative solutions. Furthermore, ideologies integrate individuals into a community bounded by authoritative rules and norms. Fourth, ideologies are inherently prescriptive, in that they provide roadmaps for action. Finally, ideologies legitimate certain actions, while delegitimizing others, thus rendering the overall space for political action smaller (Tucker 2003: 11-12).

Why is it necessary to point to the function of the OMC as a provider of normative convergence over the Lisbon ideology? Because, it is argued, without this function and without the institutionalised subordination of social policy to economic goals (Barbier 2002), of social OMCs to economic coordination processes, it would not have been possible to get the OMC/inclusion process started. Within the Lisbon ideology, social policies are used to

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\(^{33}\) The same view was expressed by Vandenbroucke, recent Belgian minister of social affairs and one of the main (political) architects of the OMC: “The OMC is, “both a cognitive and a normative tool. It is a ‘cognitive’ tool, because it allows us to learn from each other. In my opinion, this learning process is not restricted to the practice of other Member States, but also extends to their underlying views and opinions, an area that is no less important. Open co-ordination is a “normative” tool because, necessarily, common objectives embody substantive views on social justice. Thus open co-ordination gradually creates a European social policy paradigm”. (cited in Tucker 2003: 5)

\(^{34}\) Radaelli’s analysis goes in the same direction when speaking of a “master discourse” of competitiveness embedding the social OMCs (Radaelli 2003: 8): “Today, the OMC is eminently a legitimising discourse. It provides a community of policy-makers with a common vocabulary and a legitimising project – to make Europe the most competitive knowledge society in the world” (Radaelli 2003: 8).

\(^{35}\) As an example, let me cite Berghman et al: “The normative restructuring imposes the reorientation of principles from redistributional justice and income replacement towards principles and values based on employment, entrepreneurship, learning and gender equality” (Berghman et al 2003: 12). What is revealing here is that instead of formulating “The normative restructuring resulted in…” or the alike and thereby taking a more neutral view, Berghman et al have chosen not only to leave their analytical status, but also are legitimising the new ideology by using the word “imposes”. The close interactions and consultations between social scientists (Rodrigues, Berghman, Zeitlin) and politicians (particularly Vandenbroucke) in the elaboration of the OMCs and its evaluations is a striking feature. The consequence being the even more effective spreading of the ideology.

\(^{36}\) I was amazed to experience, during a one-day conference organised in December 2003 by the German ministry of economy and labour in order to present the first report of the European Employment Task Force, with a “high-level” public, politicians and social scientists from throughout Europe, the amount of agreement already in place: “It is peculiar that it is difficult to find anyone who opposes Lisbon’s principles” (Tucker 2003: 11).
manage “the economy, and in particular to manage labour” (Carmel 2003: 14). And because of the predominance of the economy – particularly the labour market – and because of the will to encourage member states to “reform” their welfare states in the same direction\textsuperscript{37}, it was necessary to provide for an instrument which would allow for the “spreading of the word” – as well as for comparison, mutual learning and shaming, of course. AS it might be helpful to underline this argument by looking at the concept of social exclusion and its expression in the OMC/inclusion process, this is what I will next turn to.

The concept of social exclusion

While I do not have the place here to trace back the development of EU social policies since 1957\textsuperscript{38}, it can be assumed that by the early 1990s\textsuperscript{39} both practitioners, especially at EU-level\textsuperscript{40}, and academics had adopted the concept of “social exclusion”\textsuperscript{41} rather than hanging on to the concept of fighting “poverty”\textsuperscript{42} alone. The reason for its emergence and success story\textsuperscript{43} lies in its \textit{multidimensionality} as well as in its focus on processes and relational questions rather than outcomes\textsuperscript{44}. Furthermore, it is important to note that “social exclusion” is a \textit{relative} concept, aiming at describing processes and facts at a given point in time in a given environment. Stating that the concept of „social exclusion“ became a „hegemonic discourse“\textsuperscript{45} should nevertheless not obscure that depending on national and social traditions – republicanism, liberalism, corporatism and / or social-democratic grounds – definitions of what exactly it designates, why it happens and what should best be done in order to remove it do vary quite importantly\textsuperscript{46}.

What does “social exclusion” designate\textsuperscript{47}?

Basically the concept of social exclusion rests on the analysis of a combination of and accumulation of several types of deprivation (lack of education, deteriorating health conditions, homelessness, loss of family support, non participation in the regular life of society, low income, and lack of job opportunities), thereby highlighting the multi-

\textsuperscript{37} “The central aim of coordination is to encourage national reforms” (Dehousse, 2003: 12).
\textsuperscript{38} For a detailed overview, see Kowalsky 1999 and Schulte 2001
\textsuperscript{39} The discourses on “social exclusion” can be traced back at least to the 1960s (see Goguel d’Allondans 2003) and owe their breakthrough to the work of Lenoir (1974).
\textsuperscript{40} “The inclusion discourse was introduced in the European social policy agenda during the 1980s through discussions started in France. The term derives from French social policy and became prominent at the level of the European Union during the late 1980s.” (Berghman et al 2003: 175; see also Phillips 2003:12 and Ferrera, Matsaganis and Sacchi 2002: 2-3)
\textsuperscript{41} The extensive academic literature (see for example Paugam 1996, Levitas 1998, Berghman 1995; Saraceno 1997)) as well as the reference to have “combating social exclusion” as one of the objectives of both Community and member states (Art. 136) included in the Amsterdam Treaty and the statement of the Council of Europe (1998) may suffice here as indicators.
\textsuperscript{42} Berghman et al (2003: 175) call this shift a “cornerstone of European community actions in the early 80s”.
\textsuperscript{43} Whereas this shift has generally been welcomed, there have also been critical voices to it, e.g. by Levitas (1996).
\textsuperscript{44} One might wonder if one of the reason for its success story lies exactly in its vagueness.
\textsuperscript{45} “This is not to say that social exclusion is not concerned with outcomes too.”(Phillips 2003: 13)
\textsuperscript{46} As Armstrong has noted, it is “worth reflecting on the discourse of ‘social exclusion’ as itself forming part of the institutional context” (Armstrong 2003:6)
\textsuperscript{47} Room takes a very critical stand when concluding that the concept of “social exclusion” remains “too incoherent and confused to serve as a reference point for policy and research” (Room, cited in Phillips 2003: 13).
dimensionality of exclusion. Social exclusion includes an economic and monetary view of poverty, but adds to it a *relational* dimension\(^48\), and thereby becomes a *dynamic* concept (Armstrong 2003: 6) whereas “poverty” is a rather static notion (Tsakloglou and Papadopoulos 2002: 212). Social exclusion thus raises the question of the place of the individual in society, relying on the analysis of the social bond and, more specifically, of the rupture of this bond.

In line with the work of T.H. Marshall, exclusion can also be defined as the “denial (or non-realization) of civil, political, social and cultural rights which have their origin in the citizenship” (Kröger 2002: 23), or, more profoundly, in the Charter of Human Rights. By speaking of “denial” the *agency dimension* of “social exclusion” appears, meaning that being excluded goes “beyond the narrow responsibility of the individual concerned” (Tsakloglou and Papadopoulos 2002: 212-213) and implies the active, and often institutionalised, exclusion through either other individuals or groups or institutions. This approach has been supported in particular by the European Watch Group on National Policies to Combat Social Exclusion, many NGOs, and more recently by certain countries such as France, which explicitly referred to it in its 1998 act on fighting exclusion.

This brief look at the concept of “social exclusion” is particularly instructive when confronting it with the OMC/inclusion and the strategies – and thus underlying assumptions about the origins and ways of remedy – therein. I will argue that we are currently witnessing – or have already witnessed – a shift of focus in direction to strongly labour market oriented strategies to combat “social exclusion” at the expense of other types of deprivation or denial (or non-realization) of rights. What indicators are there?

The most evident indicator is that the main parts of the NAPs are informed by labour market strategies or measures. In the second round of the NAPs, member states were asked to bring these parts of the NAPs in line with the labour market measures put forward in the (annual) NAPs of the EES. So, not only do these strategies and measures occupy the main parts, but also should the “inclusion” measures be more or less identical with the employment measures developed for a broader public than those in or at risk of social exclusion.

The second indicator is provided by the choice of common indicators agreed upon at the EU level. Ten primary and eight secondary indicators where agreed upon to form the basis of mutual comparison of performances as well as of eventual benchmarking processes. Out of the ten primary indicators, six are income (4) or unemployment (2) related (as for the others: regional cohesion, early school leavers, life expectancy at birth and self perceived health status), while out of the eight secondary indicators, seven are income (5) or unemployment (2) related, the eighth being persons with low educational attainment\(^49\). This adds up to 13 out of 18 indicators being income or unemployment related, 2 to education, 2 to health and one to regional cohesion (however that will and can be defined and measured). Not a single indicator on housing, drug abuse, early (child) pregnancy, prostitutes (although ambiguous), released prisoners, ethnic minorities (say, for example, the percentage of those with national citizenship, the concentration of these in poor and / or deprived housing conditions, or without work), consummation or social and political activities. Even though it is difficult to agree on such indicators – as on several of the ones in place – because the same social “status” might

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\(^{48}\) The French sociologist Robert Castel has paid particular attention to the analysis of social exclusion as a rupture of the social, he speaks of “disaffiliation” to designate related phenomena. This tradition of thought goes back to Durkheim and his typically “republican”, solidaristic view of society, a view not common to the anglosaxon tradition. Other traditions of “social cohesion” and thereby of “social exclusion” go back to Tönnies’ concepts of “Gemeinschaft” and “Gesellschaft” and Parsons’ normative integration. No matter which tradition of thought, all notions and concepts “have implications for development policy and social policy and in the realm of politics. (Phillips 2003: 3).

lead to social exclusion in one country but not so in another and because often, data – or the respective institutions gathering this kind of data – is not available, it can be observed that there still is a over-proportionally strong focus on employment – and thus income-related indicators – when confronted with the concept of “social exclusion”. It is important to point to these indicators as they importantly contribute to the “framing and circumscribing of the experience of poverty and social exclusion” and to the “shaping of the discourse and policy objectives of domestic policies” (Armstrong 2003: 20).

Both examples reflect that, although politicians – as well as some social scientists – use the term “social exclusion”, seem to think of it mainly as exclusion from the labour market and/or absence or loss of a minimal income (Tsakloglou und Papadopoulos 2002: 12). These developments are, once more, embedded in and simultaneously reflecting the Lisbon ideology with its strong tendency to focus on welfare to work strategies and the punitive provisions for those who fail to comply with them. If this is the case, however, one should not speak about “inclusion” or (anti-) “social exclusion” programs.

Theorizing the OMC

The main theoretical debates concerned with the OMC revolve round the themes of the ESM, governance and democracy (de la Porte and Pochet 2003a), including the functioning of the OMC and the conditions of its effectiveness. I have already touched a bit on the debates related to the “modernisation” of the ESM. It is not for this reason only that I will focus on the other two issues in what follows. Different concepts have been developed and used to explain steering instruments such as the OMC the most prominent and relevant of which will now be addressed and critically reviewed.

The multi-level governance literature is clearly dominant in the literature on the OMC (de la Porte and Pochet 2004: 71). Reasoning that the world is increasingly complex, traditional hierarchical steering mechanisms are judged to be insufficient to cope with this complexity. The state, it is assumed, can “no longer assume a monopoly of either expertise or of the resources necessary to govern” (Newman 2003: 3), and this is why in order to deal with this

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50 This is indeed another major difficulty in the whole process. While the data gained from the member states can provide a plus in regard to the evaluation of the performance of the respective member states and is thus a step forward in terms of transparency of performance, there remain significant quantitative as well as qualitative problems for the EU-process. 1) As mentioned, the same “fact” might not lead to the same result in different social, cultural and geographical settings, depending on national traditions of welfare, citizenship, family bonds or climatic conditions. 2) Even if one could assume that a) was not true, significant differences remain as to how certain of these indicators are measured, especially those concerned with unemployment, but also others. These methodological challenges are particularly important in the process, as the compared results of the performances based on the evaluation of these indicators will, build the ground for the “naming and shaming” procedure as well as for benchmarking processes.

51 As de la Porte and Pochet (2003a: 24) have pointed out, “poverty measurement affects the outcome. Countries having their own traditions, especially those with low poverty and exclusion rates are defensive about their statistical work”.

52 But, as Mayes correctly points out, “unemployment is only one possible indicator of social exclusion, as is participation in the labour force. Some of those without jobs may be very firmly included in society as a result of their family relationships, location and social talents. Finding employment could actually reduce inclusion for them.” (Mayes 2002: 198)

53 Armstrong acknowledges that “there is a danger that the wrong targets will be set, or that Member States become fixated on certain targets and not others, or that the stress on the multi-dimensional nature of exclusion may be lost by focusing attention on a group of targets rather than the whole picture” (Armstrong 2003: 18-19)

54 The main reason being that the OMC is a steering mechanism independent of the policy area in which it is deployed. When trying to theorize it, it is thus necessary to look at the underlying concepts of governance and democracy.
complexity and to include a maximum of existing knowledge in problem-solving techniques, new “modes of governance should emphasize the process of mutual learning, participation and decentralized decision-making” (Berghman et al 2003: 86). The governance literature therefore proposes a shift from hierarchical government to governance, where power is more decentralised and more actors included (Newman 2003: 2). Thus, the concepts of representative democracy and formal accountability are neglected to the profit of pragmatism, partnership, mutuality and decentralisation (Newman 2003: 14-15). It comes as no surprise that the EU has received particular attention from scholars dealing with the issue of “multi-level governance”, as it constitutes a political and economic space in which a multitude of different actors representing different interest, functions and geographic territories interact with each other in different kind of settings – be they institutionalised or not (Berghman et al 2003: 86).

The features generally associated with new modes of governance such as the OMC include: deliberative problem solving, multi-level interactions, flexibility and revisability in light of experience, experimentation and knowledge creation, participation of a broad range of (concerned) actors (vertical and horizontal, increasing the effectiveness and legitimacy), exchange and pooling of information and experience leading to processes of mutual learning, continuous evaluation of and revision policies, peer reviews (Scott and Trubek 2002, Berghman et al 2003; Begg and Berghman 2002). What are the theoretical groundings of these features? As there is not enough place here to address them all, I will concentrate on highlighting those which seem the most important for me.

The concept of “learning” is placed at the centre of numerous analyses (Tucker 2003: 23, Radaelli 2003; Scharpf 2002: 654) and mainly grounds on a sociological institutionalist approach. Why this accentuation? Other than in traditional top-down techniques of steering, the concept of “learning” focuses on more cooperative and participative interactions between the actors concerned, ultimately leading to policy change through learning and “altering political actors’ interpretation of their interest” (de la Porte and Pochet 2004: 73). The focus on learning reflects the ideational, cognitive dimension of the process, thereby confirming what has been described above as a central function of the OMCs: the ideational or normative convergence (Ferrera et al 2002, Overdevest 2002). The idea of the underlying concepts such as deliberative polyarchy is that certain institutional arrangements facilitate individual, collective and institutional learning and the diffusion of knowledge (Sabel and Cohen 1997; Zeitlin 2002). Overdevest has identified five possible ways of learning in OMC processes: “on-going processes of setting common objectives, local experimentation, pooling and comparison of experience, and deliberating, and critiquing good practice” (Overdevest 2002: 16).

What are the critical points in the concept of learning? The two first ones are theoretical in nature, the two last ones practical. First, if the assumption that learning processes mainly serve as platforms where cognitive convergence is to be reached is correct, than it needs to be thematized that “learning is a political process and mediated by power relations” (Tucker 2003: 23, Radaelli 2003). Second, other than in traditional top-down techniques of steering, the concept of “learning” focuses on more cooperative and participative interactions between the actors concerned (de la Porte and Pochet 2004: 73). The focus on learning reflects the ideational, cognitive dimension of the process, thereby confirming what has been described above as a central function of the OMCs: the ideational or normative convergence (Ferrera et al 2002, Overdevest 2002). The idea of the underlying concepts such as deliberative polyarchy is that certain institutional arrangements facilitate individual, collective and institutional learning and the diffusion of knowledge (Sabel and Cohen 1997; Zeitlin 2002). Overdevest has identified five possible ways of learning in OMC processes: “on-going processes of setting common objectives, local experimentation, pooling and comparison of experience, and deliberating, and critiquing good practice” (Overdevest 2002: 16).

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55 It is worthwhile noting that she does not mention the coercive way of learning which might be induced through a benchmarking process or the overt shaming of those behind.

56 It would equally be possible to review “learning” critically with respect to the path dependency of welfare arrangements, mainly assuming that if systems do differ importantly throughout the EU, it will be quite time-consuming to really learn from each other (because of the need to get familiar with different systems, to really understand them), thereby not contributing to the overall efficiency of policy making. Nevertheless, bringing in path dependency as a critical point seems to be more important when reviewing the concept of policy transfer.
It is thus realistic to assume that actors are equipped with different degrees of social, cultural, political and financial resources (Bourdieu 1992) and will find it easier or harder to find acceptance for their arguments and proposals. A perfect example of the political nature of the OMC/inclusion – even if it has not reached great public visibility – can be found in the work of the Social Protection Committee (SPC) and its struggle over the indicators to be presented to the heads of governments and states. Besides methodological issues in agreeing over certain indicators, it was mainly because certain countries did not want to look bad in certain performances that the respective indicators were not agreed upon. Another example can be found in the first Joint Report of the European Commission, or to be more precise, in its draft version which classified member states according to their performances but never was published because of the angry resistance of certain member states. By not thematizing these power relations and hierarchies, and describing these interactions as happening in a de-political sphere, analysts of OMC processes and underlying concepts contribute a) to the de-politicisation of the respective policy field as well as b) to the process of cognitive convergence.

Second, the concept of “learning” takes for granted that involved actors interact with each other in a cooperative way or least are willing to make efforts in this direction. Nothing is less sure, due, amongst others, to the first concern mentioned. But not only are individuals part of hierarchically structured relations, they also have to see an added value in cooperation (Offe 2003: 465-466). In the literature on Europeanization, this question has been dealt with under the notions of “compliance” (what incentives do member states as well as subnational actors have to comply with EU-law or EU-governance? The most prominent concept of compliance or non-compliance being the one proposed by Börzel, who has developed the “fit” and “misfit” model).

Where as the added value might be seen at the level of the European Council, it might be more difficult to detect for someone at the working level who has to 1) go to additional meetings (in order to “deliberate” and “learn”), 2) draw together additional statistics (for the comparison and benchmarking process) or 3) write additional reports (NAPs) while not being released from other tasks (Büchs and Friedrich 2004). Where as refusing the tasks is an unlikely option, severe differences in output might nevertheless be the consequence of a more or less cooperative attitude.

Third, if in theory, learning is to take place through local experimentation, the exchange of information, experiences and best practices, deliberation and critiquing, there are numerous indices that reality does not live up to theory – at least up until now. The “best practices” published in the NAPs are often state-initiated programs and therefore cannot really be regarded as grounding on local experimentation; furthermore, their number asked for in the second round of NAPs was limited to four – no matter in which particular field – making it not very likely to find a “best practice” in the very policy field one is looking for and additionally being embedded by a similar welfare arrangement. As just mentioned above, critique – if it takes places – takes place behind closed doors, thereby rendering impossible a greater peer pressure as well as a greater politicisation of the process. Benchmarks have so far been avoided as well as – by the great majority of member states – quantified targets and deliberation between the national representatives and the Commission has taken place during a one and a half day seminar after each round of NAPs. In general, the NAPs have not

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57 See also Radaelli: “Learning in a political context is eminently (albeit not exclusively) about power” (Radaelli 2003: 13).
58 “Fit” meaning a great deal of convergence between EU-politics, legislation and domestic ones while “misfit” meaning the contrary. The model assumes that the probability of EU-induced domestic change is biggest when there is a large degree of misfit (Börzel 2003).
59 It has been shown that in the German Länder, more particularly those governed by the political opposition of the federal government, the prevailing attitude of civil servants still was one of ignorance and resistance: “Principal reservations against further intrusion of another actor in what is perceived as their own realm of competencies remain dominant” (Büchs and Friedrich 2004).
developed a great visibility and in first interviews central French actors admitted not having read NAPs from other countries.

Finally, one might wonder if a concept such as “learning”, which is thought to apply to broad societal learning processes, can de facto be maintained to be a main characteristic of the OMCs as these have turned out to be highly expert-driven and happening behind closed doors.

The concept of deliberation stems from the theory of directly deliberative polyarchy (Cohen and Sabel, 1997). Starting from the assumption that the interventionist state is incapable of adjusting to changing circumstances, but that the laissez-faire state is not desirable either, the theory argues in favour of a “more broadly participatory and learning-oriented regulatory regime” (Overdevest 2002: 7). Cohen and Sabel furthermore argue that individuals are not deeply rational and have only access to certain parts of knowledge in an increasingly complex world. And in order to grasp the complexity, a cross-sectoral approach to problem-solving is needed, where narrow specialisation can be overcome through the participation of the many. Therefore, it is necessary that they interact with each other in order to come to well-informed decisions. In the governance design, hierarchical mechanisms of problem-solving are replaced by non-hierarchical, open-to-all and decentralised mechanisms, grounding on local experimentation while conferring to the central agent the task of monitoring and evaluating the process and of spreading the information gathered in order to favour improvement through learning processes and peer pressure on poor performers (Overdevest 2002: 11-12; see also Cohen and Sabel 2003). Deliberation processes are not “designed to aggregate self-interests but rather to foster mutual learning, and to eventually transform preferences while converging on a public-interest-oriented policy choice (social learning). Deliberation means a give and take of arguments, where the common good is decisive” (de la Porte and Pochet 2003a: 7).

While the central idea of deliberation amongst individuals with a common concern in order to produce well-informed solutions to policy challenges has something attractive to it, and while the assumptions that individuals often do not act rationally and that knowledge is always partial are difficult not to agree with, there are nevertheless a few points worthwhile a critical attitude towards the concept of deliberation.

The first concerns the political nature of negotiation processes. While individuals often do not act rationally, it can nevertheless be assumed that they do pursue certain interests, have certain preferences and are equipped with different levels of resources, be they material or not, to defend their opinions and interests. Furthermore, the individuals exist outside of the deliberation process and different hierarchical societal statuses are attached to them (housewife, teacher, homeless, preacher, etc. – in OMC terms one could point to the NGO representative being inferior in status to the SPC member which is inferior in status to the respective Commissioner which is inferior in status to the national respective minister and the head of government). It is not realistic to assume that when engaged in a common deliberation process, human nature is capable of forgetting these different status otherwise permanently present. This means that a process of deliberation cannot take place in an a-political sphere (Overdevest 2002: 11), that it cannot be but a process amongst unequals. It is therefore quite unlikely that individuals will gather for the search of the perfect solution only.

Second, and related to the first concern, deliberation processes are not intrinsically democratic (de la Porte and Pochet 2003a: 8). The possibility for a broad range of actors to be heard does by no means imply automatically that their voice will be heard in the sense that they equally –

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60 As Radaelli notes, politicians “may be open to reasoned argumentation, but not to the point of overcoming the basic fact that they are engaged with politically-sensitive policies such as the re-calibration of the welfare state, industrial policy, and taxation” (Radaelli 2003: 41).

61 “The OMC has too often been presented as a technical, quasi apolitical policy-making tool” (de la Porte and Pochet 2003a: 30)
and in proportion to their mandate – influence the decision. Also, it is not guaranteed that all actors concerned and / or interested will be heard at all. Even though the deliberation processes are meant to happen on a regional / local level, there are good reasons to believe that it is not possible to deliberate with all concerned / interested in order to come to a policy choice, as these have often to be taken urgently and as deliberation processes not only cost time, but also need administrative and financial support. Also, even though deliberation is in theory open to everyone, those touched by the phenomenon of social exclusion do not find themselves often in “ideal speech” like situations (Habermas 1992), be it because they do not sufficiently master the language, be it because deliberation processes would be a luxury for them, be it because they are not informed of or invited to these processes, be it because they would feel ashamed in front of others, be it because networks and informal partnerships are notoriously difficult for some groups to access (Newman 2003: 16), be it for other reasons. Along the same lines, it must be considered that there is a tension between an ever-growing participation of ever more participants and the de facto possibilities of managing broad participation and evaluating its outcomes at the EU-level. While it is often stated that increased participation would increase effectiveness by recurring more to locally developed knowledge, this might not be true for such a multi-level system as the EU where broad participation – if taken seriously – necessarily takes a lot of time. By the time participation efforts are evaluated and the results spread, new challenges might already have developed. Finally, I do have a concern as to the substance of what is being negotiated and deliberated about. As participants are not requested to be democratically legitimised nor professionally, there is no reason to believe that those deliberating are necessarily the most competent in the respective field nor that they will necessarily come to a solution that is in the interest of “the common good” and / or able to end a policy-problem. Not being democratically accountable, having and pursuing their own interests and not necessarily being well-informed about the policy problem, why and how should participants come up with answers in line with the “common good”? A perfect example in case is the development of indicators in the OMC/incl. process through the sub-group on indicators of the SPC. These indicators were developed by high-ranking national officials, even without hearing NGOs of the field. Excluded persons themselves who could say most about the ways and mechanisms through which they are and feel excluded, were “evidently” not taken into consideration. Also, one might wonder how deliberation of „free people with free minds“ is to take place in a context of ever-increasing ideational convergence, or, in other words, in times of the spreading of a hegemonial discourse?

The concept of policy transfer “concentrates on processes and conditions of transfer of policy goals, structures and content, policy instruments, administrative techniques, institutions, ideology, ideas, attitudes and concepts” (Büchs 2003: 8). The reasons to conceptualise the OMC in terms of policy transfer lie in its focus on ideational convergence through common deliberation, the exchange of “best practices” which should favour mutual learning, learning taking the meaning of importing a concept or a strategy, leading ultimately to a greater institutional and ideational convergence. Regular exchange mechanisms, the writing of national reports and their critical evaluation should provide for policy transfer to happen.

There are equally a few points that need to be questioned with regard to the concept of policy transfer. The first one is related to the conditions of transfer. If the OMC is to be analysed mainly in terms of policy transfer, then the “conditions for transfer and the type of transfer need to be specified” (Büchs 2003: 9). Even though the idea of policy transfer through comparison and information sharing is quite strong, a soft law instrument such as the OMC does not foresee hard conditions such as timetables, minimal numbers of transfers achieved or
the alike, the consequence being that not a single transfer might actually happen in reality despite of the exchange of experiments, performances, “best practices” and so on.

Second, the possibilities of policy transfer as such needs to be questioned. This is so for different reasons. There are “significant structural and practical differences” (de la Porte and Pochet 2003a: 26) which limit the probability of successful transfer and what works well in one setting does not necessarily work well in another (Dehousse 2003: 19; Wincott 2001: 9).

This is not only due to the institutional differences of welfare arrangements, but also to different administrative and social cultures which will foster more or less favourable reactions to policies imported from abroad. This is so because welfare policies do not only offer remedies to situations of eventual or real exclusion, but transport visions of social justice, of the roles assigned to the state, the economy, individuals, the family, the local and regional communities and the nation (“Volk”). To make it more concrete: a problem-solving technique that might work perfectly well in a Land of Germany with its strong federal tradition, its shared competencies for social matters between the State and the Länder as well as the important official role social NGOs have in Germany, might not function in France with its strong centralist tradition – despite several waves of decentralisation – and a landscape of social NGOs much more arcaic than East of the Rhine. The concept of policy transfer furthermore assumes that different territorial entities are facing the same challenges or struggling with the same problems. While this is correct on a very abstract level, concrete challenges might differ quite importantly. For example, questions around the (political, social, cultural) integration of immigrants are very differently dealt with in countries such as France, Belgium and the United Kingdom with an important colonial history which today (still) makes it easier for immigrants moving to the former “home” countries to get a legal status or countries such as Germany or Austria without a comparable – or non at all – colonial history and different conceptions of the access to a more culturally defined community. But even within the same “family” of ancient colonizing countries, things are not necessarily comparable. Where as the United Kingdom pursues, or at least actively tolerates, an integration concept through and within ethnic communities, France has up until present times refused to think of “integration” in terms of communities: the République is “une et indivisible” and so are its members, integration is to be reached through the equal treatment of all62. These remarks all have to do with the fact that social exclusion is a relative phenomenon: what might be a situation of exclusion in a given context may very well not produce social exclusion in another (see below) and this is why the transferability of policies needs to be questioned.

The concepts reviewed here and the criticisms put forward particularly focus on actors’ behaviour. This is so because the OMC has mainly been conceptualised as an instrument of exchange (of information, ideas, best practices, performances) and mutual social learning, two concepts depending heavily on actors’ behaviour. There are more underlying concepts used to conceptualise soft law instruments such as the OMC, as for example lesson drawing, diffusion, shaming or networking (Büchs 2003). They share important parts of the other approaches and therefore can be questioned for similar reasons, or for laying on functionalist assumptions about the transferability of politics (diffusion) or on unrealistic assumptions about the existence of a European public sphere (shaming).

How have researchers reacted to the emergence of the OMC and which first conclusions do they draw?

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62 This is, of course, a very ideal-type like affirmation. In reality, there are programs which – if broadly interpreted – one could place in the tradition of affirmative action, such as programs (and budgets) devoted to schools in urban areas that were detected as being particularly worrisome and with a high degree of descendants of immigrants.
In general, scholars concerned with the OMC have a mild judgement both as to its applicability of its theoretical premises as well as to its practical functioning. In most cases, perceived and/or potential advantages (the mere fact the “social” now clearly is on the European agenda, participation of a wide range of actors, respect of diversity of welfare arrangements, bridging between negative and positive integration, providing of data, bottom-up information, monitoring structures, development of transnational networks) by far outweigh perceived disadvantages (participation of actors far from being fully realised, political will often missing, mutual learning hardly initiated, loss of domestic controls on social policy). OMC processes, so the defendants, “create trust and co-operative orientations among participants and tend to encourage learning dynamics” (Ferrera et al. 2002: 237) and constitute a “potential break-through in learning-based and open-ended governance” (Overdevest 2002: 24). Other advance that the OMC is “also proving to be a valuable tool for promoting deliberative problem-solving and cross-national learning across the EU” (de Búrca and Zeitlin 2003: 2).

When scholars do take a critical stand on the OMC, their criticism focuses mostly “on the fact that they have not reached their true potential” (Tucker 2003: 48) or the need to be reformed (Radaelli 2003: 7). Along these lines, an insufficient degree of participation (de la Porte and Pochet 2003b: 2), in particular of regional, local and non-state actors is frequently observed, an insufficient degree of transparency (Berghman and Okma 2002: 1, de la Porte and Pochet 2003a: 5), the legitimacy of actors and networks involved which are not democratically accountable (idem, 6; Radaelli 2003: 7), a lack between theory and reality (Radaelli 2003: 7).

Criticisms of the implementation process vary in harshness and extent. Nevertheless, both social scientists as well as politicians and representatives of NGO’s – and in more diplomatic ways the Commission – have expressed a range of concerns the most common of which are the following (Bergman et al 2003; Ferrera et al 2002; Armstrong 2003):

- The focus on past and present activities in the NAPs rather than the development of new, integrated approaches; also, they tend to be “over-enthusiastic about the current situation” (Radaelli 2003: 13)
- The difficulty of highlighting best practices;
- A lack of evaluation of national policies and measurable objectives rendering any monitoring difficult;

Most empirical evidence has so far been gathered for the EES-OMC and that “conclusions” for the OMC/inclusion have so far been quite rare and restraint – due to the newness of the process.

“The OMC is also an instrument that opens windows of opportunity for redefining the European social and economic model” (de la Porte and Pochet 2003b: 16). See also Ferrera et al. 2002 as well as Berghman and Okma 2002.

Armstrong has stressed this point (Armstrong 2003: 30), but within the academic discussions, he stands quite alone with this fear. Continental questionings about the potential negative effects of Europeanisation of “the” social have been developed by Scharpf (2001, 2003 and Offe 1998, 2003).

“Open coordination has potential for learning, but it has not delivered” (Radaelli 2003: 44).

“There is a gap between the vagueness of the discourse of participation and the actual participation” (de la Porte and Pochet 2003a: 30), deliberation processes tending to be “deliberation between elites for elites” (de la Porte/Pochet 2002: 300).

“It is interesting to note that “open” co-ordination actually takes place in closed meetings” (Berghman and Okma 2002: 6).

“Most NAPs aim simply to the improvement of co-ordination, adaptation and co-ordination of existing policies, the promotion of partnership and to a lesser extent to the application of important and innovative approaches, including the reduction of costs and the effective use of resources” (Berghman et al 2003: 101). It was not “possible to detect good practice paradigms having given the general lack of policies and programs of strict follow-up in member-states.” (Joint Report of the European Commission 2002)
- The data that member states present is not comparable rendering it difficult to compare the results (Chalmers and Lodge 2003: 12-13);
- The broad absence of cost estimates and quantified targets\(^\text{71}\);
- Limited participation of regional and local partners, the social partners and representatives of NGOs\(^\text{72}\);
- Cross-national learning and bottom-up learning has been very limited (Radaelli 2003: 10);
- Transparency was not ensured;
- Very limited “openness” (Radaelli 2003: 50);
- Very limited time for peer reviews (Chalmers and Lodge 2003: 17).

In my view, several tensions can be observed:
- Between the central idea of learning from “best practices” on the (regional or local) ground and the national-level driven process of drawing up the NAPs (de la Porte and Pochet, 2003a: 28);\(^\text{73}\);
- Between the goal of coordination social and policies without “shared beliefs on the roles of the state and the market in Europe” (Radaelli 2003: 23);
- Between the goal to reach convergence while letting member states advance at their own and deemed appropriate speed (Radaelli 2003: 28);
- Between the competitive aspects (through benchmarking and naming and shaming) and the cooperative aspects (through common and mutual learning and the exchange of experiences and information) (Radaelli 2003: 29);
- Between public participation being an official priority but de facto with very limited achievements and resourcing;
- Between the demand to support subsidiarity and the process strengthening governments over-proportionally (be it only through the responsibility for the NAPs) whereas social exclusion does not mainly operate at the national level;
- Between the goal to respect diversity (of institutional arrangements and their underlying principles of integration, solidarity, etc.) while promoting the OMC as a tool to reach cognitive and ideational convergence.

It is nevertheless possible today – after a few years of experimenting and observing the OMC/inclusion at work – to find voices that express more profound concerns relating to the process and its functioning. A repeated fear is that in the absence of sanctions, „the whole process could conceivably degenerate to a biennial ritual of “dressing up existing policies” with the only result of “policy learning, the reinforcement of institutional capacities and the improvement of the “knowledge base”” (Ferrera et al 2002: 14; see also Dehousse 2003: 15) without any obvious influence on policy outcomes – while increasing the use of democratically not accountable circles. The decentralised instruments of the OMC, it is argued elsewhere, are too weak to make up for the lacking political will of the political elites (Dehousse 2003: 20). Another serious objection is made by Scharpf who argues that because of the important diversity learning is only possible amongst states belonging to the same

\(^{71}\) “Only few states advance beyond general statements in quantitative objectives, which offer ground for the following-up of progress” (Joint Report 2002: 8)

\(^{72}\) Being one of the four common objectives and therefore a structural key element of the process (de la Porte and Pochet 2003a: 22), and aiming at increasing the legitimacy as well as the effectiveness of the process, it is particularly worrisome if the participatory dimension of the OMC is underdeveloped. Radaelli has pointed to the fact that participation cannot be forced from above (Brussels) and that there are not enough incentives for participation at the different levels of policy-making (Radaelli 2003: 14).

\(^{73}\) It is noteworthy that – at least – in Sweden and one German Land (Sachsen-Anhalt), regional action plans (RAPs) have been developed within this context in order to link the process to the level where exclusion is experienced.
welfare family (Scharpf 2002). By others, the underlying conception of justice of the OMC is questioned if its instruments (benchmarks, indicators, evaluation, etc.) are to provide alone for a reduction of poverty and social exclusion (de la Porte and Pochet 2003a: 30). Finally, scholars have not only addressed criticisms of single aspects of the OMC, but taken the sceptical view even further by wondering about possible negative effects of the OMC, stating that the “OMC (…) will rather incur a multitude of effects ranging from futility (the absence of any noticeable impact), jeopardy to perversity” (Chalmers and Lodge 2003: 14), also estimating that it is “rather naive to think that transnational benchmarking processes turn into deliberative policy-making processes” (ibid., 21). Overall, empirical evidence has led critical scholars to withdraw from their original positive expectation that the OMC could do something for the balance of negative and positive integration. These critical analyses do not necessarily lead to the same conclusions. Whereas some state that the OMC could be a valuable tool for policy-making in the EU if “hardened” a bit through supplementary measures (Ferrera et al 2002: 15), others are in favour to hanging on to the traditional Community method (Dehousse 2003: 26), while a third perspective develops the idea of pushing positive integration through the gathering of states with similar welfare state arrangements and them moving forward, different families with different speed (Scharpf 2002). The differences point to the extent to which researchers have trust in the Lisbon ideology, which marge de manoeuvre they still attribute to national social policy making and their interest in bringing (more and/or different) “norms and values back into the process” (Radaelli 3004: 29).

It is striking that despite these perceived important shortcomings, social scientists (Radaelli 2003: 52), politicians and representatives of NGO’s very broadly remain favourable to the OMC in general as well as to this particular process. Whereas NGOs see it as a possibility to put social exclusion on the political agenda, to have their voice heard and thereby opening a space which might otherwise domestically be closed (Armstrong 2003: 26), social scientists either see it as a possibility of “revitalising rather than closing off an EU role” in social policy. (Begg and Berghman 2002: 192), as a possibility to learn from each other (Tsakloglou and Papadopoulos 2002: 223), a way of problem solving through deliberation and of fostering the process of convergence without however posing strict rules and restrictions (Berghman et al 2003: 91)

**Methodological Question**

Finally, it is necessary to point to a methodological difficulty in researching the OMC. At this point of time where policy outcomes cannot be analysed yet due to the newness of the OMC/inclusion process, the difficulty mainly lies in detecting and conceptualising “influence”. How is one to know whether certain policy developments are connected to an OMC process or even enforced by it or not? In a policy field where the prerogative strongly remains in the hands of the member states and where the soft law instrument is as weakly equipped as in the OMC/inclusion process, this question is particularly difficult if not impossible to solve. What makes it so difficult? In economically difficult times such as nowadays, politicians have no incentive to point to Brussels when successful in maintaining certain achievements or developing new effective approaches to social inclusion. Inversely, they might - and do – point to Brussels when under the need to legitimise unpopular reforms (blame avoidance). Social policy is a field highly symbolically charged and cutting rights or

74 “It is striking to observe how little has the OMC delivered on its promises” (Radaelli 2003: 39)
75 The OMC/inclusion, so the leading European NGO in this domain, “does provide an important tool for the exchange of information and practices in the fight against poverty and exclusion” (EAPN 2003: 6).
benefits may very easily translate into electoral losses; so politicians will do what they can to “sell” successes in social policy areas as their own achievement (while “selling” the contrary as enforced by the EU) (Telò 2001: 16).

Whereas de la Porte (2002) has argued in favour of a temporal factor in order to evaluate whether “influence” has been given, Büchs (2003) proposes to differentiate between internal and (different) external factors leading to policy change. This approach seems, through taking explicitly into account national institutional legacies, better equipped to detect “influence” than the one developed by de la Porte, particularly because it integrates the discursive side of the coin: “One could speak of influence if there are changes in labour market policy programmes and/or at the discursive level of policies” (Büchs 2003: 14). Why is this necessary?

It has been argued above that the OMC/inclusion is incorporated into a larger process, the Lisbon process, and that this process transports an ideology. Furthermore, it has been shown that “learning” is seen as a main feature of OMC processes, and “ideational, cognitive learning” as a main feature of “learning”. So, in order to detect whether the OMC/inclusion has an influence on member states’ policies, it is not only necessary to look at their level of compliance with EU-wide requests, to look at the development of their NAPs and policy development, and to interview involved actors. It is also necessary to analyse whether the ideology has been incorporated in mainstream debates and policies, if relevant actors have taken it up, be it in terms of concepts, terminologies or formulations. If this were the case, it would be possible to say that the OMC has an influence on member states – and that thus this policy field has to a certain degree been Europeanised.

When looking at the type of influence the OMC might unfold, five scenarios are imaginable:

- direct influence means the reference of policy makers and other concerned actors to the OMC/incl. when introducing new legislation and/or programs and/or budgets;\footnote{Even though, as Buechs correctly points out, this does not necessarily mean that the OMC was the only or the main reason for change (2003: 5-6).};
- catalysing influence means that the OMC accelerates processes and policies which had already begun before the introduction of the OMC and for which the latter provides new and welcomed support;
- concealed influence\footnote{Buechs (2003) has proposed these three first categories.} means an influence which might not directly translate into policy changes as it refers to changes in perceptions, ideas, vocabulary and thus on learning processes induced through the provision of a common discursive framework which become only apparent in the mid-term perspective;
- “negative” influence means an impact that either jeopardizes the coherence of integration policies and/or democratic policy making processes;\footnote{Both the first and the last categories do not seem realistic to me.};
- no influence at all\footnote{I am aware that even this could mean that the OMC has had an influence, as it successfully prevented policy and/or budgetary cuts. Yet, as I am interested in the development of integrated approaches against social exclusion and how the EU can intervene in this goal, no change at all of policies would rather point in the direction of no influence at all.} means that policies remain the same just as do actor’s constellation; learning will not have been initiated and no new degree of European integration is in sight.

All forms of “influence” concern both the substance of policies as well as the policy making processes surrounding the former. All are enormously difficult to evaluate, let alone proof. This is why in-depth interviews with the involved actors are of outmost importance in order to learn something about the relevance and the role of the OMC/incl. in policy making. Besides in-depth interviews, close analysis of existing policies and contemporary debates as well as developed legislation and programs helps to evaluate whether the OMC/incl. has developed...
an influence and if so, of what nature. When attempting to define the factors responsible for a certain form of influence, one has to turn to the independent variables.

**Understanding the OMC/inclusion at work**

Instead of recapitulating what has been said above, I will conclude by suggesting how to evaluate the role the OMC/incl. takes in member states and its possible influence on member states policies and policy-making processes, thereby leading to a Europeanization of social policies and a greater output-legitimacy of the EU. Because the institutional welfare arrangements, the political systems and the roles of national, subnational as well as non-national actors do differ too importantly, it is not possible to come up with an encompassing theory (Armstrong 2003: 15). By looking at the following variables, it is nevertheless possible to come to a conclusion about the likely impact the process can have in a given member state, and thereby, in reducing social exclusion through a EU-induced strategy.

*Dominant ideas transported in current discourses and debates.* It comes as no surprise that public (and hidden) discourses particularly have to be taken into consideration as an intervening variable in a process, which is supposed to foster policy change through communication and exchange processes. It is necessary to comprehend that OMC processes are embedded in the Lisbon ideology, with some being closer to its centre – such as the BEPG or the GSP, and, to a lesser degree, the EES – and others being more distant, such as the OMC/inclusion or the OMC/pension. In order to analyse the role that the inclusion process takes in member states, it is therefore necessary to look at how much the political space for combating social exclusion is framed and informed by the Lisbon ideology respectively which developments can be observed here and in how far ideational convergence has already been reached 80. For this purpose, one must of course look at the NAPs themselves, but equally at policy programs of parties, legislative texts and media coverage. Central to this variable is not only the substantive development of discourses, but also if there has been intensification over time, if actors try to put the blame on other actors than themselves when not performing well and if supranational debates emerge amongst participants.

*The degree of politicisation.* The degree of politicisation of the OMC/inclusion process is – if compared with other OMC processes – relatively weak (de la Porte and Pochet 2003a: 24)81. This is even more striking as one could think that being put on the agenda of the EU and being a highly politicised issue in national debates and policies would speak in favour of a higher degree of politicisation. Indices for this weakness are the facts, that a) the process is not anchored in the parliaments, thereby not contributing to its democratic legitimacy as well as to a greater visibility, b) it has no treaty basis, thereby not contributing to a greater overall accountability of member states, c) there are no recommendations nor guidelines but solely common objectives, which, additionally, are very broad, evaluation of performance thereby becoming quite difficult, d) no sanctions whatsoever are foreseen leaving compliance up mainly to political will (Begg and Berghman 2002: 192; Berghman et al 2003: 15; Scharpf 2002: 654) and financial resources, but also to “the “visibility” of the problem, the existence

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80 Radaelli sees this process well advanced when stating: “It seems that the main result so far is convergence at the level of ideas, concepts, norms defining good and bad practice, and ultimately policy discourse” (Radaelli 2003: 28-29). Strangely enough, he classifies this convergence as being a success.

81 Radaelli has argued that one of the main characteristics of the OMCs is to avoid politicisation in order to advance politically (Radaelli 2003: 21). But when speaking of “politicisation” he has in mind the different models of European capitalism which are not put into question through the OMCs as one of its main reasons for coming into existence is structural diversity.
of policy structures geared to it, the strength of NGOs, the influence of advocacy coalitions, the attitude of political actors” (Ferrera et al 2002: 13), e) there is basically no media coverage, thereby not contributing to a greater visibility and the creation of a transnational debate, f) de facto, the process is one of experts behind closed doors, thereby not contributing the politicisation of the OMC/inclusion.

All these highly questionable indicators do not mean, however, that the process is not a political one. The very fact that its degree politicisation is relatively low must be seen as a result of political negotiations and preferences., where incentives to comply have been kept low and the political will to act is low as well.

The institutional national framework in which the OMC is to be implemented and incorporated. Besides the national welfare traditions and arrangements, which have to be addressed here, it seems particularly important to me to shed a light on national political cultures and the way they influence the process of policy-making on the one hand and the process of administrative adaptation and incorporation (or refusal) on the other. Furthermore, national institutions which are likely to have an impact on the kind of influence of the OMC are the organisation of the polity and the role it attributes to different kind of actors, the number of potential veto-players and more historically rooted ideas about national cohesion and integration.

The (development of) provisions of the OMC at EU level.. In order to come to a judgment about the potential of the OMC, it is not only necessary to look at what has been called “machinery” (de la Porte and Pochet 2003a: 24), but also at the provisions and their development at EU level. This begins with the institutional space of the OMC itself: does it have a room for its own or is its marge de manoeuvre heavily reduced by other policy processes? It continues with the commonly agreed objectives and their evolution over time (do they move to guidelines, do they become more precise, are new ones being agreed upon, are they associated with quantified targets?); goes on with the demands formulated with respect to the NAPs (are they binding, what is their substance, do they evolve overtime in the sense of favouring integrated approaches, do quantified targets become a must?) and finishes with the development of actors’ constellation at EU level (does the SPC gain in prominence over time, how does the role of the Commission evolve, which role for the European Parliament, have NGO’s succeeded in getting their voice heard, and if so, which ones? Overall: does the process confirm the strong intergovernmental focus its institutional setting suggests strongly?

Finally, one has to evaluate the power relationships between the involved actors (and even those who are not involved). These relationships have to be analysed both within the domestic context as well as for the relationships between supranational and national actors. Depending on the strength of each and every single actor, certain constellations become more likely than others.

Take it or leave it?

After having examined these variables, it should be possible to come to a preliminary conclusion about the role the OMC/inclusion has so far taken in member states. This evaluation should equally allow a prediction on its impact on combating social exclusion. I will argue that the necessary conditions for a successful implementation of the OMC/inclusion are so far not given. These conditions would require:
- a substantive reorientation of policy preferences in the direction of defining the social more broadly;
- a stronger link between the process and the national and European Parliaments, contributing to a higher legitimacy, accountability and visibility as well as to a stronger link with the legislative activities in the respective field, thereby leading to a greater overall coherence;
- the development of “clear enforcement mechanisms that oblige the Member States to take seriously the commitments they made in Lisbon” (EAPN 2003: 6);
- a greater link between the national levels – where NAPs are developed – and regional and local levels where social exclusion operates (Overdevest 2002: 22) and the development of a design for bottom-up learning.

If none of these conditions is met, one needs to “ask what type of policy choice could optimally be made under OMC conditions” (Scharpf 2002: 654), where the room for arguing increases while the space occupied by bargaining decreases, thereby diminishing the space occupied by legally binding standards which are central to the pursuit and the realisation of “social inclusion”.

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