

# CENTRAL AND EASTERN EUROPEAN SOCIAL POLICY AND EUROPEAN UNION ACCESSION – TIME FOR REFLECTIONS

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### *Abstract*

*European Union enlargement and accession are reflexive of both EU and post-communist social policies. There is a unique “dialogue” going on, indicative of fundamental aspects of post-communist, post-transitional social policy. It is also a ‘mirror’ that reflects shortcomings of governance, and often presents a neglected institutional landscape. Therefore, the Europeanisation of social policy is an essential transformation process for post-communist countries whereby a new language and new concepts are introduced, the outlines of new social-policy governance emerge and enter the space in which social policy is formulated and considered.*

*Key words: European Union Accession, social policy, institutionalism*

## **1. Introduction**

The European Union lands on very peculiar space when it arrives in Central and Eastern Europe. It lands on a particular political, social and economic space, with a unique institutional landscape, with a special culture of governance and numerous socialist legacies. The aim of this article is to address EU accession as a unique process, which provides an excellent mirror for post-communist social policy. But what does this mirror show us? The need for a complex linguistic, conceptual mapping, which reconfigures the way we formulate and think of social policy. Not least, because European accession is a meeting point of national and supranational social policies, and the dialogue of these two systems. It is a dialogue of two different constructions, two different policymaking structures, two different historical legacies, social policy vocabularies,

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with different understandings and meanings. It is a meaning-making process coupled with new politics: new boundaries and new borders, new inclusions and exclusion processes are generated, of which we know far too little.

## **2. Social policy versus competitiveness**

In Central and Eastern Europe the discourse of ‘social policy versus competitiveness’ is a new agenda, an agenda of the transformational politics. Social policy in Central and Eastern Europe has been formed by the economic discourse of market-making versus market-correcting policies. According to Zsuzsa Ferge, Central and Eastern Europe became an experimental field of the global market (Ferge, 2000). These countries, if her argument is accepted, were particularly exposed to neo-liberal economic and implicit societal policies. Deacon (1998; 2000) argues, however, that it was *not economic, but instead, political globalisation* that impacted heavily on social policy development in stern Europe, meaning global actors, such as the World Bank, promoting a particular social policy, driven by ideological reasons and views on how social policy should position itself in relation to the market. Similar to European level social policy, *post-communist social policy was dominated by market-making features and seriously lacked market-correcting visions on social policy*. Price liberalisation was not followed by targeted support for those most hit by the drastic increase in the prices of fundamental goods; the increase of interest rates on mortgages did not continue to offer compensation for those taking on highly subsidized home loans before 1989, resulting in tens of thousands of families being threatened by homelessness. Marketisation of the pension and partially the health care system, the cut back in social security payments and benefits all served both to remove the burdens from the market in the form of cut-back public expenditures and to invite private investments into social services and infrastructures. Similarly to the development of social policy at the EU level, *social policy formulated in Central and Eastern Europe in the 90s has been closely linked to negative freedom*, and in EU context, negative integration. The same struggle seems to appear between liberal and social rights. The ‘down the ladder’ themes are taking place in post-communist countries as well. Social rights, despite having been constitutionalised, have been call into question and withdrawn.

## **3. Institutional capacities: institutional deserts and fragmented institutional structures**

Little attention has been given by the transition literature of social policy to the weak institutional capacities to formulate, to enforce, and to implement policies. Central and Eastern European states are relatively ‘weak states’: they have a limited capacity to collect taxes, to tackle the black or grey economy (a financially weak state), they are caught in a legislation trap: the Parliaments of these countries are swamped by massive legislative work, which puts a heavy burden on the whole horizon of the policy-making machinery (a weak regulatory state). As a result there are insufficient capacities to follow up, to evaluate, and to monitor the implementation of even major legislation.

Decentralisation further highlighted institutional weaknesses. All in all, “the most basic fact of all in assessing the reformulation of social policy in Central and Eastern Europe is that all institutions are weak, and as such the scope for negotiating binding agreements between contending interest groups is limited and fragile” (Standing, 1996:249).

Since social policy is closely linked both to the state-making (as a necessary authority to correct market failures and promoting public good) and market-making mechanisms (by negative integration, or negative social policy that is a social policy aimed at removing the boundaries of market competitiveness), the question of trade-offs between competitiveness and positive, interventionist social policy occupies the dynamics of both European integration and the transition process. Although the issues raised by the two processes are the same, they are occurring in very different circumstances. There has been no past of equity-efficiency choices in the framework of the market economy. In case of Hungary, the trade-off oriented arguments focus on what is called the ‘premature welfare state’ a concept by Kornai (1993). It is argued that compared to the level of economic development and the national GDP, as far as the fiscal capacity of the Hungarian welfare state is concerned, it is over-muscled. The level of welfare spending is not supported by economic performance, therefore it pre-empted the fiscal policy space and hinders investments and economic restructuring. Throughout the transition the economic and, it is probably fair to say, the political discourse were occupied by the trade-off argument: social policy being a highly unproductive sector, the generous entitlements discourage market behaviour in households and reinforce paternalistic expectations. The conclusions drawn by economists and the actions taken by politicians were rather simplistic: instead of state-building, state-dismantling took place (Grzymala and Luong, 2002). Ever since then, the aspect of social policy as cushioning the social consequences of the transformational recession has been highly neglected. The discourse of social policy being a positive factor in economic growth and competitiveness through the improvement of human resources and the reduction of inequalities is not present, despite the fact that the welfare regimes in the ECE countries have played an important role in cushioning the blows of marketisation and privatisation, not to speak of the worst economic recession of the twentieth century (Kovács, 2002:199). The trade-off remains, throwing social policy onto the margins of general *high-politics*.

Kornai’s concept highlights another point. The necessary reform of the premature welfare state is a key issue in the Hungarian and post-communist transition and consolidation. In his argument, a minimalist safety net, that is a residual social policy, is the antithesis of socialist paternalism (Gedeon, 1996). However, in non-ideological, and more technical terms the thesis is universalism and not paternalism. Universalism was rejected for all the wrong reasons. Economists urged a *cheap* welfare state while universalism was associated with socialist paternalism because it was regarded as wasteful and expensive. However, as Esping-Andersen argues, narrow targeting is inefficient for three reasons: first it is administratively costly (and moreover requires a ‘strong state’ in an institutional sense, which post-communist countries are not, for they have weak administrative capacities); second because it often fails its objective, that is to secure

adequate resources for those in need (again weak targeting capacities); and finally because it nurtures poverty traps (Esping-Andersen, 1996).

A fundamental societal feature of the transition in Central and Eastern Europe was what could be described as the termination of the existing social contract and the battle over what the new social contract should be about. The contour of the new contract was defined in rather negative terms: the withdrawal of state provisions and responsibility and the attack on the citizens' attitudes towards social provisions, the so-called *homo sovieticus* (according to the opinion by Janet and John about the cultural governance). The more explicit public debate over the social contract comes about at the time, mainly in the second half of the 90s when the politics of the transition is not about the distribution of the losses, but when economic recovery allows for distribution and redistribution of the gains. All in all, rhetoric – probably in the case of EU as well – seems to be a tool substituting for the social contract, or functioning as a 'quasi-contract'.

Both societal goals and social policy as instrument to pursue societal goals are in trouble. Concerning societal goals, values and norms, Ferge (2001; 125) notes that "the respect for basic "western" values like social integration, solidarity or distributive justice is absent from home public policy. Not even lip service is paid to them. This makes it difficult to put them on the agenda of public discourse". Societal values listed above have been de-legitimised, and not been reformulated. Policy formulation has not been driven by negotiated social or societal principles, but instead took place in a pragmatic, often rushed and ad-hoc manner. The lack of public discourse on fundamental societal principles leads to the *instrumentalisation* of social policy. In the Hungarian example, it could be argued that in the first waves of reforms, the conservative government (1990-1994) instrumentalised social policy for the sake of political legitimation. That meant a status-quo-oriented approach with delayed reforms. The second, socialist-liberal coalition government (1994-98) instrumentalised social policy for the needs of economic policy and launched a strong neo-liberal ideological attack – in the form of a forceful moral agenda - on the welfare state and paternalism. The shock therapy in 1995 involved the most radical cutbacks, which was partly reversed by the Constitutional Court. The third, conservative government (1998-2002) was the first to distribute more wins than losses. However, social policy was mainly used by political motivation: to build up a middle-class that would then become the stable base for a united conservative party.

#### **4. European Union accession: remaking governance?**

From the point of view of the candidate countries, the problem of the *acquis* is a problem of governance. Working with Standing's (1996) definition of governance as an institutional framework for formulating, implementing, administering, monitoring and evaluating social policy schemes, what we see in Central and Eastern Europe is an institutional desert (Bruszt, 2001); policy-making vacuum (Deacon, Hulse and Stubbs, 1997); and institutional incoherence (Henderson and Hulme, 2002) where all the actors are weak (Standing, 1996). CEE states are relatively 'weak states': they have a limited capacity to collect taxes, to tackle the black or grey economy, they are caught in a legislation trap: the parliaments of these countries are involved in massive work on legis-

lation, which puts a heavy burden on the whole horizon of the policy-making machinery, creating a weak regulatory state. As a result there are insufficient capacities to follow up, evaluate, and monitor the implementation of even major legislation. As argued by Standing on tripartite governance, but which could equally be applied to fields such as the pension or health reforms during the transformation process: 'all institutions are weak, and as such the scope for binding agreements between the contending interest groups is limited and fragile' (Standing, 1996:249). Wagener (2002:172), reviewing the welfare states in transition, comes to similar conclusions. The weak institutional capacities and weak social policy governance have a number of implications: they highlight performance gaps as well as set the framework and the institutional capacities of social actors to participate in the accession process. The performance gap, a fundamental yet neglected feature of post-communist social policy, refers to a general discrepancy between legislation and implementation (European Parliament, 1998; Avdagic, 2001; Vaughan-Whitehead, 2003; Sotiropoulos, Neamtu and Stoyanova, 2003) with the implication that looking at laws alone therefore gives us few guidelines to actual practice.

Beside institutional concerns, another set of issues related to the economic costs, financial assistance and redistribution aspects is crucial to understanding the accession and enlargement processes. The heading of this section refers to an issue-cleavage between competitiveness versus social considerations and their conflicting discourses. The revisited nature of the 'economic' versus the 'social' is twofold. On the one hand, it is revisited at the European level: among many others, Kleinman (2002) argues that there seems to be a 'genuine ambiguity' in the EU documents between the social agenda of high social standards and quality of life, and on the other hand economic competitiveness and the deregulatory economic agenda. Even before enlargement became an issue, the EU spoke two languages: the language of competitiveness and the language of social Europe. CEE countries and post-transitional social policies are also fairly familiar with similar welfare debates. In the post-communist context this meant a cleavage between the 'premature welfare state' and the promotion of competitiveness versus arguments for the importance of the social commitments by the governments to meet social needs that resulted from the adverse economic consequences of the regime change. Enlargement has done little to reconcile the social and economic agendas.

The unresolved and conflictual messages that accession has produced, coupled with the dominance of economic considerations and the neglect of social issues, will very likely increase social inequalities in the candidate countries, but also produce 'double losers' (Inotai, 2000): social groups who suffered from the economic consequences of the regime change due to age, qualifications, or ethnicity, and will increase their disadvantages during the accession. CEE accession countries, however, are likely to face two fundamental challenges posed by transformation, European integration and globalization. First, accession countries are likely to suffer greatly from the anticipated erosion of the sovereignty and autonomy of their states. Second, the lack of both 'consensual social partnership' and cultural and social infrastructure of 'neo-corporatist interest intermediation', consensus building and the 'institutional desert' (Bruszt, 2001) makes CEE countries even more vulnerable to globalization and EU integration. Taking into account the argument made by institutionalist economists and sociologists, CEE countries have rel-

actively 'weak states'. This limits state capacity to: (a) uphold general rights and create a predictable policy environment; (b) prevent the use of state institutions by powerful private (and international) groups to redistribute wealth and opportunities; and (c) regulate relations between economic and social actors in a balanced way (Bruszt, 2000).

## **5. European Union as neology and time travel: linguistic and conceptual mapping in the remaking of social policy**

Krémer (2004) describes EU social policy as a *neology* and as a *neutralised language umbrella*, developed by 'Eurocrats' in order to be able to reach a wide consensus among diverse stakeholders. Indeed, the neological 'face' of the EU social policy is a very relevant feature of the formation of a supranational social policy from the standpoint of the new Member States, because terms such as social exclusion, social inclusion, gender mainstreaming, social cohesion and policy coordination are highly novel to these countries. The consensual understanding of these terms is the result of decades of political, economic and welfare state development (Szalai, 2002) which the newcomers have not been part of. However, as Szalai argues, it is not only a matter of 'phase and time delay' (Krémer, 2003), and the nature of the catch-up is not only legal harmonisation and the adoption of the new language in itself - in the post-communist context, even before a developed welfare state can emerge, the necessary reform of it is coming on the agenda (Szalai, 2002). For these countries the discourse on social exclusion is arriving on the agenda before a poverty discourse has had time to evolve; the workfare agenda comes in before they develop a strong sense of social citizenship; they face third-way issues before exploring in any meaningful sense the first two; governance is being talked about when these countries think in terms of Governments. One of the biggest challenges for Central and Eastern European countries is how to cope with such 'indigestible' terms and ideas and whether they can productively go through a '*time travel*'.

Concepts and ideas such as social inclusion, cohesion, mainstreaming, joint governance, partnership, social dialogue are all terms that are culturally and historically embedded in decades of western European welfare state development. Some of these terms such as gender inequalities, social partnership and joint governance, or even social exclusion and poverty have been silenced as policy issues due to political reasons, even long after 1989. *Silences* manifest themselves in languages. Many countries for example do not have their own indigenous term for social inclusion. In Hungary, the National Action Plan for social inclusion (NAP/incl) 2004-2006 translated itself as National Action Plan for 'Togetherness', partly because inclusion does not have a consensual translation, and partly because the term (inclusion) used by the Joint Inclusion Memorandum (JIM), which precedes NAP, was claimed to indicate a hierarchical relation between those who include and the included. The term social exclusion has also generated debates over whether social exclusion implies an active exclusion by somebody (like the state), or people just happen to be excluded. In Hungary, during the preparation of the JIM, there has been some political resistance to use of the active form of the verb exclusion, because they argued that 'nobody excludes anybody in Hungary'.

## **6. The European mirror: five key elements of post-communist social policy governance**

European Union accession, with its main instruments such as the open-method of co-ordination (OMC) and the Structural Funds challenge at least 5 key elements of post-communist social policy governance. These are: rigid budget structure, ‘messy contracts’, broken policy cycles, weak social dialogue, and weak or absent statistical data.

Structural problems of the budget are strong communist legacies. The central budget is ‘sectorally’ based and distributed among Ministries. The system discourages inter-ministerial cooperation and coordination. Some important issues fall out of the budgeting and the focus of ministries because they would need cross-sectoral cooperation (i.e. tax credits incentivising employment, school social work, voluntary work, corporate social responsibility, community work, social housing, or adult education issues). Public spending is not confronted with efficiency or efficacy criteria for they are not monitored or evaluated.

“Messy contracts” can be directly linked to budgeting and to the financial techniques used in post-communist Europe. I refer to messy contract to describe the type of social care and social assistance governance where there is an implicit logic between central government (funder) and service providers and managers of social assistance (mostly local self-governments). The ‘messiness’ of the contract is that there is a shortage of available funds to run social assistance and basic social care, therefore the capitation grants are insufficient, as exchange services are not provided, despite the legal obligation. Services are not provided, the assistance capitation grant is often used for other non-social purposes, but the central government does not enforce the implementation of laws, nor does it set quality standards or monitor service provisions. Regional inequalities and lack of access to basic social services have only recently been documented mainly in the JIMs.

Broken policy cycles are also a fundamental feature of social policy-making in Central and Eastern Europe, meaning that key elements of policy-making were missing. Until the very end of the 1990s in most countries the ministry responsible for social policy did not have a strategic unit. Agenda-setting and policy formation processes are random and ad-hoc. Implementation is often missing; evaluation and monitoring are very rarely applied. Non-governmental actors find a point at which to intervene and to participate with difficulty, not least because partnership and dialogue paths are not always institutionalised either. This leads to fragmented decision-making structures, but also to dual realities of formal and informal arrangements, practice and policies.

Weak or absent statistical data are also not only a technical matter. Missing data often means lack of action. Data imply a need for action, because “we do not measure things except when we want to change them or change our behaviour in response to them” (Stone, 2002:167). Statistical data are reflexive of knowledge. CEE countries however, have little or no data on the main social target groups such as the Romany, people living with disabilities, or the homeless. The EU’s efforts to produce common indicators have an important role in calling for improving social statistics, to facilitate knowledge production to bring previous policy silences into voice.

In this framework cooperation and coordination are almost impossible. Ministries are trying to maximise their own available funds, therefore there is a disincentive to share funds and responsibility. Issues are divided in a clear-cut way. No surprise then that the JIMs call for introducing cooperation between welfare and employment services, between social workers and health professionals, education and social services, social and regional development. Sectoralism is also apparent in the Structural Funds measures, and it is hugely difficult to design an intersectoral measure. In Hungary for example the Human Resource Development Operational Programme does not contain a single measure that is cross-sectoral. This also results in duplication of services, since, for example, employment services instead of cooperating with local social services, create their own 'psycho-social' counselling services. The massive institutionalisation that took place in the last 5 years in these countries in the field of equal opportunities, social exclusion, regional development, e-inclusion and employability could well – without enhanced cooperation and the strengthening the governance capacities for coordination - result in overcomplicated nexus of services incomprehensible to citizens and wasteful in terms of public funds.

The transition in Central and Eastern Europe can be characterized as a state formation, which is 'rapid, taking place over decades rather than centuries, and as yet has not reached a stable outcome', which, moreover, is 'influenced by unique international pressures' (Grzymala and Luong, 2002:531). These factors (i.e. the weakness of statehood, and the volatile nature of states in the hyper-rapid process of state building) may support the argument that accession countries are going to be less likely to resist the loss of sovereignty and autonomy of national social policy than were current member states. One couldn't agree more with Ferrera and Boeri (2001:88), who argue that what EU social policy needs is the exchange of ideas and encouragement of coordination among the social policies of the member states, while the 'EU should insist more on monitoring, assessment and benchmarking thereby stimulating better management of public resources in various countries'; and the gradual introduction of a pan-European safety net preventing forms of extreme poverty.

## **7. Conclusion**

Social policy is not a national business any more. New actors, new stakeholders, and new voices are heard. New actors bring new meanings and new discourses whereby some actors are empowered while others get marginalized. However, Europeanization and the transformation of post-communist social policy governance is not an unproblematic process. Let's make it clear, it is not just learning, and deliberation, it is also politicking, new issue cleavages and in some cases silencing take place. But in order to explore those implicit processes much more research and recognition are needed to realise that accession puts a mirror both in front of EU and post-communist social policy.

Central and Eastern European countries need a stronger European vision on social policy, both by hardening the core social-policy competences at EU level, and by softening and extending soft social policy, promoting policy learning and improving social policy governance.

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