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Editorial: Social Policy and Labor Regulation in the course of European Integration

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At least since the *banking crisis* of 2008 devolved into a *demand-driven economic crisis* and, later, a *sovereign debt crisis* (Scharpf 2011), the concept of *crisis* has significantly shaped the discourse on European integration. Thus, the rise in refugee immigration and the controversial debate over the responsibilities of individual EU member states has recently made the term *refugee crisis* common parlance (Pries 2016). And over a decade ago, Dutch and French voters' refusal to accept the EU constitution was interpreted as an early sign of a *legitimacy crisis* (Scharpf 2009), one that recently reappeared in the form of societal resistance to the EU in the wake of its austerity policies, especially in the countries of Southern Europe.

Against this background, the contributions to this issue are aiming to improve our understanding of labor market and social policies in the course of European integration. As a "child of the nation state and industrial revolution" (Leibfried/Obinger 2008: 336), the welfare state represents an institutional framework in which the social and the national overlap. While the parallel processes of globalization and European integration have gradually laid the economic foundations for this framework (e.g. through labor mobility, parallel production or tax competition), sustainable instruments for achieving and maintaining social security have yet to be established on international level. Thus, the solution to social problems remains in the hands of the nation state. If the legitimacy of political system depends on generating and redistributing prosperity (Offe 2006), both policy fields serve as the loci, in which market outcomes have to be adjusted according to public demand.

The contributions to this issue approach this field of research from a range of various angles. In their conceptual text on 'Social Security in Europe' Stefanie Börner and Monika Eigmüller are proposing a diachronic perspective for analysing social policy rescaling in the European Union. Based on the assumption that the emergence of welfare institutions on the national level can only be understood from a longitudinal perspective, the authors argue for a conceptual reframing of research on European social policy. In his paper Christof Roos analyses government positions of Germany, France, and the UK regarding the EU Freedoms of

Movement and Services. Against the backdrop of recent national as well as European restrictions on EU mobility rights and Brexit, he shows that the issue of labor mobility persists a contested issue. In his article on the European minimum wage, Martin Seeliger sheds light on the question of social security from a trade union perspective. The multi-level system of European labor relations constitutes the framework, within which ideas and positions among European labor are negotiated and developed. A particular focus on trade unionists from Sweden, Hungary and Poland illustrates the difficulties political actors encounter when trying to establish common political positions in the process of European integration. This issue's open themed section contains contributions from Klarissa Lueg and Sebastian Büttner, respectively. Klarissa Lueg, in her research paper, analyses European discourses and policies as to English as a common language in a Europeanizing higher education market. Sebastian Büttner, in his book review, comments on the recently published *Brexit: Sociological Responses* (Ed. William Outhwaite). Finally, in his review of recent path-leading contributions on the state and development of capitalism, Hauke Brunkhorst investigates the current state of the art in the German discussion.

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Social security in Europe. Towards a diachronic perspective for analysing social policy rescaling

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Keywords: Diachronic comparison, European Union, legitimacy, nation building, rescaling, social policy, solidarity

Recent debates often suggest that welfare states are nation states and that comprehensive social policies at the EU level are therefore inconceivable, given the lack of a European collective identity. Reconsidering former and current periods of social policy rescaling, this paper examines the preconditions for the expansion of the territorial frame of social policy organisation and asks when, why and how actors have been willing to change their frames of action on welfare policies. Adopting a diachronic perspective allows us to examine how processes of re-territorialisation can give rise to new categories of action and reference points which, in turn, establish new types of belonging and solidarity. To this end, we analyse actors' interests, interpretations, motives and discursive shifts. Our findings point to a close intertwining between general structural changes in the economic and political spheres, on the one hand, and the shifting frames of reference and scope of action of the political, collective and individual actors involved, on the other. On the basis of these findings, we argue that structural transformations alter both political discourse and the actors' own interests, which over the long run may lead to the emergence of new actors, ideas and territorial principles. Hence, instead of suggesting the rigid nature of national welfare states and, linked to this, the lack of solidarity at the European level, our historically informed approach sheds light on the creative and conflictive processes that led to the predominance of national social policies.

Introduction

In view of Europe's ongoing integration and the rising number of transnational social problems it faces in the current crisis, questions regarding the development of the European Union's social dimension are of growing importance. Despite this, many scholars suggest that the lack of a collective identity at the European level, and the absence of transnational solidarities able to transcend the prevailing national solidarities, makes the intensification or broadening of EU-level social policies unlikely in the near future (Streeck 2000; Offe 2003; Scharpf 2010; Höpner/Schäfer 2012). Given this situation, we propose a twofold change in perspective. At the theoretical level, we assume that certain interests and motives of influential actors determine the political processes that could lead such a policy shift (in particular, the growing literature on territorial restructuring provides

an appropriate framework for this interpretation; cf. Ansell/DiPalma 2004; Moreno/McEwen 2005; Ferrera 2003). At the methodological level, we suggest a diachronic comparison of different periods of social policy rescaling. In reconsidering social policymaking in the past, this article reveals the close intertwining between general structural changes in the economic and political spheres, on the one hand, and political, collective and individual actors' shifting frames of reference and scopes of action, on the other.

Beginning in the 1880s, the emergence of social insurance programmes marked the 'take-off of the modern welfare state' (Flora/Alber 1981: 48). After Germany introduced compulsory health insurance in 1883, an accident insurance scheme in 1884 and a disability and old age insurance in 1889, most Western European countries passed at least one core social insurance law before the outbreak of World War I (Abbott/deViney 1992; Kuhnle/Sander 2010). These contributory or tax-financed programmes were thought to provide members with a basic income during typical phases of employment incapacity and unemployment.

As public tools for coping with destitution, social insurance programmes were rescaled to ever higher levels during the following decades. This development culminated in the rise of the national welfare state, which extended social insurance to 'increasing numbers of citizens to ever greater varieties of risks' (Baldwin 1990: 1). From that point on, the nation state provided the basic frame of reference for social security organisation. Although the scope of social solidarity was also expanded to the national level with the emergence of social insurance legislation at the central state level, socio-historical research shows that the nationalisation of social security has been anything but uncontroversial (de Swaan, 1988; Baldwin, 1990). Empirical studies suggest that early welfare schemes could not rely on existing collective identities to generate feelings of solidarity at the national level. Rather, the development of national welfare states should be seen as a long-term process linking state-building, identity formation, and solidarity at the national level, i.e., as a process of social security territorialisation (Ferrera 2003; Moreno/McEwen 2005; Börner 2013; Senghaas 2015). Ferrera (2005b: 226) points to the importance of social security schemes for 'creat[ing] new membership spaces within the territory of each nation-state.' During the late 1880s, existing means of social schemes such as locally organised self-help funds, or the support provided by trade unions, were seen as alternative frameworks to that of the nation-state for social security organisation (Zimmermann 2006). This raises a key question: under which conditions have actors been willing to endorse a territorial shift of social policies? Answering this question is crucial to understanding whether solidarity is a result or a precondition of social politics.

Given these highly conflictive processes and their role in constructing the congruence of nations and welfare states, there is no reason to think that the so-called "solidarity among strangers" may only be established within a national framework. To shed light on the preconditions of social policy rescaling, this article examines the conditions under which the territorial frame for social security organisation may be successfully expanded and asks when, why and how actors have been willing to change their frames of action on matters of social policy. In order to illuminate the complex processes that finally led to the nationalisation of social security in Europe, it examines these questions historically. Within the current context of growing (and contested) Europeanisation of social security, this historical analysis gives us the insight to explore how processes of re-territorialisation can create new categories of action and reference points that lead to new types of belonging and solidarity with respect to social policy. As a result, we are able to offer a more comprehensive analysis of recent—and to some degree even future—social policy developments at the European level.

To fruitfully use historical insights to decode current developments at the EU level, the French *socio-histoire*¹ offers a range of concepts and tools for analysing and comparing recent social transformations. Based on the assumption that social phenomena are bound to space and time and hence only comprehensible in terms of the specific historical context in which they are embedded, this approach emphasises the historical emergence of today's macro-categories as well as the micro-foundations of social change by identifying the key actors involved, their interests, and their ideas. In this sense, it commits to a theory of action that emphasises the structured activities of those actors and thus overcomes the often-cited micro-macro dichotomy (Knorr-Cetina 1981). This understanding of the variable and constantly changing relationship between structure and action helps illuminate the meaning of transformative processes, deepening our understanding of how specific social problems have been defined and new frames of action have come to prevail (Noiriel 2006). Analysing the specific historical junctures when actions and structure intertwine allows us to compare such junctures across time and place, thus opening the door to diachronic comparison. Key to this diachronic approach is the study of processes as a tool to uncovering the *dynamic interplay* between actions and structural changes. This requires that we analyse not only structural shifts and institutional changes, but also micro-sociological factors such as the ideas, interests and interpretations of the various actors involved and the specific institutional and organisational contexts in which they were embedded. Focusing on actors' interests, interpretations, motives and discursive shifts makes this micro-macro interplay accessible. Such a focus also allows us to consider European social policy in terms other than the functionalist automatism and spill-over mechanisms that tend to dominate studies of this subject area (e.g. Leibfried 2005).²

In examining the consequences of emergent opportunity structures for different groups of historical actors, this article points to the complex logic and multidimensionality of the processes shaping social policy rescaling. To unravel these interconnected processes of structural change and individuated action, the first part of this article discusses structural transformations, how they translate into ideas, and how they shape individual preferences and political decision-making processes. Parts two and three then present the political logic behind social policy rescaling, which sees the latter as a means of promoting social integration and political legitimisation. Evidence is drawn from two centralised Western European welfare states (France and Germany) and two rather plurinational ones (Great Britain and Austria) between the 1880s and 1914.³ For the sake of simplicity, we refer to this period as one of social security nationalisation.⁴ We contrast the results of this analysis with findings from research on the development of EU social policy between the

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

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

³By Austria, we refer to the northern and western part of the Dual Monarchy of Austro-Hungary between 1867 and 1918, so-called *Cisleithania*. Empirical insights on this case mainly draw on Monika Senghaas' study on social policy in the Habsburg monarchy. (2015) We would like to thank her for allowing us to use her empirical material.

⁴The term 'nationalisation' should not hide the fact that the resulting welfare states in no way represented a single universal type. Within a given state territory, there remained numerous internal differentiations marking former boundaries (see also FN 7).

1950s and today, a period marked by the Europeanisation of social security.⁵ Thus, instead of comparing different national stories, this study focuses on the diachronic perspective.

Our main goal is to revisit historical processes in order to be able to assess current arguments regarding a European-level social policy. Analysing the shifting interests, strategies and discourse of the actors involved does more, we assume, than simply illuminate the differences between the two periods covered here; it also enhances our understanding of the EU's political construction as a supranational organisation. It explains not only why the EU pursues a rhetoric of cohesion and strives for harmonisation in the field of social security, but also why some of its member states are reluctant to give up their social policy competencies, irrespective of their own abilities to provide social protection. In this way, it helps clarify why European integration is sometimes perceived as a major threat to national solidarity and to existing achievements in the field of social welfare.

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

In recent decades, the process of European economic integration, which has also helped consolidate political and even social integration at the EU level, has created an awkward structural imbalance in the eyes of many scholars. On the one hand, Europeans have been witnessing the dissolution of nationally-defined boundaries with respect to the EU's economic systems and labour markets. On the other, actual social transfers to individuals as protection against threatening economic developments remain in the hands of the nation state. What is more, this 'structural asymmetry' tends to undermine the social achievements of Europe's most comprehensive and generous welfare states (Scharpf 2010: 211). This challenges social integration at the national level, since entrenched national solidarities are about to break up (Münch 1998). As the EU steadily gains power and national governments are increasingly affected by decisions of the European Court of Justice (ECJ) as well as by regulations of the European Commission (for social policy, see Leibfried/Pierson 1995; Ferrera 2003; Leibfried 2005), member states lose sovereignty.

In the face of these political, economic and social shifts, the preconditions of social integration within a sovereign national framework can no longer be taken for granted. Yet EU social policy is not considered a viable alternative, not only because Europe lacks a collective identity but also because of its missing mandate and fiscal sovereignty, as well as institutional obstacles such as the so-called joint-decision trap. In this context, our study seeks to understand the conditions under which actors *will* support the rescaling of social policies.

Although it is hard to imagine from today's perspective, considered from a purely political-institutional point of view conditions were no more advantageous during the formative period of national welfare states than they are now. During the nineteenth century, in a number of Western European countries the discrepancy between the economic and social spheres was in many ways at its most extreme. At that point, as during the creation of the European internal market, economic constraints had to give way to more liberal regulations. The dissolution of traditional local economic boundaries since the late eighteenth century has been linked to the abolition of the guild systems, which economic actors increasingly viewed as an impediment to labour mobility. During the

⁵Research on EU social policy differs strongly depending on the specific notion of social policy that is used. Widely accepted is the differentiation between regulatory and redistributive social policy (Majone 1996). Meanwhile it seems appropriate to further specify this distinction and to ask how redistributive policy is regulated on the European level by granting specific social rights to Europeans. This is of interest here, since a link between European citizens and the EU has been developing in recent decades. Therefore, the terms 'social policy' and 'social security' are used synonymously in this paper.

nineteenth century, European guild systems gradually lost power and were replaced by free trade laws establishing free markets for labour, capital and goods, introducing free competition and a single currency, standardised weights and measures, and dissolving customs barriers. This process resulted in the existence of parallel but independent protected national economies at the end of the 19th century (Pollard 1981).

With free trade and the abolition of obligatory guilds, a national order of work regulations, labour markets and tariffs emerged. As a consequence, social security schemes mainly organised at the local level—namely, poor relief and mutual benefit societies—could no longer meet the needs of national economies and labour markets and a more mobile labour force. While the new economic order required workers to adapt to cyclical fluctuations, local insurance funds for workers failed to meet this need, as workers risked losing their acquired entitlements whenever they had to leave a specific benefit society.⁶ Thus, in Germany, progressive thinkers such as the social reformer Lujo Brentano (1879) opposed conservative views by proposing a social security system based on existing economic principles, a free and nation-wide insurance scheme that would allow workers to change their occupational location without losing their accumulated insurance contributions.

Also in other European countries, the economic changes that resulted in the establishment of national labour markets within territorial boundaries played a key role in the debates preceding the introduction of social insurance programmes. In contemporary discussions on what came to be known as the *social question*, the increase in domestic migration resulting from both industrialisation and demographic growth became a salient topic. As such discourse indicates, geographical mobility was perceived as an essential part of the transformation from a rural to an industrial society. Linked to the emergence of nationally organised labour markets was a growing incongruence between the scope of economic and social policies. In Austria, for instance, the free movement of labour was already settled in 1867, even as locally organised poor relief efforts and the small-scale system of mutual benefit societies hampered worker mobility in practice. In order to secure mobility, political elites across all parties pointed out that with an increasingly mobile workforce, the existing social security schemes could no longer provide sufficient coverage (Senghaas 2013: 127–133). In this context, it is not surprising that several deputies stressed the territorial dimension of the social question in their discussion of the government's proposal to create obligatory insurance against work-related accidents in 1886. During that debate, conservative social reformer Aloys von Liechtenstein argued that local social protections only made sense if people worked and died in their place of birth. Under the conditions of regional mobility, with workers moving from the countryside to the growing industrial centres, he declared poor relief to be an 'uninhabitable ruin' (House of Deputies 1886: 2614, own translation).

Members of local or occupational benefit societies were particularly concerned with the free movement of persons within and between these private insurance funds, since this directly affected their well-being. At a central meeting of the benefit societies in Berlin in 1884, for instance, a member of the metal workers' fund aptly remarked that the workers were witnessing a period of centralisation and that therefore the huge number of benefit funds would have to give way to a smaller number of larger funds (QGDS 2009: 375). This was a rather progressive view in comparison to other in-house debates, since most of those who held contemporary benefit funds preferred to maintain the former membership boundaries in order to stay amongst their own kind (Börner 2013). From the very outset, therefore, the perceived incongruence between the scope of social and economic policies impeded successful social integration, to use a recent argument (Bach 2008). The

⁶At the micro-level this mobility requirement is reflected by the immense importance of domestic migration at that time. Nearly every second citizen was part of this human flow, either short distance or long distance (Köllmann 1974), both of which could have meant the loss of hard-earned entitlements for sick pay.

suggestion here is that, in the mid-term, the societal imbalances triggered by major economic transformations at the structural level caused a rethinking at the political and individual level. For years and sometimes even for decades, national and municipal authorities, workers, members of benefit societies and social reformers debated the various membership spaces that might serve as alternatives to existing local and occupational schemes. In so doing, they were reacting directly to observed structural changes. This often neglected, territorial dimension of early discussions on social policy is one piece of the puzzle that finally led to the nationalisation of social security.

A similar process can be observed today. However, in contrast to the situation in the late 1800s, public social security has been an established concept for well over a century now, and the social risks are fully covered by state schemes. Thus, even if we now face a territorial reorganisation of market structures in the European Community (institutionalised as the European Single Market⁷) similar to that occurring in European nation-states at the end of the 19th century, we lack an idea as revolutionary as that which drove the establishment of a large-scale public social security system during the nationalisation period. What we do find are comparable structural changes and strikingly similar argumentative patterns with respect to the rescaling process. Thus, while supporters of Europeanisation today emphasise the shortcomings of existing closed national schemes, opponents of the idea argue that an opening of national schemes threatens their very existence (e.g. on European healthcare, Obermaier 2009). The European answer to these circumstances is to incrementally align existing social security schemes while gradually enacting a process of territorial expansion by opening today's national systems to all European citizens (Eigmüller 2017). These unintended processes, akin to those taking place during the 19th century, can be partly attributed to the additional mode of territoriality increasing, for example, the cross-border mobility of Europeans. In contrast to the period of social security nationalisation, this process has not been driven by the perception of a *de facto* requirement—in this case, increasing mobility within the European Community. Rather, it was the ideology of a free common European market and the political idea of a new territorial frame or the European labour market that first triggered the first steps towards EU social policy. For instance, the approximation of social security standards within EU member states has been interpreted as a necessary precondition for the effective implementation of labour mobility policies within the common market. Thus, already in 1968, Regulation No. 1612 enacted by the Council of the EC aimed to secure the free movement of labour:

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

These ideas have not always been welcomed among national authorities, as the example of cross-border healthcare shows. Most of the 15 member states vehemently opposed the idea of an EU-wide patient mobility, anticipating higher costs and destructive consequences for domestic healthcare and nationally-constituted solidarity mechanisms (see Ferrera 2005a; Obermaier 2009). Despite the fact that the Commission held no competences in this area, questions of cross-border healthcare nevertheless entered the political agenda because they were directly related to the basic principle of free movement. Even if the need to reorganise social security in Europe in response to

⁷In order to secure the free movement of goods, capital, services and people, this process, initiated in 1986 through the Single European Act, entails the removal of trade barriers, the approximation of laws and standards, and the equal treatment of all European citizens.

increased worker mobility was already obvious by the 1950s, it took some time to enact these insights into law. This reluctance on the part of the European legislature was the reason why the rulings of the ECJ became the major source of transnational social rights within the EU (Leibfried 2005). Between 1954 and 2001 more than 20% of all ECJ rulings dealt with social security issues, in cases mainly initiated by individuals claiming their social rights as European citizens and brought to the ECJ via the infringement procedure (ECJ 1997, 2000).

The judiciary's leading position in the process of European social integration is mainly the result of member states' unwillingness to create a common social policy within the EU and their fear of losing competences in this popular policy field. As a consequence, with the exception of some smaller regulatory issues regarding equal treatment, the Commission has thus far lacked a direct mandate for social policy. The piecemeal emergence of a common social policy at the European level can thus be explained by the specific interest constellations and the peculiarities of multi-level-governance, which even gave rise to the ECJ as a powerful new driving force in the field of social policy. To reframe social security as a national responsibility and reorganise it at the national level was, of course, no easy task. But it was much easier for national governments to react constructively to political pressures during past processes of social policymaking than it is today, given the current situation.

According to the ECJ, legislative responsibility with respect to social issues, in particular means-tested social services, still remains in the hands of the member states. Yet the power to define the content of social rights – that is, the scope of social policies – has gradually been removed from the national context. With regard to the provision of certain social goods, the national territorial principle is currently being overridden by EU citizens who can now request specific social services outside of their member states of residence. At the same time, the pool of persons entitled to social benefits extends far beyond former national borders both financially and legally, given that under certain circumstances even means-tested social services now are allocated according to residency instead of nationality. As a consequence, EU member states are witnessing a process through which boundaries that previously served as essential control features of national welfare regimes are becoming increasingly permeable (Ferrera 2005a; Threlfall 2003). These newly emerging spheres of social entitlement are neither homogeneous nor congruent with each other. Rather, we find a range of partially overlapping territorial and community spheres. The extent to which they diverge from the national situation depends on the field of social policy being governed. In this way, the EU is challenging the basic principle of territoriality among member states as well as a foundational pillar of the national welfare state: the congruence of territory and membership with regard to the granting of comprehensive social rights.

Nation building: Social policy rescaling as source of social integration

The introduction of national social insurance schemes fundamentally changed the territorial structuring of social security. As the previous section has made clear, the major transformations taking place in social security administration during the late 19th and early 20th centuries were not only the result of the emerging social question (Kaufmann 2003), but also the response to a territorial question. Thus, the final acts establishing mandatory insurance against work accidents, sickness, invalidity and old age put an end to the long debates over the scope of coverage and addressed the needs of all national residents. However, although by the end of this process social security had been tied to the national territory and principles of risk sharing had been established within the national framework, Bismarck-style welfare states were marked by an alternative membership criterion defining access to social security not only in terms of national belonging, but also in terms of functional categories such as productivity. This could not be dismantled overnight.

Given their strong link to state boundaries and categories of belonging, social programmes have been and still are crucial instruments of social integration and political legitimation. Historically, they helped to establish the boundaries of political communities and to create a network of intimate relations between the population and the state (Banting 1995: 270; Manow 2005; Moreno/McEwen 2005). Therefore, the question of which territorial framework should apply to social security organisation was closely connected to the specific interests of the key actors involved in social policymaking.

While not new information, the fact that political elites were the driving forces behind social reforms in most countries nevertheless draws attention to national authorities' motives in enacting these reforms. Particularly in Germany and Austria, the first states to establish social insurance systems for industrial workers in the 1880s, the main interest of authorities was to stabilise and legitimise the existing political order and to legitimise their governments. In what is probably the best-known example of this, the formation of the German welfare state since the 1880s was 'a large-scale exercise in nation- and state-building' (Manow 2005: 226). On the one hand, it offered the central government a new arena of political activity and a new administrative domain for the state; on the other, it allowed for workers' political participation and social integration into the state. For them, the nation became a key collective point of reference. Political authorities explicitly referred to this welcome side-effect of social policymaking. In November 1881, the "Imperial Address" to the *Reichstag*, which laid out the principles of the envisioned social security model, stated that it was necessary to improve workers' well-being in order to safeguard domestic peace (QGDS 2003: 61–65). Framed as Bonapartist approach, this political strategy can be understood 'as a means used by social elites of preserving the status quo, sidestepping the threat of major reform by granting modest concessions to increasingly important but still largely disenfranchised classes' (Baldwin 1990: 39).

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

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

Also in Austria, where social legislation under the conservative government of Prime Minister Graf von Taaffe closely followed Bismarck's workers insurance schemes, the social rights granted by the state followed the logic of appeasement (Tàlos 1981). By providing workers with state-guaranteed financial benefits during times of unemployment, political authorities not only sought to compensate for missing political rights, but also hoped to strengthen workers' identification with the monarchy (Senghaas 2013). Especially with a view to the EU, the multi-ethnic Austro-Hungarian Empire provides an interesting case. Here, political and social integration through social policy in the field of social insurance administration applied to competing territorial levels. While social security at the sub-state level was thought to strengthen the power of each individual nation, such as Bohemia, welfare provisions at the central-state level were meant to serve as a supranational framework uniting the various different nationalities under a single monarchy (Senghaas 2013: 173–197). In the 1886 parliamentary debate over this issue, the German Deputy Karl Lueger, a proponent of centralized regulation, cited the motives laid out by German political elites in the 'Imperial Address' and adapted the latter to the conditions of a multi-national empire:

If these institutions are brought into being, this will evoke in every single citizen, no matter which province he stems from or which language he speaks, the awareness that he belongs to a great and powerful state, a state that protects him and his family, wherever in the empire he

resides and has founded his family. (House of Deputies 1886: 2534, author's translation)

These controversies between federal and central-state interests reflect the specific political-geographical framework of the Austro-Hungarian Empire, which also shaped the resultant social security schemes with respect to administrative tasks and executive rights. This dynamic interplay between different territorial interests in the Austro-Hungarian Empire aptly maps out the areas of tension visible in the European Union today.

In all of these debates, the key actors used categories of collective identity and the solidarity that might follow from it merely as strategic political instruments, a means of altering residents' loyalties and frames of reference. That this was indeed necessary is demonstrated by discussions among benefit society members themselves. When asked whether they were willing to expand their societies' scope of redistribution, British and German workers preferred to stick with the given group: 'When it comes to financial questions fellowship will come to an end here, each profession and each trade association has to take care of themselves' (Shoemakers 1883: 27, own translation), therefore – one could add – '[I]et Cabinet Makers manage their own affairs; – and other trades – Glass Grinders, Mattress Makers, Polishers, etc., etc., manage their own' (Cabinet Makers 1909: 209).

The national experience shows that the political strategy of combining nation building and social policymaking has been rather effective in building a national solidarity over the long term, a result that Paul Pierson has described as 'slow-moving outcome' (Pierson 2003: 189). Yet the effectiveness of this strategy has proven problematic at the European level, where it is still an open question whether social policies created for the supranational context will create an equivalent result, i.e. European solidarity. But while member states' cultural and political legacies make it hard for the EU residents to imagine a European community, it may be argued that the existing EU institutions provide gradually more contact points and opportunities to at least partly shift interests and identities and bring people to endorse social programmes that transcend national boundaries. EU citizens claiming their social rights within the newly formed European judicial arena provide a good example here. Whether as a welfare recipient residing in another EU country, cross-border patient, or foreign student applying for a loan, all claimants presuppose a European social sphere within which they are able to move freely (Eigmüller 2013).

As to when, why and how actors are willing to change their frame of action, this section has discussed the rationale of political actors and EU residents with respect to social policy rescaling. From this perspective, given the divergence of actors' strategic orientations, solidarity must be seen as a result of social policy rather than a requirement for it.

State building: Social policy rescaling as source of political legitimization

The specific framework chosen for social security organisation is also crucial to issues of legitimization. In a process of 'competitive state building' (Banting 1995), different actors compete with each other for political competences (or try to prevent a loss thereof).⁸ This competition occurs not only between polities at different levels, but also between states and the organisations whose competences the state is trying to assume, as the conflict between British friendly societies and public authorities vividly illustrates.

It comes as no surprise that when the concept of a national obligatory insurance scheme first began

⁸However, at the end of the 19th century social policy was a burden for local governments rather than a source of political legitimacy, but this fact even strengthens the argument when considering that sub-state entities only start to expand social policy competencies in situations where they are also trying to promote a process of state building in order to maintain more independence from the central government.

to circulate in Britain at around the turn of the 19th century, and state agency entered a new stage as public authorities gave up their former reluctance to intervene in the social sphere, friendly societies –the British version of mutual benefit societies–vehemently opposed the state plans. Historians agree that British benefit societies formed a powerful opposition to public social legislation and wielded an enormous influence on its final arrangement and implementation (Gilbert 1966; Birke 1983). Without a doubt, obligatory insurance would have been a strong menace to the peace of friendly societies. Hence, their collective efforts aimed to prevent a loss of competences and to maintain their position as a powerful player in the field of health insurance. Their vested interests, the result of a century-long historical accretion, clashed with those of the central state when it started its own campaign for social policy measures and spurred competitive policymaking between private and public interest groups. Convinced that such a scheme would not only provoke a ‘crisis in the history of mutual thrift by voluntary effort’ but also put an end to their own institutions, friendly societies started a campaign to lobby against the bill. The state programme, they argued, would destroy ‘those feelings of benevolence’ and ‘the warm-hearted, sympathetic visit of the sick steward [would] be replaced by a cold officialism that will only perform so much service for so much monetary consideration [...]’ (Oddfellows’ Magazine June 1909, cited by Cordery 2003: 165–166). Friendly society officials of the time repeated these arguments like a mantra, showing how much they feared their public competitor. On the other hand, the century-long experience of these groups made them the first point of call for the state when consultations were in order, such that ‘the State made the fateful decision of using existing societies to administer the new benefits and of avoiding any direct State administration’ (Beveridge 1949: 74). Given their incorporation into the projected national scheme, friendly societies finally came to accept the idea of public insurance as a matter of principle (Gilbert 1966). A comparable process took place in Germany and Austria, where mutual benefit societies were in a much weaker position but elites nevertheless recognised their local and occupational expertise.

Taken together, public endeavours –driven by a wish to strengthen the political legitimacy of the state–provoked fierce opposition from corporate players, who preferred to stick to the status quo and maintain their own position. This conflict-oriented theoretical perspective explains why social policymaking at the European level, which is marked by a steady conflict of interests between the EU and its member states, is so cumbersome. As during the social security nationalisation process, alternative social policy settings and players in today’s EU compete with each other when it comes to questions of sovereignty, membership boundaries or the autonomy of domestic social protection systems (see Falkner 1998; Hantrais 2007).

Official political authorities have found statistics to be an ideal instrument for identifying public problems of national relevance (Kaufmann 2003). Since statistics and their interpretations can shape influential narratives and convey specific visions of society and the state (Overath 2011), the developmental process of modern statehood has been embedded in a process of officialising and collecting individual data. Thus, official statistics have helped to define specific social problems and identify potential solutions (Zimmermann 2006). When Eurostat, the Statistical Office of the European Communities, was founded in 1953, the ‘idea to institute a “common statistical language” to compare Europe was born’ (European Communities 2003: 5). As the recent example of the (youth) unemployment statistic shows, this idea was very successful in creating a common European benchmark that not only helps to define social problems, but also suggest which problems may be solved at the European level.

Taking a closer look at the latter, the arguments driving the common interest of transferring social policy competences to the European level differ slightly among the actors involved. The European Parliament has largely been in favour of such a transfer. As Hantrais (2007) argues, broadening the

scope of supranational social policy would enhance the Union's legitimacy and increase solidarity among members of the EU population. Thus, a common EU social policy would strengthen not only the position of the European Parliament as the legitimate democratic representative of the European project, but also of the European project as a whole by increasing the bonds between individual Europeans. This argument in favour of using social policy as a legitimising mechanism has also influenced the European Commission. Thus, in 1993, the former president of the European Commission, Jaques Delors, launched an economic integration project, consisting of the Single European Act and the completion of the common market, to bolster the legitimacy of the 'Social Europe' concept (Delors 1989). Twelve years later, the negative referenda in France and the Netherlands made clear that Europeans are well aware of the democratic and social deficits of the European project. The idea of social policy as a motor of integration and legitimation also seemed to play a key role within individual EU member states at this time, as issues surrounding the EU's social deficit and the Union's exclusive concentration on the neoliberal project of market-building gained prominence in public debates across Europe. A successful implementation of the common market needs a social backing, or so went the constantly repeated argument of the Commission. In the long run, it advised, more competences in the field of social policy would strengthen the position of the European Commission itself. Less idealistic is the ECJ, the most important player in the push to drive social policy up to the European level. Neither for nor against such a transfer of competences, it is mainly interested in upholding the common market programme and protecting the four freedoms, in accordance with its central purpose of ensuring the correct interpretation and application of the treaties establishing the European Communities. To a certain extent this includes establishing common social regulations, as in the case of patient mobility.

Thus, European debates centre on the claim that EU social policy serves as a source of legitimacy that can be used as a basis for future development of the European project. Yet in contrast to national governments, which were and still are trying to vindicate their position – historically with respect to the emerging working class, today with respect to the EU – the European Union struggles to gain political authority from sources formerly under the jurisdiction of national territories. Furthermore, neither the political debates nor the ideas of the European Parliament or Commission can be seen as the actual driving forces behind social policymaking at the European level; ECJ jurisdiction is. Thus, the crucial question today is not whether the idea of input-legitimation will again be used to bring about a rescaling of social policies, but whether the existence of a rescaled, European-level social policy will help to create such a new mode of legitimacy.

Conclusion

Social policymaking has a long and eventful history of restructuring and reframing, one marked by the constant emergence of new agents, ideas and principles, as well as new social imbalances to be addressed. In contrast to recent discussions highlighting the supposed continuity of national welfare states, we argue for a story of ongoing rescaling and conflictive political negotiation marked by both major changes and incremental shifts. This article has assumed that studying the emergence of *national* social security systems, one of those transformative historical moments, can broaden our understanding of the current Europeanisation processes taking place in social policy. This approach leads us to a conclusion that contrasts strikingly with the findings of functionalist and institutionalist mainstream literature on EU social politics: namely, that in order to understand social policymaking at the European level we must consider how the actors involved have framed their ideas, interests and strategies to fit with their respective structural and institutional circumstances, and how they invent new techniques and concepts of interpreting social facts that shape the ways problems are tackled.

Since social policymaking between the 1880s and 1920s was linked to state and nation building, this first discursive shift in response to structural transformations was closely intertwined with the prevalent political rationales of that time. Social policy proved to be a welcome power instrument for enhancing legitimacy and forging social bonds between members of a polity. The European Commission seems to have studied these strategies very carefully, regardless of the distinct historical context from which they developed. Nevertheless, the differences between policymaking then and now become clear when considering the 19th century politics of appeasement. This historical development is without a counterpart today, unless one wants to interpret the EU's Open Method of Coordination as appeasement. In light of the *current* constellation, the experience of the multinational Austro-Hungarian Empire points to past political strategies for coping with diversity. The UK provides an instructive example of how in such a process of competitive state-building, the parties concerned negotiate to include the previous, non-state actors in the field given their long-term experience with social insurance *and* in order to break their opposition. In the EU as well, such path-dependent developments result from both strategic political concessions and the desire to make use of existing expert knowledge and structures.

Furthermore, by examining the given frames of national solidarity from a historical perspective we were able to show that the implementation of social policies does not require a collective identity. Transnational structures of social security are in the making even in the absence of solidarity at the EU level—structures that, in the end, also apply to those who opposed opening the boundaries of national schemes. People might strive for congruency between the social order and their group of reference, but categories of belonging are much more flexible and context-sensitive than many scholars assume; that is, they are open to influence from major structural transformations that have been translated into politics. Thus, as European structures emerge people begin referring to these existing institutions and integrating the corresponding opportunity structures into their horizons of action. The identity hypothesis currently prevalent in academic debate fails to address these complex processes.

In sum, rescaling the existing private or local schemes of social security that outlived the 19th century can only be understood in light of the reterritorialization processes, which made actors change their minds with respect to where social programmes should be organised. Although European actors employ similar arguments, the situation today is even more complex than it was in the past due to the variety of comprehensive state schemes that render a complete transfer of competencies extremely unlikely. Nevertheless, thanks to the EU, territorial (welfare) states have ceased to be 'disjoint, fixed and mutually exclusive' endeavours (Ruggie 1993: 168). The observed processes of re-territorialisation—changing structural constellations, the appearance of new actors, and the alignment of motives and interests—have triggered the development of a European social space that is still incomplete. This new type of territoriality, albeit still under construction, differs from the national one in several respects. The EU must share citizens' loyalties with the member states, which in turn share sovereignty with the Union. Hence, a series of overlapping and non-exclusive membership spaces with respect to social policy is replacing the homogeneous spheres of the past. What is more, the integrative function of social policy at the EU level has only benefited a few mobile Europeans thus far. Finally, the ECJ, one of the major actors in the field, follows a different logic than that of the European Commission, which is much closer to the national governments with respect to its position on social policy. All of this suggests that we are witnessing a major shift into a new kind of European territorialisation.

Highlighting the interpretative patterns and interests of the actors involved allows for a more differentiated understanding of the logic behind EU social policymaking. To access this more

nuanced understanding it is imperative that we expand our current focus on mainstream functionalist spillover explanations and the identity hypothesis, the latter of which suggests the impossibility of EU-level social policies (Streeck 2000; Scharpf 2010; Offe 2003; Höpner/Schäfer 2012), to include a historically informed, long-term perspective that highlights both the level of action and the political, institutional and economic context factors behind policymaking. Such an approach shows how macro-level structures and institutions shape the interests and opportunities of political, corporate and individual actors, whose actions then shape developments at the structural level. So instead of suggesting the rigid nature of *national* social security and linked to this the lack of a collective identity at the European level, as has often been discussed during the last years, a historically informed approach sheds light on the creative and conflictive processes that led to the predominance of national social policies in the first place. Such an approach is inevitably selective, but fruitful. It emphasises not only the process-oriented and long-term nature of these processes, but also the constructive power of political boundaries to create social unities. As a consequence, it offers a revised view of nation-wide solidarity as a much more dynamic and contingent institution, one that can also be subject to social change and political negotiation.

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EU Freedoms at a Critical Juncture?

The Positions of Member State Governments on EU Person and Services Mobility

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Keywords: freedom of movement, posting of workers, norms and values, liberalism, communitarianism

Brexit has questioned the paradigm of ever expanding EU freedoms for persons and workers in the EU. Communitarian claims in favour of national sovereignty and social protectionism succeeded in mobilizing voters in the UK for leaving the EU. The study examines how liberal values underpinning the freedom of movement and freedom of services were contested by the governments of France, Germany, and the UK in the early 2010s. The findings of the comparison confirm that EU freedom rights are at a critical juncture. Policy change and underpinning normative claims of the governments of France and Germany suggest that the posting of workers is contested at its core, enabling competition of labour standards and wages in the single market. In contrast, freedom of movement and the right to equal treatment of EU citizens was only criticized at its margins, aiming at restrictions for access to specific benefits or unwanted groups. Regarding the UK, the analysis observes a reverse positioning: a rejection of equal treatment and affirmation of competition. Based on these findings it is argued that shifting support for the conditions for the posting of workers made recent communitarian corrections possible. However, continued support of the French and German government for the equal treatment of EU citizens underpinning the freedom of movement does not suggest radical changes to this freedom and key narrative for EU integration.

The free movement of people and services are among the four liberal principles that build the foundation for socio-political and economic integration in the European Union (EU) (Haas 1958: 12). Both, person and services mobility have a key role in EU integration which explains the continuous expansion of rights for workers and citizens in the EU (Recchi 2015: 25). In the 2010s, member states at the national or EU level adopted changes to rules for both the posting of workers (PoW) and freedom of movement (FoM) of persons. These changes and the Brexit could mark a critical juncture for the paradigm of ever-expanding rights encouraging EU mobility. The right of EU citizens to freely move and establish themselves in the UK had become a highly salient topic on which the 'Leave campaign' successfully mobilised the

electorate. The decision in favour of a 'Brexit' revealed that voter discontent on EU mobility and migration can promote anti-EU attitudes in society (Balch/Balabanova 2017).¹ Consequently, the public and academic discourse on EU mobility heavily focused on the UK, its government, political parties, and media stances on EU freedoms for persons (Heinikoski 2015; Balch/Balabanova 2014; 2017). However, the question how governments in other EU member states such as Germany and France recently claimed for or adopted policy change on EU mobility has not yet attracted much scholarly attention (Blauberger/Schmidt 2014; Roos 2016; Blauberger/Heindlmaier 2017). At the backdrop of Brexit and increased salience on the topic this analysis sets out to close a research gap and comparatively assesses whether or not EU freedoms for persons and services are at a critical juncture.

The current contention of EU mobility in member states is also a debate on the validity of EU norms and underpinning liberal values against communitarianism seeking social justice within confined national borders (Favell 2014: 277). From this perspective, the demand for regaining national sovereignty over the control of EU mobility and migration in the single market is a position against the liberal values enshrined in the EU treaties. Accordingly, the analysis set out in this article does not only cover positions critical on EU mobility but also tries to locate their normative core within or outside of the liberal values as defined in the EU polity. This approach leaves room for an objective assessment of the normative aspects in political debate as opposed to a legalistic evaluation of how member states live up to or compromise EU norms (e.g. Guild 2016).

The right to FoM as well as the right to provide services by the PoW are crucial cases in assessing a paradigm shift in EU freedoms. Both emphasise different aspects of the single market, competition on the one hand and equal treatment on the other hand. The PoW is covered by the principle of freedom of services provision in the EU Treaty and allows employers to post workers from low-wage to high-wage member states. Thus, member state governments, unions and employers debate whether the rules of the single market should give priority to competition or the protection of social and labour market standards (Dølvik/Visser 2009). In contrast, EU FoM of persons is based on non-discrimination principles, calling for equal treatment between nationals and EU citizens concerning access to the labour market and the welfare state. In this regard, scholars observed positions demanding for welfare state closure against 'non-members' (Blauberger/Schmidt 2014).

The analysis describes the varying positions and underlying normative assumptions in national governments' policy response and debate on EU person and services mobility focusing on the years 2010 to 2015. Within these five years, attempts at reforming services and person mobility took place at the national and the EU level. In light of the developments in the UK, the empirical analysis explores whether and to what extent governments in France and Germany questioned EU policy for services and person mobility and the values that lie at their core. For this purpose, the analysis focuses on positions and claims of governments which were found in EU and member state legal and policy documents. In addition, European and

¹ The article uses the terms EU mobility and EU migration interchangeably acknowledging that EU rights for freedom of movement and residency can promote short and long-term migratory movements. Against the backdrop of political rhetoric the term EU migration is not used to conflate the legal boundaries between EU citizenship and immigration from third countries.

national media commenting on the specific political debates were taken as a source for positions that support or contest the liberal core of EU freedoms.

Information retrieved from expert interviews add to the proper interpretation of the data. Between June and December 2015, I conducted 22 semi-structured interviews with experts from the EU and the member state level. Experts are staff from the Commission DG Employment and Justice, staff from the major political factions in the EP, policy advisors from the member state permanent representations, and actors speaking for social partners and civil society (see list of interviewees in the Annex). The sample comprises government response and political debate in the UK, Germany, and France. The three countries represent the three largest EU economies, labour markets, and share in EU mobility. Therefore, the study of government positions is highly pertinent for an understanding of whether and how the paradigm of EU liberal freedoms is shifting.

The study finds that government positions in Germany and France locate on opposite ends on EU freedoms for persons and services compared to the UK. While not uncritical of EU mobility, governments in the continental countries did not fundamentally question the right to EU FoM but called for corrections on the conditions determining the PoW. Reversely, UK actors rejected conditions for FoM but supported services mobility, the PoW. An assessment of positions at a critical juncture, the UK preparing to leave the EU, indicates the extent to which these EU freedoms still resonate with the positions and underlying values of domestic actors. By way of conclusion it is argued that, despite restrictions, the equal treatment principle underlying FoM enjoys continued support and is unlikely to change. However, a shift in paradigm came about with posting where competition in terms of labour standards and wages is no longer tolerated by France or Germany.

Ideational misfit? Member state response to EU liberal values

From the Europeanization literature and the misfit school, “ideational misfit” emerged as an important factor in examining domestic response to EU policy. The “goodness of fit” between EU rules and prevailing domestic policies is taken as an indicator for adjustment pressures and compliance of member states (Börzel/Risse 2000: 5). In addition to “policy misfit”, ideational misfit means that beyond the possible disagreement between EU and domestic policy, EU integration can challenge collectively held beliefs and values with regards to identity, society, and state. Ideational misfit describes how collectively held beliefs, as well as the preferences of domestic policy makers, relate to EU integration and policy (Ibid). For the purposes of this analysis values are defined as the shared agreement about certain end states such as justice and freedom, or beliefs about proper behaviour such as fairness and solidarity. Norms, comparable to law, prescribe and constrain behaviour in concrete situations whereas values comprise trans-situational expectations of groups or individuals of the desirable (Hitlin/Piliavin 2004: 361-362). The preferences of governments are not only rational and aimed at maximizing interests but also embedded within values that are contested and dynamically changing (López-Santana 2009: 146; Schulz-Forberg/Stråth 2010: 115). From this perspective, an analysis of governments’ response to EU freedoms needs to consider both, conflicts based on disagreement of EU freedoms with domestic interests and domestic values. A sensible interpretation of the positions of governments at the backdrop of conflicting values brings us closer to the identification of ideational misfit. If evidence for this misfit was found,

a paradigm shift in terms of discontinued government support for EU FoM and services could be confirmed.

Normative positions in debating the EU

Values are core to EU integration and policy. However, the debate and commentary on what kind of values the EU embodies are ambiguous. Some scholars, often those with an explicit leaning to the left, consider the EU as a project aiming at liberalisation by promoting open markets, flexibility, and deregulation of labour standards. The focus on economic freedoms would come at the detriment of collective goods such as democracy, equality, and social justice (Schulz-Forberg/Stråth 2010; Streeck 2013: 190 cf.). Others consider EU integration as a balancing act between preferences for regulated capitalism and market freedom (Hooghe/Marks 2008: 16-17). However, considering the EU as a polity that responds to demands from both sides, it seems hardly possible to pin down the EU to a coherent set of values (Bellamy 1999).

A departure from the ambition to determine the normative core of the EU proper and a focus on the level of policy allows for a more precise assessment. The freedoms granted in terms of person and services mobility seem to be unambiguously liberal (Höglinger et al. 2012: 236). EU integration has effectively limited state sovereignty on controlling intra-EU mobility of persons and services as well as the access of EU citizens to the labour markets and welfare systems of member states (Favell 2014: 277; TFEU Art. 21, 45, 49, 56). EU citizens enjoy the right to travel unrestrictedly, take up work, or establish themselves for leisure in another EU country. They have a right to equal treatment but need to live up to conditions such as having sufficient means of subsistence and causing no public security or health concerns for legally staying in another member state (Directive 2004/38/EC, Art. 7, 27). Scholars focusing on citizenship interpret these legal norms as bringing liberal values to effect. Within the confinements of the EU territory, EU freedoms establish a universal understanding of equality in rights and liberties for all EU citizens and prescribe a legal framework for cultural diversity in the EU (Maas 2013). Others highlight EU freedoms being based on market building principles and the idea of an economically liberal EU (Favell 2014: 282; Höglinger et al. 2012: 236). Based in economic theory, FoM as well as PoW allow for optimal allocation of labour in the single market. Thus, mobility rights have a utilitarian notion in promoting general economic prosperity for the entire EU (Mundell 1961). In a nutshell, at the normative core of EU freedoms lie liberal economic and cultural values: a universal conception of equality in rights, diversity, and economic prosperity resulting from the exercise of individual freedom (see Figure 1 below).

Opposition to these values is forming on both a cultural and economic dimension within a communitarian conception of society and state (Höglinger et al. 2012: 238). Accordingly, true democracy and self-determination of people lie in preserving communities of belonging. Those are based on a common history, cultural heritage, and language that often developed within the concept of the nation state. An egalitarian and just society that allows for solidarity among its members calls for countries that are “at least potentially closed” (Walzer 1983: 38). In terms of level of government, communitarians support the formation of community on the local or national level rather than creating new and larger collectives on the international level (Bellamy 1999: 194-195; Walzer 1983: 41). Authors such as Walzer (1983) emphasise the

necessity of self-determination of a group of people for preserving the production of identity and meaning. Borders are crucial to communitarians, not only in terms of the cultural identity of a group such as the nation but also in terms of access to social rights and provision for social justice within a welfare state. An egalitarian society can only be established by maintaining boundaries towards non-members (Walzer 1983: 31; 38-39). EU freedoms subvert the idea of national sovereignty and the preservation of community values within defined state borders. Conceptions of national identity and sovereignty are transcended by migration. National communities of solidarity become rescaled since social security and opportunities on the labour market are open to EU citizens (Eigmüller 2013). Therefore, communitarians blame the EU for inhibiting social justice in member states by pushing for more competition in and deregulation of labour markets (Schulz-Forberg/Stråth 2010: 51).

Figure 1 Normative positions in debating EU freedoms

<div>Dimension</div> <div>Position</div>	Liberal	Communitarian
Cultural	Cultural diversity and universalism: equality in rights, non-discrimination	National identity and sovereignty
Economic	Utility of economic prosperity: competition and equal opportunity	Social and labour market protectionism

The following empirical section examines normative positions in domestic policy response to EU person and services mobility in terms of ideational misfit between the positions of member state governments and the values underlying EU freedoms. The empirical analysis explores whether and how member states respond to EU policy and thereby defect from the liberal core of EU freedoms. The extent of ideational misfit becomes visible in claims made during debates on policy reform at the EU or domestic level.

EU person mobility and equal access to the welfare state

Political debate over FoM of persons intensified in the beginning of the 2010s over the implied abuse of welfare benefits by EU citizens. Based on the equal treatment principle, EU citizens, economically active or not, can have a conditional claim to benefits; among others those are social assistance, means-tested unemployment benefit, and child allowance (Groenendijk 2013: 4). In the early 2010s, the Home Affairs ministers of Austria, Germany, the Netherlands, and the UK explicitly criticized the equal treatment rights of EU citizens (Interview Social Partners #19, #20; ECAS #21). They called upon the then Irish Presidency of the Council to act against EU citizens that allegedly ‘abused’ their FoM rights.

“This type of immigration threatens our common goal, which is to promote the mobility of those European citizens wishing to work, study or set up a business in another Member State, and to strengthen the social cohesion in the host societies by integrating new immigrants.” (Letter to the Council Presidency 2013).

Implicitly, the letter referred to problems with EU mobility of members of the Roma minority and expressed the limited acceptance that these people have in western European societies (Parker/Catalán 2014: 380; Interview PermRep #10). Allegedly, “social cohesion” was threatened by a “type of immigration” that was not directly related to economic activity. In fact, large scale and intentional abuse of welfare benefits by EU citizens could hardly be supported by data. At the same time, some municipalities in member states observed that poor and destitute EU citizens fraudulently claimed benefits such as access to social housing, subsistence level support, or child allowance (CEC, 2013, 837; Interview Commission #16, #17; Eurocities #18). This critique of EU FoM was also a reaction against EU induced societal heterogeneity and goes beyond the question whether EU citizens accessed certain benefits unduly or not. According to a staff member of the EP, the EU norm of non-discrimination epitomizes a universalist understanding of equality in rights irrespective of nationality or cultural background of the EU citizen (Interview EP#3). Apparently, the ministers’ protest letter rejected this notion of EU FoM and reduced the norm’s scope to the utility that economically active EU migrants have for member state societies. In the three countries, to a greater or lesser extent governments’ normative positions challenge the cultural and economic values underpinning EU FoM by claiming adverse effects on the welfare state or social cohesion in society.

Positions on EU person mobility

The UK stands out as the country in which far-reaching changes in terms of EU citizens’ access to benefits were adopted. Against the backdrop of the British EU agenda that traditionally prioritised market access and liberalisation over the extension of social rights (Geddes 2013: 158) the debate on EU citizens’ access to welfare benefits in the UK became highly salient since EU eastern enlargement of 2004. EU citizens’ rights touch upon the very core of defining the boundaries of a national community of solidarity. The accusation of EU citizens being ‘welfare tourists’ strongly appealed to an agenda of social protectionism and welfare chauvinism (Balch/Balabanova 2014). EU citizens’ rights and their residence in the UK had become more and more contentious since general elections and a change in government in 2010. Then, the conservative Tories entered into a coalition government with the Liberal Democratic party. The simultaneous rise of the UK Independence Party (UKIP) mobilised on an anti-immigration agenda against the EU and succeeded in putting pressure on the government (Balch/Balabanova 2014: 4; Ford/Goodwin 2014; Heinikoski 2015). Consequently, the conservative government introduced restrictions on access to benefits for EU citizens within a general immigration policy reform in 2014. Acquiring a EU residence status and accessing benefits as self-employed, worker or jobseeker was made more difficult for EU citizens in the UK (UK Government 2014a). In addition, restrictions included the abolishment of housing benefits for EU migrants and more stringency in terms of access to child allowance (Interview ECAS #21).

While FoM became more salient as a welfare state issue, the populist right put increasing emphasis on British national identity and sovereignty being threatened by intra-EU mobility (Favell 2014; Ford/Goodwin 2014). Giving into this pressure from the populist right as well as Eurosceptics within the conservative party, Prime Minister Cameron won the general elections in 2015 promising a popular referendum on the country's EU membership. In the run-up to the 2016 referendum, scope and composition of general immigration into the UK and the government's partial inability to reduce the numbers of EU migrants had become the key topic of the campaign to leave the EU. Not only the populist and radical right or the media framed issues with EU FoM in terms of a 'migration control crisis' but also members of the government. Then minister of the interior, Theresa May, as well as Ian Duncan Smith, minister of social affairs, claimed that the migration crisis could only be overcome by re-imposing control on intra-EU mobility (Paul 2016; Interview Commission #15; #17; PermRep #7). As this freedom is core to the EU integration project, the call for control on numbers of EU migrants directly challenged the UK's membership in the EU. The populist and conservative right rejected the EU which found a powerful channel in terms of discontent with FoM. The two major claims made during the debate leading to policy reform as well as the success of the leave campaign in the Brexit referendum were the (ab)use of social rights and the necessity for control of FoM (Interview PermRep #7). These claims link to normative positions in favour of social protectionism and national sovereignty. These values contrast sharply with the liberal values underpinning EU FoM: a belief in equal treatment, cultural diversity, and economic prosperity due to the exercise of individual freedoms.

In comparison to the UK, the claims made in the political debate on EU person mobility in Germany did not question the principle of EU FoM. This means neither the government nor the general public discourse claimed a 'loss of control' on EU FoM. It was the migration and refugee crisis of 2015 that motivated communitarian claims in favour of border control safeguarding national sovereignty and identity. The major debate on FoM took place earlier, in 2013 and 2014, and focused on 'poverty migration' from Eastern European member states and not FoM in general. At the time, EU migration of Roma and their destitute living conditions in some German cities drew most public and political attention (Interview PermRep #10). Then, residency in Germany could be established simply by claiming the EU status of self-employed worker (Art. 56 TFEU). The result of status acquisition allowed for access to a generous child allowance (184 Euros per child) that could be claimed for under-aged dependents living in Germany or in the home country. Most of the poor mobile people were eligible for benefits within EU law too, but their low socio-economic status worried policymakers in Germany (Interview PermRep #9, #10, #13). Incidents of fraud and the strain on municipalities' budgets had rendered the claims for benefits of this group of mobile EU citizens a highly salient political and public issue (Interview PermRep #10, EP #1, #3).

The minister of interior from the conservative Christian Social Union (CSU) took the issue to the European level by signing the protest letter to the Council Presidency. His party used the issue for the campaign to the elections for the European Parliament (EP) in 2014, specifically aiming at support from Eurosceptic voters (Interview PermRep #6, #10). In contrast to this attempt of exploiting the issue for voter mobilization, the federal government, a conservative and social democrat coalition, had no interest in mobilizing on the issue further. Politicians such as the minister of labour confirmed that equal rights should be protected for the wanted EU citizens that work or study in the country (Interview Commission #16). The economic utility of FoM for Germany in times of economic growth and shortages for skilled workers was repeatedly mentioned in the policy debate on restrictions for social rights of EU citizens

(Denkler 2014; BMI/BMAS 2014). Policy response targeted the circumvention of fraud by restricting access to child benefits and more stringency in acquiring the status as self-employed service provider (Gesetz zur Änderung des Freizügigkeitsrechts EU).

The restriction of conditions for FoM in Germany was the result of issue politicization over the scope and rightfulness of EU citizens' welfare state access. It was largely driven by a conservative and rightist party in an election campaign as well as the coalition government's assertion of national welfare state boundaries against abuse (Blauberger/Schmidt 2014). At the same time, a misfit of domestic normative positions with EU liberal values on both the cultural and economic angle was not explicit in the German case. While the debate on Roma migration can be considered a rejection of EU imposed diversity it did not lead to a rejection of EU rights for equal treatment or the right to FoM. A policy advisor from the ministry of interior explained that there was awareness of the problem scope of the Roma issue. But, the government considered the problems with FoM to be minor as compared to the gains and did not change its general position which was in favour of promoting the policy for the sake of economic prosperity (Interview PermRep#10). However, the government's relatively firm stance in favour of equal treatment and social rights was challenged anew in 2016. The CSU, but also the Merkel led Christian Democrats, supported parts of the restrictive stance on social rights pushed by Prime Minister Cameron in his attempt to renegotiate the terms of British EU membership (Müller 2016). Shortly before the Brexit referendum, the EU heads of state had made concessions to the UK in terms of legitimate infringements on the equal treatment principle for EU citizens. Among other measures, the Council conceded to the indexation of child allowance to country of origin levels as well as the introduction of an 'emergency break', the cut of non-contributory in-work benefits for the first four years of a worker's residence in the country (European Council 2016: 22-23). Merkel and the CSU found particular interest in the indexation of EU citizens' child benefits as a tool for fighting incentives of benefit abuse. While Brexit impeded adoption of these restrictions for the EU, the incident shows that equal treatment rights were, hiding behind the UK, indeed seriously challenged by Germany too. Therefore, a misfit between EU liberal and emergent national communitarian positions was less explicit and pronounced compared to the UK but certainly an issue in policy discourse.

In France, the debate on FoM was very nuanced on its cultural and economic dimensions. The utility of FoM and the corresponding social rights of EU citizens were not questioned by politicians in the government. Instead, critique targeted EU migrants on the cultural angle pointing to an increase in diversity due to FoM. The issue of Roma settlements in the country is legally connected to FoM, but isolated from the issue of social rights of EU citizens (Interview PermRep #11). Distinct from Germany, politicians from the left and right in France did not shy away from openly criticizing the Roma and some of the minority's members' nomad way of life. Among others, in 2013 then minister of the interior of the socialist government Manuel Valls noted:

Ces populations ont des modes de vie extrêmement différents des nôtres et qui sont évidemment en confrontation avec les populations locales (Libération, 2013).

This rhetoric was followed by a tough stance of French authorities on Roma settlements (Baumard 2015). Since 2007 eviction of settlements and deportation of Roma to Romania and Bulgaria has become government practice. While the Roma that lived in camps hardly met the EU subsistence level requirements for legal residency in France, they could not have been expelled easily. Neither on grounds of public security nor on grounds of them posing an

‘unreasonable’ burden to the French social system (Art. 14, 27, Directive 2004/38/EC). By executing expulsions, the French authorities disregarded the rights of EU nationals. Nevertheless, then President Sarkozy made the Roma issue part of his anti-crime and immigration control agenda. Step by step the legal grounds for declaring camps (*bidonville*) illegal and begging a public offence were widened (Loi no 2011-672), targeting the Roma in particular (Parker/López-Catalán 2014: 384-386; Interview Commission#16).

The French government hardly challenged the general social rights of EU citizens or the principle of FoM because EU legislation leaves some room for member states to determine how the right becomes effective. Parker highlights that EU FoM and associated rights are conditional on the “ability of the EU citizen to assume the responsibilities of ‘settled national citizen’” (2012: 484). Accordingly, the French government could separate a debate pertaining to EU citizens and their claims for equal treatment from a debate concerning Roma as a group that a priori does not meet the conditions to attain EU rights (Parker 2012). This position is further supported by the fact that the French did not support the protest note sent to the Council Presidency by some ministers of the interior in 2013. To the opposite, the French government supported the Commission in its critique of the letter and emphasized some problems with social coordination in the EU (Interview PermRep #10). At the EU level and in rhetoric, France protected FoM as a core normative condition for EU integration. A policy advisor to the French government strongly emphasized the then Socialist government’s strong conviction for “*citoyenneté Européenne*” ruling out second class citizenship status for some, “Roma or British retirees in southern France” (Interview PermRep #11). The advisor’s response might as well be considered hypocritical noting the de facto exclusion of Roma from EU rights in France. Accordingly, an assessment of the French government’s position shows that EU freedoms were indirectly opposed on the cultural angle: diversity was rejected concerning the Roma, however, not directly linked to a discussion on EU FoM. A liberal conception of equal treatment by means of EU citizenship was defended rhetorically at the EU level, but its conditionality was highlighted domestically.

Response to EU person mobility positions on an economic and cultural angle in line with or opposed to EU freedoms. The extent of ideational misfit of member states with EU FoM and equal treatment norms varied and was strongest in the UK. There, parts of the government and a strong populist and right-wing movement rejected EU membership of the country. In this vein, politicians more and more emphasised communitarian values such as national sovereignty as well as social justice that were allegedly undermined by intra-EU mobility. In contrast, in France and Germany politicians nuanced their positions. They did not contest the general principle of EU FoM as an issue of immigration control. However, at the margins the equal treatment rights of EU migrants were challenged. In this regard, the German government positioned closer to the UK than the French government. Claims for social protectionism and a rejection of EU imposed diversity mostly targeted Roma as an unwanted group rather than mobile EU citizens in general. Therefore, a misfit with EU liberal norms was mainly evoked by explicit or coveted communitarian claims against increasing heterogeneity in society.

EU services mobility: competition versus protection

The political dispute over posted workers in the EU reveals a conflict over market freedoms and measures protecting social standards and local workers from competition. In terms of EU law, the equal treatment norms adjacent to FoM do not apply to posted workers since they 'stay' attached to the labour law of the state where they usually work. The PoW within the free movement of services (Art. 56 TFEU) supports the temporary cross-border provision of the services of companies in the single market. The removal of barriers to worker mobility is supposed to trigger economic growth by making businesses in the single market more competitive and by realizing better prices for consumers (Monti 2009: 3-4). The freedom to provide services allows for 'posted' workers to be employed in member states with higher wages and social security standards on conditions prevailing in their home countries. Since employment conditions vary considerably across member states, social standards in sectors of the economy can compete with each other (Dølvik/Visser 2009). Studies pointed to local labour being substituted by posted workers in certain sectors of some member states, for example construction in Belgium (De Wispelaere/Pacolet 2016: 25). The potential of competition for social standards and wages questions how EU market freedoms, enhancing competitiveness, and the call for social and labour market protection can be reconciled. Countries with high standards claimed that "competition should not replace equality" (Interview PermRep #5). On the EU level, the political struggle to find a balance dates back more than two decades. In the 2010s, the debate on 'social dumping' and 'equal pay for equal work in the same place' has not stopped challenging EU legislation (1996/71/EC; 2014/67/EU) that is criticized for institutionalizing wage inequality in the EU labour market. Incidents of letter box companies set up in member states with low standards or subcontracting chains with the aim to circumvent social security payments added to the general critique on posting. Reported fraud fuelled calls for reform of key stakeholders from the left, such as trade unions and social democratic parties (CEC, 2012, 131: 7). As a response, the EP and the Council adopted the PoW enforcement directive in 2014 (2014/67/EU). It aims for the better protection of workers and suggests measures that step-up control efforts and assure the compliance of companies with the posted workers' directive (96/71/EC). However, the key element of posting persisted: the opportunity to employ workers at lower wages because of lower income and social security standards in the home country as well as insufficient coverage by collective agreements in certain sectors of the host country economy. Thus, the political debate on the issue led to a Commission proposal aiming at the introduction of equality of posted workers in terms of remuneration with nationals (CEC 2016, 128: 7).

Positions on posted workers

East and West European member states are divided on the issue of posting. The divide broadly reflects mobility flows and the preferences of member state governments for access to markets or the protection of local labour against competition. In 2014 Poland was the country from which most workers were posted (266.000) and almost 90% of all posted workers (1.9 million) were employed in old EU-15 member states, most of them in Germany (414.000), France (190.000), and Belgium (159.000). Compared to 2010 posting increased by 44 per cent (Pacolet/De Wispelaere 2015: 17-22; CEC 2016, 128: 2). Eastern European countries claimed that the economic prosperity that comes with the right of FoM and services mobility was the main reason for them joining the EU. Unequivocally, interviewees representing Eastern

European member states questioned the *raison d'être* of their EU membership without mobility rights for services, workers, and persons (Interview PermRep #12; #13; #9).

Next to the Netherlands, France is the country that pushed strongest for equal treatment concerning social standards and pay, questioning the principle of posting (Interview EP #2, PermRep #5). There, issues related to posting attained an enormous public salience in the 2010s and earlier. Politically, parties of the left, unions, and the right-wing Front National criticized the practice of posting incessantly (Chanut 2015). With the increase of postings, French courts and law enforcement authorities have intensified the control of companies employing posted workers. Media reported regularly on abusive practices as well as fraud (Milevska 2014; Jouffe 2014). In response to these practices and parallel to negotiating and promoting the enforcement directive at the EU level, the socialist French government adopted legislation against 'concurrence sociale déloyale' (Loi no 2014-790) that went beyond the provisions laid down in EU legislation. For example, the French transposition of the EU directive is more stringent on sub-contractor liability for the treatment of posted workers (Dupont-Fargeaud/Spira 2014).

Actors across the political spectrum perceive freedom of services in the single market to incentivize 'unfair competition' and 'social dumping'. Unions in the building and transport sector but also small- and medium-sized employers strongly advocated for stricter enforcement of EU posting (Eurofund 2014). Not only on the left but also on the right, the electoral success of the right-wing Front National at elections to the EP in 2014 was a result of mobilizing voters against 'unfair competition' in 'neo-liberal Europe' (Milevska 2014; Jouffe 2014). The EU policy touches upon the French belief in and concept of equality. Basically, *égalité pour tous* (equality for all) excludes forms of differential treatment in all sectors of society, before the law and in the economy (Interview PermRep #11). The French conception of equality has a liberal and communitarian notion; it demands for equality in rights and social justice. In normative terms, EU posting undermines equality because it treats workers differently and allows for the competition of standards and social systems. Not equality, but economic prosperity by incentivizing competition and opportunity in the market for services is its main goal. The French government and other collective actors in the country opposed these normative underpinnings of services mobility and called for more equality via protectionism.

In contrast to France, the German debate on posting shifted from a discourse highlighting unfair competition in the labour market in the 1990s to a broader discussion on minimum wages in the 2010s (Eurofund 2010a). Posting of EU workers was particularly salient in relation to the German construction sector, where the practice had disruptive effects on the employment of local workers (Hunger 2000: 194). In preparation for implementing the directive 1996/71/EC, the German government enforced the extension of collectively agreed minimum wages to all businesses in the construction sector so posted workers would also be covered (Menz 2002). As a reaction to unfair competition due to posting, more and more sectors such as building-cleaning or mail delivery followed and were covered by collectively agreed minimum wages (Eurofund 2010a). The debate on employment conditions of posted workers factored into the claim of unions for a statutory minimum wage that would cover the entire labour market. Next to posting, the most important argument for a legally binding minimum wage was the tremendous expansion of low wage employment in Germany (Bosch 2015). After much internal debate as well as external pressure from neighbouring France and

Belgium over unfair competition and wage dumping (Peter 2013), a statutory minimum wage took effect in 2015.

Germany is the country that received most posted workers over the years. Still, the issue of EU-induced unfair competition was less salient than in France. Posting did not contradict practices on the labour market. The fact that no statutory minimum wage existed allowed for unfair and abusive practices of conditions for many workers, not only those posted (Bosch 2015: 14-15). Employers as well as business friendly liberals and conservatives considered wage competition as a necessary requirement for a prosperous economy. Thus, a misfit between EU freedom of services and the preferences of domestic actors was less pronounced. The unions and the political left directed its resources towards changing national labour market rules rather than EU posting. As new legislation was introduced aiming at more equality for all workers in the labour market the German conservative and socialist government moved closer to the protectionist position of France, the Netherlands and the Northern European member states. Together they supported the recast of the PoW directive initiated by the Commission in 2016 (Interview PermRep #5, #15). The German government was in favour of the French efforts in promoting the adoption of the enforcement directive in 2014 despite opposition from Poland and the UK (Robert 2013). Due to a change in government in 2013, including the social democrats in the Merkel III cabinet, the leftist positions in Germany became stronger and thus motivated the changing claim on posting: less competition and more equality in terms of equal pay for equal work in the same place.

The position of various UK governments towards posting remained rather consistent since the 1990s. The conservatives now and then criticized attempts for restriction on the freedom to provide services as “anti-competitive” (Hunger 2000: 202). The business-friendly and pro-liberalization position of the conservative government in the 1990s and the early 2010s explains opposition to policy change. The British formed coalitions against restrictions of EU freedoms of service provision with Southern and Eastern EU member states in the 1990s and in the 2010s (Menz 2002; Interview Commission #17). With 43.000 workers posted to and 33.000 sent from the UK in 2013, the country did not belong to the group of main receivers or senders (UK Government 2015: 8; Interview PermRep #17). Compared to roughly 3 million EU citizens that resided in the UK in the 2010s the low number of posted workers had no mobilizing potential in the Brexit campaign. Aside from the numbers, British business and politicians endorsed posting in the 1990s and 2010s as it fits a pro-liberal and market-oriented approach that stands in opposition to the call of France and others for social and labour market protections.

Normative claims in debating EU freedom of services demand for competition on the one hand and more equality in terms of standards and pay on the other. In this debate member state governments hardly appealed to national sovereignty or identity arguing for policy change. The claim of the UK and Eastern European countries in favour of market access and competitiveness stands in opposition to the call for equal treatment on the labour market of western European member states (Jouffe 2014; Kukovec 2014: 3). From the perspective of the French, a fundamental overhaul of the practice of posting was a necessity to abate Euroscepticism feeding off EU ‘social dumping’. The policy contradicts key actors’ conception of social justice and equality in rights. The position of the German government shifted from competition friendly to a call for more equality and protection. A misfit between the preferences of domestic actors and those included in EU policy emerged as a statutory minimum wage was finally introduced. As the UK announced its withdrawal from the EU in

March 2017, the group of countries staunchly supporting a liberal and competition minded approach to freedom of services in the single market became less powerful. Thus, in the fall of 2017 the Council adopted a substantial reform of the PoW directive that introduces a communitarian correction to EU freedom of services (Council of the European Union 2017).

Communitarian corrections and shifting paradigms

The comparison of government positions and debate on EU FoM and PoW revealed the normative positions of governments in the three case countries. The UK referendum and the leave campaign's successful claim for controlling EU FoM showed that communitarian conceptions of society and state put EU liberties into the defence. After decades of an expansion of EU rights for the freedoms of persons and workers the Brexit signifies a critical juncture. This juncture describes a likely paradigm shift for EU FoM and services mobility in the UK post-Brexit. In comparison, Germany and France shifted less radically by adopting certain communitarian corrections of these freedoms.

In the three observed member states, governments from the left and right contested EU freedoms for persons and services and their underpinning liberal values. They challenged the normative core of these EU freedoms to different extents: the universalist understanding of equality in rights for EU citizens, the belief in the instrumental role of EU mobility in promoting prosperity, as well as a tolerant attitude towards cultural diversity. On a cultural and/ or economic dimension governments opposed these liberal values with communitarian values. They justified restrictions of EU freedoms by reference to national sovereignty and identity as well as the protection of social standards and the welfare state. EU freedoms on the mobility of persons and services strongly embody a liberal core that underpins EU integration. The critique of EU person mobility in the UK was motivated by a rejection of liberal values on the cultural and economic dimension. By claiming migration control for EU citizens as well as restrictions on welfare state access, a majority of British voters rejected the idea of equality in treatment for EU citizens underpinning the exercise of individual FoM in the EU. In comparison, critique on EU FoM in Germany or France was less radical and more nuanced. Governments did not challenge the principle of EU FoM by calling for migration control and only marginally questioned equal treatment rights of EU migrants (e.g. child allowance). Claims for social protectionism and a rejection of EU imposed diversity targeted fraudulent behaviour and Roma as an unwanted group rather than EU citizens in general. Therefore, misfit with EU liberal norms and values was mainly evoked by open or hidden communitarian claims against more heterogeneity in society.

While positions in the UK rejected EU FoM in principle, the governments of France and Germany increasingly opposed the conditions underlying EU services mobility. There, a commitment to equality in rights and labour market standards is contradicted by EU induced competition of standards and a differentiation in rights between posted and local workers. The freedom for services in the single market and its underlying premise, better prices for consumers and more competitiveness for businesses, has lost support. The centrist governments of France, Germany and other western European member states tolerate less the employment of posted workers at substandard conditions. Eastern European countries that benefit most from the PoW have lost their most important ally, the UK. With the country

leaving the EU, communitarian corrections to the conditions of posting have already taken shape.

Indeed, the Brexit can be considered a critical juncture for EU FoM and services. The paradigm of ever expanding liberal norms seems to have ended. However, looking at the normative positions of member states it is only the conditions for posted workers that actually change by reforming EU policy. For France and Germany, despite the introduction of certain restrictions at the domestic level the analysis does not support expectations for a reassertion of communitarian values at the EU level. There is limited support for a re-introduction of migration control for intra-EU mobility or the abolishment of equal treatment for EU citizens. Much more than services mobility, FoM defines the cultural and economic narrative for EU integration. For the time being this narrative of equal treatment and opportunity for EU citizens has not lost its traction.

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Annex: List of interviewees

Interviewee	Interview 2015	No
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European Parliament, Political Groups: European Peoples Party, Socialists and Democrats, The Greens European Free Alliance.	26 June	#1
	29 June	#2
	24 July	#3
	27 July	#4
Member State Permanent Representations: Austria, Bulgaria, Germany, France, Netherlands, Poland, Romania, Sweden, UK.	30 June	#5
	27 July	#6
	1 September	#7
	18 September	#8
	18 September	#9
	16 October	#10
	2 December	#11
	7 December	#12
	14 December	#13
European Commission, DG Employment and DG Justice.	15 September	#14
	30 September	#15
	8 October	#16
	2 December	#17
Eurocities	17 July	#18
Social Partners, European Trade Union Federation and Business Europe	13 July	#19
	14 July	#20
European Citizen Action Service (ECAS)	17 September	#21
European Federation of National Organisations working with the Homeless (FEANTSA)	13 July	#22

Why do (some) European trade unions reject minimum wage regulation?

Trade union politics between integrationism and institutional nationalism

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Keywords: European Trade Unionism; Collective Bargaining; Minimum Wages

In the course of European integration, joint positions among trade unions from the different member states are not only becoming more and more necessary, but also increasingly difficult to establish. Against this background, trade unions in the EU have been discussing the implementation of a bottom limit for wages in the common market for more than a decade. While generally, trade unions from countries with weak collective bargaining can be expected to favor the idea of an institutionalized minimum wage, unions from countries with high coverage rates are ascribed a reluctance towards such bottom limits. As the debate around a European minimum wage (in this case exemplified by drawing on the involvement of unionists from Sweden, Hungary and Poland, as well as representatives from the European level) shows, such 'institutional nationalism' impedes or prevents the emergence of joint political positions in the course of European integration.

During his campaign, designated President of the European Commission Jean-Claude Juncker stated that all employees in the European Union (EU) are entitled to "have an income from work sufficient to ensure that they don't have to go to the social security office."¹ Indeed, if – as many observers and commentators have claimed – the proposal for a European minimum wage is based on the creation of a common labour market, it does not seem far-fetched, at all. As cartels of sellers of labour, trade unions have traditionally been acting as political protagonists of minimum wage regulations. The fact that European trade unions, despite a nominal compromise, have not been able to establish a common position on this question points to the dilemma faced by the European Trade Union Confederation (ETUC) in its everyday representative work: while the need to pursue common political goals is increasing as a result of European integration, actually establishing common positions is becoming ever more difficult due to the increasing heterogeneity that results from EU expansion (Höpner/Schäfer 2012).

This article investigates this dilemma by examining the controversial debate around the European minimum wage, focusing in particular on the role of Swedish, Polish and Hungarian trade union organizations: while the EU's political left has made the creation of a

¹ <http://kurier.at/politik/eu/eu-wahl-juncker-mindestlohn-in-jedem-eu-land/55.470.639>

European social model one of its central goals over the last three decades, it has also become increasingly sceptical of European-level rule setting, especially with the recent turn towards austerity. The debate around the introduction of a European minimum wage demonstrates the difficulties faced by trade unions in their attempts to establish common political positions.

1. Labour Internationalism and the European Social Model

In negotiating how to tackle the economic challenges created by European integration, trade unions share the European social model as a frame of reference. Many have emphasised the vague nature of this model, most recently Anthony Giddens (2015: 90): “The European Social Model is in fact a mixture of values, accomplishments and aspirations, pinned together in varying ways, and with varying degrees of success, in different countries.” European political parties and trade unions use the term, which was coined under the former President of the European Commission Jacques Delors, “to provide a ‘human face’ to the completion of the single market, and to turn the trade union movements of Europe from potential opponents into reliable allies” (Hyman 2005: 27).

Vaughan-Whitehead (2003: 4) identifies three complementary values at the core of “Social Europe”: maintaining *economic competitiveness* through *social cohesion and solidarity* and the *democratic inclusion of European citizens*. Ever since it was first proposed, however, the model has been controversial among trade unions (Hyman 2013: 167; Kowalsky/Meyer 2014: 2).

The various different positions on European trade unionism in the literature are commonly grouped into two camps – euro-optimists and eurosceptics (Keune 2012). The main aim of the optimists is to show that the emergence of a powerful European trade union movement as a politically relevant actor is not only necessary, but also possible. European-level trade union organisations have grown in recent decades, in terms of both the number of unions and the size of their membership (Platzer/Müller 2009). As well, developments in the field of European Works Councils (Hertwig et al. 2009) and Societas Europaea (Rosenbohm 2013) prove a point made by Turner (1996): “If a European labor movement requires both structure and collective action, the former at least appears to be developing steadily.” Because EU enlargement has been accompanied by an increase in the prevalence of European trade union federations, Gumbrell-McCormick and Hyman (2013: 193) conclude that the growing diversity in these federations can also broaden their strategic repertoire: Such an increase “is most likely when there is a leadership team from diverse backgrounds and with a range of organizational experiences, and is least likely when there is a homogeneous leadership group deeply embedded in bureaucratic routines” (Gumbrell-McCormick/Hyman 2013: 193).

Eurosceptics, in contrast, focus mostly on barriers to the formation of common positions among European trade unions. Differences in European countries’ national wealth (Streeck 1999: 120), modes of wage setting (Höpner/Lutter 2014) and labour market dynamics (Bernaciak 2012; 2014) shape differences in political interests. Moreover, these differences are also reflected in national trade union organisations (Hyman 2001). Differences in the financial and logistical resources and foreign-language competency necessary to maintain a steady connection to the Brussels arena also favour some Central and Eastern European (CEE) representatives at the expense of others. At the same time, trade unions from the EU’s old member states often have access to more resources than their CEE-counterparts.

Differences in trade unions’ particular national situations also cause them to differ in their approaches to the internationalisation of representative work. While “Unions in CEE have

had a particularly strong incentive to ‘go international’” (Bernaciak et al. 2014: 64), trade unions from Scandinavia in particular stand out for their widespread “unwillingness to transfer power” (Ramsay 1999: 200). As will be seen below, such national particularities are reflected in debates regarding a European minimum wage.

2. Minimum wage policies in Europe: A European minimum wage policy?

A minimum wage within a given territory (and/or within a particular economic sector) is a well-established demand of the labour movement. Regulations of this sort were first created in the early nineteenth century, and they are found in 90 per cent of all countries in the world today (Herr et al. 2009). In 2014, all 28 EU member states had some sort of minimum-wage regulation. Twenty-one countries had a statutory nationwide minimum wage, while the remaining seven had only sectoral regulations, most of which had been fixed in collective bargaining agreements. Regarding a universal minimum wage, Schulten (2014) distinguishes between three groups of EU countries: six western European countries with a minimum wage between seven and eleven euros, Southern and Eastern European countries with a minimum wage between two and seven euros, and a group of mainly Eastern European countries with a minimum wage below two euros. Countries with sectoral minimum wages, such as Austria and the Scandinavian countries, usually have a higher unionisation rate.

Because, according to Art. 153(5) of the Treaty of Lisbon, the EU does not have any jurisdiction over wage setting, the political creation of a legislatively binding EU-wide minimum wage would require changes to various European treaties.² As will be shown below, trade unions from different countries are thus pursuing different strategies involving political mobilisation at the national level (see Seeliger 2015).

From a trade union perspective, there are three main conceptual arguments in favour of a European minimum wage in the field of economics and the social sciences. First, by raising the wage floor and thus reducing wage inequality within the EU, a European minimum wage would not only increase the quality of life among the working class, but also weaken international competition (Rycx/Kampelmann 2012). Second, pressure on national bargaining systems caused by increasing migration would be diminished (Vaughan-Whitehead 2010). Relatedly, a European minimum wage could serve as a basis for international wage coordination in Europe (and especially within the Eurozone) and protect national systems from intervention by the Troika (Schulten 2013). Third, the Europeanisation of the political discussion is an important goal in its own right (Schulten 2014), and the debate on a European minimum wage is a well-suited opportunity to pursue it. According to Vaughan-Whitehead (2010a: 529), a joint demand for a European minimum wage “would also represent an important symbolic move, giving substance to Social Europe.”

In summarising actual political discussions around the European minimum wage, Schulten (2014a: 11) identifies two frames of reference: economically, the call for a European minimum wage is mostly justified on Keynesian arguments regarding an increase in aggregate demand, while normative arguments point to the desirability of a more equal income distribution. In addition, we can also identify a third dimension – the gradual strengthening of the European political arena. By launching campaigns for regulatory initiatives at the European level, trade unions can encourage sister organisations from other European countries to engage in cross-border coordination of their representative work.

² Under current circumstances, such a referendum can – to say the least – be regarded as improbable (Scharpf 2012).

Despite these arguments, a European minimum wage regulation is not necessarily in the interest of all European workers (or, respectively, their political representatives). Conceptually, three counterarguments against it are possible. First, a binding minimum wage could hinder unions' ability to achieve better wage settlements, because business associations might refer to it as an appropriate amount. Second, it could diminish the influence of trade unions by making their role in collective bargaining superfluous (if the wage is set through legislation, why would one need a trade union to negotiate?). Unlike these arguments, which mainly regard the national level, the third argument involves the implications of shifting political competence to the European level: apart from a potential loss of national (and/or sectoral) autonomy in general, the recent austerity measures induced by the Troika have fostered a sceptical stance among European trade unions.

In the course of European integration, trade unions are negotiating their political positions within a multi-level system (Marginson/Sisson 2004) that ranges from local trade union organisations to the ETUC as the most comprehensive organ of interest representation (see Platzner/Müller 2009). While labour representatives at the European level have generally favoured the introduction of a European minimum wage, a recent survey conducted by Furaker and Bengtsson (2013: 513) has revealed a high degree of polarisation on the issue among labour representatives from different countries: in general, Eastern and Southern European representatives support it, while those from Austria, Italy and especially Scandinavia are strongly opposed. The following section reconstructs the debate on the basis of an empirical investigation.³

3. The political debate over the European minimum wage

The debate over a European minimum wage began over two decades ago in the context of a growing low-wage sector and growing wage differentials resulting from EU expansion southwards in the 1981 and 1986 rounds. As a result, the European Commission demanded that member states take political measures to lessen wage disparities between them.⁴ Shortly afterwards, the European Parliament recommended that member states connect their national minimum wage to their specific average wage levels. The resistance of some states to this proposal caused this debate to end without any changes to actual wage-setting processes.

While there has not been any serious attempt to implement a European minimum wage so far, proponents have managed to keep the topic on the EU's political agenda. For example, the five biggest German political parties included references to a European-level minimum wage in their 2014 EU election programmes. It can be assumed that this inclusion was partly due to the role of European trade union organisations, which shall now be examined more closely.

At the turn of the century, a growing low-wage sector across various EU member states, and in the Eastern European countries involved in the 2004 and 2007 enlargement rounds, caused trade unions to reintroduce the issue of the European minimum wage to the political agenda. As a milestone in this process, in 2005 a meeting of various trade unionists and academics resulted in the drafting of a programmatic document, "Arguments for a European minimum wage policy" (Schulten et al. 2005).

³ The data used in this article was collected as part of a four-year research project conducted at the Max Planck Institute for the Study of Societies between 2012 and 2016 (see Seeliger 2017). A total of 88 interviews were conducted, along with participant observation, in order to learn how European trade unions establish joint political positions.

⁴ <http://aei.pitt.edu/4757/>

While bearing in mind that an absolute minimum wage seemed unrealistic in the context of the uneven distribution of wealth across the EU, the authors (*ibid.*) proposed a minimum wage set at 50 per cent (and subsequently to be raised to 60 per cent) of the national median wage, to be implemented via national legislation in all member states (for a comprehensive historical account, see Schulten 2012 and Eldring/Alsos 2012). In subsequent years, various circumstances caused a number of European trade union organisations to include a European minimum wage in their political agenda, for three reasons. First, labour mobility had increased pressure on member states' collective bargaining systems. Second, most new member states have by now established a statutory minimum wage, which made the instrument appealing to the national trade unions. And finally, the economic crisis of 2008 and subsequent austerity measures have increased wage pressure on workers in member states, particularly those in Eastern and Southern Europe.

Among European trade unions, the first important reference to a European minimum wage appeared in the so-called Sevilla Manifesto of 2007, which summed up the outcome of the ETUC Congress of the same year. The ETUC's Executive Committee expressed its desire "to explore continually the scope for united campaigns at [the] European level, led by the ETUC, for common standards on minimum pay and income, and for collective bargaining strategies."⁵ This, with this discussion in Sevilla as an initial to a broader debate among European trade union organisations within the framework of the ETUC, a campaign with the demand for minimum wage set at 50 (and subsequently raised to 60) per cent of the national median wage emerged.

The rather unclear wording of the demand clearly illustrates the central challenge of international trade union cooperation in the ETUC: the various national representatives' institutional backgrounds (in terms of bargaining coverage and wage levels, for example) and political cultures differ significantly, which results in fundamentally different interests among them and makes cross-border cooperation very difficult. In the following, this point shall be illustrated by examining the positions of and interactions between representatives from Sweden, Poland and Hungary.

While Eastern European representatives welcome the idea of a European minimum wage, Swedish trade unions are strongly opposed. These differences arise from institutional conditions within these countries. In Poland and Hungary, 25 per cent and 33 per cent of workers are covered by collective bargaining agreements, respectively, while the figure is 88 in Sweden. Similarly, the unionisation rate in both Eastern European countries is 12 per cent, whereas it is 70 per cent in Sweden. Swedish trade unions' strong influence in domestic collective bargaining also expresses itself in the rather passive role of the state in wage setting. While *Tarifautonomie* is thus an important tradition in the Swedish political economy, in 2014 both Poland and Hungary had a statutory minimum wage, at 2.21 euros and 1.95 euros, respectively.⁶

As Götz and Haggrén (2009: 15) have argued, Swedish political actors (beyond the camp of trade unions) have generally been critical of European integration, not least because of their strong self-consciousness with regard to their own national political system: "In the European policy of Nordic trade unions one can easily identify a belief in the superiority of the Nordic industrial relations regime." An even stronger claim in this regard is made by Magnusson and Murhem (2009: 197), who argue that there is a "normative element [...]" in the opinions of the Swedish trade union movement, an idea that the Swedish and Nordic industrial relations regime should be the objective of trade unionism in the rest of the world."

⁵ http://www.etuc.org/sites/www.etuc.org/files/On_the_Offensive_on_Pay.pdf

⁶ <http://de.worker-participation.eu/Nationale-Arbeitsbeziehungen/Quer-durch-Europa/Gewerkschaften>

As a number of interviews with various trade unionists from the three countries reveal, this stance on the part of Swedish trade unions is also reflected in the positions adopted by Swedish labour representatives at the European level. For example, a representative from the Swedish cross-sectoral confederation LO explained his rejection of a European minimum wage as follows:

I think it's at the heart of the labour movement that we don't want legislation in Sweden and absolutely not in Brussels. That is the core aspect of our system: wages are something for organisations in the labour market to determine.

The other big Swedish trade confederations, TCO and SACO, have a similar view: they argue that the state should be excluded from wage-setting processes and are critical of EU intervention in national political systems.

Their Eastern European counterparts express a completely different view. Their countries' statutory minimum wage and their greater trust in European institutions lead them to welcome a European minimum wage. Accordingly, the international representatives of the three big Polish trade union confederations, Solidarnosz, OPZZ and Forum, express their support. Also a representative from the biggest Hungarian confederation, MSZOSZ, sees the need for a European minimum wage because unions in Eastern Europe do not have much influence on national collective bargaining systems: "Our political power is weak. And this, I would say, is also the case in the other Central and Eastern European countries."

As the debates among trade unionists in Brussels show, differences in the balance of power between countries are reflected at the European level. At the same time, representatives of European trade union organisations are generally open-minded on the issue of a European minimum wage. The central challenge was summed up by an ETUC representative:

So, the dilemma is always that the stronger trade unions do want to assist and help the trade unions in the weaker position to advance. That's a matter of principle and in our long-term self-interest. But at the same time, they also identify the danger that setting European standards could backfire against their own system.

This constellation has led to heated debate, as was described by a representative from Poland's OPZZ. "Every time we discussed it, it resulted in, oh God, hours and hours of debate on the various positions." In 2011, after the Sevilla Manifesto, when the political salience of the issue increased against the background of the economic crisis 2008ff, the ETUC Congress in Athens adopted the following resolution as a common goal:

The pursuit of fair wages for all European workers, including support for union campaigns for effective minimum wages in those countries where unions consider them necessary.⁷

As various interviewees explained, an alliance of Scandinavian, Austrian and Italian representatives in the ETUC is preventing the practical implementation of this resolution in the form of a campaign for the introduction of a European minimum wage.

As a representative of the European Transport Federation pointed out, the ETUC avoids discussing the issue because it is so contentious:

Because the Nordics don't want to discuss the minimum wage, we don't discuss the minimum wage. Because they don't want it, we don't discuss that. And we avoid complicated discussions.

From the other side, this interpretation was confirmed by a representative of the Swedish LO:

The moment an ETUC official says that the ETUC supports the European minimum wage, we will do our best to sack that person. Because that person will be working directly against our interests. We don't want intervention on wage issues.

⁷ http://www.etuc.org/IMG/pdf/Rapport_Congres_2011_DE_DEF.pdf

Despite proponents' persistent attempts to place the issue of a European minimum wage on the agenda, it has not happened so far. While the publication documenting the ETUC's 2015 Congress in Paris does include a resolution in favour of "statutory minimum wages, where trade unions want them" (ETUC 2015), after several years of discussion a campaign to implement that resolution has yet to be launched.

4. Summary and outlook

The debate around the European minimum wage illustrates the difficulties trade unions face in formulating and implementing common political positions in the course of European integration. The heterogeneity of national collective bargaining systems and different views regarding both the role of statutory regulations in wage setting and European integration make it difficult for trade unions to pursue a joint agenda.

The specific focus on the relationship between the trade unions from the three countries leads us to discuss some final considerations regarding the potential for and limits to labour internationalism in the context of European integration. The position adopted by Swedish confederations can be described as "institutional nationalism," to borrow the term Streeck (1995: 120) introduced in a different context. The shift of competencies to the supranational level is only accepted when it serves the interests of national actors. While the empirical material confirms that Swedish trade unions place a strong emphasis on maintaining their national system, evidence for Magnusson and Murhem's (2009: 197) argument that Swedish unions believe that "the Swedish and Nordic industrial relations regime should be the objective of trade unionism in the rest of the world," could not be found.

The orientation of Swedish confederations can be interpreted as a critique of integrationism, the view that the problems inherent in European integration can be resolved through even greater European integration (Höpner 2015). It can generally be assumed that international trade union cooperation attempts to use European integration as a means to achieve social progress. It is only when greater integration becomes an end in itself that the term "integrationism" is appropriate.

One feature of the discussion around the European minimum wage is that it does not inherently require EU-level legislation. Because the proposed campaign for a European minimum wage would ultimately only involve lobbying by national actors of their respective governments, the suspicion arises that something more than a European minimum wage is at stake. Debates around this issue involve a broader bundle of programmatic questions. How much influence do trade unions want European institutions to have? What regulatory influence can a European social model actually have? And is there – beyond all nominal compromises – common ground for a shared vision whose realisation trade unions are willing to aspire to?

Generally, it can be assumed that the goal of international trade union cooperation lies in using the process of European integration to protect workers' rights and promote social progress. In this sense, European integration serves as a means to an end. If, however, the strengthening of the European arena becomes an end in itself, the institutional nationalism pursued by Swedish unions becomes an important reference point for a necessary critique of the institutional restructuring of the EU's political system.

There are several arguments against the view that (re)nationalising collective bargaining structures can be an effective strategy in the context of an increasingly internationalised economy. First, in order to avoid a "race to the bottom" (Bernaciak 2010), it has been ar-

gued that labour market institutions in countries with lower wage and employment standards would have to be enhanced. If, however, strong collective actors from countries with highly institutionalised bargaining systems use their power to block transnational rule-setting initiatives, it is unclear just how much trade unions from countries with weaker institutions can profit from participating in the struggle for a European social model.

Second, it is far from certain that a strategy of (re)nationalising collective bargaining will lead to a long-term stabilisation of wage-increases in those countries with (at least fairly) strong collective bargaining institutions. Under conditions of parallel production and labour mobility (e.g. Lillie/Wagner 2014), it is no longer possible to protect wage and employment standards in the domestic arena alone. Trade unions will have to determine what kinds of transnational networking and campaigning can help regulate a Europeanised labour market in the long run.

So can a European Social Model based on equal (or at least similar) work and employment standards emerge in the course of European integration? Cross-border trade union collaboration has existed in Europe for more than a century, sometimes more and sometimes less successfully, and there is no doubt that it will continue to exist. The more pressing question is *what kind* of labour internationalism is required to achieve this goal. As a first step towards egalitarian discussion among different countries' labour movements, IG Metall board member Hans-Jürgen Urban (2009: 313) has called for European trade unions to establish a "democratic discursive space." Apart from national differences in terms of institutional legacies, political orientation and so on, one immediate obstacle to such a project lies in the differences between different national labour movements' resources and political influence. One solution could involve financial support from strong organisations from wealthier EU countries. Whether these unions (mostly in North-western Europe) are willing to support such an agenda – and successfully explain its necessity to their membership – remains an open question. A progressive European labour internationalism will, however, have to provide an answer.

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The internationalization of higher education in Europe: a discussion of English as a medium of instruction and its implications for (in)equalities¹

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1. Introduction: the Internationalization of higher education

The internationalization of higher education (HE) is developing rapidly, and a large number of publications have emphasized the importance of this process (Ennew/Greenaway 2012; Maringe/Foskett 2013; Maassen/Uppstrøm 2004). With respect to HE, the OECD defines internationalization as »the integration of an international/intercultural dimension into all the activities of a university, including teaching, research and service functions« (OECD 1999). Whereas Kreber (2009) calls attention to the connotation of internationalization that is linked to economic pressure, others similarly link internationalization to new public management (de Haan 2014; Kristensen et al. 2011; Lueg 2014). Since the Bologna process, in particular, European governments have urged universities to establish internationalization strategies and have indicated that developing such strategies is a »requirement for modern academia« (BMBF 2014). Researchers have investigated many aspects of internationalization, including cooperation and mobility, in particular (Aba 2013; Aittola et al. 2009; Berchem 1991; Kim 2009). Another key consequence of internationalization processes in HE is the rise of English as the language of HE (LHE) (Ammon/McConnell 2002) and, more specifically, the rise of English as the medium of instruction (EMI) in HE (de Haan 2014; Lueg/Lueg 2015). EMI is on the rise in most European countries and is strongly advocated by many governments. Research on implementing EMI in internationalization processes ties in with research on education and social stratification and inequality. Critical

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management studies have addressed issues related to internationalization, higher education and/or the reproduction of elites and social inequalities (Doh 2010; Engwall 2004; Hartmann 2000; 2010; Lueg/Lueg 2015; Vaara/Faÿ 2011). EMI, which is associated with better job opportunities and prestige, is predominantly preferred by students from higher socioeconomic strata, whereas students from lower socioeconomic strata with similar English proficiency are more inclined to fear barriers to EMI such as risk of dropout and/or exam failure (Lueg/Lueg 2015). Research from Asia has directly related class issues to the costs of tutoring and/or traveling abroad to prepare students for the shift to EMI (Jeong 2004; Kang 2012). Although the linkage between EMI and social inequality permeates the public debate, there are only a few systematic scholarly studies on the subject. This paper provides an overview of the current debates related to EMI in Europe. Although this paper takes a critical view of the potentially socially stratifying effects of EMI, it also aims to identify avenues to an accessible HE system *with* EMI. The remainder of this paper is organized as follows. Section 2 reports the status of and perspectives on EMI in Europe. Section 3 reports on the status of EMI and internationalization as well as on current debates on the subject in Germany, in particular. Section 4 discusses five claims that tie EMI to the debate regarding social inequality and elitism. Finally, section 5 discusses and suggests the implications of an adequate integration of EMI into HE.

2. EMI IN EUROPE

Despite the common view that English has been established as » [...] the language of higher education« in Europe (Coleman 2004), systematic quantitative investigation of the status of EMI is scarce (as an exception s. Wächter/Maiworm 2008). Today, German HE institutions offer 932 full programs completely in EMI (DAAD 2015a), and the Danish Ministry of Higher Education and Science lists 500 full degree EMI programs over all Danish HE institutions (2015). Maiworm and Wächter (2008: 29) identified a north-south divide with respect to EMI in which France and Italy represent countries with particularly low offerings of EMI programs, and countries such as Cyprus, Sweden, Switzerland, and Hungary occupy the top and middle ranges of EMI offerings. The rise of EMI has sparked a critical debate among scholars, journalists and politicians that mainly focuses on the four perspectives and several arguments outlined below (s. table 1) (for a similar discussion of the Danish discourse s. Lueg 2015). The perspective that advocates for EMI is the *internationalized knowledge economy* perspective, which consists of both the *organizational competition argument* and the *career argument*. Specifically, universities argue that attracting foreign students and preparing domestic students for the global labor market are equally important rationales (84%) (Wächter/Maiworm 2008). Students advocate for increases in EMI and consider it an avenue to career opportunities in both social and natural science programs (Byun et al. 2011; Costa/Coleman 2012; Knapp 2011). Pushed by the competitive aspects of the Bologna treaties, governments have urged institutions of HE to offer substantial shares of their study programs in English (e.g. GWK 2013). The second perspective on EMI is the *language and teaching quality perspective*, which comprises the *capability argument*. Despite their generally positive attitude toward EMI, students sometimes perceive lecturers' language skills as inadequate (Haastруп 2008; Jensen et al. 2013). This view seems to echo the reasons why universities oppose

the introduction of EMI; they mainly point to insufficient language skills of staff members (Wächter/Maiworm 2008: 41). The capability argument might be backed by the observation that older university staff and staff less accustomed to EMI tend to voice the most criticism of EMI programs (Jensen/Thøgersen 2011). Connected to this observation is the *credibility argument*. A perceived lack of competence in English, such as strong accents or repeated pronunciation mistakes, tends to be associated with poor lecturing skills and less credibility with students (Jensen et al. 2013). Central to this paper is the third perspective on EMI, *the inequality perspective*. Due to its complexity, it comprises many different and sometimes contradictory perspectives. Some scholars are inclined to foresee a segregation between an English-speaking elite and a non-English-speaking majority (Harder 2009: 8) or they adduce the possibility of higher costs for non-native English speakers to make their voices heard at the level of international scientific discourse (Ammon 2001). Thus, this perspective refers to political segregation on a global or national level. Others point to disadvantages for lower strata students (Lueg/Lueg 2015) and to the reproduction of elites through specialized programs and institutions with English language traditions (Berg et al. 2001; Vaara/Faÿ 2012), thus leading to inequality on the level of social strata and agents. The main arguments of the inequality perspective are developed further in section four below. The fear of a *national domain loss* leads to the fourth *perspective*, which sometimes focuses on politicized ideas such as a nation's *right to maintain its own language* or protection against a perceived *threat to national identity*. The ideological opposition against English (including EMI) is summarized by a study that shows that Finns believe that English endangers the »purity and integrity of Finnish society and culture« and is associated with »a range of destructive, disruptive, harmful and violent phenomena and entities. Similarly, the impact of English is argued to be pervasive, seductive, corruptive and harmful, affecting individuals and social groups and their minds and language practices« (Leppänen/Pahta 2012: 161). Such perspectives often fan the flames of xenophobic sentiments and are at times even employed by nationalistic movements, such as when Denmark's far right *Dansk Folkeparti* (Danish People's Party) suggests that English should be banned in academia (DF 2009). Thus, in general, the current European perspectives on EMI can be characterized as rather negative. Arguments advocating EMI typically focus on its use for business, career and economy. The current paper, despite its critical contribution, finds this debate incomplete and argues for an extension of those perspectives that support EMI.

*Table 1: Three perspectives on EMI**

Perspective	<i>Internationalized knowledge economy</i>	<i>Language and teaching quality</i>	<i>National domain loss</i>
	EMI is necessary for:	EMI is harmful due to:	EMI threatens:
Argument 1	universities' ability to compete	lack of language capability	own language

Argument 2	students' careers	loss of lecturer credibility	national identity
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*For the fourth perspective, the inequality perspective, s. table 2.

3. Internationalization and EMI in Germany

This section presents a brief outline of perspectives and arguments regarding EMI in Germany and then reports the current status of HE internationalization and EMI in Germany. In general, the German debate regarding EMI resembles the European debate (s. section two) in terms of its central perspectives. Certain objections can be subordinated – to a certain extent – under *the language and teaching quality perspective* outlined earlier. What seems to be special in Germany, however, is the connotation of the axiomatic superiority of the German language. Press coverage, in particular, seems to rise against the perceived imposition of a language that is considered less precise and multifaceted than German. The attitude that “the non-conversant converse in English”² (“Wer nichts zu sagen hat, sagt's auf Englisch”, Endres 2007) is frequent. English – and particularly English loanwords – often encounter some opposition and even political intervention (Michael Clyne 1995; mmq/dapd 2010). Commentaries on the use of EMI or English as LHE often quite emphatically point to the loss of appealing rhetoric (e.g. Klein 2007). The claim that »people are not able to express themselves in a second or third language as well as they do in their mother tongue«* (Rehländer 2013) is echoed in different variations. The chairman of the German Rectors' Conference, in a comment that was critical of EMI, claimed that inspiring lecturers need »wit and more«*, which is best expressed in their first language (Vitzthum 2012). One of the few deliberative journalistic comments on the matter ironically stated: »To put it differently: He who thinks in a foreign language is mentally retarded.«* (Wiarda 2012). The *capability argument*, too, exists in Germany. Those German universities that do not offer EMI programs tend to explain their decision by pointing to the lack of academic staff with sufficient language skills (Wächter/Maiworm 2008: 42). Knapp's (2011) observations on the particularly severe communication challenges of lecturers applying EMI seems to confirm this principle. However, it seems reasonable to expect these capability issues to lose momentum, based on the results of recent studies on the Germans' English capability. The EF English proficiency index ranks Germany 10th out of 70 countries (EF_EPI 2014). Furthermore, 86 percent of the German respondents surveyed by the Special Eurobarometer on language use supported the claim that »Everyone in the European Union should be able to speak one language in addition to their mother tongue«. This multilingual European is represented by students (Commission 2006: 4), lending reason to believe that capability problems are not a pressing issue among the student population. Moreover, Hilgendorf (2007) concluded that frequent and sometimes routinized English language use is an overall social reality in German everyday life. Further arguments can mainly be found within *the*

² All translations from the original German are mine and are hereafter marked with an asterisk, K.L.

inequality perspective. Some newspaper articles point to the dilemma that EMI causes for incoming international students. On the one hand, EMI is a means to fast and unhindered study success for those foreign students whose English is better than their German. On the other hand, EMI proves to be a bad investment for those who wish to remain in Germany after graduation and find that their employment chances are reduced if they are not fluent in German (Hoffmeyer 2012). Furthermore, opponents warn against social splits caused by English requirements (Moser 1985, cited in Hilgendorf 2007). An author at the Goethe-Institut even fears a »divide between scientists and the rest of the society« (Fiebach 2010). The *perspective of national domain loss* might gain ground in Germany as well. The recent formation of a political group protesting several issues that they interpreted as influenced by American politics (Patriotic Europeans against the americanization of the Christian West, aar/dpa 2015) might point to a nationalistic anti-English development in Germany. The *perspective of the international knowledge economy* forms the basis of governmental HE politics. The Joint Science Conference (GWK 2013) that is in charge of a common German research strategy suggests that a) the members of university staff should at least have a command of spoken English and b) large segments of study programs, particularly on the MA and PhD levels, should be offered in English or other foreign languages (GWK 2013: 5). Students seem to value EMI (Knapp 2011) and understand it as a means of distinction in the field of HE (Bloch et al. 2014: 253). Thus, the *career argument* is also of importance in Germany, particularly among students at private HE institutions. The use of EMI, or English as a working language, is of central importance in the impression management of these organizations (Blochet al. 2014).

With respect to the internationalization of the German HE landscape in general, internationalization or internationality seems to pose a politically encouraged (Brandenburg/Knothe 2008) means of distinction in Germany. The German Rectors' Conference spurs competition by offering a seal of »internationalization« to universities (HRK 2014). Such strategies seem to have an effect. Bloch et al. (2014) convincingly connected the employment of internationalization-related self-descriptions of private HE institutions to stratification in the HE sector. Brandenburg & Knothe (2008) estimated that 46 percent of their sample of HE institutions had an internationalization strategy with a measurement catalog. More than half of all HE institutions (56%) offer programs that are marked as »international« (Maiworm 2014). However, estimating the role of EMI in these programs is problematic because institutional definitions of »international« vary widely. A search of the German academic exchange service's database reveals that German HE institutions currently offer 932 full EMI programs (B.A., M.A., PhD) (DAAD 2015a). Of these programs, 695 are B.A. and M.A. programs. If private programs that charge high tuition are excluded, 457 B.A. and M.A. programs remain. The EMI offerings are not evenly spread across disciplines. The leading disciplines or subjects (n = 695) are Natural and Computer Sciences (310 programs), Economics & Business Studies (245), and Engineering (237), followed by Social Sciences (66). Very few

EMI programs were offered in the field of Philosophy and Languages, and the field of Education/Teacher Training had only one program (DAAD 2015a)³. The distribution roughly resembles Wächter's and Maiworm's (2008: 47) classification, in which Engineering programs were offered most, and education/teacher training had zero programs. With respect to the current paper, the rationales behind EMI offers are relevant. Maiworm (2014: vi) reported that offering such EMI programs predominantly addresses foreign students with limited German language skills and, to a lesser extent, domestic students. The need to accommodate the expectations and desires of incoming international students and staff for EMI is reasonable. The website study-in.de indicates that Germany is the »third most popular destination among international students in the world« (DAAD 2015b). According to the website, more than 12 percent of students at German universities come from abroad (s. also Maiworm 2014: ii: 16.1% first year students in 2012). Furthermore, 10.2 percent of academic staff members and 6.3 percent of professors who were employed in 2012 were internationals (Maiworm 2014: ii).

This focus on mobility can be problematized since »Internationalization at home« (for a recap of notion and debate s. Teekens 2015) and domestic students' increasing demand for EMI programs seem to be overlooked. Internationalization seems to be understood within the traditional frame of the nation state and as an accommodation to the needs of incoming internationals rather than as a trans-border qualification for international and domestic students (for a similar discussion s. Bloch et al. 2014: 252) and for mobile and non-mobile students. German students' strong interest in EMI is demonstrated by the fact that »Germans by far constitute[d] the largest group of students« in early EMI programs (Hilgendorf 2005). Overall, the discussion of EMI in German HE must consider that the EMI target group is in fact both domestic and foreign.

4. Discussion of central perspectives on internationalization, EMI, and inequality

Claims connected to inequality are frequently substantial elements of the EMI and internationalization debate (s. section 2). These arguments are of a very different character and are not necessarily compatible with one another, and they sometimes comprise arguments from other perspectives. In the following, common arguments relating to inequality are listed and discussed (s. table 2 for overview). EMI must be considered in the context of both English as LHE and the process of internationalization, and overlaps are inevitable.

³ Categories as listed by DAAD 2015a; double-listings not excluded; not all categories listed.

1. *EMI/English as the language of HE leads to a social gap between scholars and the rest of society.*

This point of view, as previously discussed, is voiced repeatedly in Europe. Indeed, it is safe to say that gaps between scholars and other parts of society are well documented in many respects (Bourdieu 1984; 1988; Leshner 2015; Peters 2012) and that this divide is enhanced by the language code applied in HE (Bourdieu/Passeron 1977; Bourdieu et al. 1994). However, English as LHE cannot be held responsible for this existing alienation, as scholarly lingo has previously performed this alienating function without English language influence. In fact, a more interesting topic may be whether English as LHE might even help overcome social alienation, that might occur e.g. in the professional English-speaking business sector (Hilgendorf 2007). It might also concern groups that feel socially distanced from traditional German academic lingo. The English writing style, in contrast to German habits (although these too are both traditional and changing), has a strong reader orientation (M. Clyne 1987; Siepmann 2006), and the English intellectual style of debate is described as more »tolerant« and less »elitist« than the German style (Galtung 1981; Siepmann 2006).

2. *The EMI program of a non-native speaking teacher will always be of poorer quality than the EMI program of a teacher in her first language, which discriminates EMI students against those studying in their first language.*

This particular stance is found in the media (Klein 2007; Rehländer 2013) and has been backed by selected scholars (Vitzthum 2012). However, no study has provided systematic evidence for EMI-related quality decrease, content loss and poorer learning outcomes or grades when taught by non-native English speakers. Danish students associate strong accents and pronunciation mistakes with poor lecturing skills (Jensen et al. 2013), but this problem seems to unveil itself as a problem of attitude toward English (Jenkins 2009). Many scholars and students seem to accept the concept of an exclusive British linguistic and pronunciation standard. For example, at Aarhus University, Denmark, a booklet on British writing standards prompts the employees to "write correct English«, hereby rendering, implicitly, U.S. and other Englishes as incorrect (AU_Language 2015). In fact, English can be seen as a language without ownership (Jacobsen 2017), and numerous Englishes are constantly being developed (B. B. Kachru 1992). The concept of World Englishes rejects the »traditional dichotomy between native and non-native« as »functionally un insightful and linguistically questionable« (B.B. Kachru 1988a, cited by B. B. Kachru 1992). Rather than being subordinate to one language standard, students should have the chance to become accustomed to a variety of accents, pronunciations and vocabulary, effectively mirroring the global variety and distribution of Englishes. Labeling pronunciation variations as »mistakes« shows the complicity of non-native speakers to bolstering the symbolic power of an English that is considered superior (Bourdieu 1991: 163-164), resulting in self-exclusion from equal discourses. Furthermore, the quality loss argument cuts both ways. In countries in which university teachers

advocate *for* using EMI, quality loss is described as stemming from studies translated from English and the dismissal of English language sources (Zare-ee/Gholami 2013). As a whole, this stance does injustice to non-native English speaking scholars in the world's outer and expanding circle of English and questions the teaching quality in institutions in which EMI serves as lingua franca (e.g., in India, Tanzania) (Y. Kachru/Nelson 2006).

3. *Internationalization – and EMI as one prominent indicator of internationalization – establishes inequality among HE institutions.*

The stratification of German HE institutions by internationalization was recently investigated by Bloch et al (2014). Internationalization and internationality are used for impression management by both publicly funded graduate schools and private schools. Bloch et al. found that students view EMI as an attractive sign of internationality (Bloch et al. 2014: 255). Internationality and EMI seem to have become bullet points for scoring distinction. Bloch et al. problematized the conceptualization of internationalization/internationality as a nation-state oriented »exchange« focused on outnumbering others (e.g., most partner institutes). If EMI is reduced to quantitative performance figure only, it can indeed contribute to creating a (meaningless) hierarchy and stratification rather than to creating an integrative and globally accessible organization.

4. *EMI contributes to the exclusion of non-English language content. It thus establishes a hierarchy between English and other language publications, perspectives and research traditions.*

A recent network science study on the connectivity of languages showed, indeed, that »the world's languages exhibit a hierarchical structure dominated by a central hub, English« (Ronen et al. 2014). In academia, a scholar's ability to disseminate ideas to a large number of people increases her chances of influencing scientific development. EMI syllabi are in danger of favoring publishing houses, texts, and consequently the dissemination of ideas that are connected to native speakers, particularly to those in culturally dominant regions. Traditions and concepts from speakers of less connected languages might become lost. This knowledge asymmetry has been addressed by Ammon (2012), who indicated that the focus on English excludes contributions from Asian countries, Russia, Germany, Italy and France.

Knowledge dissemination biases are observable in business-related subjects that established EMI earlier than other disciplines. Engwall (2004) documented how the Anglo-Americanization of Scandinavian business schools has led to both a change in language and a general shift in tradition toward an American focus on finance and microeconomics. Critical management scholars have investigated various aspects of internationalized management education (Doh 2010), such as the

diffusion of Anglo-American concepts and values (Krishnan 2008; Sturdy/Gabriel 2000). One explicit example of such knowledge asymmetry is the ignorance of the early conceptualizations of cost allocation (»Prozesskostenrechnung«) in Germany (Schmalenbach 1899). The American equivalent, »activity based costing« was not developed until 1988 (Cooper/Kaplan 1988), yet this moment is considered as this costing type's hour of birth. In general, missing or delayed translations of European work into English and differences in textbook or research field foci pose challenges (s. e.g., American vs. French and German research and the theory of social inequality). These challenges limit choices and raise the workload for translations, literature research and syllabus planning. Finally, even more than a particular language, a specialized lingo such as »management grammar« (Vaara/Faÿ 2011; Vaara/Faÿ 2012) reveals a particularly distinctive character in the field of HE. A certain management lingo might incorporate problematic values, e.g., neo liberal values, and create an uncritical discourse (Vaara/Faÿ 2012). Furthermore, a specialized lingo is even more difficult for non-native speakers to acquire than a standard language as a means of communication. Thus, at present, EMI and English as LHE contribute to global inequalities and knowledge bias.

5. English is part of a capital of international orientation and stratifies students in EMI programs against those studying in their L1.

At the outset, it is important to note that Bourdieusian theory is crucial for understanding the role of EMI in the formation of elites and inequalities. Embodied cultural capital covers competences and knowledge that are imparted during socialization. Institutionalized cultural capital is formed with credentials from authorized institutions (Bourdieu 1997: 47-48). Symbolic capital grants credibility and distinction and consists of other types of capital that are recognized as legitimate (Bourdieu 2005: 195). »[L]inguistic capital« is described as appendant to embodied cultural capital and co-determines academic success (Bourdieu/Passeron 1977: 73; Bourdieu et al. 1994b: 37). It can be conjectured that (1) family background has an indirect effect on the choice of EMI and (2) EMI functions as distinguishing symbolic capital in selected fields (Bourdieu 1991: 55). Following the career argument (s. sections 2 and 3 above), EMI facilitates access to desirable positions and professions. Thus, it becomes a vehicle for the creation of social capital, i.e., social belonging, and economic capital, i.e., income. EMI as symbolic capital must be viewed in the context of attitudes toward English and internationalization. In Germany, EMI can positively affect students' choice of selected HE institutions, and international CVs of lecturers are viewed as prestigious (Bloch et al. 2014). Hilgendorf has narrated examples of »accommodating, even deferential« attitudes toward English in German everyday life encounters (Hilgendorf 2007: 141). Most importantly, Prieur and Savage (2011: 575), in their exploration of capital signifiers in modern societies, noted that one of the differences between the culturally privileged and non-privileged in Denmark is a difference in »international vs. local or national orientation« (for a similar conceptualization of cosmopolitanism s. Igarashi/Saito 2014). In the Netherlands, parents perceive international education as a cultural and social capital investment (Weenink 2008).

In their study of first-semester students ($n = 706$) at Aarhus University, Denmark, Lueg and Lueg (2015) showed that social background substantially affects students' choice of EMI. Students were offered two identical programs (B.A., economics and business administration) that differed only in the medium of their instruction (English or Danish). The study showed that EMI attracted higher strata students; these students choose EMI nearly 50 percent more often than lower strata students. English proficiency in itself is not decisive. All students proved that they had outstanding English proficiency to be admitted into the study program. Yet, higher strata students' self-ascription of English proficiency was higher. The barriers and fears associated with EMI gained more weight with decreasing strata. Students, particularly from the lower strata, feared receiving lower grades or missing content despite their documented English proficiency. They opted against EMI, even if they explicitly expressed seeing benefits in EMI education and acknowledged its function as a type of capital. Thus, rather than reflecting incapacity or lack of insight, the decision not to choose EMI programs reflects distance from doxical field correspondence (Bourdieu 1998: 81) and the mediating effect of habitus as a »sense of one's place« (Bourdieu 1984: 471). This decision ties in with Knapp's (2011: 61) observations in Germany that students opting for German classes show »a pronounced awareness of the benefits of EMI«. Most of their arguments »refer to the improvement of their language abilities, followed by usefulness for their future jobs.«

Lueg & Lueg (2015) further noted that females of the lower and middle strata opted for EMI much more frequently than their male peers. In stratum 2 (middle), 9.9 percent of the females chose EMI, as opposed to 2.5 percent of the males. In stratum 1 (lower middle), 31 percent of the females chose EMI, as opposed to only 8.0 percent of the males. In sum, males from higher strata and females from lower strata tended to choose EMI. Hence, the choice of EMI was determined by both social strata and gender. Departing from the notion of EMI as symbolic capital, EMI will likely function as structuring structure (Bourdieu 1990: 53) and further reproduce distinction and unequal opportunities in professional pathways. An unmindful implementation of EMI may thus contribute to social inequality.

Table 2: The inequality perspective on EMI: overview of arguments and discussion

<i>Argument</i>	<i>Objection</i>	<i>Outlook & Implication</i>
EMI leads to a social gap between scholars and others	Gaps are caused by social alienation, not EMI	Democratic style of EMI could be the avenue to overcoming alienation
Low quality of non-native EMI discriminates in favor of EMI students against those studying in domestic language	No evidence for learning impairment	HE must acknowledge - the concept of »world Englishes«

	Based on misconception of one »correct« English	<ul style="list-style-type: none"> - legitimacy of various pronunciations and expressions - comprehension of various Englishes as a capability
EMI and internationalization as scores establish a meaningless institutional hierarchy	None	Politics and policy of current internationalization and EMI must be re-explored to uncover and avoid sheer impression management
EMI contributes to the exclusion of non-English language content	None	Increase in EMI programs might lead to the embedding of local contents in globalized education (e.g., due to translations of European contents)
EMI as capital attracts (discourages) higher (lower) strata students and reproduces inequalities	None	<ul style="list-style-type: none"> Peer rather than ex cathedra learning Continuous rather than final evaluation Acknowledgements of world Englishes Content first policy Abandon language/aesthetics as assessment criterion Teacher education

6. Implementing EMI: avenues to borderless higher education

This paper argues in favor of implementing EMI further in European countries, particularly in Germany. However, an unmindful implementation of EMI as a performance indicator in a politically encouraged internationalization process should be avoided. A carefully managed didactic integration of EMI is crucial for its success as a language of choice and to achieve equal opportunities for access. Moreover, this paper posits that EMI is one of the more adequate and effective tools for reaching the goal of further internationalizing the universities to transform them into diverse and accessible trans-border organizations. Within this framework, this paper acknowledges the career-related argument that students – even those opting against taking EMI classes

– advocate for EMI as an avenue to careers. However, arguments related to business and economy should not be the only intercessors for EMI and internationalization. Another focus might be the conceptualization of universities as trans-border organizations that contribute to global equality of opportunities.

Research on world Englishes provides beneficial perspectives in this regard. Specifically, EMI might provide non-native speaking communities with the opportunity to strengthen their positions in global academia, to participate in global thought exchange and to overcome language-related barriers. These outcomes are only possible if EMI is detached from the ownership of selected mother tongue speakers and language idealism. In Germany, a focus on rhetoric in lectures, which is supposedly connected to a first language, seems to operate in EMI's disfavor. Furthermore, imperfections in English language capability seem to be perceived as a problem. Lecturers and university management might draw upon the insights of world Englishes to overcome the ideal of one correct English. Students should be encouraged to cultivate skills in understanding different Englishes to mirror later professional encounters on the world stage and in the world economy. The use of the focus on language aestheticism for content learning at the university level should be questioned. Lecturers should be offered classes on EMI and/or international classroom teaching, in addition to Academic English(es). Such offerings are extensive in Denmark (partly as mandatory pedagogical training for tenure admission) and widespread in the Netherlands (Klaassen/De Graaff 2001). EMI programs provide the opportunity to achieve internationalization at home. When applied in the sense of world Englishes, EMI might represent a qualitative counterweight against merely quantitative listings of collaborations abroad or student exchanges. Internationalization at home makes internationality accessible for non-mobile students. Combined with e-learning, or at least with blended learning concepts, EMI currently provides the best opportunities to offer trans-border education and attract a super-diverse student body (Vertovec 2007) beyond segregating concepts of legal, national or linguistic belonging.

Such offers both make study programs in Germany accessible to foreign students and acknowledge the demand of domestic students. The latter is of high importance for the political framing of internationalization and EMI introduction. A one-sided perspective on EMI target groups might foster the misconceptions that a) a minority of incoming foreign students imposes EMI on domestic students and staff who prefer instruction in German and b) as a consequence, the minority should adapt to the majority, that is, should learn German. These points tie in with the necessity of rediscussing the notion of internationalization and internationality in general. While initially providing opportunities for accessible education, these notions have been harnessed by HE management to compete in the HE market. This paper cautions against diminishing EMI programs to quantitative performance figures that contribute to ranking HE institutions.

Other factors that have implications for the use of EMI include global knowledge asymmetries and the loss of traditions and cognitive models in languages other than English. Whereas opponents argue to decrease EMI programs, this paper argues that an increase in EMI programs and

English as LHE will be more efficient in achieving a balance in the mediation of local and global contents. A higher intake of students in EMI programs might provide cost advantages that allow the translation and publication of local and national content (e.g., translations of European content rather than imported Anglo-American content based on English language textbook availability).

With respect to students' attitudes toward and choice of EMI, universities should acknowledge that EMI can perpetuate existing social inequalities (Lueg/Lueg 2015). Working on the students' English language capabilities does not seem to be a solution because lower strata students with documented high-level English language capabilities seem to fear lower grades or missing content. Thus, course leaders and university management should focus on countering these fears because – given comprehensibility – a lack of virtuosity in rhetoric and language style should not lead to lower marks. Assignments should reflect the students' content-related work rather than their rhetorical and linguistic abilities to avoid strata bias and to avoid awarding linguistic heritage (Baudelot 1994; Bourdieu/Passeron 1977). Such practice should be explicitly discussed in course descriptions. A change in didactics can further contribute to an altered perception of the barriers. Such a change might involve replacing one final exam with a continuous assessment to account for student development and performance deviations. Pressure can be lowered by reorganizing large ex cathedra lectures into peer tutoring formats (Lueg/Lueg 2014). Small-sized peer tutoring groups lessen individuals' fear of speaking up in a second language and, thus, address problems such as lack of discussion or participation in EMI courses (Knapp 2011: 60). A certain amount of parallel language use in domestic language seminars might also contribute to lowering barriers. The integration of reader-friendly English language texts and journal articles in early classes would help students become accustomed to English writing styles and academic vocabulary. Ideally, EMI should be offered as a choice for students. In large programs, this choice can be provided through parallel EMI and domestic language tracks. In small programs, students might opt for EMI electives. Confronting students with mandatory EMI should be avoided at this time because the evidence concerning fear-related choices indicates that students might drop out of the program.

The implications discussed above provide an avenue for future research. EMI and HE internationalization are fruitful areas for a wide array of disciplines, ranging from the studies of elite formation, critical management and higher education to language and translation studies. Importantly, more research on domestic students' motives for supporting EMI is required to explore those rationales beyond economic motives. This research could reframe the political debates on EMI and internationalization and obviate political framing of incoming students as enforcers of EMI. Similarly, there is a lack of knowledge on the extent of English language literature in non-EMI course syllabi. Surveying course readings might reveal the degree to which students in non-EMI classes are accustomed or not accustomed to the use of English. Finally, this research might shed light on why students shy away when confronted with EMI classes with full English language syllabi. A related useful progression would be the investigation of national concept and tradition

loss. Surveying concrete examples in class planning can raise awareness about the issue of inequalities in global knowledge dissemination.

Concerning HE didactics, classroom observations of different instruction formats might reveal best practice models for integrative and effective EMI classes.

More generally, the issue of internationalization and fundamental identity construction of HE institutions requires some attention. It has been shown that HE internationalization continues to be strongly viewed through a (competitive) nation state lens. In this view, HE institutions are considered manifest service institutions to one nation state. Thus, internationalization can be harnessed as a competitive performance indicator, reduced to impression management or used to segregate political arguments. The extent to which HE organizations are free or economically constrained to construct their own identity on the global market should be explored. Such an identity might be that of a local representation of accessible trans-border education, e.g., with e-learning using EMI. Finally, concerning longitudinal insights into stratification and the formation of elites, research on the choice between EMI and Danish medium instruction (Lueg/Lueg 2015) might serve as a valuable basis for studies in contexts with more social stratification and/or lesser English capabilities, such as in Germany. English language might be a slightly stronger social separator due to lower general English proficiency (EF_EPI 2014). Compared with Denmark and other northern European countries, the stronger presence of social selection bias and stratifying effect of German HE (Hartmann 2010; Isserstedt et al. 2010) combined with a smaller percentage of HE-qualified college graduates must be considered (Orr et al. 2011; Uddannelses- og Forskningsministeriet 2014; UNDP 2011). Moreover, connections between study strategies and within-field differentiation of the German HE system and the formation of professional elites have been uncovered (Hartmann 2000; 2002). Hartmann has shown that both HE and its non-institutionalized equivalent »Allgemeinbildung« and the right habitus (Hartmann 1996; 2000; 2006) are main dividers between the social milieus and contribute to reproducing unequal opportunities. However, to date, within-field stratification of the German HE system, such as private schools or graduate programs funded or self-promoted as »elite«, does not seem to impact the formation of corporate elites (Hartmann 2015). Simultaneously, international studies and Bloch et al.'s recent observations on within-field stratification in German HE have described the increasing importance of cosmopolitanism, internationalism and EMI (Bloch et al. 2014; Igarashi/Saito 2014; Weenink 2008). In the long run, it will be highly relevant to observe whether the effect of internationalization on within-field stratification will be mirrored by student stratification and elite formation of graduates in Germany.

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Current sociological reflections on the Brexit and its consequences

Review of: William Outhwaite (ed.) 2016. BREXIT: Sociological Responses. London and New York: Anthem Press.

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The business of scholarly publishing usually suffers from a substantial time lag, especially so in the social sciences. Quite often, recent developments in society are reflected in academic publications years after they were actually taking place. Sometimes, results of social science analyses are even already outdated upon publication. Against this backdrop, it is more than remarkable that the volume *BREXIT: Sociological Responses*, edited by William Outhwaite, was published just about six months after the United Kingdom referendum on the EU membership, of June 23rd 2016. The vote, which clearly revealed substantial class and age cleavages as well as distinct regional divergences across the UK, does not only affect the British society. It entails numerous repercussions on Europe as a whole, and on the future development of the European Union, in particular. Moreover, albeit Brexit seemingly being grounded in idiosyncrasies within British society and politics at first glance, factors influencing the Brexit decision are by far not just limited to Great Britain. Accordingly, as pointed out in Outhwaite's introduction, the book aims at locating the "short-term political fluctuations" caused by the UK referendum "in a broader historical and social context of the transformation of European and global society" (vii).

The 14 contributions assembled in this volume indeed represent a rich tableau of illuminating sociological reflections on causes, effects, and wider social implications of the Brexit vote. Outhwaite succeeded in bringing together an array of renowned British social scientists and internationally well-known scholars of European studies, such as Craig Calhoun, Colin Crouch, John Holmwood, Gurinder K. Bhambra, Chris Thornhill, Gerard Delanty, Antje Wiener and Adrian Favell, providing their reflections on causes and consequences of the Brexit vote just a few weeks after the referendum. The individual chapters, which are all interesting and worth reading in their own right, add up to a multi-faceted analysis of current political and societal trends both in Great Britain and in contemporary Europe.

The book is divided into three major thematic sections. In Section I entitled "How did it happen?" four different interpretations of how the Brexit referendum came about are presented. The former secretary general of the European Economic and Social Committee *Martin Westlake* discusses the longstanding history of the British *Sonderweg* in European affairs and

points to several long-term trends in British politics which made the EU referendum somewhat inevitable for Cameron and his party. *Jonathan Hearn*, professor of political and historical sociology at the University of Edinburgh, points to a fundamental cleavage in British society, especially the rising divide amongst anti-European (English) nationalists and cosmopolitans. He interprets the rise of nationalist sentiments in Great Britain as the result of a marked disequilibrium of power in the political system amongst winners and losers of extensive deindustrialization and globalization of British economy since the 1980s. The sociologist and former president of the British Sociological Association *John Holmwood* also highlights the long-lasting preconditions of the Brexit decision, especially the long colonial history of Great Britain and the positive image of the British Empire fundamentally shaping the British self-image of the role of Britain in the world and British nationalist sentiments until today. This has also influenced, as Holmwood argues, the arbitrary position of Britain regarding Europe since the beginning of European integration. Finally, the sociologist *Stefan Auer* interprets the Brexit vote as a clear statement of rejecting the European experiment on postnational democracy, which has been put forward fervently in Europe since the early 1990s. He claims that the Brexit brings the question of national sovereignty back to the fore that seemed outdated and obsolete in an “ever closer” European Union. Consequently, Auer also suggests a direct link between the refugee crisis in Germany in the fall of 2015 and the Brexit vote in June 2016.

In Section II “The politics of Brexit” these analyses are enriched by additional, more general interpretations of current societal and political development in Great Britain and beyond. *Craig Calhoun* also discusses the growing divide between cosmopolitanism and nationalism in contemporary societies. Just as Hearn and Auer, he also understands the rise of nationalism not simply as a product of national culture and traditions, but mainly as a reaction to perceived “external challenges” and as a strategy of conservative elites to mobilize mass support. *Chris Thornhill*, professor of Law at the University of Manchester, in turn, interprets the current state of Europeanization and the alleged democratic deficit of the European Union markedly different from Auer. He argues that institutions of democratic governance, especially representative and judicial elements, are so much interwoven and interlinked in Europe today that a simple decentration of constituent power to nation states would not directly foster the democratic quality of governing. *Gurminder Bhambra*, currently professor of Postcolonial and Decolonial Studies at the University of Sussex, also emphasizes the long-lasting colonial history of Britain and its repercussions on contemporary politics. The referendum was less a debate on the ‘pros’ and ‘cons’ of EU membership, she claims, than a proxy for discussions about race and migration in British politics. Consequently, she sees strong indications of a “racialized discourse” both in the politics of the referendum itself, but also, more implicitly, in social scientific and media accounts of inequality in the British society. In the two remaining chapters of section II *Colin Crouch* and *Gerard Delanty* present revealing social scientific analyses on the new social cleavages amongst exclusionary nationalism and cosmopolitanism having become manifest in the Brexit vote, but also affecting current politics in numerous other Western societies. Both see indications of a “divided society” (Delanty), in which preferences for exclusionary nationalism *and* preferences for expressive individualism and multiculturalism are equally reaffirmed. Thus, Crouch and Delanty see this new cleavage structure, which goes beyond the traditional cleavage of Left vs. Right, as a major challenge of contemporary politics and European integration.

In Section III another five contributions are dedicated to the discussion of “Prospects for/after Brexit”. The political scientist and policy consultant *Tim Oliver* describes the complex diplomatic process after Brexit. At the end of his contribution he discusses various policy options

between prospects of a “soft” or a “harsh Brexit”. The Hamburg-based political scientist *Antje Wiener* examines the mid- and long-term effects of Brexit from the perspective of norms research and her own conceptions of norm contestation. The sociologist *Simon Susen* provides a comprehensive analysis of the Brexit, its larger socio-historical context, and major sociological implications. Finally, he discusses six scenarios of a potential outcome of the Brexit vote. The final two chapters of the book, provided by *Harry F. Dahms* and *Adrian Favell*, are less focused on an analysis of the Brexit decision as such, but rather dedicated to the question what further implication the Brexit holds for sociology (Dahms) and for sociological studies of contemporary Europe (Favell). Dahms criticizes mainstream sociology to be “tied up” too strongly “with values that prevail in society” and which are generally considered as “politically correct”. In contrast, he suggests that sociology should focus more systematically on critical approaches and on the “dark sides” of modernity (190f). Favell, in turn, points to the longstanding absence of sociology in European studies and to limitations in making sense of the complex sociological implications of Europeanization. Against this backdrop, he also discusses the paradoxes of British Euroscepticism and the fallacies of British nationalism, which was reaffirmed during the Brexit campaign.

All in all, the volume “BREXIT: Sociological responses” constitutes an excellent example of up-to-date and publicly relevant sociological thought. It shows that quick publication and thorough academic reflection are not mutually exclusive. Apart from some minor exemptions (e.g. the strong political overtone of Auer’s chapter or Dahl’s very broad discussion of modern sociological thought, which only indirectly addresses the Brexit as such), the book offers a comprehensive sociological understanding of causes and consequences of the Brexit vote, especially through the multiplicity of different perspectives. Certainly, for an even richer sociological understanding of the Brexit decision, some more detailed empirical analyses of the current socio-economic development of British society and of the social situation of different social groups would have been helpful. Moreover, one also misses a discussion of the current state of politics in Britain and what repercussion the vote will have on the territorial cohesion of the country. However, this does not limit the value of the book. In the contrary, the book provides an excellent overview of current positions of British sociologists on the broader sociological implications of UK’s EU referendum and numerous inspirations for further reflections on current social trends both in Britain and Europe.

Die Wiederkehr der Systemkritik

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Endlich wird die Systemfrage wieder gestellt. Stefan Lessenich, bis vor Kurzem noch Vorsitzender der Deutschen Gesellschaft für Soziologie, hat ein glänzend geschriebenes Buch publiziert, das weit über das Fach hinaus gelesen wird. Es könnte das theoriemüde, in kleinteiligem Empirismus verdämmende Fach befeuern, sich seiner gesellschaftskritischen Geschichte zu erinnern, die über weite Strecken an weltverändernder Praxis und einem progressiven Reformismus orientiert war.

Um angesichts der absehbaren, wenn auch weithin verdrängten ökonomischen, politischen, sozialen und ökologischen Katastrophen des 21. Jahrhunderts die „Waffen der Kritik“ (Marx) zu schärfen, muss man nur Kant und Marx in konsequenter Anwendung des kategorischen Imperativs zusammenführen.

Spätestens seit 1989 leben wir in einem nach außen geschlossen kapitalistischen Weltsystem. Es funktioniert nach der von Marx entdeckten Logik der Externalisierung der Kosten eines Wirtschaftssystems, das den technischen Fortschritt in eine ständig wachsende, „ungeheure Warenansammlung“ (Marx 1953) verwandelt. Sie lässt alles, was bis dahin produziert wurde, als ebenso lächerlich erscheinen wie den Zeitgenossen des technischen Fortschritts die mythischen Heroentaten der antiken Welt. „Wo bleibt (...) Jupiter [der Blitzeschleuderer] gegen den Blitzableiter, und Hermes [der Schutzgott der Fernreisenden] gegen den Crédit mobilier? (...) Was wird aus der Fama [der Göttin des Ruhms und des Gerüchts] neben Printinghouse square?“ fragte sich schon Marx zu einer Zeit, als vom modernen Kapitalismus nur in einigen wenigen, nachts erstmals beleuchteten Weltstädten und winzigen, aber rasant wachsenden Industrieregionen etwas zu sehen war (Marx 1953: 30f.).

Die Produktivität des Systems ist mit einer nicht minder ungeheuren Destruktivität verschwistert, die es gegen sich und seine Umwelt richtet. Die gewaltigen Kosten, die dabei entstehen, kann das System aber nur um den Preis des Stillstands, der es und alles, was an ihm hängt und von ihm lebt, vernichten würde, selbst tragen. Das Kapital muss die Kosten seiner erweiterten Reproduktion den Lohnabhängigen und der gesamten Gesellschaft aufbürden, die ihm mit tausenden von Bail-outs immer wieder auf die Beine hilft.

Schon früh wurde der „Übelstand“ des globalen Südens zur kausalen Bedingung des „Wohlstands“ im globalen Nordwesten (43). „Ohne Armutskapitalismus kein Wohlstandskapitalismus“ (192).

Das liegt aber nicht nur an der finanzgetriebenen Weltwirtschaft, sondern auch an der ebenso unvollständig wie einseitig globalisierten Staatsgewalt. Globalisiert wurde nur die vorgeblich rein technische Seite der Politik, die sachlich effektiven *policies*, die politische Führer und Experten unter sich ausmachen, nicht aber die im demokratischen Prozess bestimmte Politik, die dadurch erst zum gefundenen Fressen für die Pseudoalternativen des identitären Populismus wurde.¹ Durch die Externalisierung der Demokratie verlieren die entpolitisierten Institutionen die politische Macht, etwas anders durchzusetzen als marktkonforme Politik, die weder demokratisch noch im Selbsterhaltungsinteresse des politischen Systems ist, was dem Rechtsopulismus Tür und Tor öffnet.

Erst jetzt gilt, dass das Wachstum unter null sinken und den unkontrollierten Sinkflug des kapitalistischen Weltsystems einleiten würde, *wenn* die, die im Wohlstand leben, die im Übelstand nicht mehr ausrauben (Outsourcing), ihnen den ungeklärten und strahlenden Giftmüll nicht mehr vor die Haustür kippen und ihren unstillbaren Hunger auf Bodenschätze nicht mehr durch Landgrapping, das grüne Agrarlandschaften in Wüsten verwandelt, stillen würden.

Dass das so bleibt, kann man nicht wollen, sagt der kategorische Imperativ. Im Wohlstand zu leben, läßt sich, auch bei Beachtung aller moralischen Regeln politischer Korrektheit nicht verallgemeinern. *Was immer wir tun*, das kapitalistische Weltsystem „lenkt das soziale Handeln strukturell in eine Richtung, die gerade nicht verallgemeinerungsfähig ist“ (79). Das gilt aber auch umgekehrt, denn der unkontrollierte Sinkflug des kapitalistischen Weltsystems würde die, die im Norden wie im Süden unter ihm leiden, mit sich reißen. Auch das kann man nicht wollen, wenn das, was man wollen kann, universalisierbar sein soll. So sitzen wir in der Falle. Aus ihr heraus führt, wie die Anwendung des kategorischen Imperativ auf die negative Dialektik von Wohl- und Übelstandsgesellschaft zeigt, keine Moralisierung, nur *Systemkritik* (80f). Die Verhältnisse sind so, dass jede Moral, die das System nicht überwindet, nur immer weiter in die Katastrophe führen würde. Das wußte übrigens auch Kant, der deshalb die einzige Hoffnung moralischen Handelns in einem radikalen, progressiven Reformismus sah, wenn nicht gar im Geschichtszeichen der Revolution.

Die schlechter weggekommenen Bewohner des Nordens sind nicht nur besser weggekommen als die besser weggekommenen des Südens (sieht man einmal von der winzigen Zahl der Superreichen ab, die es fast überall gibt), sondern sie schulden auch ihren noch so bescheidenen Wohlstand dem Übelstand des Südens (55).

Trotzdem hat sich ihre Lage in den letzten 40 Jahren dramatisch verschlechtert, wie Oliver Nachtwey in seiner brillanten Studie zur *regressiven Moderne* zeigt.

Während nur die oberen 10 Prozent der Wohlstandsgesellschaften in dieser Zeit erhebliche Zuwächse an Einkommen und Vermögen verzeichnen konnten, haben alle übrigen sozialen Schichten z.T. massive Einbußen hinnehmen müssen. Dazu kommen Austeritätspolitik, fortschreitende Privatisierung des Bildungs- und Rentensystems, regressive Arbeitsmarktreformen,

1 Europa ist ein besonders instruktives, aber keineswegs allein dastehendes Beispiel (Offe 2016: 114ff.).

schwindende Gewerkschaftsmacht und die Vernichtung akademischer Arbeitsplätze durch künstliche Intelligenz, welche zwei Drittel der Bevölkerung in eine lebenslang prekäre Existenz versetzen, aus der sie für sich und ihre Kinder immer weniger Hoffnung auf Besserung schöpfen können.

Die Wiederkehr massiver sozialer Ungleichheit macht, wie Nachtwey zeigt, die großen Errungenschaften der Emanzipation der Frauen, Farbigen und Homosexuellen von Jahrhunderte, wenn nicht Jahrtausende alter Ungleichbehandlung und Unterdrückung wieder zunichte. Für die schwarze, jüdische, vorbestrafte, wohnungslose Homosexuelle in der Peripherie von Paris, Brüssel oder Mailand hat die neu gewonnene Freiheit keinen „fairen Wert“ (Rawls 1979), denn sie kann sich dem misogynen, rassistischen, antisemitischen und homophoben Milieu gar nicht entziehen, das die schlecht bezahlte, aber schwer bewaffnete lokale Polizei des Ghettos ebenso prägt wie die meisten seiner depravierten Bewohner. Wiederum sind die einen ohne Schuld besser weggekommen und die anderen ohne Schuld schlechter weggekommen. Aber die Gerechtigkeit bleibt trotzdem auf der Strecke, denn keiner hat ein *Recht*, besser weggekommen zu sein (Rawls 1979: 94/121ff.).

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