Learning and Deliberation: A Desirable and Adequate Design for European Social Policy?

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Introduction

In the last few years, the Open Method of Coordination (OMC) in the field of social policy has attracted considerable attention amongst social scientists, mostly in the context of the European Employment Strategy (EES), and to a considerably lesser extent in the fields of inclusion, pensions and health. Most analyses have focused on conceptual and theoretical issues, fewer were concerned with in-depth analysis of the actual implementation of the various OMCs; equally few have questioned the theoretical assumptions of the OMC as such nor its concrete construction at EU level. Generally spoken, the OMC was – and mostly still is – seen as a promising governance instrument in the absence of a more binding mechanisms to bring about “modernisation” of the so-called European Social Model (ESM). Yet, it is argued here, in order to have an appropriate understanding of what the OMC can potentially do for “social Europe”, and more particularly, against social exclusion, it is essential to analyse the theoretical and ideological underpinnings of the OMC.

Whereas I have dealt with the theories underlining the OMC at another place, I wish to confront parts of the theory with the institutional equipment of the OMC at EU level, taking the commonly agreed indicators as the example where some of the ambiguities of theory as well as the political character of the OMC process – and with it the contemporary reduction of the social to integration into the labour market – can be shown. The main critique is that these theories are too idealistic in character and do not take into account real existing asymmetries of power, resources, interests and ideas.

There are good reasons to choose the commonly agreed indicators for this exercise. First, and most importantly, indicators are thought to be a central element, besides the exchange of “best practices” and benchmarking, of the learning processes that the OMC is supposed to foster in order to help member states adopt their social policies to new circumstances. More broadly,
the OMCs have mostly been conceptualised as enhancing governance through “learning”. Yet, a closer analysis of the design of the commonly agreed indicators and their missing contextualisation can reveal that “learning” as practised within the OMC/incl. does not live up to the theoretical promises and may not only be in need of greater contextualisation and diversification of indicators and actors – as well as of greater political commitment of governments –, but very well also of more coercive mechanisms in the social field.

Second, it is essential to conceive of the OMC – and more broadly of “Europeanisation” – as a two-way interaction in the sense that domestic policy preferences had often started to change before (soft) integration was reached (Zeitlin 2004: 6). Once that challenges were sufficiently common but situated in sensitive areas such as social policy, the way was free for uploading the search for solutions to the European level. OMCs can therefore hardly been analysed as purely external to national policy-making. Along these lines, it is essential to look at the construction of the OMC at EU-level in order to come to an appropriate evaluation of its potential. This is not to say that national variables do not matter; the argument rather reads that even the most favourable domestic conditions are likely to fall short of expectations if the construction at EU level is problematic to begin with.

Third, they constitute, besides the National Action Plans (NAPs) that member states have to draw up on a more or less regular basis in order to describe the strategies they use with respect to certain social policy problems, one of the “harder” elements of the OMC with which member states are asked to comply. Since the degree and nature of influence of a post-regulatory governance instrument (de la Porte, Pochet and Room 2001; Büchs, forthcoming) such as the OMC is intrinsically difficult to evaluate, analysis should start with – and maybe concentrate on? – the “harder” elements (and compare them with actual legislation, budgets and programs) in order to evaluate the impact of OMCs on member states’ policies.

Fourth, indicators and NAPs are at the centre of the interaction between the EU and the member states, and interaction, it seems to me, between these two, and potentially other levels, is essential for “cooperation” to become meaningful. In this sense, in that they contribute to the (common) framing of a given problem, they may help the EU and domestic

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9 Schelkle has gone so far as to state that not only were common problems acknowledged, and was the EU seen as an area in which to promote mutual learning processes in the light of shared uncertainty, but particularly was the aim of blame avoidance central for the uploading of social policy areas to the EU: whereas member states felt that they needed to reform anyways, at least would so the door be open for blaming external actors and thereby reduce the risk of less of electorates (Schelkle 2003).

10 Whereas in the EES, NAPs are written on an annual basis, the OMC/incl. foresees a biannual rhythm.

11 Many scholars come to the conclusion of the OMC processes unfolding in particular ideational and cognitive influence. While nothing speaks against this evaluation, this type of influence and influence on concrete policy measures, budgets and legislation (question of effectiveness) are quite different things.

12 Besides that, interaction also opens the door for the analysis of input- and output-legitimacy.
agendas move closer together (Mabbett 2004: 4). While it is yet too early to evaluate whether there is a dynamic in this direction, it still seems like a strong argument for looking at the indicators in detail.

After a brief review of the OMC/incl. process (1), the second part will present theories of learning and deliberation which have been used in the scientific community to conceptualise the OMC and critically discuss them (2). This seems necessary to me in order to later on challenge the idea that the social OMCs should and can be conceptualised as promoting social learning – as mostly done in the respective literature. The third part will confront these theories with the empirical reality of the commonly agreed indicators, the way they are constructed (do they help to foster mutual learning?) and who has constructed them (question of openness and transparency) (3). Finally, the discussion will review why it might not (yet) be possible to conceive of the OMC as promoting learning processes and what may be done in order to overcome the insufficient deliverance (4).

1. The OMC/inclusion: instruments and broad developments

In 2000, the Lisbon Council decided to officially install a governance instrument\(^\text{13}\), the OMC, which, to the difference of the traditional Community Method, was seen as respecting the principle of subsidiarity\(^\text{14}\) in social matters in the EU while nevertheless leading member states in the direction of convergence of performances and the „modernisation“ of the ESM through ongoing processes of exchange, comparison and learning\(^\text{15}\) and benchmarking\(^\text{16}\). The particular attraction of the OMC seems to lie in the fact that it helps resolve the collective action problem of the EU by enabling governments and potentially other actors, “on the horizontal dimension, to set a sense of direction but avoid failures to agree over the details that often bedevil negotiations”, while on the vertical dimension „delegating responsibility to

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\(^{13}\) Whereas the OMC was introduced in Lisbon, elements of it such as benchmarking and peer review had already been in practice for a longer time.

\(^{14}\) Article 3b of the Treaty on European Union states that „the Community shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the member states and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community“.


\(^{16}\) For the origins of the concept of „benchmarking“ in the economy as well as in the EU, see Arrowsmith et al. (2004) and de la Porte, Pochet and Room (2001).
representatives at lower levels for the elaboration of local, tailor-made solutions” (Arrowsmith et al. 2004: 311-312).

While diverging in some aspects, most OMCs have since then integrated common features such as the writing of NAPs by the member states, of evaluating Joint Reports by the Commission, of gathering data on the basis of commonly agreed indicators, of peer reviews, potentially benchmarking, and the exchange of best practices. In order, the key elements were defined as: 1) common guidelines established at EU level, 2) these are to be translated into national and regional policy by setting specific targets and adopting measures (to be laid down in the NAPs); 3) establishing of quantitative and qualitative indicators and benchmarks as a means of comparing best practice; and 4) periodic monitoring, evaluation and peer review.

The reasons given for the EU becoming active in the field of poverty and social exclusion are numerous and to some degree depend on the respective standpoints. The Community itself presents the argument that it “could add to knowledge and policies in order to combat social exclusion” (Greve 2002: 10), and since the Treaty of Amsterdam, it actually disposes of a treaty basis to complement, support and coordinate, where appropriate, member states’ actions undertaken in this field. Historically, the EU’s activities here do not come out of nowhere, but directly draw on a line of EU’s poverty programmes since the 1970s. A second argument reads that poverty and social exclusion have become so visible and great in extent that the EU not becoming active in these fields would politically not be responsible. A more competition-oriented argument runs that a high degree of poverty and social exclusion could imply a threat to economic growth (Atkinson and Davoudi, 2000). Finally, EU action against poverty and social exclusion (as well as in the employment field) has been conceptualised as being necessary in order to counter-balance the effects of “negative integration” (Ofle 1998; Scharpf 1999). One can certainly add that the situation of political majorities throughout the EU at the time of the Lisbon Council have helped if not rendered possible the increased activities in the fields of interest here (de la Porte, Pochet and Room 2001: 296).

The four common objectives (not “guidelines” as in the EES) that were agreed upon for the social inclusion process at the Nice Council in December 2000 were: 1) Access to employment and to resources, rights, goods and services, 2) prevention of the risks of exclusion, 3) help for the most vulnerable and 4) mobilisation of all relevant bodies. While
these common objectives\textsuperscript{17} certainly reflect a multi-dimensional approach to “social exclusion”, they are very broad and leave a lot of space for interpretation and implementation to the degree of becoming “almost meaningless” (de la Porte, Pochet and Room 2001: 299).

Since its inauguration in 2000, member states have produced two NAPs (2001 and 2003), and the Commission respectively two Joint Reports (2002 and 2003). The installation of the Social Protection Committee (SPC) through the Council in June 2000\textsuperscript{18} certainly figures as a first dynamic element within this process. The SPC is meant to be the connecting mechanism between member states, the Council and the Commission\textsuperscript{19} with respect to the “modernisation” of the social protection systems\textsuperscript{20}. Its purpose is therefore broader than the issues at stake in the context of the OMC/incl. But it is nevertheless important and has, soon after its coming into existence, created a sub-group on indicators which was responsible for the elaboration and further development of common indicators. Common indicators, a second detectable dynamic, were accepted by the Employment and Social Affairs Council in December 2001 – and this certainly represents a major achievement – and therefore only used in the second round of NAPs (2003). There has been some dynamic in this indicator sub-group which has revised some of the indicators agreed upon in 2001 and added some new ones in fall 2003. A third dynamic has been detected by the Commission which, in its second Joint Report, generally gave member states a better overall evaluation than in the first round. In its view, both the involvement of other non-governmental actors and the usage of the NAP as a strategic document – instead of simply drawing a picture of the status quo – had been improved when compared with the first round\textsuperscript{21}.

While it is important to look at where there has been a certain dynamic, it is just as important to consider where it is not possible to detect the alike. The most obvious is that there was no development with respect to quantified and clear targets (Greve 2002: 11) – goals that the member states could be held accountable for and which would – to some degree – permit

\textsuperscript{17} It should be mentioned that they are spelled out in greater detail in the respective official EU-document: Objectives in the fight against poverty and social exclusion (EC: 2001/C 82/02).
\textsuperscript{19} Note that each member state is represented with two representatives whereas the Commission sends two representatives. Even though it is assuring the secretariat, this is one – amongst others – indicator that the OMC should be seen as following the intergovernmental route.
\textsuperscript{20} It is indeed interesting to note that the SPC’s tasks are mainly associated with the further development of social protection policies. This is but one indicator that “the” social is reduced to a quite strict definition, closer to the times of classical industrial relations than to the definition of the social as a broad continuum encompassing not only workers and jobless, but seeing citizens as bearers of political, social and cultural rights.
\textsuperscript{21} Analysis, however, has shown that member states and the respective ministries involved tend to conceive of the NAPs as reporting documents to the EU rather than using them as strategic action plans in domestic policy making (Büchs and Friedrich, forthcoming; Zeitlin 2005: 15).
evaluation of compliance\textsuperscript{22}. Yet, “if the process is to be meaningful and credible, targets are essential” (Atkinson et al. 2004: 66) as they are a prove of political commitment and a goal against which to measure progress\textsuperscript{23}. In the case of France, it is even possible to observe the opposite development – from some specific quantified targets to very broad quantified targets. Without quantified targets, the intended benchmarking process also becomes impossible\textsuperscript{24}, at least as a supranational process. There equally has not been a dynamic with respect to the further development of the (broad) common objectives\textsuperscript{25} (member states are only asked to pay greater attention to gender mainstreaming and to the integration of immigrants).

2. The OMC and its theoretical conceptualisation

In the academic literature, a whole set of different approaches have been advanced in what is usually referred to as literature on “governance”\textsuperscript{26}. Here, one can find theories of learning (Haas 1992 Hall 1993; de la Porte, Pochet and Room 2001), policy transfer (Dolowitz and March 1996), deliberation (Cohen and Sabel 1997, Jacobsson and Vifell 2004), networks (Kohler-Koch 2001), diffusion, naming and shaming (Trubek and Mosher 2003), and so on. While it is possible to find aspects of all of these strands of theory in the OMC, most researchers have conceptualised it as a learning instrument, particularly in the direction of ideational, cognitive and discursive learning (de la Porte and Pochet 2004; Overdevest 2002; Radaelli 2003, Tucker 2003; Zeitlin 2005). This concept – which grounds on the assumptions of sociological institutionalism – particularly focuses on the interactions amongst involved

\textsuperscript{22} The Common Outline for the NAPs 2003-2005 of the SPC had invited member states to set targets that are ambitious but achievable, relevant, intelligible, quantified, measurable, and time specific (SPC 2003, Appendix I).

\textsuperscript{23} Atkinson et al. discuss four options of target setting: 1) a common target for all MS (e.g. poverty risk down to x% in all countries); 2 an overall target for the EU as a whole; 3) different targets for each MS, but aimed at reducing poverty to zero and 4) member states asked to emulate the best performing MS (Atkinson et al. 2004: 70) and opt for the fourth kind. Yet even for this softest kind of targets, the authors do not hide that “the obstacles to meaningful target-setting are more likely to be political than technical” (Atkinson et al. 2004: 71).

\textsuperscript{24} Ramon Pena-Casas has pointed to me that a “pure benchmarking” process was not the aim of the exercise (and impossible in light of the principle of subsidiarity). While this is certainly right for the implementation of the OMC, benchmarking was and is nevertheless foreseen by the institutional equipment of the OMC/incl., and with it, the possibility for naming and shaming to happen. Here appears the conflict between the competition-oriented and the cooperation-oriented elements of the OMC.

\textsuperscript{25} Which, it is true, are spelled out in greater detail in the respective official EU document.

\textsuperscript{26} When it has been thematized in the literature what the application of the OMCs means for the development of the social in the EU and respectively the social in the member states, many scholars have focused on the idea of ideational convergence that might be reached through the OMCs (Barbier 2004b; Radaelli 2003; Tucker 2003; Zeitlin 2004). Yet it has remained unclear how exactly this ideal convergence eventually influences the Realpolitik of social policies and what it would particularly mean for the reduction of poverty and “social exclusion”.
actors. These interactions, so the expectation, can lead to policy change, namely by leading the concerned actors to the modification of the interpretations their interests.

While it is not clear to me yet whether this approach really fits the conceptualisation of the OMC, there are arguments that point in this direction. The clearest indication for this interpretation lies in the fact that the OMCs are a soft law instrument, thereby excluding prima facie negative sanctions in the case of non-compliance. Another rather clear indicator appears when differentiating “learning” from “evaluation”. As Mabbett has pointed out, an “evaluative exercise has to resolve problems of power and authority” (Mabbett 2004: 2) and thereby imposes certain “demands on the use of indicators which a learning orientation does not” (ibid)\(^\text{27}\). The first point more broadly touches on the principle of subsidiarity and more concretely on who should have the authority to evaluate member states’ performances. While the Commission has obtained the task to write Joint Reports, this does not mean that it is free to write whatever it wants to write\(^\text{29}\). Still a mandate for critical evaluation is fundamental: “We would like to stress that the Joint Report can be really useful only if it goes beyond simple, purely descriptive reporting. It has to meet the challenge of providing a sound critical analysis” (Atkinson et al. 2004: 49), yet the first two Joint Reports have not lived up to the expectation of critical review\(^\text{30}\).

Second, the task of evaluation only makes sense if there are mechanisms to enforce the lessons learned. In any case, it is difficult to speak of evaluation if nobody or no institution is clearly mandated to do so. The same holds true if evaluation is not followed up by mechanisms of adaptation towards what is perceived as the goal. Besides the diverse tensions that the principle of subsidiarity has to offer with respect to policy coordination, one can see another one appear at this point: it is the tension between competition and cooperation. Whereas the former can be said to be in line with an evaluative logic, the latter is closer to a learning logic. Finally, even is there were a mandated institution and mechanisms to enforce lessons learned, evaluation seems difficult if member states fail to set targets against which to evaluate. The second point (“demands on the use of indicators”) has to do with the choice of indicators. For evaluation and learning processes alike, it is not sufficient to rely exclusively

\(^{27}\) In any case, it is hard to see how compliance can be evaluated if common objectives (OMC/incl.) or common guidelines (EES) are as broad as they have been so far.

\(^{28}\) This does not mean that in learning processes, no power hierarchies were active.

\(^{29}\) Particularly in 2001, the Commission had to deal with severe critique for its draft Joint Report from several member states for pronouncing a too direct and harsh critique on their NAPs and policy approaches.

\(^{30}\) Even if it would be wrong to state that there is no criticism formulated at all in the Joint Reports. Main points touch upon the vagueness of the NAPs, the absence of its strategic use or the absence of coherence between different policies.
on outcome-oriented indicators as these do not take into account the larger environment in which a given performance is achieved: “Social indicators do not, as frequently seems to be forgotten, have explanatory value for the phenomena under observation” (Kutsar 2000: 3). Arrowsmith et al. have pointed in the same direction when stating that benchmarking processes become problematic if they lose sight of the surrounding environment and processes which lead to certain performances: “The promise of benchmarking as a powerful tool of learning can be undermined by the elevation of quantitative criteria over more complicated issues to do with context and processes“ (Arrowsmith et al. 2004: 312; see also de la Porte, Pochet and Room: 2001: 292).

In my view, the concepts of learning and of directly deliberative democracy can be questioned both in theoretical terms and in their empirical application.

As to the concept of learning, theoretical criticism touches upon the following points:

1. The political character of learning processes, and thus real existing power asymmetries and differences of interests are generally neglected. Generally, the OMC has been presented – both by politicians and by researchers – as a set of technical elements which would allow for learning, deliberation, policy transfer etc. to happen. But „learning in the context of the OMC“, so Radaelli, is a political exercise. Policy-makers are not seeking truth, but power. They may be open to reasoned argumentation, but not to the point of overcoming the basic fact that they are engaged with politically-sensitive policies such as the re-calibration of the welfare state, industrial policy, and taxation” (Radaelli 2003: 41). To agree on certain indicators and not on others, to define certain experiences as “good practice” and not others, to agree on common objectives: these are all political processes, which establish a hierarchy among different solutions for policy problems. “Learning in a political context, so Radaelli, is eminently (albeit not exclusively) about power” (Radaelli 2003: 13). This, in consequence means, that people will want to defend their own ideas and interests and are not necessarily open to divergent kinds of problem-solving.

2. The substance of learning processes. As the involved actors need not be democratically legitimated, there is no reason to believe that there must be competent in the substance nor that they are pursuing goals of a larger „common good“.

3. Finally, “learning” is neither a sufficient nor a necessary condition for policy change. To learn from other countries – and eventually import certain strategies – is only but one possible factor amongst others for the change of social policy arrangements, and not necessarily the most important one. Second: even if “learning“ is happening, it does not necessarily lead to
policy change. This may be due to the change of political majorities; or due to the fact that governments are not willing of learning or not capable of implementing what has been learned or even that they, because of what they have learned, refrain from measures of reform.

Also, there is no reason to believe that “learning” necessarily improves performances (Hemerijck and Visser 2003), particularly if “learning” does not rely on one’s own experiences and therefore has few chances of being lasting, but on imported policy strategies and initiatives. Research has shown (Dollowitz and March 2002) that often fundamental aspects are neglected, overseen or forgotten: decisive information about how a particular political strategy functions in another country; parts of a political strategy or of its institutional arrangement are not being imported; the institutional and cultural features of the importing country are not sufficiently being taken into consideration.

That is why Hemerijck and Visser define „learning“ as a domestic process, which is mostly advanced by failures and grounds on the principle of trial and error (Hemerijck und Visser 2003: 24; see also Radaelli 2003: 42). In their view, a design for learning processes should live up to the following points: 1. To defines clear standards and goals which can serve as ground for evaluation of success and failures; 2. To have the possibility to make controlled guidelines in order to be capable to exclude alternative causal hypotheses; 3. The measurement of the influence of policies which ground on traditional law and 4. Clear and rapid feed-back with respect to the correctness of political prognoses (Hemerijck and Visser 2003: 16). Where this framework was missing, there might be room for subjective learning, but the relationship between strategies and their effects remained unclear.

Closely related to the idea of „learning“ is the concept of “deliberation” as developed prominently by Sabel and Cohen (1997). This strand of theory is sceptical both towards the interventionist state and its capacity to adopt to quickly changing environments as well as towards the laissez-faire state of the neo-liberal wing as well. Besides the volatility of contemporary society, variety is seen as a main structural feature. So not only is there a need to continuously adapt to changing environments, but also is there a need to respect and allow for local diversity.

The solution is seen in processes of deliberative problem-solving at the local level amongst diverse concerned actors. In these processes, individuals treat each other as free and equal, and exchange reasons in search of a solution that ideally is viable for all. Regulation is no longer the matter of a central unit, but becomes the task of the citizens themselves. Thereby, the division between legislature and executive broadly gets lost. Courts’ main task becomes to
The state’s main task is to support and foster learning processes among the different local units, and eventually to distribute resources.

Theoretical criticism on the model developed by Sabel and Cohen touches upon four different points: the institutional design (1), the notion of deliberation (2), the import of elements of capitalist economies into democracy (3) and the conflict between structural diversity and benchmarking (4).

1. Criticism with respect to the institutional design is not easy as Sabel and Cohen often remain vague in their discussion. It nevertheless becomes clear that they are arguing in favour of a far-reaching recalibration of the division of the powers (legislature, executive and courts). Here, regulation and government is no longer the matter of a central unit, but largely becomes the task of the citizens themselves, in their local units. The main task of the central actor (“administrative agencies”) is to support and foster learning processes among the different local units by gathering and disseminating information, distributing resources and eventually suggest topics for local deliberation as well as those which should be regulated in a uniform way (it remains unclear which issues should be dealt with in a uniform way). The main task of courts is to check whether the requirements of democratic problem-solving have been lived up to – but not to deliver in substance – and then to hand the decision back to the local unit which may not have included all reasons in an appropriate way.

Problem-solving is democratic, so the authors, if the participants treat each other as “free and equal” (it remains unclear what this would imply). Furthermore, certain “constitutional reasons” should be respected (which ones is not specified) as well as the respective “policy reasons”, arguments which refer to a given policy problem. These reasons should be exchanged and evaluated against each other and both kinds of reasons do not seem to be in a hierarchical relationship. Ideally, the exchange of reasons leads to a consensus or at least to a solution that all participants can accept. Alternatively, there would need to be a vote. But Sabel and Cohen do not specify in which cases and with which voting system. Finally, the authors mention some criteria for “membership” in the deliberative process.

This concept can firstly be criticised for its vagueness, as it does not clearly spell out how the relationship between the involved actors and agencies should be designed (rights and duties?) nor the one between “policy reasons” and “constitutional reasons”. More importantly, however, one can question the loss of power of central (state) agencies and the somewhat fusion of legislative, executive and jurisprudence. Also, one does not need to follow Sabel and
Cohen when suggesting to get rid of a catalogue of fundamental rights and duties for all citizens. It seems to me that these shared rights and duties are necessary in order to secure approximately similar living conditions (and thereby permit that individuals may treat each other as “equal”). Finally, it is somewhat troublesome that no sanctions are mentioned in the case of “non-compliance” or criminal behaviour.

2. The notion of “deliberation” as used by Sabel and Cohen contents several critical aspects. A central point is that existing asymmetries in the distribution of social, economic, cultural and psychological resources are not being denied, but their importance in the context of “deliberation” is not sufficiently acknowledged. According to the authors, these asymmetries are not a sufficient argument not to begin with deliberation. Yet, one wonders how “deliberation” could then be amongst “free and equal”. Deliberative processes are not intrinsically democratic (de la Porte and Pochet 2003). The possibility of participation of a multitude of actors should not be equalised with the incorporation of their preferences. Also, it is not ensured that all concerned and interested actors are allowed to participate in the process or have the opportunity to speak up. Finally, it remains an open question how is being ensured that all participants have access to the necessary resources, information and articulation capabilities necessary for qualitative deliberation processes.

A second point touches upon the highly idealistic picture of human kind which permits Sabel and Cohen to people are capable and willing to treat each other, over time, as “free and equal”. History does not really point in that direction. It is the same idealistic picture which allows to think that people can and would except “reasons” – even if not shared – just because these reasons have been exchanged and discussed. Still the same optimism opens the door for the assumption that people would continuously engage in deliberative processes without the idea of regime stability (as the regime is in continuous evolution and adaptation).

A third criticism concerns the assumption that all people belonging to a territorial unit like the nation-state would share the same fundamental values and a sufficiently common understanding of the world, its current problems and its apparent need for reform. If this assumption is desirable cannot be discussed here. In any case, it can be questioned in times of growing cultural diversity and political radicalisation.

An empirical concern relates to the time needed for the deliberative processes. Unless all people are not engaged in paid work, it is difficult to imagine how people could afford to spend the time needed for democratic deliberation in these learning processes.
3. The third criticism concerns the import of elements of capitalist economies into the functioning of democracy\textsuperscript{31}. Sabel and Cohen perceive a sharp conflict between actual dynamics of high-speed capitalism and the normative and institutional demands of liberal democratic law-making. Whereas the latter necessarily implies long processes of discussion and interest mediation, the former is characterised by speed and permanent development and change. The authors draw on the Japanese case of capitalism where organisational structures were reformed in a way to promote social learning, experimenting and constant revision of performances and goals\textsuperscript{32}. Extending these mechanisms to the democratic sphere is, so the authors, a necessary condition for the state to remain capable of regulation. The central idea is that law-making needs to break with its tradition of fixed, stable and uniform rules (law) which are in sharp contrast to the flexibility, creativity and structural diversity of contemporary capitalism. Every single standard of regulation should be seen as improvable and therefore limited in time. In other words: for high-speed capitalism, we are in need of high-speed democracy, and experimentation and mutual learning is the proposed answer to this challenge.

Firstly, democracy, no matter of which type, is a time-consuming enterprise. It is extremely difficult to imagine how the necessary (central and or local) processes could go faster without harming central aspects of democratic problem-solving. Empirical research has shown that direct participation of citizens in problem-solving processes has had positive effects on local communities, but no time wise produced no gain.

Secondly, participation and „deliberation” in democratic problem-solving processes rests on the assumption of medium or long term regime (and some degree of policy) stability which is not given in the model of Sabel and Cohen and not compatible with the demands of speed and acceleration.

Finally, it seems noteworthy that capitalist economies do not only produce heaven-like effects, but also have unjust and exploiting sides to them. Who knows if the import of elements of capitalist economies into the sphere of democracy would not mean the introduction of new lines of division between citizens (or the deepening of old ones)?

4. With respect to the question of structural diversity and the use of benchmarks, it seems to me as if these two are in conflict with another. One the one hand, diversity is seen as a key structural feature of developed capitalist societies. On the other hand, the local units should evaluate and measure their performances against certain benchmarks which result from the comparison with other local units. This implies that performances are never neutral, but are in continuous competition with the performances of other local units and under continuous pressure of improvement, eventually through learning from others.

\textsuperscript{31} See Scheuermann (2004) for this point in greater detail.

\textsuperscript{32} Sabel has analysed in some detail the Japanese case in his contribution to the Handbook of Economic Development (Sabel 1995), where shows sympathy for the concept of social learning processes.
First, it remains unclear which instance is entitled to judge whether there has been improvement of a policy problem and what improvement would mean. And second, one can wonder whether this kind of policy making – monitoring through learning and benchmarks – would not lead, on the longer run, to convergence in performances. If this were the case, then why not prefer a more centralised solution which would be more time-neutral. In any case, the tendency of convergence conflicts with the feature of diversity.

A last point. If looking at social policy issues and questions of capitalism from a critical angle, it is not needless to remind that capitalism (and capital) and its disintegrating effects do act globally, if one likes that or not. Strategies interested in limiting these disintegrating and unjust effects therefore necessarily also need to integrate a global perspective. Semi-autonomous local units, in any case, will have little to offer to this challenge.

The empirical application of the OMC/inclusion has produced different kinds of criticisms:
- different actors (Commission, researchers, NGOs) have complained about an insufficient inclusion of non-state actors (nor the broader public in general). The process of the OMC happening mostly behind closed doors does not correspond to the ideal of deliberative democracy, supposed to be organised as broad societal learning processes;
- the degree of openness and transparency was equally judged insufficient by the same actors. A French NGO expert in the field of poverty and social exclusion put it this way: „En France, on mobilise personne à part les administrations“ (Grouès, 27.1.2004);
- the lack of openness of the process has thus far prevented a greater politicisation of the process, thereby not contributing to the effectiveness of the only soft instrument of sanctioning, namely peer pressure through naming and shaming, to unfold;
- the “good practices” published in the NAPs have mostly been state initiatives which cannot be seen as fostering learning “on the ground”. Furthermore, their number has been reduced, in the second round of NAPs, to four examples which dramatically decreases the policy arenas where examples can be drawn from;
- benchmarks, a crucial element both in learning and deliberation scenarios, have so far been avoided (just as common quantified targets);
- “deliberation” between high level national representatives from all member states and the Commission, to report about the two NAPs have so far only happened twice, each during one day and a half;
- for NGOs, (financial and personal) resources have only been sufficient as, in their view, there has not been a real consultation process;
- peer reviews have only been introduced in 2004 (8). Yet, participation is restricted to a certain number of participants so that not all member states can participate each time (if they wanted to do so). Participation of member states is completely voluntary. Out of the eight peer reviews in 2004, one was organised in France, one in Germany. Whereas the French representative has participated in two further peer reviews, the German one participated in three more. For 2005, five peer reviews are planned for the first half of the year, none of which either in France or Germany. It seems clear that with such a restricted number of peer reviews – in which, each time, only one single “good practice” gets highlighted – the necessary contextualisation of “good practices” described in the NAPs remains insufficient and their publicity limited.
- So far, policy transfer on the basis of learning processes has hardly been initiated. A (non-) development that is confirmed by the interviews I have conducted thus far. If NAPs of other member states, leave alone the indicators, are being acknowledged by involved actors, then only because of a longstanding particular interest for a given member state. Actors furthermore agree that political strategies thus far did not have any influence on domestic policies.

3. Are the commonly agreed indicators supportive of mutual learning processes?

Social indicators can be an important tool for evaluating a country's level of social development, for assessing the impact of policy, for addressing social inequalities and their structural grounds, dimensions and degrees of “social exclusion”. A lot depends on how they are fabricated and with which intentions. With Atkinson’s words, one has to ask “what is the objective underlying an indicator and how does this influence the definition to be adopted?” (Atkinson 2002: 10) Indicators can be used as performance indicators of progress towards a defined goal or as statistical background data (Kutsar 2000) or as both at the same time. Within the context of the OMC, one idea – drawing on learning - sees the indicators as
establishing a common language for the discussion of social policy issues and clearly as
performance indicators (Atkinson et al. 2002: 19). Another idea is that a set of common
indicators can advance the agenda for the social inclusion process. While social indicators
certainly can have an added value to the analysis, evaluation and development of social
policies, there are equally a number of difficulties with respect to the usage of common
indicators particularly in a supranational context such as the EU which should not be
forgotten.

During the 1970s and 1980s, the EU’s concept of poverty came quite close to Townsend’s
(1970) notion of poverty who operated with a relative concept of poverty which was to be
measured against the given standards of a given society and the means necessary to
participate therein. By the 1990s, and due to the academic and political influence
stemming from French researchers and the then-in-place President of the Commission,
Jacques Delors, the concept of poverty and its focus on monetary exclusion became less
influential in the EU while the one of “social exclusion” had gained in prominence and
acceptance. „Social exclusion“ was seen as capable of grasping multidimensional aspects
of the phenomenon as well as the relational, agency and dynamic sides to it. Furthermore it
seemed to place greater weight on the structural reasons of different forms of individual
depprivation thereby increasingly focusing on “barriers and processes by which people are
excluded” (Greve 2002: 11) from social, political and cultural rights, a tradition going back to
the concept of citizenship as developed by Marshall. Room has noted the following elements
in the switch from poverty to „social exclusion“: 1)From financial to multi-dimensional
disadvantage. 2) From a static to a dynamic analysis; 3) From a focus on the resources of the
individual or household to a concern also with those of the local community; 4) From
distributional to relational dimensions of stratification and disadvantage and 5) From a
continuum of inequality to catastrophic rupture (Room 2000). With the changing

33 In a recent piece of work, I have listed and explained these difficulties: the question of definition, of
measurement, of taking into account time and space, of data availability, of the political character of indicators
and of who fabricates them (Kröger 2004b).
34 Note, however, that the concept of poverty adopted by the EU refers to a threshold which supposedly
represents the common good, whereas Townsend is closer to the anglo-saxon tradition of budgets and of
injustices with respect to the distribution of goods judged to be necessary for all.
35 Prominent authors on the definition of „social exclusion“ include Serge Paugam, Robert Castel, Rob Atkinson,
Ruth Levitas, Ruth Lister or C. Saraceno. For an overview over the shift from “poverty” to “social exclusion”
36 Not all scholars perceive of this shift as a positive one and Veit-Wilson came to the opposite conclusion when
stating: “The well documented change in Eurospeak terminology from poverty to social exclusion in the 1980s
reflected a deliberate politically-driven expedient shift in discourse from politically-sensitive structural causes to
politically-anodyne victim consequences” (Veit-Wilson 2003: 6).
conceptualisation of poverty and “social exclusion”, methods used to measure the related phenomena changed as well (from national household budget surveys to multidimensional and inter-temporal data instruments (panel studies)).

How are these developments mirrored in the OMC/incl.? Both the common objectives as well as the later on decided common indicators provide us with a provisional answer, the indicators being the harder instrument as they are supposed to be the basis for evaluation, benchmarking and naming and shaming. As I have shown in the first section, the common objectives are very broad, but inspired by a multidimensional approach to combating “social exclusion” as member states are asked to become active in a variety of policy areas so as to ensure that everybody has access to employment, decent housing, health care, education, justice, culture, sport, information and communication technologies, regardless of age, disability, ethnic origin and address.

The indicators suggested in October 2001 by the SPC and endorsed at the Laeken Council in December 2001 have the following structure: 1. Primary indicators consist of a restricted number of lead indicators which cover the broad fields of “social exclusion”; 2. Secondary indicators support these lead indicators and describe other dimensions of the problem, and 3. The third level covers indicators that member states themselves decide to include in their NAPs/incl., to highlight specificities in particular areas, and to help interpret the primary and secondary indicators. This hierarchical political structure is helpful insofar as it can permit to avoid being blocked around a particular indicator.

The ten primary indicators consist of:
1. Low income rate after transfers with low income threshold set at 60% of median income (with breakdowns by gender, age, most frequent activity status, household type and tenure status; as illustrative examples, the values for typical households); 2. Distribution of income

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38 In its report on indicators of October 2001, the SPC agreed on the following methodological principles which largely follow suggestions from Atkinson et al: 1) an indicator should capture the essence of the problem and have a clear and accepted normative interpretation; 2) an indicator should be robust and statistically validated; 3) an indicator should be responsive to policy interventions but not subject to manipulation; 4) an indicator should be measurable in a sufficiently comparable way across Member States, and comparable as far as practicable with the standards applied internationally; 5) an indicator should be timely and susceptible to revision; 6) the portfolio of indicators should be balanced across different dimensions; 7) the indicators should be mutually consistent and the weight of single indicators in the portfolio should be proportionate; 8) the portfolio of indicators should be as transparent and accessible as possible to the citizens of the European Union.
39 Note that these are the indicators which were adopted in Laeken in December 2001 and which were the grounds for the NAPs 2003. Since then, the indicators have been revised and some new adopted But the balance between work- and income-related and indicators capturing other aspects of “social exclusion” has thereby not been changed.

The eight secondary indicators are:
11. Dispersion around the 60% median low income threshold after transfers (40%, 50% and 70% of median); 12. Low income rate anchored at a point in time; 13. Low income rate before transfers; 14. Distribution of income (Gini coefficient); 15. Persistence of low income (based on 50% of median income); 16. Long term unemployment share within total unemployment; 17. Very long term unemployment rate and 18. Persons with low educational attainment, by age and sex.

What does the choice of these indicators say about the framing of “social exclusion” in the context of the OMC? It is a reductionist approach which has found a majority in the EU: Out of the ten primary indicators, seven are income (4) or unemployment (e) related, while out of the eight secondary indicators, seven are income (5) or unemployment (2) related. This adds up to 14 out of 18 indicators being income or unemployment related, 2 to education, 2 to health. Not a single indicator on housing, drug abuse, early (child) pregnancy, released prisoners, ethnic minorities, consummation or social and political activities. Equally, there is not a “single indicator for poverty (only ‘risk of poverty’) or social exclusion” (Mabbett 2004: 14). Atkinson et al. have well noted these gaps in coverage: “Major gaps in the areas and topics covered at this stage – recognized by the SPC and its Indicators Sub-Group – reflect a combination of data unavailability and absence of clear conceptual underpinning in particular areas; it also reflects the very short period within which an agreement on this first set of indicators had to be reached” (Atkinson et al. 2004: 59), particularly with respect to housing (see also Greve 2002: 11) and homelessness. Yet they do seem to think that with time and

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41 It is not that these issues are not discussed, in the indicator sub-group; rather that due to diverging social realities, to questions of data measurement and data availability, and due to different political interpretations of the social, it was not possible to find a consensus on these issues yet.
42 “Other areas where the Committee felt indicators need to be developed as a matter of priority included social participation, and other aspects of living conditions, recurrent and occasional poverty, poverty and work, access to public and private essential services such as health and education, indicators at local level, indebtedness” (Atkinson et al. 2004: 61). Atkinson et al. have, in their book financed, amongst others, by the Commission, recommended to integrate further indicators on either the first or second level, such as “housing, and homelessness, literacy and numeracy, access to essential services, financial precariousness, and social participation” (Atkinson et al. 2002: 14). But just as the proposals of the European Anti-Poverty Network
the availability of data improving, these gaps can be overcome at EU-level – and assessment that surprises when bearing in mind the low priority on national agendas of the issues concerned and the prevailing institutional and political differences.

Even though it is difficult to agree on such indicators, it can be observed that there still is a over-proportionally strong focus on employment and income-related indicators (when confronted with the concept of “social exclusion”) and more generally tend to be adopted to the EES: “These indicators have a clear and distinct overlap with the employment strategy” (Greve 2002: 11). It is important to point to these indicators as they importantly contribute to the “framing and circumscribing of the experience of poverty and social exclusion” and to the “shaping of the discourse and policy objectives of domestic policies” (Armstrong 2003: 20).

Social exclusion as framed through the commonly agreed indicators mainly appears as exclusion from the labour market and thereby exclusion from an own appropriate income. While both are without any doubt fundamental for the integration into society, they do “not tell us everything we need to know about the resources or living standards of households” (Atkinson et al 2004: 61), an argument that points in the direction of more non-monetary indicators (Greve 2002).

It also becomes clear that the SPC, and later the Council, has opted for indicators – which are primarily concerned “with the risks of (...) disadvantage at the level of persons and households” (Room 2004: 6) – that address final outcomes rather than the means by which they are achieved and thus integrate a static definition of “social exclusion” while not addressing the processes leading to it (Greve 2002: 11) nor structural reasons. This choice, once more, has to do with the respect of the principle of subsidiarity (as member states should retain the control over the means by which to achieve the targets)\(^3\): “The aim of the EU indicators is to measure social outcomes, not the means by which they are achieved” (Atkinson 2002: 8). Atkinson et al. bring in another argument: “Focusing on outcomes may also foster a co-operative attitude between the different national bodies – ministries, agencies, etc. – that have competencies in these areas, whereas as far as inputs are concerned they may be more inclined to see competition for resources as a zero-sum-game” (Atkinson et al. 2004: 51-52). While this argument may have some validity to it, it should not be overemphasized as the degree of politicisation of the OMC and its public visibility are very low.

\(^3\) And it is interesting to note that originally, the Social Affairs Council had foreseen both „performance indicators” as well as „policy indicators” (Friedrich 2005, forthcoming).
Also, note that out of the 18 indicators, there is only one of qualitative nature (self perceived health status). But is it a good choice in order to foster mutual learning, let alone evaluation? “Outcome indicators of this sort do not represent the result of public policies alone, but also of wider developments in economy and society. In the absence of indicators of policy inputs and outputs, and of policy processes, they will (...) hardly themselves furnish the comparative policy-relevant information that such learning – and the sharing of good practice – will properly require” (Room 2004: 6).

This is not to say that they are without any value: the indicators chosen may very well serve as performance data and enable the member states and the EU alike if member states are moving in the same direction or not, as well as, in theory, serve as a tool for naming and shaming processes. Indicators may equally “serve to combat the tendency for national and European social policies to be developed in parallel universes” (Mabbett 2004: 15), and this would not be the least achievement. It just will not be possible to say why member states moved in a given direction or another (the variety of third level indicators not being sufficient to have explanatory power); yet for learning processes, this explanation is rather essential.

The definition of “social exclusion” as expressed in the commonly agreed indicators mirrors the political nature of the process which quite clearly limits its potential for “deliberation” and learning processes as imagined by Sabel and Cohen to happen. This political character also appears when looking at the process of indicator fabrication.

Turning to the question of who has fabricated these indicators, the key player for the indicators was and still is the SPC and, more concretely, its sub-group on indicators, officially endorsed by the Laeken Council (December 2001). This group’s work started in February 2001 under considerable time-pressure to realise the envisaged adoption of the indicators at Laeken.

Jacobsson and Vifell, not known for being over-critical towards the OMC, have analysed the role and functioning of Committees in various social and economic fields of the EU in order to evaluate their theoretical potential and empirical performance of deliberative democracy. Whereas they found some evidence for cooperative deliberation in general discussions, things where quite different when it came “down to the formulation of recommendations or the exact definition of indicators, the discussion in the committees or in the bilateral consultations with

44 The difficulty, of course, with qualitative indicators, is their subjective character which renders difficult supranational comparison.
45 Institutionalised under the Portuguese Presidency in the first half of 2000.
the Commission, takes the form of pure negotiations and bargaining. Member States try to anticipate the recommendations and influence the exact wordings to make them nationally acceptable” (Jacobsson and Vifell 2004: 20). Not only does bargaining replace arguing, but also, according to these authors, do power relations replace good arguments in sensitive issue areas (ibid.).

It is precisely here that not only differences between member states appear and are discussed but also that another battle is fought: the one between the member states and the Commission. Just as the member states are reluctant to give up their prerogative over social policy matters, so is it evident that the Commission is continuously attempting to increase its powers, in this case through influencing the agenda of the OMC/incl. by coming up with its own indicators. Of course member states can attempt to obstruct similar initiatives of the Commission, and they may do so with success (as in the case of the area of disability46) or without (as in the case of one of the indicators on poverty measurement47).

What kind of consultation has there been? Following Friedrich (2005, forthcoming), it is possible to distinguish three types of consultation: 1) Institutionalised consultation of the member states – via their representatives – and the Commission; 2) semi-formal consultation of external academic or statistical experts (such the OECD, Eurostat or T. Atkinson-group) and 3) informal consultation of NGOs.

In this paper, I will not pay great attention to the first group as its consultation is foreseen in any case and generally happens on a monthly basis, even though the OMC/incl. need not be at the centre of attention at every meeting (other issues being the OMC on pensions and health, for example). Nevertheless, note that nor in France nor in Germany have NGOs been consulted by the central governments in order to elaborate together on the indicators. Besides the general limited schedule, in France this might be explained by the poor tradition in involving non-state actors into government driven processes, whereas in Germany, the generally low interest in indicators might provide an explanation.

With respect to the second group, the degree of participation found here has a lot to do with Frank Vandenbroucke, the then in place Belgian Federal Minister of Social Affairs and Pensions who had made these indicators one of his top-priorities for the Belgian Presidency of the EU (second half of 2001). Besides single experts from the OECD or Eurostat, it was particularly academic advise that Vandenbroucke encouraged and supported, and this

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46 See Mabbett 2004.
47 As the French representative in the sub-group on indicators told me in an in-depth interview in January 2004.
resulted, in autumn 2000, in the setting-up of a group of high-level academic experts, called the ‘Atkinson group’ after its chair Tony Atkinson\(^48\). The Atkinson group was in regular contact with the sub-group on indicators and drafted the final report for the SPC\(^49\); it also opened up discussion to a broader informed academic network. Throughout the consultation process, the academic experts met clear rules of participation and were actively encouraged to participate from the Belgian Presidency. Friedrich concludes that this “consultation process appears to have been a cooperative, successful academic participation in a political process” (Friedrich 2005: 13). However, this should not only come as a surprise as the Commission on its own is partly missing the academic expertise necessary to fabricate social indicators to be used in such a process. The visible highlight of Vandenbroucke’s efforts – besides the adoption of 18 indicators at the Laeken Council – was an international conference on “Indicators for Europe. Making Common European Objectives Work”, in mid-September 2001, and organized by the Belgian Presidency. Many international scholars and experts, representatives of official institutions and NGOs discussed the issue on the basis of the Atkinson-Group report. Yet the degree of input this had on the commonly agreed indicators of 2001 can be questioned as the latter published its report shortly afterwards (October 2001)\(^50\).

No formal participation rules existed for NGOs and attitudes from officials towards their participation differed largely. While European NGOs showed explicit political interest in influencing the indicators, they met considerably fewer facilitating conditions to participate than the academic experts\(^51\) which stands at odds with the common objective no. 4. (“mobilisation of all relevant bodies”) and with the aim to foster the exchange of best practice which are rather based on the ground where NGOs operate than at governmental levels. Apparently, some degree of access was possible upon request, but without (clear) rules of participation (Friedrich 2005). Both the EAPN\(^52\) and the FEANTSA had informal access to the sub-group on indicators and discussed several papers and the interim report. They equally

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\(^{48}\) Members were Tony Atkinson, Bea Cantillon, Eric Marlier, and Brian Nolan. Note however, that this group has involved other academic experts in its work.

\(^{49}\) Its work was published a year later (Atkinson et al 2002).

\(^{50}\) Pena-Casas notes, in a direct exchange with me, that some of the recommendations, however, had been integrated later on in the process.

\(^{51}\) But it should also be mentioned that such a development seems rather unlikely as people / representatives coming from “civil society” and or working in NGOs – let alone the excluded – simply lack the technical know-how necessary for the construction of such indicators, most of the times. Yet, this should not be used as an argument for their exclusion from the process. It rather should be addressed and then dealt with in a way that would still permit for a valuable contribution from NGOs in these matters.

\(^{52}\) Amongst social NGOs, EAPN enjoys by far the greatest support of the Commission who is financing it to a large degree. Zeitlin even goes as far as to state that “EAPN has been granted a semi-official place in the Social Inclusion process” (Zeitlin 2005: 17).
contributed with own evaluations and reports and organized several round-tables. Yet, the scope of the impact of their participation remains unclear so far. The perception of who established the contacts between the subgroup and the NGOs, either the SPC’s secretariat or the NGOs, differs. Whereas official actors have stressed the role of the secretary, NGOs have a more critical view with respect to the demand of their participation (Friedrich 2005). Besides the limited access to the fabrication of indicators, there have been other first attempts to include socially excluded people to the related discussions at EU-level. In this sense, a first European Round Table on Poverty and Social Exclusion was organized Danish Presidency of the EU in October 2002, followed by another one organized by the Greek Presidency of the EU in May 2003. Yet both conferences were held after the adoption of the commonly agreed indicators and therefore logically did not influence these.

The degree of ‘openness’, i.e. the extent to which non-public actors were incorporated into the definition process, thus varied significantly. In general, these indicators have so far been developed by quite closed groups. The influence of NGOs was limited and of socially excluded people inexistent, whereas academic expert participation was extensive and important for the final output, as the adoption of Atkinson’s proposal to use three levels of indicators as well as the adoption of the suggested methodological principles proves. One can wonder whether an increased consultation of NGOs would have meant a different set of indicators in the end (as consultation does not imply taking into account); but without clear modes of consultation, this option was excluded from the beginning.

As Atkinson et al. have argued, it is essential to “intensify the efforts to engage a wide range of social actors”, particularly not viewing the excluded as passive participants, but as active actors: “Those suffering from social exclusion should co-determine how exclusion should be measured” (Atkinson et al. 2004: 63-64). Such an approach would not only increase the input legitimacy of the EU, but also profit from valuable knowledge coming from “experts on their own matter”, and is finally important for the evaluation of the OMC and its degree of openness and transparency. Unfortunately, a significant development in this direction is quite unlikely as member states will not only resist to agree on indicators which would possibly show them as bad performers, but also will restrict access to the definition of a given social

53 Note that no „excluded“ people were invited to participate in the elaboration of the commonly agreed indicators.
54 And they go on to cite the EAPN: ‘the best indicators are those which gauge changes in the everyday lives of people living in poverty and social exclusion. Such indicators can only be defined through a participatory method which involves a close cooperation between them and researchers’ (EAPN, cited in Atkinson et al. 2002:187).
problem (and its measurement) to those individuals and groups which will not threaten their respective power (and their interpretation and definition of the social) nor the state more in general (Carroll 2000).

4. Discussion

I have so far attracted attention to the theory used when conceptualising the OMC as well as to the embryonic empirical translation in the context of the commonly agreed indicators of the OMC/incl. The goal was to see whether the OMC/incl. can be seen as an instrument fostering social learning and deliberation in a supranational environment.

This does not really seem to be the case for the time being as governments (at least the French and German one) do not display sufficient political will to make use of it. Indicators, which are supposed to support this process so far have not lived up to earlier expectations: “Many commentators have assumed that the indicators will constitute a relatively ‘hard’ part of the process, and this assumption is not supported in practice” (Mabbett 2004: 14). In my view, this has a lot to do with the fact that the indicators, and more broadly, the idea of mutual learning, are commonly dealt with as isolated mechanisms. Instead, they are the result of politico-scientific constructions and one therefore needs to consider the larger environment in which they are being used, e.g. at other, stronger “soft governance” processes. But it also has do to with the difficulty to make sense of indicators that are problematic in their addition to begin with? Or, as Room has put it: “The purpose and content of the selected indicators are problematic, as also therefore is their significance for governance” (Room 2004: 14).

By shedding a light on the content of the commonly agreed indicators and the process of their fabrication, I have shown that theoretical concepts such as the one proposed by Sabel and Cohen, are wrong to assume that real existing power asymmetries and conflicts of interests and ideas would not stand in the way of “public” deliberation and learning processes; to assume that actors are always interested in learning; to assume that they would treat each other as “free and equal”; to assume that without sanctions, actors would be willing to bring about policy change; to assume that willingness of actors to learn alone suffice for policy change to happen, etc. It must remain an open question, for the time being, if the OMC could be conceptualised as promoting supranational learning processes. What has become clear, however, is that it works not up to the expectations and (vague) demands of the concept of Sabel and Cohen.
If the OMCs are to foster learning between and within member states, then bottom-up learning, data availability and comparability need to be improved; there would need to be both target benchmarking and process benchmarking. Therefore, qualitative and process and policy-indicators are needed. One of the basic ambiguities inherent in the OMC is that policy coordination needs to follow a top-down logic if seriously attempting to counter-balance economic integration and that the learning processes which indicators are supposed to support require more of a bottom-up logic and would seem to necessarily include a broader range of actors and indicators produced on the ground (Room 2004)\textsuperscript{55}. Along the same lines, implementation of the OMC more generally, due to its non-binding character, “will not take place unless learning reaches down to lower levels of governance and is developed in public reasoning there” (Jacobsson and Vifell 2004: 28; see also de la Porte, Pochet and Room 2001: 300-303 and Zeitlin 2005: 31). It therefore does not come as a surprise that there have been so far “relatively few concrete cases at national level of direct or first-order policy learning from abroad about what works and what does not” (Zeitlin 2005: 26; see also COM 2002: 313). For learning to happen, there would need to be a greater commitment of key actors and much more space would need to be dedicated to peer review and the contextualisation of best practices (Zeitlin 2005: 44-45; Schludi 2003: 7) as performance benchmarking – as is theoretically the case in the OMC/incl – does not allow to know causal relationships between policies and performances and therefore do not foster learning processes. Instead, this kind of benchmarking tends to be concerned (ideally) with target setting and quantitative measurement, encouraging participants to manipulate the evidence. In any case, it might be useful to remind that “learning” by no means necessarily improves performances. If the OMC is to be a process also including evaluation, then additionally questions of power would need to be resolved (who has the right to evaluate and with which consequences?). And, in order to evaluate, there would need to be quantified targets and benchmarks which would define from which point on we can speak of a successful learning process.

I have attempted to show that the OMC/inclusion, by its technical and substantial equipment is fostering asymmetrical learning in the sense that the space for certain learning options is rather close from the beginning on. The procedure (not open) and substance of learning are pre-structured in a way that does not allow for democratic “deliberation” and are supportive of the employability (and employment) of individuals, but that was basically it. The framing

\textsuperscript{55} Which is encouraged by the Commission, but not respected by the governments.
of “social exclusion” as expressed through the indicators is very restricted and not capable of drawing an adequate picture of the phenomenon addressed. So far, OMCs rather have neglected those at the fringes of societies to the profit of those who are still in touch with the employment-centred societies and the respective protection systems.

The reason for this inherent limitation is, I would like to advance, that when introducing the OMC/inclusion, the combat of poverty and social exclusion were not the intrinsic goals of EU politicians. The reason rather is to be found in the goal of modernising the social protection systems in order to ensure future global competitiveness, the submission of the social under the economic: „The argument is that Europe will not loose but gain competitiveness by investing in social security, which however, requires that the social benefit systems are made compatible with competitiveness”, Jacobsson 2004: 13). This means that even if the technical equipment of the OMC, the elements that are supposed to foster and support mutual learning processes, and with its democratic legitimacy, would be improved, the OMC still would not be a sufficient means for “positive integration” as its content would remain problematic.

This is why the issue of subsidiarity must be addressed. A soft law instrument as the OMC/incl. is not capable of addressing questions of power nor of distributional nor judicial justice – necessary for the integration of the weaker –, and suffers under the absence of binding regulations. If the EU is to become a social actor capable of counter-balancing the negative and disintegrating effects of globally marketised economies, then it is misguided in treating member states as if they were at the centre of attention: “This distracts attention from the global processes that shape the dynamics of contemporary socio-economic development and social exclusion.(…) If the indicators that are made available persist in treating the nation state as master of its own destiny, the result will be nation states which are less well equipped to act in concert to shape their shared socio-economic environment” (Room 2004: 12). In this sense, there is a need to complement the soft elements of the OMC with more coercive mechanisms in order to ensure some degree of compliance. An institutional design as suggested by Sabel and Cohen is not capable of preventing the gap between the poor and the rich, the integrated and the excluded, to increase. But that also was not their goal.
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In policy-making circles, governance emerged as both a technical managerial discourse of international organizations and, in the goal of a good governance as a normative ideal for developing states to aspire to. Public deliberation may improve the legitimacy of global governance, by requiring that decisions be made on the basis of public reasons that affected parties can accept. Public deliberation may be an effective tool for promoting transparency, enabling those affected by decisions to see why and how they were made. It may also contribute to greater accountability deliberation and global governance.

This chapter divides political psychology research on small-group deliberation into three clusters of variables: the context in which deliberation takes place, the process by which deliberation proceeds, and the outcomes that deliberation produces. The existing literature shows that deliberation can have meaningful effects on important outcome variables like policy attitudes, citizen knowledge, and subsequent political engagement. However, research on how the context and process of deliberation produce these outcomes is still in its infancy. At its best, deliberation becomes an interactive learning process for those involved. Deliberation captures part of the meaning of democracy (the normative rationale for participation) and contributes to making decisions more rational and legitimate (the substantive and instrumental rationales) (Fiorino, 1990). It is particularly important for building understanding and acceptance when an issue has more sides than any one participant is likely to consider without input from others.

Many European governments achieve a high level.