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**DOI**

[10.1177/09589287231210464](https://doi.org/10.1177/09589287231210464)

**Publication date**

2023

**Document Version**

Final published version

**Published in**

Journal of European Social Policy

**License**

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[Link to publication](#)

**Citation for published version (APA):**

Keune, M., Ferrera, M., & Corti, F. (2023). Introduction: Marshall in Brussels? A new perspective on social citizenship and the European Union. *Journal of European Social Policy*, 33(5), 487-492. <https://doi.org/10.1177/09589287231210464>

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# Introduction: Marshall in Brussels? A new perspective on social citizenship and the European Union

Journal of European Social Policy  
2023, Vol. 33(5) 487–492  
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DOI: 10.1177/09589287231210464  
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## Abstract

This introductory article to the Special Issue *Marshall in Brussels? A new perspective on social citizenship and the European Union* first argues that there is a need for a novel systematic framework that captures the increasingly complex web of relationships between the European level and the national and local levels in the creation and implementation of social rights. It then summarizes the contributions of the articles included in the Special Issue, starting with the first article that provides such a novel framework, a power resource-based and multi-layered conception of social rights which looks at social rights as bundles of three key power resources: normative, enforcement and instrumental resources. It then shows how the other articles apply this framework when analysing a variety of issues related to European social citizenship. Finally, it sums up the main contributions of the Special Issue: its contribution to the further development of power resource theory; to the theory of social citizenship; and to capturing how social rights in the EU increasingly result from the creative assemblage of different resources provided by different actors and levels of government, resulting in a ‘marble cake’ pattern akin to that existing in historical federations like the US or Switzerland.

## Keywords

social rights, European social citizenship, power resources, European pillar of social rights

This special issue outlines a new perspective on social rights and social citizenship in the European Union (EU). Its purpose is that of subsuming under a systematic framework the increasingly complex web of relationships between the European level and

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the national and local levels in the creation and implementation of social rights. The need for a systematic framework has become compelling in the wake of three main developments. First, the rapid expansion of the EU *social acquis* following the inter-institutional proclamation of the European Pillar of Social Rights (EPSR) in 2017. Since then, the social dimension of the EU has been growing faster than ever before through the adoption of new Directives, Recommendations and other instruments (Keune and Pochet, 2023), prompting Claire Kilpatrick (2023) to refer to the post-EPSR period as the ‘Roaring Twenties for Social Europe’. Second, the social *acquis* has been broadening in terms of the subject matters it covers, moving far beyond its traditional focus on health and safety, non-discrimination and cross-border mobility to include a wider range of issues, including minimum wages, minimum income, food aid and work–life balance. Third, there has been a diversification of the types of instruments used in the creation of social rights, with a significant return of hard legislation, via Directives and Regulations, the revamp of EU soft legislation, but also an increasing use of hybrid formulas, for example, the adoption of ‘social conditionality’ for accessing EU funds or ‘social guarantees’ in the area of youth and child policies. These instruments create new roles for and relationships between the various governance levels (Huguenot-Noël and Corti, 2023). Several of these new instruments will be discussed in this Special Issue.

The strengthening of the EU social agenda following the EPSR has taken place in the context of broader transformations which have characterized the ‘polycrisis’ decade. First, there was the EU’s failed attempt to deal with the 2008 financial crisis through the paradigm of fiscal stability and market competitiveness, with social policies relegated to the role of ‘adjustment variables’ (Costamagna, 2018). The second transformation was an increasing Euroscepticism and the rise of anti-EU political parties. The political threat posed by these parties to the EU’s legitimacy and stability has pushed the European Commission to re-focus its agenda on jobs and social rights, with a view to responding to citizens’ insecurity and thus recuperate trust and support for the integration process (Carella and Graziano, 2022).

The third transformation was the entrepreneurship of the President of the European Commission, Jean-Claude Juncker, which has revived the ‘Community Method’ in a political environment marked by an increased domestic politicization of the EU (Vesan and Corti, 2019). The fourth transformation has been the increased involvement of the European Parliament in policymaking, which has promoted a shift from territorial to functional (left–right) contestation. Such shift has opened new margins for forging majority coalitions in support of social initiatives (Vesan and Corti, 2019). The fifth transformation has been Brexit and therewith the exit of the member state that had traditionally and strongly opposed any advancement of the EU social dimension. The UK withdrawal has made it easier to reinstate employment and social issues on the Council’s agenda (Hantrais, 2019). Finally, and not less important, the outbreak of the COVID-19 pandemic caused a rapid worsening of living conditions in terms of economic and social security, calling for a joint effort of both national governments and the EU in safeguarding the viability of the welfare state and reappraising its key functions (Béland et al., 2021). The unanimous support of the renewed social agenda shown by European leaders, EU institutions, social partners and civil society representatives during the Porto Social Summit in 2021 was perhaps the most emblematic symbol of the roaring activism around the EPSR and its implementation agenda.

Against this background, this Special Issue intends to investigate what this revived social commitment of the EU implies for citizens’ social rights specifically. The received view is that the EU does not (cannot) play a significant role in the sphere of subjective social rights, beyond the (essentially economic) right to free movement, residence and access to the same social benefits as the nationals in any member state. This Special Issue argues that there is more here than meets the eye: the EU also contributes quite significantly to the production of social rights in domestic arenas, thus catering for the needs not only of mobile citizens but also of the so-called ‘stayers’, including the most vulnerable among them.

## The contributions to this special issue

In the first article, *Maurizio Ferrera, Francesco Corti* and *Maarten Keune* set out a new perspective to analyse social rights in the EU, which forms the basis of the Special Issue and is applied in different ways in the subsequent articles. The authors look at social rights as bundles of power resources (normative, instrumental and enforcement), which enable individuals to claim and actually receive material benefits in order to cope with a codified array of risks and needs.

Normative power resources come in two types. Normative *deontic* resources are legitimate formalised declarations and justifications of principles (for example, a Charter or the EPSR itself) which more or less explicitly assign to public authorities the obligation to transform the principles into legislative acts. The latter create *legal* resources which identify who is entitled to what, when and how. Legal resources empower individuals to claim a certain material benefit or service – a claim backed by the implicit threat of public constriction. Normative resources (including legal resources) do not guarantee per se that right holders effectively get their benefits. A ‘production’ process is necessary for generating the ‘what’, mobilizing a host of output resources (for example, funds or staff). More importantly, *instrumental* resources must be deployed in order to promote and facilitate individual access to the outputs of social rights. The high rates of non-take up of social benefits, especially on the side of the most vulnerable, in virtually all member states testifies to the fact that the mere existence of a subjective right (typically hard won through political contestation) may not suffice to actually provide potential beneficiaries with the support contemplated by deontic principles and codified entitlements. The third type of power resources are *enforcement* guarantees, through access to justice in case of non-compliance on the side of public authorities or rights-violation by third parties.

By shifting the attention from the formal dimension (laws and their enforcement) to its concrete practice (outputs and access), the power-resources conception connects the concept of social citizenship more directly to what ultimately matters for the life chances of individuals (material supports) as well as

for the social and political bonds of a community (the rights-based claim and experience of social protection). The authors’ analytical framework allows us to appreciate the increasing relevance of the European Union as a co-provider of the set of power resources which are necessary for the fruition of social rights and their content. The article illustrates their framework by zooming in on two EU initiatives: the (reinforced) Youth Guarantee and the Recovery and Resilience Facility.

In the second article, *Ane Aranguiz* discusses the evolution of the social *acquis* in the EU and provides a survey of the competences which the EU can mobilise to generate power resources. While acknowledging that the nation state remains the key actor, Aranguiz illustrates all those formal prerogatives in the social domain which offer opportunities for reconfiguring social citizenship as a nested or multitiered set of rights. Aranguiz also discusses the extent to which the EU can contribute to output production, access facilitation and dispute adjudication. In particular, the EU can provide, directly or indirectly, instrumental resources through a wide range of structures and channels, for example: agencies providing data and information; equality bodies that provide legal advice and consultation, assist or represent victims of discrimination in court, mediate and negotiate settlements; the provision of funds to civil society organisations and stakeholders that are advocates of social rights; and problem-solving services, such as SOLVIT or Your Europe Advice. Aranguiz warns that the role of the EU in the sphere of social rights (and its institutional competences) are still limited. The adoption of the EPSR has nonetheless created new margins of manoeuvre which the Commission and Parliament have started to exploit.

In the third article, *Caroline de la Porte, Zhen Im, Brigitte Pircher, Nuria Ramos Martin* and *Dorota Szelewa* discuss the EU’s work–life balance directive (WLBD) and in particular its leave schemes reserved for fathers. Starting from the observation that leave uptake by fathers is not fully explained by differences in formal entitlements, their main interest is in the role and relevance of instrumental power resources in fostering the take-up of such leave schemes. In a sample of five EU member states (Denmark,

Sweden, the Netherlands, Poland and Germany) that implemented the WLBD's formal requirements of earmarked paid leave similarly, the authors examine the commitment by policymakers, unions and employers, as well as civil society organisations to promoting and facilitating access to parental leave among fathers, such as clear information and easy and user-friendly administrative procedures.

The article shows that there is significant variation in the commitment to the two types of instrumental resources in the five countries. These differences can be linked to the orientations of the key actors in the countries concerning the social and cultural importance of leave schemes for fathers. For example, the Polish government supports traditional gender roles and therefore has not invested in instrumental power resources to facilitate access to the leave schemes, while the Danish government – a traditional champion of gender equalizing parental leave policies – has indeed done so extensively.

In the fourth article, *Johanna Greiss* and *Holger Schoneville* analyse the role of the Fund for European Aid to the Most Deprived (FEAD) based on document analysis and a survey among food aid organisations, with a focus on Belgium, Lithuania and Portugal. In particular, they investigate the extent to which – in addition to providing financial resources – FEAD empowers, at least indirectly, food aid beneficiaries in accessing the rights to social assistance and hence for the strengthening of social citizenship. The article shows that the FEAD has indeed the potential to support beneficiaries in gaining access to social rights. The FEAD's 'accompanying measures', in particular, can be understood as a type of instrumental power resource. Examples include: personalized counselling and administrative support (Belgium); assistance with the completion of documents (Lithuania); and serving as first point of contact giving advice on social rights (Portugal). So far, a very limited budget is assigned to these kinds of measures; also, local organizations do not always have the knowledge and resources to provide instrumental power resources effectively. More generally, according to the authors the FEAD is a residual and largely discretionary form of assistance. The article thus concludes by calling for the introduction of a more ambitious framework for the

benchmarking of benefits, their accessibility and effectiveness in relation to the actual needs of the most deprived.

In the fifth article, *Gianna Maria Eick*, *Marius Busemeyer* and *Brian Burgoon* explore the role of public opinion in reflecting and shaping the contours of Social Europe. Based on an extensive quantitative analysis of Eurobarometer data, the authors show that citizens do support the involvement of the EU in the production of social rights. However, such support is more pronounced in the domain of social investment (SI) (through education, training, active labour market policies, childcare, and so on) than in the traditional domain of social compensation transfers (CP): here the preference tends to go to the national level. Important differences in welfare attitudes, however, emerge across different socio-economic status (SES) groups. Lower SES groups express higher support for CP at both EU and national levels while higher SES groups express higher support for SI at EU and national levels. The same difference can be observed in countries with lower levels of welfare generosity: here the public prioritizes the provision of compensatory measures at both the EU and national levels.

In the final article, *Marcello Natili*, *Stefano Ronchi* and *Francesco Visconti* address a key issue for the perspective of this Special Issue. To what extent is the increasing role of the EU in the sphere of social rights actually perceived and visible to the eyes of ordinary citizens (the vast majority of whom are 'stayers')? The article focuses on social service programmes co-funded by EU funds. Based on an original and comprehensive comparative survey conducted in 2019, the authors find that there is indeed a low awareness of such programmes among European citizens of social programmes, even in the area where they live. They also show that those respondents that are indeed aware of such programmes show a greater propensity to support the EU and the integration project, other things being equal.

The authors regard these findings as a lost opportunity for the EU. Social rights are important not only in terms of material security but also for communal bonding. If the EU's contribution is not visible, the bonding effect fails to activate and social

citizenship loses the community building potential which Marshall rightly considered as so important.

## What we have learned

This Special Issue builds on the resource-based and multi-layered conception of social rights presented by Ferrera, Corti and Keune, which looks at social rights as bundles of three key power resources: normative, enforcement and instrumental resources. The articles of the collection show that the adoption of such a perspective can indeed shed light on some neglected aspects of social rights, in particular as regards their actual capacity to provide the intended support to eligible individuals. The articles also confirm that the EU plays an increasingly significant role in this domain, a role which is in principle appreciated by ordinary citizens but that remains poorly visible, thus hindering its communalizing potential.

More generally, this Special Issue provides novel insights for three key debates in comparative welfare research. First, it contributes to the development of power resource theory. Although starting from micro-foundations, the latter has been developed and employed essentially to explain the introduction (and transformation) of social rights at the national level. Our perspective brings the theory full circle by returning to the micro-level. Once legislated into being, social rights become key suppliers of individualized power resources for improving life chances.

A second contribution is offered to the theory of social citizenship. The authors of this Special Issue do not downplay the importance of justiciability and enforcement for social rights. In the light of their findings, however, the Marshallian insistence on ‘suability’ risks underestimating the more practical aspect of such rights, that is, their capacity to actually deliver their programmatic content to the intended social groups. Marshall’s position probably reflected the features and concerns of the British post-war situation. In other national contexts, characterized by less effective and ‘Weberian’ social administrations, enforcement guarantees were (and still partly are) less important than production and access guarantees. If the latter are ineffective, there is little which can be obtained (at the moment of need) by mobilizing enforcement resources.

The third contribution offered by this Special Issue regards the debate on the EU’s social dimension. Our resource-based conception allows us to capture the increasing role of the EU in supporting output production and access in domestic (and regional) arenas, thus also catering to the needs of ‘stayers’. To some extent, what is advocated by some scholars – a re-orientation from transnational to interpersonal solidarity – is already happening (see for example Börner, 2020). The articles of this Special Issue signal that the EU has embarked upon a novel developmental trajectory whereby social rights result from the creative assemblage of different resources provided by different actors and levels of government – in a ‘marble cake’ pattern which is not too dissimilar from that existing in the historical federations, such as the US or Switzerland.

## Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

## Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This work was supported by the H2020 Societal Challenges (Grant agreement 870978).

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