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Why we need a European Social Union

A free standing political justification

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Abstract

Do we need a more social UE – or even a fully-fledged European Social Union (ESU)? An increasing number of empirically oriented social scientists argue that we do. This paper how ESU could be pieced together by r-assembling what is already in place, exploiting in particular the potential of the European Pillar of Social Rights. The paper also discusses the rationales behind the ESU proposal. There is, first, a twofold functional rationale: the EU institutional asymmetry between market making and market corrective goals and policies generates perverse effects; EMU needs a number of social corollaries to effectively perform its mission and functions. But there is a second and equally important rationale, based on political factors. A tenet of political theory is that any territorially organized collectivity cannot survive and prosper without the diffuse support of its members. The latter rests however not only on effectiveness, but also on fairness. Citizens must feel that the territorial government abides by the general norm of somehow representing the collective interest, taking care of all sectors/strata of the population, however weak and peripheral. In order to be politically effective, Social Europe cannot however limit itself to enhancing its institutional strength and policy production. It must become more visible to ordinary citizens and provide them with direct tangible benefits.

Introduction

Considering its clearly stated and ambitious social objectives, the Lisbon Treaty (2009) was widely welcomed as the culmination (and at the same time as a springboard for further advancement) of the long and winding process of upward social convergence and mutual opening up between Member States: an economically beneficial and at the same time politically sustainable 'coming together' of European state-peoples.

As is well known, the financial crisis and the ensuing Great Recession brusquely halted this 'conciliatory' trajectory, resurrecting the logic of 'socially frigid economism' which had characterized earlier phases of European integration (Mancini 1988). Fiscal stability and market conformity have become the top priorities, underpinned by a new institutional framework based on strict supranational surveillance, discipline, conditionality and the threat of financial sanctions. Socio-economic convergence has given way to new divergences and antagonisms, opening a fault line between the creditor countries of the North (core Europe) and the debtor countries of the South (the so-called periphery) (Dyson, 2014). In the wake of the Eastern enlargements, growing tensions have emerged around the issue of free movement: more specifically, access to domestic labour markets and welfare benefits for other European Union (EU) nationals (not to speak of third country nationals) (Ferrera and Pellegata, 2018). It was mainly due to this aspect that the integration process witnessed its first dramatic reversal: Brexit.

As the economic crisis started to subside, the developmental curve of Social Europe veered gradually upwards again. A relative turn in the orientations and policy agenda of top EU leaders has taken place, in both discursive (e.g. through public speeches or electoral platforms) and institutional terms. Since 2014, a number of innovative policy measures have indeed tried to strengthen the EU social dimension and making it more visible, culminating in November 2017 with the official proclamation of the European Pillar of Social Rights (EPSR) at the Gothenburg Summit (see Sabato and Corti, 2018).

In this paper I argue that, building on what is already in place, the time is ripe for seriously considering the establishment of a fully-fledged European Social Union (ESU)[1]. I will support my proposal with a free standing "political" justification of this move. So far, the debate has mainly justified it in functional and normative terms: ESU would improve the coherence and performance of the EMU; it would rebalance the EU towards those social values which are enshrined in the Treaties. Building on both arguments, I will add that ESU is badly needed for political reasons as well: it would re-stabilize the EU polity by providing a symbolic and practical "glue" for restoring political "togetherness" and thus diffuse support and legitimation for the integration process. The paper is organised as follows. Section 1 briefly introduces the notion of ESU, its main mission and its internal structure. Section 2 discusses the possible role of the EPSR within an ESU, while Section 3 addresses the thorny issue of how to strengthen pan-European solidarity and offers a political justification of why the latter is needed. Section

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[1] For a full discussion of the ESU proposal, see "The ESU debate", on www.euvisions.eu

4 discusses the "possibility space" opened by the 2019 elections. The Conclusion wraps up and outlines some possible scenarios for the future.

I.   Piecing the European Social Union together

There is a lot of ambiguity in the widely used term of 'Social Europe'. This term does not designate a clear and definite institutional entity – as it is also the case with the similarly vague notion of the European Social Model. These 'names' are not fit for purpose, as they lump together the horizontal dimension ("le social dans l'Europe") and the vertical dimension ("l'Europe dans le social") of social protection without clarifying their mutual connection and interdependence, their division of labor and potential synergies and, last but not least, without outlining a comprehensive system of governance. The reconciliation of the economic and social sides of integration must involve a far-sighted initiative of linguistic and symbolic innovation as a precondition for institution building. We have an Economic and Monetary Union. We must pronounce the birth of a fully-fledged institutional counterpart: a European Social Union (ESU). The year 2017 sealed the adoption of the European Pillar of Social Rights (EPSR), an important and valuable step forward, but not enough. We need ESU as a wider container, certainly comprising the EPSR, but not coterminous with it.

In the intellectual realm, the ESU already 'exists'. The name was originally launched by Frank Vandenbroucke (2013) and its substance was further detailed in the context of the High-Level Group set up by Friends of Europe (Vandenbroucke and Vanhercke 2014). In recent years, the notion of an ESU has become the object of a vibrant intellectual debate (Vandenbroucke et al. 2017), acquiring the status of a unifying policy concept encompassing the earlier and more limited concept of social investment (Hemerijck and Vandenbroucke 2012). It is now time to fill this expression with recognizable empirical contents. I suggest that we already have a sufficient set of ingredients to start the reassembling process and thus move from the symbolic to the policy realm. Here is a tentative list of such ingredients:

(1) The ensemble of welfare systems of the Member States. These are the backbone of social protection in Europe. National systems still display notable differences in their specific schemes and institutions, in their logics of market correcting, in the range of risks covered. But they are now faced with similar and in some cases common adaptive changes. Moreover, they are increasingly differentiated within themselves, especially in the social service sectors, as revealed by the growing profusion of social initiatives and programmes at regional and local levels (Halvorsen and Hvinden 2016). Since their key feature – in the context of our discussion – is the close link between social protection institutions and domestic territories and jurisdictions, we can define this component as the *National Social Spaces.*

(2) The ensemble of social schemes and policies characterized by a cross-border element. Most of these initiatives involve regions, under the legal umbrella of European territorial cooperation. But another interesting development on this front is the creation (mainly by the social partners) of cross-border occupational insurance schemes for pensions and health care benefits. This component may be called *Transnational Social Spaces.*

(3) The novel membership space –coterminous with the EU external borders – within which all the bearers of EU citizenship enjoy a common 'title' bestowed upon them by the Union in order to access the benefits and services of the place in which they choose to settle. Starting from the 1970s, the EU has had a structured legal framework for the coordination of the social security systems of the Member States, and since 2011 a directive regulates the cross-border mobility of patients. Let us define this component as the *EU Mobility Space.*

(4) The ensemble of those supranational policies that have an explicit social purpose, be they of a regulative or (re)distributive nature, directly funded by the EU budget (if they imply spending) and based on either hard or soft law. This component is the *EU Social Policy* in its proper sense.

(5) The set of objectives of a social nature contained in the Lisbon Treaty, including those that allocate responsibilities between levels of government and define decision-making procedures in this field. Given the supremacy of EU law over national law, such objectives and rules constitute the general framework that guides the other four components. We can call this component the *EU fundamental social principles*.

The five components are all in place and in flux. They do not have equal standing, of course. The national social spaces will keep their predominant role for a long time to come. We know however that integration has made their boundaries more porous and flexible, their policies more adaptive to interaction and coordination dynamics, more plastic at the margins of innovation and experimentation. Prior to the crisis, an overall process of mutual hybridization and at least partial convergence was clearly under way – slow-moving, but likely to have a systematic impact (Hemerijck, 2013). The current decade has largely reversed this trend (Andor, 2017; Palier, Rovny, and Rovny, 2018). Thus, today the challenge is to rescue convergence by enhancing overall steering capacities, so that the five components can be made to work in sync, with mutual reinforcements. Addressing this challenge also implies rethinking the relationship between ESU and Economic and Monetary Union (EMU), in order to limit reciprocal negative externalities. If this process is to be steered according the EU fundamental social principles, then we need to devise a broad ESU template capable of sustaining two different types of solidarity: a pan-European solidarity between countries (and all individual EU citizens as such) centered on supranational institutions and the more traditional forms of national solidarity, centered on domestic (and regional/local) institutions.

ESU would be something very different from a federal welfare state, as we observe it today in the so-called historical federations (such as the United States and Switzerland) (Obinger et al. 2005). In the latter, the process of bottom up unification took place at a time when the constituent units had barely started to address social problems. Although with some delay compared to unitary states, central authorities were thus able to standardize and/or establish ex novo federal social schemes and programs. The construction of a European Social Union would take place within an entirely different developmental context, i.e. on the backdrop of extensive nation based welfare states. This historical fact sets objective limits to ambitious forms of supranationalization, as already predicted by Stein Rokkan many years ago (Ferrera, 2019). Thus, ESU would be an unprecedented process of "coming together" of already existing welfare states, allowed to maintain their 'legitimate diversity' (Scharpf 2002), but (i)

committed to mutual adaptation based on jointly defined criteria and (ii) open to engage in some risk pooling. The fact that the EU has its own budget, fed by semi-automatic contributions and "own resources" already sets it apart from any other type of multi-state regional organization, and implicitly signals the presence of a modicum of social federalism – based on inter-territorial transfers – within its institutional architecture. But compared to the historical federations, ESU-building will be a novel adventure of large scale institutional experimentation.

Anton Hemerijck has dubbed ESU as a "holding environment" (Hemerijck, 2013), i.e. "a zone of resilience based on shared values and a common purpose, matched by competent institutions, in times of painful adaptation. The function of a 'holding environment' is to mitigate stress and thereby uphold the integrity of national welfare states, but also to maintain pressure to mobilize rather than overwhelm domestic reforms with only disciplinary intrusion". The concept of holding environment comes from child neuro-psychiatry (Wincott, 1964) and has been subsequently elaborated by the management sciences. For the latter, a holding environment is "a social system that serves to keep people engaged with one another in spite of the divisive forces generated by adaptive work" (Heifetz et al., 2009, p.305). Resting on a mix of collective safety goals and mutual collaboration, on one hand, but also systemic pressures to engage with country-specific policy problems and institutional recalibration, the notion of holding environment has indeed high analytical and symbolic potential in the context of our ESU discussion. The word "environment" evokes a notion already used above: "space". ESU would be a political and institutional space (more precisely, a meta-space), in two senses. First, and obviously, it would be a territorial space, including all the Member States and their citizens/residents, and with an outer border coterminous with the EU frontiers. Second, ESU would be a membership space, tying its participants to the respect of common values, the pursuit of common objectives and compliance with rights and obligations in a wide sense.

By providing a new institutional assemblage and a new *Gestalt*, ESU could overcome the ambiguities of Social Europe. In the first place, it would clarify once and (hopefully) for all that in an integrating Europe social protection (and the underlying normative objectives of 'solidarity' and 'social justice') has at least three distinct dimensions: national, trans-national and supranational. These dimensions can potentially clash with each other, but this is not inevitable, provided they are properly recognized as such and deliberately reconciled. Secondly, and as a consequence of this, ESU would be based on the premise that social protection must move towards a multi-level architecture, allowing for a network (rather than a hierarchy) of links among the five components, to favor synergies and mutual adjustments. While the internal articulation of ESU is obviously key to its success, its construction must not lose sight of inter-institutional relations, so to speak. As mentioned, if ESU is to become the counterpart of EMU within the overall EU framework, then the two Unions must gradually come to terms with each other, in a logic of 'institutional complementarity'.

The creative re-assemblage of the five components will require demanding exercises of political and institutional imagination. What is needed are both grand visions and circumstantial policy ideas to serve as seeds or wedges for change. It took about two decades

– the Seventies and Eighties – to generate, by trial and error, a detailed and consensual blueprint for the EMU. The design of this blueprint ran in parallel with policy experimentations and incremental innovations (e.g. the monetary 'snake' of the Seventies, followed by the European Monetary System in 1979). Even though we have a 'name' which is fit for purpose, the construction of ESU has just made its first steps in the intellectual realm – and only as a general aspiration. Even a brief discussion of the above-mentioned building blocks would fall way beyond the scope of this contribution. Let me however make some remarks about the latest institutional innovation within the realm of EU social policy: the European Pillar of Social Rights (EPSR).

II.   The European Pillar of Social Rights: an operational arm of fundamental social principes?

The European Pillar of Social Rights was initially announced on 9 September 2015 by the President of the Commission in his State of the Union address. It was then formally presented by the Commission in a communication of March 2016 (COM (2016) 127 final, 8 March 2016). The ambition of the Commission was to encourage a move towards a "deeper and fairer EMU", and to complement macroeconomic convergence with greater convergence in three broad areas -- equal opportunities and labour market participation, fair working conditions, adequate and sustainable social protection and access to high quality essential services--, covering in total 20 policy domains. The European Pillar of Social Rights (EPSR) was endorsed by the European Parliament, the Council and the Commission on 17 November 2017, at the Social Summit for Fair Jobs and Growth held in Gothenburg. The European Council of 14 December 2017 endorsed the conclusions of the Gothenburg Social Summit, and identified as the next steps "implementing the European Pillar of Social Rights at Union and Member State level, with due regard to their respective competences", as well as "appropriate monitoring" of the Pillar.

What role can the EPSR play within the context of a wider European Social Union? The fate of this ambitious institutional innovation will be key for the European project in the coming years (Vandenbroucke, 2018). The most important ingredient (and also the most politically appealing) of the new expression is that of *European rights*. The legal status of the EPSR is, however, ambiguous. The text speaks about 'principles and rights' and specifies that the Pillar reaffirms some of the rights already present in the Union's acquis and that it also adds new principles, which however require dedicated measures or legislation in order to become legally enforceable. This ambiguity has led some commentators to consider the new initiative as mere phrase-mongering (see Sabato and Vanhercke, 2017 for a review of positions). This judgement is however too hasty. To gauge the significance of the EPSR and its potential in respect of ESU, some conceptual clarifications are in order.

What are 'rights', exactly? Following the tradition of Max Weber, we can define rights as sources of power (*Machtquellen)*. There are three distinct types of power resources which back the actual exercise of any right. First, there are normative resources. Holding a right

means having legitimate reasons to claim compliance by others: horizontally from fellow-citizens (e.g. non-discrimination in the workplace) and vertically from political authorities (e.g. fair treatment by social administrations). Secondly, there are enforcement resources: if compliance is not obtained, the right holder can activate legal coercion. Thirdly, there are instrumental resources: the availability of practical conditions for a full exercise of rights. In the case of social entitlements, for example, the state sets up social insurance systems and networks of public services, provides information, advice, procedures for accessing and delivering benefits and so on. While the second type of resources (enforcement) is what makes rights (and, by extension, citizenship) 'hard', in contemporary liberal-democratic societies we should not underestimate the importance of the other two types: normative and especially instrumental resources. The former operate at the ideational and motivational level. Legal debates have recently developed the idea of "normative justiciability". According to this doctrine, although a general principle establishing, for example, a "right to housing" would require legislative and practical implementation measures to be given concrete meaning, such principle is not merely programmatic. It can allow courts to oppose measures that are clearly inconsistent with the general objective set by the principle; and, once certain measures of implementation have been taken, a general principle can be relied upon to oppose retrogressive actions (De Schoutter, 2018). As to instrumental resources, their crucial importance has been repeatedly highlighted by various social and political theorists, especially with regard to fundamental rights. As argued for example by Amartya Sen, during a famine, my "right to subsistence" may not be worth anything - even assuming the presence of a legal guarantee in the strict sense - if the state does not intervene to facilitate the availability of food in the area where I happen to reside (Sen, 1981). Especially in certain concrete situations, instrumental resources are crucial to ensure that the power conferred by a right is transformed into full "ableness" (Morris, 1987).

We know that even when it adopts binding norms that indirectly impinge on national citizenship, the EU cannot provide enforcement resources directly to citizens. At most, hard law imposes an obligation for a member state to provide EU norms with an effective legal form according to national practices and institutions. The existence of a supranational Court of Justice implies that citizens can hold their national authorities as imputable of noncompliance. Thus even hard law confers merely procedural and not substantial guarantees. This is why in EU law-making normative resources (if only through soft law) and, in particular, instrumental resources are de facto almost as important as enforcement resources. I suggest that the main role of the EPSR in terms of citizen empowerment could and should result, initially, from its capacity to exploit in a coherent and systematic way its motivational (and "normative-justiciability") potential as well as its right actualization potential.

The EU already offers a wide array of programs and services that facilitate the exercise of social rights legislated by supranational, national and even subnational authorities. Many programs underpin intra-EU mobility (e.g. EURES, ERASMUS and EHIC), others make possible, complement and strengthen national initiatives, e.g. through the structural and cohesion funds, some sector-specific funds – such as the European Globalization Adjustment

Fund (EGF)[2] or the Fund for Aid to Deprived People (FEAD)[3] . The Youth Guarantee scheme introduced in 2013 has in its turn inaugurated a novel mode of multi-level facilitation of social rights (Council Recommendation 2013/C 120/01). This program commits the Member States to "ensure that all young people under the age of 25 years receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education". Such goal was to be achieved in compliance with four general guidelines (multi-level and multi-actor partnership; targeted measures for labour market integration; early intervention and activation; constant monitoring and evaluation); the EU committed in her turn to play an important role within the initiative, not least through making available a sizeable amount of financial resources.

The notion of "guarantee" stems from the confluence of two traditions: the Nordic one linked to the "youth guarantees" introduced since the eighties of the last century (Escudero and Lopez Mourelo, 2015; Kitchen, 2005); the tradition of some South American countries, linked to the introduction of *guarantias sociales* starting from the early 2000s (World Bank, 2008). We can define a " social guarantee " as a set of legal rules, administrative procedures and standard operating procedures that provide resources and enable the "functionings" of citizens in certain ambits. The guarantee imposes formal obligations on the state to provide a given service and at the same ensures the effective fulfilment of these obligations. Ideal-typically, a "social guarantee" incorporates a subjective, justiciable social right, but complements it with the "guaranteed" (precisely) provision of specific tools that must be deployed for the concrete exercise of the right and for the full achievement of the capacity building objectives inscribed in the subjective right. The notion of guarantee is both heavier and lighter than a traditional social right. More heavy because it defines not only an abstract entitlement (e.g. the right to receive free education or training), but also the conditions of its fruition (e.g. the presence of accessible facilities and adequate courses, as well as adequate financial resources), the thresholds below which this access/fruition is compromised (e.g. for an inadequate quantity and quality of teachers and teaching tools) and binds the public actor to ensure both the first and second (for example through checks and inspections). Furthermore, the guarantee includes codified monitoring and evaluation mechanisms, channels for the expression of users' needs and complaints, and possibly procedures for sanctioning the non-fulfilment of obligations by the various public administrations. Compared to twentieth-century social rights, however, the guarantee is more flexible. Its content is not fixed, but is personalised according to situational and individual factors. Even its general principles and objectives are not immutable and inviolable, but can be reviewed on the basis of monitoring and evaluation: two functions that must be exercised in a manner which is only partially hierarchical, as they must leave room for forms of participation and deliberation that include the so-called stakeholders. This is particularly important for the service component of the guarantee, which

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[2] The European Globalisation Adjustment Fund was established in 2006 to provide support to people losing their jobs as a result of major structural changes in world trade patterns due to globalisation, e.g. when a large company shuts down or production is moved outside the EU, or as a result of the global economic and financial crisis.

[3] The Fund for European Aid to the Most Deprived (FEAD) was established in 2014 to support Member State measures of material assistance to the most deprived, accompanied by social inclusion measures (Madama, 2016).

must be calibrated based on contextual and situational factors. Moreover, the practical processes of implementation of the guarantee may envisage the participation of non-public actors, in more or less codified forms – e.g. non-profit or even private suppliers.

As mentioned "social guarantees" are already widely used in the Scandinavian countries. Although with different names, this approach indirectly inspires some of the new measures in the field of training or reconciliation recently adopted by other countries (e.g. the French *compte formation*: see Gazier, Palier, and Perivier, 2014). At the EU level there is now a debate about a Child Guarantee and a Skills Guarantee. Other possible fields for dedicated guarantees could be a work-life balance guarantee, a "personal autonomy" guarantee, a "social integration" guarantee for movers or migrants. All such guarantees could eventually converge into a single and broader Lifetime Activity Guarantee. The guarantee model lends itself well to bridge the boundaries between public, private and non-profit providers, as well as those between the local, national and European level. Thanks to its multi-level plasticity and resting on the EPSR, the guarantee instrument could serve as backbone for a variety of ESU's components.

Viewed in this light, the added value of the EPSR is the provision of a broad framework capable of linking, enhancing and expanding such types of initiatives as instruments for the actualization of the Pillar's rights, leveraging on the ideational and motivational power of its normative principles. The EPSR could thus be seen as a sort of intermediary between the EU fundamental social principles, on the one hand, and the other ESU components, on the other. In its preamble, the Pillar makes explicit and detailed reference to the pertinent articles of the Treaties. Art 12 of the Preamble states that:

'The aim of the European Pillar of Social Rights is to serve as a guide towards efficient employment and social outcomes when responding to current and future challenges which are directly aimed at fulfilling people's essential needs, and towards ensuring better enactment and implementation of social rights".

In this formulation, the purpose of 'guiding' nicely relates to the above-mentioned ideational and motivational dimension; the purpose of 'ensuring enactment and implementation' relates, in its turn, to the facilitation and actualization dimension. In other words, if appropriately and strategically exploited and despite its soft character, the EPSR could play an important role within a future ESU. Even prior to that, it could already start to pave the way for its eventual establishment.

III. Pan- European solidarity: a political justification

The debate on the European Social Union agrees that the latter should rest on two types of solidarity, guided by different criteria: a pan-European solidarity between countries and between individual EU citizens, centered on supranational institutions; and the more traditional forms of national solidarity, centered on domestic (and regional/local) institutions. Pan-European solidarity is the most delicate question and has become even thornier in the wake of the crisis. Academic discussions on this topic have mainly concentrated and rested

on either normative or functional arguments. The former aim at defending (or rejecting) the principled desirability of cross-national solidarity given the deep network of ties now linking the Member States. The latter try to establish whether a proper (efficient and effective) functioning of both the monetary union and the single market does require a number of "social corollaries". As argued by Vandenbroucke (2018), these would imply some risk pooling and the presence of some market-correcting and centralized "visible hand". Both types of arguments acknowledge the ultimate political nature of the pan-EU solidarity issue by underlining the need for consensus and common will by national governments. But they fall short of spelling out which exactly are the political obstacles to institutional change and how they might be overcome. Even prior to this, normative and functional discussions skirt a more general question, which has to do with the very existence (survival, stability, durability) of the European Union as a polity, i.e. a (relatively) autonomous territorial system of political domination. This question has a foundational nature, so to speak. The stable existence of the EU is a condition of possibility for its functioning in more or less effective and "just" terms. To what extent can we say the ESU (and in particular cross-national solidarity dimension) is a necessary component of a stable EU polity? Let me briefly outline a free standing political justification of the ESU proposal.

It is a tenet of political theory in all its variants that a territorially organized collectivity cannot survive and prosper without a diffuse support by its members, i.e. a set of general and positive evaluative orientations towards the collectivity as such and its authority structure – a diffuse support capable of motivating compliance beyond self-interest. As famously argued by Rokkan, polity-building must go hand in hand with the formation of a genuine community of trust among its citizens as well as of a generalized belief in the efficiency and fairness of the territorial government (Ferrera, 2019). Under what conditions does polity-building generate adequate trust and beliefs in efficiency and fairness - i.e., ultimately, legitimation? "Territorial government" has a very general connotation. For Rokkan, it basically refers to any form of political organization that: 1) claims the validity and supremacy of its decisions beyond and above all temporary bargains in society; 2) claims the right to represent the common interests of the citizenry; 3) claims to embody the solidarity and shared cultural norms of the community; 4) commands enough resources for safeguarding internal order and cohesion and sustaining territorial redistribution; 5) makes sure that such resources reach all sectors/strata of the population, however weak and peripheral. To these general conditions, Rokkan adds an important caveat: "whether such claims are substantiated or remain purely verbal is a matter of resources and organization: how far can the state extract resources ….and how far the political system makes it possible to spread such resources"? (Flora et al., 1999, p. 264).

Historical processes of national system- building varied greatly in the way they addressed these challenges but, eventually, relatively stable national solutions were found, largely cantered on the welfare state (Ferrera, 2005). Organized solidarity came to play a key role for political legitimation, by nurturing positive feelings about the effectiveness and fairness of the territorial government. Just like external security and internal peace, the welfare state has gradually established itself as a basic *political* good, i.e. an instrument serving the purpose of

facilitating social cooperation, managing conflicts, sustaining generalized compliance and thus, ultimately, "keeping the polity together".

During the last decade, the EU has entered in a deep polity crisis, affecting three foundational components of any territorial system of government: the boundary dimension (i.e. the contours of territorial, membership and functional spaces); the binding dimension (i.e. who is entitled to issue collective decisions on what and for whom); and the bonding dimension (who are we and what do we want to share among us). Polity crises may have exogenous origin, but they typically reflect the inadequacy of endogenous "polity maintenance" capacity. As mentioned above, polity maintenance is the condition of possibility for political production, which in turn is necessary for orderly social cooperation. Maintaining a polity is a very delicate task, which rests on both dedicated political activities (especially as regards legitimation), ideational commitments /" visions" and normative steering.

Polity maintenance capacities have always been a weak spot of the EU polity (i.e. the EU as an autonomous and distinctive political system). EU's legitimation through time has rested less on dedicated maintenance activities than on functional performance and "permissive consensus". The long post-2008 crisis has however suddenly eroded the EU functional legitimacy and witnessed the rise of a destructive spiral (e.g. through sovereignism and boundary conflicts or through "voice for exit", as in Brexit). EU authorities (and more generally, developments in the political and ideational spheres) have responded to functional problem pressures (especially during the euro-crisis) in ways that have gone in the opposite direction in respect of polity maintenance. Politically, they have reverted to intergovernmentalism, reducing EU policy making to a permanent bargaining among national executives, constrained by a disciplinarian regulative framework. Ideationally, they have re-shaped the EU's implicit normative order by marginalizing the social dimension, redefining the (timid) notions of supranational and cross-national solidarity which the EU had built since at least the 1970s in a restrictive and primarily "calculative" direction, exacerbating the asymmetry and imbalance between Economic and Social Europe. In the wake of such developments, a new conflict constellation has emerged within the Euro-polity, revolving around four main issues: the traditional left-right conflict juxtaposing a euro-liberal and a euro-social integration project; a conflict about supranationalism and national sovereignty ; a conflict around cross-national transfers, juxtaposing "core" vs "periphery" member states; a conflict around free movement of persons and services, juxtaposing the supporters of opening vs the supporters of closure [4].

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[4] The Rescue project, directed by the author, has documented the presence, intensification, specific contents and forms of these four lines of conflict at the mas and elite levels (surveys) as well as in specific policy sectors and arenas (through case studies). This new conflict constellation has mainly resulted by elite choices, especially in the period 2009-2013. Rescue argues that such choices (especially in the eurozone, in the field of macro-eco-nomic governance) opened the space for the rise of anti-EU formations in domestic political spaces and for the emergence of what EU studies call "constraining dissensus". In the ideational sphere, a key driver of the new conflict lines has been the increased hegemony of ordoliberalism, especially among German elites. A major finding of the Rescue surveys is the seemingly high levels of support for a more social and solidaristic Europe among voters. These "silent majorities" offer a potential social coalition in support of a relaunch of integration "with a caring face". Significant segments of such silent majorities consist of "EUpolitan" voters, i.e. genuine believers in the necessity and virtue of a more socially-oriented EU (www.resceu.eu)

What is explicitly and vocally challenged by Eurosceptic formations is, precisely, the Union's claim to represent common interests and to safeguard solidarity. As regards the former, the main indictment is that "opening" and EMU have become a threat for the economic and social security of national citizens, do not create growth and jobs and generate asymmetric advantages among the member states. According to Rescue's 2019 mass survey, vast majorities of EU citizens are still afraid that integration may lead to a loss of jobs and social security[5]. Furthermore, instead of being constructed from below (the citizenry), the common interest is unilaterally decided at the top, mainly by unelected elites. As regards solidarity, the indictment is that the EU not only lacks a caring face, but that it undermines national sharing models and employment structures. According to the same survey, the EU is unfair. In all the covered countries, the majority of citizens disagrees with the statement: "the EU treats the member states fairly and with equal respect". Populist parties are not just questioning the effectiveness and fairness of EU policies but challenge the EU polity as such – and Brexit is going to tear apart an important piece of the latter.

On this backdrop to what extent can we conceive of ESU (and specifically, its pan-European solidarity component) as instrument for relegitimation of the EU and thus as an antidote against political centrifugation? The answer must come in two steps. As mentioned, legitimation does not hinge on specific support, i.e. interest-based approval of contingent functional outputs. What matters is rather overall output performance. A basic social norm in contemporary democracies is that institutions and public policies must abide by a logic of instrumental effectiveness in respect of voters' needs and aspirations. In the eyes of a significant number of citizens and parties, the problem with the EU is, precisely, that "it does not work", it is out of sync in respect of popular demands and needs. The functional justification for ESU (specifically: the introduction of some EU level automatic stabilizers) is precisely that the latter is necessary to re-establish effective performance of the monetary union and the single market. ESU is necessary for "system integration", i.e. the preservation of a stable pattern of effective interactions among the various parts of a polity: its territorial units, membership groups and functional domains. Greater and more effective systemic integration and policy performance would thus operate *ipso facto* also as a vehicle of political re-legitimation and re-stabilization of the EU polity. Though analytically distinct, the political justification of ESU would rest in this case on the shoulder of the functional one.

Diffuse support hinges however not only on effectiveness, but also on fairness. Note that in the political argument what matters are not conceptions of the common good or distributive justice (as in normative arguments), but the empirical presence of widely shared beliefs that the government (the EU) is indeed credibly inspired by norms of fairness. Such beliefs nurture "bonding dynamics", bridging social heterogeneity and tensions between social groups. Differences do no disappear but are (re)shaped so that they can be held together without

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[5] Resceu conducted a second extensive mass survey in the month of June 2019 in ten Member States: Spain, Italy, Greece, France, Germany, the Netherlands, Sweden, Finland, Poland and Hungary. The results of this survey are currently under review and analysis.

jeopardizing system and social integration. Along the fairness dimension, the political justification becomes free-standing in respect of both normative and functional arguments.

A possible objection against the ESU idea could be that in the present situation the proposal (let alone the construction) of a more solidaristic EU would aggravate the legitimation problem rather than solving it. Any move towards a "Transfer Union" would in fact increase and embitter existing political conflicts around the EU. To the extent that it is genuinely political (and not functional or normative in disguise), this objection must be broken down in two distinct propositions: 1) the EU lacks the cultural preconditions (in a very broad sense) for a strategy of political legitimation involving any significant form of organized collective solidarity; 2) given the extant conflict constellation and the rise of Euroscepticism, no step in this direction is politically feasible. Both propositions rest more or less explicitly on the thesis according to which there has been a clear shift from 'permissive consensus' to 'constraining dissensus' within national public opinions, emblematically represented by the rise of Euroscepticism (Hooghe and Marks, 2009). Though empirically grounded, the constraining dissensus argument has two limits. First, it tends to overestimate the extent and depth of such dissensus. Second, by focusing on the public opinion side, it soft-pedals the role played by the elite (including mainstream elites) in having prepared a fertile terrain for the voters' dissensus. Both points are key for a realistic political justification. It may well be the case, in fact, that the legitimation crisis has resulted from elite choices and mistakes, thus being largely self-inflected. And it might equally be the case that there are more cultural predispositions for pan-European solidarity than meet the eye.

An increasing body of empirical data seems to support the latter hypothesis. A mass survey conducted in the Fall of 2016 in the context of the EU-funded REScEU project (Ferrera and Pellegata, 2017), shows that wide majorities of citizens would indeed favor steps in this direction, including in Germany. Popular support for a larger EU budget aimed at promoting economic and social investments, for helping people in severe poverty and for providing financial help to member states experiencing a rise in unemployment has majoritarian support in all of the five countries covered by the survey: Spain, France, Italy, Germany, Poland. Results have been confirmed by a similar survey covering also Austria, Cyprus, Greece, Hungary, Ireland, the Netherlands, Portugal, Slovakia (Gerhards et al., 2018) and by a more recent YouGov survey (Genschel and Hemerijck, 2018). While indicating, as mentioned above, that there are widespread fears about the negative consequences of integration and doubts about its fairness, the second Resceu survey of 2019 has confirmed that Europeans would strongly favour greater social commitments on the side of the EU. This is true also for the so-called core member states – and the questionnaire made it very clear that such commitments would imply paying more into the EU budget.

Survey data must be handled with care. Yet, it can be at least suggested that a 'silent majority' seems to potentially available for supporting a strategy of realignment between the deep togetherness created by the EMU, on the one hand, and the institutional and symbolic architecture of the EU, on the other. The absence of such strategy represents a clear failure of European political elites. As shown by a second survey of the RESCEU project, European elites are much less solidarity-prone that their voters (Ferrera and Pellegata, 2019). Elective

(choice based) partnerships based on forward looking objectives turn onto fully fledged families of nations to the extent that their leaders engage in some fraternal nudging. The exercise of 'socioemotional leadership', capable of developing a collective fraternal idioculture has become difficult in a world increasingly based on fluid social relationships, self-seeking behaviors and rational-legal authority (Brint, 2001). But the EMU elite has made long steps in the opposite direction, emphasizing difference and apartness between national communities and their governments, denigrating, also symbolically, any mechanism of mutual support, promoting a historically unprecedented rule-based formalization of political authority: almost a deliberate recipe for undermining the conditions of polity maintenance (Ferrera, 2018).

I mentioned above that the EU cannot develop into a fully-fledged federal welfare state, but must at least put in place a "holding environment" for a safe functioning and adaptive flourishing of national welfare states. In my view, such environment should also serve a "polity maintenance" function, i.e. be conceived and pursued with a view to safeguarding the Union's survival and durability.

Several proposals to enhance cross-national economic solidarity are currently under discussion among EU leaders and institutions[6]. These innovations are currently discussed under the umbrella of EMU governance. By making the latter more transfer-oriented and socially friendly, they would create valuable institutional complementarities with ESU. They could actually be thought of as bridges between the two. And with the passing of time, a strengthened ESU might be able to steer the functioning of these new instruments according not only to a logic of economic effectiveness, but also of social fairness.

IV.   EU politics after the 2019 elections: a new "social moment"?

The results of the 2019 European election have been reassuring. In the aggregate, the right wing, populist and nationalist parties have performed much below their own expectations and specialised electoral forecasts. Mainstream parties have in turn included detailed social policy proposals in their electoral platforms, showing a higher degree of awareness, knowledge and commitment vis-à-vis the EU social agenda than was the case in 2014[7]. The parliamentary majority supporting the new Commission (as well as the Greens) will certainly exert a tighter substantial control and stimulus on the policy priorities and policy making of both Commission and Council. It is still too early to make predictions, but it does seem that the "possibility space" for EU politics now includes a "social path" of development which was unthinkable only a few years ago.

One possible reading of the election results is the "defeat of exitism", i.e. the demands/proposals to exit from the euro or from the EU altogether. It seems awkward to use

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[6] For a survey and discussion, see again the ESU debate on Euvisions, supra note 1
[7] See Euvisions, http://www.euvisions.eu/the-social-dimension-in-the-electoral-programs-of-the-european-po-litical-groups/

this term at the eve of "real" Brexit. But if we look at the discourse and platforms of the leading sovereignist leaders (Salvini, Le Pen, Wilders and others) the exit option no longer features as top priority in their agendas. It is almost certain that such move is less the result of a "genuine" ideational conversion than of practical-utilitarian considerations. Be as it may, the acceptance of "closure", i.e. of the extant spatial boundaries of the EU (Eurozone) is likely to have important "structuring" effects. If you cannot exit a given arena, you are induced to voice for promoting your interests in a logic of eventual compromise (Ferrera, 2005). It is a tenet of the Weber-Rokkan tradition to acknowledge that "bounded conflict" may well have a paradoxical integrative effect. In this light, ESU-building could indeed serve as a construction site capable of producing political and social bonding, in addition to its more visible functional benefits.

The post-election emergence of relatively favourable political conditions for ESU-building invites a more articulated discussion not only about ESU's institutional profile, but also about its overall "mission". Vandenbroucke (2018) has recently proposed to characterise ESU as, essentially, an "Insurance Union" with a double task: organising mutual risk-sharing; promoting the conditions for a correct functioning of domestic social insurance systems as well as providing fiscal space and incentives for social investments. Reaching a general programmatic consensus among the Member States on this blueprint and possibly implementing its first step, i.e. a European Unemployment Insurance of sorts, would already be a huge achievement. We must however remember that the EU already has some spending policies and some dedicated funds (e.g. the Social Fund, or the Fund for European Aid to the most deprived – FEAD) which do not rest on an insurance logic, but rather on an "active inclusion and social cohesion" logic (for individual beneficiaries but also for national and regional governments, through various forms of conditionality). This logic should be protected and valorised with the ESU. The insurance principle complements and socialises competitive transactions, but is still based on rational expectations and actuarial calculations. Political communities require instead a modicum of unconditional solidarity - incorporated in their institutional structures- so that ordinary citizens can have an instinctual trust in the fairness of central authorities, whatever happens. This is crucial especially in those situations in which reciprocity-based calculations are instrumentally ambiguous, epistemically difficult or normatively untenable, e.g. in the wake of marked a-symmetric shocks or emergency situations.

The presence of this second, inclusion/cohesion logic may actually put the EU in a position of advantage compared to the historical federations (e.g. the US and Switzerland), considering the obstacles that the latter had to face in order to "socialise" the relationships among the constituent units. The institutional separation between insurance (assigned to the federal level as regards work-related, inter-individual redistribution) and assistance (which remained in the jealous hands of sub-federal units, with very limited cross-state subsidization) prompted institutional and political tensions which have survived to this date. Since the EU already has "active inclusion/social cohesion" policies at the supranational level, would it not be wise to capitalise on this, by formally and symbolically anchoring them within the ESU conception? With a view to attempting a political "leapfrogging" in respect of the experience of the

historical federations? This is a key point, which deserves consideration in future debates and empirical research.

Conclusion

This paper has argued that times are mature for establishing a fully-fledged European Social Union, which would work in parallel with the Economic and Monetary Union. There are not only normative and functional reasons for moving in this direction, but also free standing political reasons as well. No polity can survive (let alone thrive) without a certain degree of "bonding", mutual trust and social sharing as well as widespread diffuse support. If smartly crafted, ESU could give a precious contribution to ensuring such political conditions.

The official establishment of the ESU is of course merely presumptive and its functional and political effectiveness may well be disputable. Those who nurture more clamorous aspirations are likely to be disappointed, at least initially, as the ESU would not be much more than a formal re-assemblage of already-existing elements. But in politics a lot can be achieved through symbolic action and small policy changes: a mere discourse about ESU, an act of 'naming' and a smart packaging of its first measures could have a significant impact.

We should also remember that national welfare states did not come about with big bangs: with a few exceptions, their beginnings were quite modest and it took a long time to build momentum. Institution building resulted from social and political conflict around redistributive issues. Conflict dynamics served both to cement horizontal alliances among the disadvantaged and to promote vertical exchanges between rulers and ruled. Solidarity and political justice became irreversibly intertwined through the democratic process. In the historical federations, claims of social justice intersected with claims of territorial justice. In some critical historical contingencies (the New Deal in America, World War II in Switzerland), big leaps forward in terms of both interpersonal social and inter-territorial solidarity resulted not only from bottom-up pressure from the workers' movement and various civil society organizations, but also from a top-down logic, based on the interests/wish of incumbent political authorities – local and federal – to preserve stability and consolidate polity in the face of acute functional challenges, social unrest or dire emergencies. Prior to the 2019 elections the most vocal players in Europe's political arenas have been the Eurosceptics and the supporters of *souverainisme*. As mentioned, survey data indicated that alongside Eurosceptics there were large 'silent majorities' which still support EU membership and more integration, including more pan-European solidarity. Except for a few cases (most notably, Italy), the election results have at least partly empowered such silent majorities. The defeat of exitism now opens up promising scenarios for ESU-building. It would certainly be a pity to squander this political opportunity.

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