

Free Movement in the European Union: National Institutions vs Common Policies?

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Abstract

The current rules for “free movement” in the European Union (EU) facilitate unrestricted intra-EU labour mobility and equal access to national welfare states for EU workers. The sustainability of this policy has recently been threatened by divisive debates between EU countries about the need to restrict welfare benefits for EU workers. This paper develops a theory for why the current free movement rules might present particular challenges for certain EU member states. It focuses on the potential roles of three types of national institutions and social norms in determining national policy positions on free movement in the EU15 states: labour markets (especially their “flexibility”); welfare states (especially their “contributory basis”); and citizenship norms (focusing on the “European-ness” of national identities). I show that these institutions and norms vary across member states and explain why we can expect these differences to contribute to divergent national policy preferences for reforming free movement.

1 Introduction

The free movement of workers is one of the fundamental freedoms of the European Union (EU). It gives citizens of EU countries the right to move freely and take up employment in any other EU country *and* – as long as they are “workers” – the right to full and equal access to the host country’s welfare state. This combination of unrestricted intra-EU migration and equal access to national welfare states for EU workers is an important exception to the tension and trade-off between immigration and access to social rights that characterises the labour immigration policies of high-income countries (Ruhs 2013). Free movement thus challenges long-standing theories and claims about the alleged incompatibility of open borders and inclusive welfare states (see, for example, Freeman 1986).

EU member states have in recent years been engaged in a divisive political debate about the future sustainability of free movement in its current form. A group of member states, most notably the UK but also including Denmark, Netherlands and Austria, has called for more restricted access for EU workers to welfare benefits. The UK justified its call for reforming free movement by arguing that Britain’s welfare state is fundamentally different (“less contributory”) and “exceptional” compared

to the welfare states of most other EU member states.¹ Many other EU countries have been sceptical and opposed to fundamental and permanent reform insisting that the current policy of unrestricted access to labour markets *and* full and equal access to welfare states for EU workers must continue. The perceived failure of the British government to convince the rest of the EU to reform free movement, or to recognize the UK as a “special case” that requires different mobility policies, was a major factor in the UK’s recent referendum vote to leave the EU.

The recent debates about the future of free movement raise fundamental research and policy questions about the types and degrees of institutional variations across EU member states, the potential tensions between national institutions and common EU regulations, and the implications for the economic, social and political sustainability of the current rules for intra-EU labour mobility in the medium- to long-term. This paper presents preliminary ideas for a theoretical and empirical research agenda that addresses these questions. The aim of the paper is to provide a conceptual framework and hypotheses for analysing the role of three types of national institutions and social norms in determining national policy positions on free movement in the EU: national labour markets (especially their regulation and “flexibility”); welfare states (especially their “contributory basis”); and citizenship norms (with a focus on the “European-ness” of national identities). I argue that the flexibility of the national labour market plays an important role in shaping the scale and characteristics of EU labour immigration; the contributory basis of the welfare states shapes the fiscal effects and perceived fairness of free movement; and the degree of “European-ness” of individual and collective identities in a country influences how broadly the “national interest” is defined by drawing boundaries around the perceived “target population” (ranging from ‘national citizens only’ to ‘all EU citizens’) whose best interests free movement is meant to serve from a national policy perspective .

The core hypotheses developed in this paper are as follows: In countries that have *both* a relatively flexible labour market *and* a relatively non-contributory welfare state ‘free movement’ can generate specific fiscal costs and economic tensions that are not present, at least not to the same degree, in countries characterised by more regulated labour markets and/or more contributory welfare states. Whether or not these specific costs and tensions contribute to the development of a national policy preference for restricting the welfare benefits for EU workers depends critically on how narrowly or broadly the national interest is defined. A broader and more “European” perception of national identity will, I suggest, make it less likely that any domestic costs and tensions arising from free movement will lead to domestic pressure for policy change. These hypotheses are based on a conceptualization of national policy-making that emphasises the application of a “rationalist” logic in the state’s pursuit of the “national interest” but also takes account of institutions and the role of ideas in reconfiguring state interests and determining policy outcomes.

The exploratory empirical analysis in this paper shows that the flexibility of national labour markets, contributory basis of national welfare states and the “European-ness” of national identities differ considerably across EU member states. Given my conceptual framework and hypotheses, these variations suggest the UK as the most likely candidate for demanding reforms of free movement followed by Ireland which is similar to the UK in terms of the flexibility of its labour market and

¹ See, for example, the speech on immigration by the UK’s former prime Minister on 28 November 2015, <http://www.bbc.co.uk/news/uk-politics-30250299>

contributory basis of its welfare state, but different in terms of the (much higher) European dimension of the perceived personal and collective identities of its citizens. I argue that the conceptual framework and hypotheses proposed in this paper have the potential to help explain variations in national policy preferences for reforming free movement across EU member states. The next step of this research agenda is to “test” these hypotheses by conducting systematic and in-depth empirical analysis of the determinants of the changing national policy positions on free movement across EU15 member states. This future research will of course have to consider the roles and effects of potential policy determinants that go beyond national institutions/norms and include a wide range of actors (such as political parties, especially populist parties, and interest groups) as well as the likely inter-relationships between the national politics of free movement and the wider politics of immigration and EU membership.

The paper is structured as follows. The analysis begins, in section 2, with a brief discussion of the current rules and changing politics of free movement of workers in the European Union. Section 3 then provides a conceptual framework and hypotheses for analysing the potential inter-relationships between national labour markets, welfare states and citizenship norms on the one hand, and the domestic politics of free movement in EU member states on the other hand. This conceptual and theoretical discussion is followed, in section 4, by exploratory empirical analysis of key differences in the labour markets, welfare states and citizenship norms across the EU15 member states. I then use these variations to discuss, based on my conceptual framework, which countries are most likely to support restrictions on EU workers’ access to welfare benefits. Section 5 briefly reflects on the likely power and limits of the “structural explanation” for the domestic politics of free movement suggested in this paper and identifies additional factors, especially the role of political parties and interest groups, that need to be considered in any systematic empirical analysis.

It is important to clarify at the outset that, because I am interested in discussing the exceptionalism of unrestricted access to both labour markets and welfare states for EU migrants, my discussion of free movement in this paper is focused on EU citizens who move to another EU country for the purpose of employment and who qualify as “workers”.

2 Open borders *and* equal access to the welfare state? The changing politics of free movement in the European Union

“Free movement” means that any EU citizen (i.e. any person holding citizenship of one of the 28 members states of the EU) is entitled to move and freely take up employment in any other EU country. It is important to emphasize that the beneficiaries of this freedom primarily include *jobseekers*, i.e. EU citizens who move to another EU country to look for a job. For economically inactive groups (such as retirees), the right to free movement and residence within the EU is conditional on health insurance and sufficient resources such that they won’t become an “unreasonable burden” on the host state (Costello and Hancox, 2014). However, family members of EU nationals working in another EU country are entitled to reside and work in that country (regardless of their nationality) and their children have the right to be educated there.

In terms of access to the welfare state, the right to equal treatment for EU citizens living in another EU member state depends on whether they are economically active or not, the extent of integration

in the host country and the type of the benefit claimed (Costello and Hancox, 2014). For EU citizens who move to another EU country for the purpose of employment – the primary group of interest in this paper – access to the welfare state critically depends on having the legal status of a “worker”. To be considered a worker by EU law, a person must pursue “effective” and “genuine” economic activity. This broad definition leaves some limited room for further specification by member states. EU *workers* are entitled to equal access to all social rights granted to nationals of the host country.

Before EU enlargement in 2004, the principle of free movement for EU workers was remarkably stable and largely unchallenged by individual EU member states. The “politics of free movement” began to change after 2004 when eight low-income countries in Eastern Europe (the so-called A8 countries) plus Cyprus and Malta joined the EU and some – although not all – EU countries experienced significant A8 immigration. As shown in Tables 1 and 2 below, there has been considerable variation in the increases in the number of “free movement migrants” in the EU15 countries (i.e. in the countries that were members of the EU before enlargement in 2004). This variation can be partly – but clearly not fully – explained by the “transitional provisions” that allowed EU15 countries to restrict the employment of workers from the new member states for a maximum of seven years. The UK, Ireland and Sweden were the only three countries among the EU15 member states that chose not to impose any transitional controls on the employment of workers from the A8 countries in 2004.

[Table 1 here]

[Table 2 here]

The key change in debates about free movement occurred sometime between the onset of the economic downturn in 2008 and the end of the transitional restrictions on the employment of Romanians and Bulgarians (the so-called “A2 nationals”) in January 2014. The latter event in particular created fears about a mass influx of A2 workers into the EU15 member states. Various EU member states began, many for the first time, to call for an urgent reform of the policy of free movement of EU workers. A range of proposals has been made by different countries over the past few years but there is a common key issue at the heart of the debate in all countries: the tension between the free movement of labour and equal access to the welfare state.

The UK has been most vocal among EU member states in its calls for reforming the free movement of EU workers. The 2015 election manifesto of the UK’s Conservative party (which won the general election) included a commitment to restrict EU migrants’ access to in-work tax credits and social housing for a period of four years. This election promise became a central demand of the UK government in its negotiations with the other EU member states about a “new settlement for the UK with the EU” ahead of Britain’s referendum in on whether to leave or remain in the EU in June 2016. Following months of debates, the agreement reached between the UK and the EU in February 2016 included an ‘emergency break’ that would have enabled Britain (and potentially also other member states) to restrict EU workers’ access to non-contributory in-work benefits for a maximum period of four years. However, during this period EU workers would have had to gradually obtain access to welfare benefits, i.e. there could have been no complete bar for the entire four years as the UK initially demanded.

During the six months of negotiations about the new settlement for the UK with the EU, a few member states among the EU15 openly supported the idea of restricting EU nationals' access to the welfare state while others publicly opposed it (until finally agreeing to the settlement in late Feb 2016). For example, Denmark's new Prime Minister Lars Lokke Rasmussen indicated in early February 2016 that he would support UK efforts to reduce EU migrant's access to welfare benefits.² Belgium and other EU15 countries remained highly sceptical about the need for reform during the negotiations. After the UK voted in June 2016 to leave the European Union, the new welfare restrictions included in the "new settlement for the UK" became null and void. However, this did not stop other EU15 countries from continuing to debate how to reform the current rules for free movement. For example, in 2016 Austria's Foreign Minister, Sebastian Kurz, suggested that EU migrants' access to (non-contributory) minimum income support should be restricted for a period of five years.³

3 National institutions, social norms and the politics of free movement: A conceptual framework and hypotheses

How can we explain the variation in EU15 member states' policy positions on reforming the current rules for free movement? Under what circumstances does the combination of open borders and equal access to the welfare state for EU workers create domestic political pressure for demanding policy change? This section begins to address these questions by providing a conceptual framework and hypotheses for analysing the potential roles of national labour markets, welfare states and citizenship norms in explaining the scale, effects and domestic politics of free movement in EU15 member states.

Labour market flexibility: Impacts on the scale and skills composition of labour immigration

Employer demand for migrant labour is critically influenced by the institutional and regulatory framework of the labour market as well as wider public policies such as education and training policies, housing policies, welfare policies, etc. (Ruhs and Anderson 2010). Labour market regulations and wider institutional and regulatory structures vary considerably across countries. For example, the "Varieties of Capitalism" (VoC) literature makes a broad distinction between liberal and coordinated market economies based on whether the key spheres of production are coordinated by market or non-market mechanisms (see, for example, Hall and Soskice 2001). Liberal market economies are more likely to be characterised by more flexible labour markets, where wages are primarily determined by markets rather than non-market mechanisms such as collective bargaining, and by comparatively weaker vocational training systems (Menz 2009). Flexible labour markets are generally associated with fewer employment rights and protections, and thus make it easier for employers to "hire and fire" workers, than more regulated labour markets. Migration scholars working within the comparative capitalisms literature have pointed out that, compared to coordinated market economies with relatively regulated labour markets, liberal market economies with flexible labour markets are typically associated with greater employer demand for migrant

² See <http://www.bbc.co.uk/news/uk-politics-eu-referendum-35499139>

³ See <http://diepresse.com/home/innenpolitik/5186223/Keine-Sozialleistung-fuer-EUBuerger>

workers, especially but not only for employment in low-waged jobs (see, for example, Afonso and Devitt 2016; Wright 2012; Devitt 2011; Ruhs and Anderson 2010).

An important corollary to the argument that labour market regulation impacts on employer demand for migrant labour – and thus the scale of labour immigration of EU workers – is that the degree of *enforcement* of existing regulations plays a key role as well. Imagine two countries “A” and “B” that have similar levels of labour market regulation “on paper” but with very different degrees of enforcement: enforcement is much more effective in country “A” than in country “B” (which, for example, could be characterized by greater degrees of informality in the labour market). In this example, we can expect employer demand for migrant labour in country B (the low enforcement country) to be higher than in country A (the effective enforcement country).

The role of labour market regulations and their enforcement in reducing employer incentives for recruiting migrant workers is perhaps best illustrated by the Swedish, British and Irish experiences with A8 immigration since 2004. The UK, Ireland, and Sweden were the only countries among the EU15 member states that decided not to impose any transitional restrictions on the employment of A8 migrants when the A8 countries joined the EU in 2004. Compared to Ireland and the UK and controlling for population size, Sweden experienced much lower inflows of A8 workers. A key reason lies with Sweden’s extensive labour market regulation coupled with high degrees of enforcement compared to the much more flexible labour markets and weaker enforcement in the UK and Ireland. Sweden’s labour market structures and regulations meant that any East European workers employed in Sweden needed to be offered exactly the same wages and employment rights as Swedish workers. Most wages and benefits in Sweden are set via collective bargaining and, with most workers in unions, wages and benefits adhere to industry-wide standards. At the time of EU enlargement in 2004, Sweden introduced a number of additional enforcement measures aimed at preventing immigration from undermining the effectiveness of existing labour market regulations and collective bargaining structures (Tamas and Münz 2006). The requirement of equal rights in Sweden’s highly regulated labour market effectively meant that, from the employers’ view, migrant workers were as expensive as Swedish workers.

In contrast, the UK has the most flexible labour market in the EU and is well known for its low levels of enforcement of labour market regulations. In its recent analysis of low-skilled immigration, the UK’s independent Migration Advisory Committee (MAC) found that “on average, a firm can expect a visit from HMRC inspectors [which, among other things, is tasked to enforce the minimum wage] once in every 250 years and expect to be prosecuted once in a million years. Such enforcement effort hardly provides an incentive to abide by the NMW.” (Migration Advisory Committee, 2014: 4).

The relatively high level and effective enforcement of labour market regulation in Sweden is likely to explain, to a considerable degree, why Sweden has experienced relatively low levels of labour immigration of A8 nationals compared to the UK and Ireland. Of course, there have been other factors at work as well, including differences in language (English vs. Swedish) and economic conditions. I am arguing that the differences in labour market regulation in the UK, Ireland Sweden played an important role but they are clearly not the only factor in explaining differences in the scale of A8 immigration in the three countries.

The nature of the welfare state: Shaping the fiscal effects and perceived fairness of labour immigration

Welfare states differ considerably across countries. Depending on the criteria used, various classifications have been proposed. Esping-Anderson's (1990) seminal typology of welfare state regimes distinguished between liberal, conservative and social democratic welfare states. Liberal regimes tend to grant access to welfare benefits based on "need" (i.e. using means-testing); social democratic welfare states typically provide flat and universal benefits; and conservative welfare states tend to make access to welfare benefits dependent on prior contributions, typically through social insurance systems (see Seeleib-Kaiser 2015). These descriptions are ideal-types, so in practice there can be significant overlap (Bruzelius, Chase and Seeleib-Kaiser 2015). For the purpose of this paper, I focus the comparative discussion on the extent to which access to welfare benefits requires a prior contribution which, I argue, can play a key role in shaping the fiscal effects and perceived fairness of labour immigration.

There is a large research literature on the impacts of immigration on public finances of the host country (see, for example, OECD 2013; Dustmann and Frattini 2014). In general, the net fiscal effects of immigration – i.e. the difference between the taxes migrants pay and the costs of public services and benefits that migrants consume – depend on a range of factors including: the characteristics of migrants (especially their age and skills); migrants' labour market participation, performance and impacts (i.e. whether or not migrants are employed, migrants' earnings and how immigration affects wages and employment of domestic workers); and the nature of the welfare state (including the relative "generosity" of welfare benefits and any restrictions on migrants' access to social benefits and public services). While cross-country variations in the fiscal impacts of immigration can stem from differences across any or all of these factors, I argue that the mix of contributory and non-contributory benefits is an important factor, particularly in the context of this paper's analysis of the fiscal effects of EU workers who are all in employment.

All welfare benefits can be broadly classified into contributory and non-contributory benefits. Contributory benefits are benefits that are only paid if the beneficiary (and their employer) has made a prior contribution. Non-contributory benefits are paid regardless of whether the beneficiary has made prior contributions or not. Within non-contributory benefits, it is common to further distinguish between means-tested benefits (which target the poor as they are paid only if the beneficiary's income is less than a certain threshold) and non-means tested benefits that can include universal benefits for all residents and categorical benefits for specific groups of the population.

Together with the structure of the taxation system (e.g. its progressivity), the precise mix between contributory and non-contributory benefits provided by the national benefits system affects the impacts of labour immigration on public finance and the social policies of the host country in at least three ways. First, *everything else being equal*, in welfare systems characterized by a high share of non-contributory benefits, low-skilled labour immigration will be associated with greater net fiscal costs (or smaller net fiscal benefits), at least in the short term, than in welfare systems that include more contributory benefits. This is because new migrant workers (or any citizen who takes up employment and enters the welfare system for the first time) will be able to access non-contributory benefits immediately and without having to make a specific social contribution toward funding that benefit. In contrast, new migrants will only become eligible to access contributory benefits after a qualifying period and while making specific contributions to the social insurance system.

A second important reason why immigration can create greater challenges for less-contributory benefits systems relates to public opinion and perceptions of fairness. One narrow but popular idea of fairness toward migrant workers involves the idea that newcomers should not receive benefits without prior contributions or qualifying period. While all migrants who are working “contribute” through their employment and income taxes, the idea of “no benefits without prior financial contribution or waiting period” may be more easily implemented (and communicated to the public) in countries whose welfare states are dominated by social insurance programmes that provide benefits to all people primarily based on prior contribution rather than based on “need” (or “means”). Social insurance programmes are, by design, more exclusionary toward migrants than means-tested welfare policies (compare Sainsbury 2012).

In their analysis of public attitudes toward welfare benefits for immigrants in 24 EU countries, Reeskens and van Oorschot (2012) find that most Europeans prefer conditional access to welfare benefits for migrant workers and that the most commonly held principle regulating access is “reciprocity”. Reeskens and van Oorschot also find that people who believe that welfare benefits should be provided based on the principle of “need” (rather than “equality” or “reciprocity i.e. prior contribution”) are significantly more likely to support restrictions on the welfare benefits of newly arriving migrants.

Citizenship norms: Impacts on policy aims and target groups'

Based on the discussion above, I argue that in countries that have both a relatively flexible labour market and a relatively non-contributory welfare state ‘free movement’ can generate specific fiscal costs, economic tensions and concerns about “fairness” that are not present, at least not to the same degree, in countries characterised by more regulated labour markets and/or more contributory welfare states. In principle, addressing these tensions and concerns does not necessarily require reducing immigration or migrants’ access to the welfare state. It could instead involve “domestic solutions” such as reducing the flexibility of the national labour market (which would likely reduce labour immigration) and/or making the national welfare state more contributory for everybody i.e. including citizens.

Whether the combination of flexible labour markets and less contributory welfare states leads to calls for policy reform in a particular country in practice, and the extent to which “domestic solutions” to perceived tensions arising from free movement are likely to be politically feasible, critically depends on whose best interests free movement is meant to serve. If there is widespread agreement within the domestic policy spheres of an EU member state that the primary (or at least an important) aim of free movement is to maximize the net-benefits for the EU as a whole (i.e. for all EU citizens), the relatively greater costs incurred from immigration by selected member states, especially those with flexible labour markets and less contributory welfare states, will be less important as these costs will be easily offset by the very large gains that employment abroad generates for EU migrants and their families. If, on the other hand, there are strong domestic political pressures in a country to maximise the net-benefits from free movement for its own citizens the combination of flexible labour markets and less contributory welfare states is more likely to result in a national policy preference for changing the rules for free movement (and it would probably make it less likely that “domestic solutions” will be acceptable).

The key question, then, is how the aims and the primary “target population” of the current free movement policies are perceived and defined in individual member states. The “target population” refers to the people whose best interests free movement is meant to serve from a national policy perspective (ranging from ‘national citizens only’ to ‘all EU citizens’). This is where social norms on the meaning and boundaries of “citizenship” matter. Different countries are characterised by a variety of ‘citizenship regimes’ which Jenson (2007, p. 55) has defined as “institutional arrangements, rules and understandings that guide and shape concurrent policy decisions and expenditures of states, problem definitions by states and citizens, and claims-making by citizens”. Citizenship and ‘citizenship regimes’ are multi-dimensional concepts. A key aspect of any conceptualisation and analysis of a citizenship regime relates to the notion of ‘belonging’ or ‘identity’. Like citizenship, identity is an amorphous term that can be given different meanings. Most definitions involve, in one form or another, the feeling of membership to a particular community. Modern identities are multiple and frequently conflicting (Kohli 2000), and national identities “can be and have been plural, contested and changeable” (Jenson 2007, p.64). National identity can play an important role in determining the perceived boundaries and membership of a political community (e.g. Miller 1995), distinguishing between insiders and outsiders, and, therefore, in defining the primary “target population” of a country’s public policies.

In the context of this paper, the key question is to what extent the personal and collective identities of citizens of different EU member states are influenced and defined in terms of their perceived attachment to Europe rather than only their feeling of belonging to their respective nation states. Given that identities can be multiple and multi-layered, European identity is not necessarily in conflict with national identity but the relative strength of each and their inter-relationships are important issues (see Kohli 2000; Risse 2010). I argue that the degree of “European-ness” of personal and collective identities can serve as an indicator of how citizens of different EU member states perceive and define their imagined political community and the target group of people whose best interests free movement is meant to serve.

The politics of free movement

The central argument of this paper is that variations in the characteristics of national labour markets, welfare states and citizenship norms across EU member states have the potential to play an important role in determining the domestic politics of free movement in general, and national policy preferences on whether to restrict EU workers’ access to national welfare benefits in particular. For the reasons outlined above, more flexible labour markets, “less contributory” welfare states, and “less-European” identities can be expected – individually but especially in combination – to increase the likelihood of a national policy preference for introducing restrictions on EU workers’ access to welfare benefits.

This hypothesis is based on a relatively basic and flexible conceptualization of the process of developing national policy positions and policy-making: Domestic policymakers in EU member states consider and decide on whether to demand reforms of free movement based on an assessment of the costs and benefits for the “national interest” of a specified “target population” (as influenced, among other things, by the prevailing citizenship norms and conceptions of national identity) and given certain institutions including regulations of labour markets and welfare states. These

institutions can be seen as constraining or circumscribing the “policy space” for domestic policy-makers in different countries, at least in the short run (compare Ruhs 2013).

This simple and flexible conceptual framework is meant to provide a relatively parsimonious basis for generating hypotheses and facilitating empirical analysis of the determinants of the politics of free movement in different EU countries. My approach partly rests on a “rationalist” logic and a “statist” explanation of how national interests are formed (compare Weiner 1995). It also considers, however, the potential effects of institutions (specifically, labour markets and welfare states) and facilitates analysis of the role of ideas (such as norms about citizenship and identity as well as the perceived “fairness” of the rules for granting welfare to ‘newcomers’) in shaping national policy-making. Ideas can be defined as ‘beliefs held by individuals’ (Goldstein and Keohane 1993, p. 3). Ideational approaches to explaining public policies explore the role of ideas held by policymakers and other stakeholders in determining policy outcomes. A key insight from the constructivist tradition is that ideas can reconfigure interests and thus become significant factors in policy-making (Wendt 1992; Ruggie 1998; also see Schmidt 2010). In my analysis, ideas about citizenship and identity help define a country’s “national interest” in policy debates about reforming free movement.

4 Differences in labour markets, welfare states and citizenship norms across EU member states

This section provides exploratory empirical analysis of the differences between EU15 member states in terms of the flexibility of their labour markets, contributory basis of their national welfare states, and the “European-ness” of their citizenship norms and national identities. It then uses the theoretical framework developed above to discuss the following question: given the variations in institutions and citizenships across EU countries, which member states can we expect to be most likely to support restrictions on EU workers’ equal access to welfare benefits?

National labour markets and welfare states

Figure 1 aims to compare selected EU15 countries – plus the US for comparative purposes – in terms of the “flexibility” of their labour markets and the “contributory basis” of the welfare state. Both of these concepts are multi-dimensional and cannot be easily summarised in a single set of numbers. In this exploratory analysis, labour market flexibility is measured using an OECD indicator of the “Protection of permanent workers against individual dismissal” (EPRC).⁴ This is a commonly used indicator that measures one of the key dimensions of labour market flexibility. A greater employment protection score indicates less labour market flexibility.

My measure of the extent to which welfare states are “contributory” is related to the way in which social expenditures are funded. Specifically, my measure is based on the share of social contributions (using OECD data on ‘actual social contributions’ which includes contributions by employers and workers) in total social spending (using OECD data on ‘public and private mandatory expenditure’). I argue that a greater share indicates a more contributory welfare state. As it is the case with my indicator of labour market flexibility, this measure is only a proxy with a number of limitations (see Bruzelius, Chase and Seeleib-Kaiser 2015). For example, different countries may

⁴ See <http://www.oecd.org/els/emp/oecdindicatorsofemploymentprotection.htm>

impose different residence-based qualification periods and/or create other administrative hurdles (which have nothing to do with the contributory nature of the welfare state) before people can become eligible for benefits. So this may result in different *effective* restrictions on access to welfare which are not picked up by my measure.⁵ It is also important to recognize that social insurance systems that involve a high degree of contributory benefits can and do provide some degree of “social assistance” i.e. benefits for people who have not yet contributed. Rather than precisely locating each country on spectrums of “low vs. high labour market flexibility” and “more-contributory vs. less-contributory welfare state”, my aim here is to make broad comparisons of what I think are key (but of course not the only) dimensions and differences of labour markets and welfare states between different countries.

[Figure 1 here]

Figure 1 suggests that most EU15 countries are relatively similar in terms of the flexibility of their labour markets and contributory basis of their welfare states. There are, however, some important exceptions and outliers. Compared to the nine countries in the top right corner of Figure 1, Sweden and especially Denmark have considerably lower shares of social contributions in total social spending. Welfare in Denmark is heavily subsidized by the state and Denmark has among the highest income taxes in the world. Compared to other EU countries, the high income taxes in Denmark finance a relatively large part of public expenditure, including social welfare benefits.

Most importantly in the context of this paper, the UK and Ireland appear very different from all other EU15 member states. They have the most flexible labour markets among the EU15 countries and are also – together with Denmark and Sweden – among the four countries with the lowest shares of social contributions in total social spending. So these data suggest that the UK and Ireland are the only EU15 countries that combine relatively flexible labour markets with a relatively low contributory base of the welfare state. Arguably, the relatively unique position of the UK and Ireland among the EU15 is not particularly surprising given that they are (along with the US) among the only countries considered here that are routinely classified by the comparative capitalisms literature as ‘liberal market economies’ with ‘liberal welfare states’.

Citizenship norms: European identities

To measure and compare the “European-ness” of national identities across EU member states, I use data from the ‘Eurobarometer’ which is a survey of EU citizens conducted every six months. Each survey consists of approximately 1000 face-to-face interviews per country. Since 1992 the Eurobarometer has included the following question that researchers have frequently used to identify and compare “European identities” across EU countries (see, for example, Risse 2010; Kohli 2000):

In the near future, *do you see yourself as...?*

- (nationality) only
- (nationality) and European
- European and (nationality)
- European only

⁵ I am grateful to Michael O’Connor for pointing this out to me.

- None
- Refusal
- Don't know

While this measure clearly has its limitations, I argue that it can be used as a reasonably good proxy for the perceived “European-ness” of identities of citizens in different EU member states. The major advantage of this measure is that it allows for “multiple” identities and provides an indication of the relative strength of “national” and “European” dimensions.

As shown in Figure 2 below, as of late 2015 the great majority (about 90 percent) of citizens of EU member states see themselves in terms of their own nationality only or as nationals of their own country *and* European. Very few people describe themselves as ‘European only’ or as European first and nationals of their own country second. There is considerable cross-country variation, however, in the relative shares of citizens who describe themselves in terms of their own nationality only or in terms of their own nationality *and* European. In late 2015, the UK was the only EU15 countries where a majority (two thirds) of the public see themselves as British only (and this has been the case since the early 1990s making Britain a long-standing “outlier” in European comparisons) Austria, Greece, Ireland and Italy were other countries above the EU average (41 percent) in this regard. At the other end of the spectrum, only a fifth of people in Luxembourg, just over a quarter in Spain and just under a third in Germany self-identify in terms of their own nationality only

[Figure 2 here]

Restricting EU workers’ access to welfare benefits: What can we expect?

The conceptual framework and hypotheses developed in section 3 of this paper suggest that, among the EU 15 countries, the economic tensions and concerns about fairness arising from free movement are likely to be greatest in the UK and Ireland. This is because of these two countries’ combination of relatively flexible labour markets with relatively non-contributory welfare states. The longstanding “un-Europeanness” of identities in the UK can be expected to contribute to the conversion of these tensions and concerns into a national policy preference for reforming the current rules for free movement. In contrast, the considerably greater share of people in Ireland who see themselves in terms of their own nationality *and* as Europeans makes it less likely (compared to the UK) that the economic tensions caused by EU labour immigration will result in domestic political pressure for reforming free movement. In other words, because the Irish are more likely than the British to evaluate the consequences of free movement in terms of its impacts on all EU citizens, Ireland is less likely than the UK to consider the employment of relatively large numbers of EU workers in low-waged jobs with immediate access to non-contributory benefits as a reason for calling for policy change.

5 Analysing the power and limits of ‘structural explanations’ for the domestic politics of free movement in practice

As discussed in section 2 of this paper, in practice it was the UK who took the lead in calling for reforms of the current rules for free movement. Despite its relatively similar labour market and welfare state, Ireland does not appear to have developed – at least not so far – a national policy preference for restricting EU workers’ access to the welfare state.

Of course, casual observation does not constitute robust empirical evidence for the role of institutions and norms in explaining domestic policy positions on free movement. This paper has focused on the development of a conceptual framework and hypotheses that emphasise structural differences across EU member states as potentially important determinants of national policy preferences. The next step of my larger research agenda is to analyse the power and limits of this “structural explanation” in practice.

Institutions and norms are clearly only a subset of the wide range of potential determinants of the domestic politics of free movement. Other important factors that might explain policies include, for example, a range of *actors* including political parties and elites (e.g. Bucken-Knapp et al 2014), interest groups (e.g. Freeman 1995) and coalitions (e.g. Cerna 2009); the political system and governance institutions (e.g. Calavita 1992); framing and “policy narratives” (Boswell, Geddes and Scholten 2011); public opinion (Blinder 2012); and the media (Blinder and Allen 2016). Any detailed empirical analysis of the actual determinants of different EU countries’ national policy positions on reforming free movement has to consider a wide range of factors and different types of policy-making processes.

A number of factors and mechanisms may “trouble” the conceptual framework and hypothesised links between institutions/norms and state preferences vis-à-vis reforming free movement proposed in this paper. I briefly discuss five examples. First, it is clearly important to investigate the role of political parties (especially strong populist parties) in influencing national policies on immigration in general and free movement in particular. For example, to what extent are the UK’s demands for reforming free movement driven by the rise of the UK Independence Party (UKIP) rather than more ‘structural’ factors such as Britain’s institutions and citizenship norms? Some countries, such as Austria and the Netherlands, have demanded changes to free movement despite their relatively regulated labour markets and relatively contributory welfare states (as suggested by my preliminary analysis in Figure 1). Both countries have relatively strong right-wing parties which clearly must be part of any comprehensive analysis of the determinants of national policy responses to free movement.

Second, the relative “generosity” of the national welfare state clearly matters and its role in shaping policy positions and preferences on free movement needs to be investigated. A third and related factor relates to the wider fiscal and other economic impacts of immigration. In theory, it is possible that any “costs” arising from giving migrants access to non-contributory benefits may be offset by other fiscal and economic benefits generated by immigration. In the UK, Dustmann and Frattini (2014) found that during 2001-2011 recent EEA migrants (defined as EEA migrants who arrived in the UK after 2000) made a small positive net-fiscal contribution. In practice, debates about the economic impacts of immigration, especially of low-skilled immigration, on host countries are often highly contested which leaves considerable room for national policy-makers to construct their own narratives of “rational policy-making” in this area.

Fourth, there can be important inter-relationships between the politics of free movement and the politics of other types of immigration (e.g. immigration of workers, family member, students and asylum seekers from outside the EU). It is plausible to expect EU countries to coordinate, at least to some extent, their policy approaches to immigration from within and outside the EU.

Finally, it is important to consider the potential interplay between free movement and other EU policies relating to, for example, trade and investment. A key question is whether any costs from the current rules for free movement of workers for EU member states are outweighed by the wider benefits generated by being a member of the EU – and, critically, whether national policymakers can convince their domestic electorates that this is the case. In many EU member states, there is considerable debate about this issue.

6 Conclusion

What explains why some EU countries now demand reforms of the current rules for free movement while other member states oppose this idea? There seems to be a popular view among many commentators that the perceived problems of countries demanding reform are simply due to “current domestic politics”, “the media” and/or “ill-informed public opinion on immigration”. While all these factors surely play a role, it is important not to dismiss the idea that there may be some important “structural differences” across EU countries that can contribute to variations in both the scale and effects of EU immigration, and to different policy responses. At the same time, it is equally important to critically assess arguments about the role and importance of these alleged structural differences, and to scrutinise the claims about “institutional exceptionalism” that some member states have made in this debate.

This paper has explored the theoretical reasons for why the current free movement rules might present particular challenges for certain EU member states. It has provided a conceptual framework and hypotheses for researching the potential role of national institutions (specifically labour markets and welfare states) and citizenship norms (especially the perceived European-ness of national identities) in determining national policy preferences on reforming the current rules for free movement. I have shown that these three institutions and norms vary considerable across member states, so it is interesting to ask and explore how, if at all, these variations might be linked to national policy preferences.

I have suggested that in countries that have both a relatively flexible labour market and a relatively non-contributory welfare state ‘free movement’ can generate specific fiscal costs, economic tensions and concerns about “fairness” that are not present, at least not to the same degree, in countries characterised by more regulated labour markets and/or more contributory welfare states. Whether or not these specific costs and tensions lead to the development of a policy preference for restricting the welfare benefits for EU workers can be expected to critically (but not only) depend on how narrowly or broadly national interests are defined. A broader and more “European” perception of national identity will, I suggest, make it less likely that any domestic costs and tensions arising from free movement will lead to pressure for policy change. I argue that these hypotheses and the framework proposed in this paper have the potential to help explain different state interests with regard to movement across EU member states. The next step is to conduct systematic and in-depth empirical research to analyse the determinants of national policy preferences for reforming free movement in practice.

In conclusion, the paper also raises broader question of whether differences between national institutions and social norms might not only cause variation in responses to free movement rules

among EU member states but also explain the equally varied national policy responses that we have witnessed in recent times to inflows of migrants, including asylum seekers and refugees, from *outside* of the EU. EU countries have in recent years been engaged in highly divisive political debates about how to respond more effectively to the 'migration and refugee crisis' which has led to the arrival of more than one million asylum seekers and migrants in the EU in 2015. While some countries (most notably Germany) insist on a new EU policy approach that distributes refugees across EU Member States, many other EU countries have strongly objected to the idea of accepting larger numbers of refugees via a new EU-wide allocation process. In her discussion of Poland's reluctance to admit more asylum seekers from Syria, Weiner (2015) suggests that "a real refugee is quite different in the Polish and Western imagination". One can see clear parallels between this argumentation based on "structural difference" when it comes to developing common asylum policies and the claims about "institutional exceptionalism" in the debate about free movement.

References

- Afonso, A. and C. Devitt (2016) "Comparative Political Economy and International Migration", *Socio-Economic Review* 14 (3):591-613
- Anderson, B. and M. Ruhs (2010) "Migrant workers: Who needs them? A framework for the analysis of shortages, immigration, and public policy" In: Ruhs M and Anderson B (eds) *Who Needs Migrant Workers? Labour Shortages, Immigration and Public Policy*, Oxford: Oxford University Press, pp. 15-56
- Blinder, S. (2012) "Public Opinion and Public Policy. Complexities of the Democratic Mandate" Migration Observatory Policy Primer, COMPAS, University of Oxford
- Blinder, S. and W. Allen (2016) "Constructing Immigrants: UK Press Portrayals of Migrant Groups, 2010-2012", *International Migration Review* 50(1): 3-40
- Boswell, C., Geddes, A. and P. Scholten (2011) "The Role of Narratives in Migration Policy-Making: A Research Framework", *The British Journal of Politics and International Relations* 13: 1-11
- Bruzelius, C., Chase, E., and M. Seeleib-Kaiser (2015) "Social Rights of EU Migrant Citizens: Britain and Germany Compared", *Social Policy and Society* 15(3): 403-416
- Bucken-Knapp, G., Hinnfors, J. and A. Spehar eds. (2014), "Political Parties and Migration Policy Puzzles: The European Scene", special issue of *Comparative European Politics* 12(6)
- Calavita, K. (1992) *Inside the State*. New York: Routledge, Chapman and Hall.
- Cerna, L. (2009) "The Varieties of High-Skilled Immigration Policies: Coalitions and Policy Outputs in Advanced Industrial Countries", *Journal of European Public Policy* 16(1): 144-161.
- Costello, C. and E. Hancox (2014) 'The UK, EU Citizenship and Free Movement of Persons', Migration Observatory Policy Primer, COMPAS, Oxford

Devitt, C. (2011) 'Varieties of Capitalism, Variation in Labor Immigration', *Journal of Ethnic and Migration Studies* 37 (4): 579–96.

Dustmann, C. and T. Frattini (2014) "The Fiscal Effects of Immigration to the UK", *Economic Journal* 124 (580): 593-F643 [also see earlier version: Dustmann, C. and T. Frattini (2013) 'The fiscal effects of immigration to the UK', CREAM Discussion Paper Series CDP No 22/13, UCL.]

Esping-Anderson, G. (1990) *The Three Worlds of Welfare Capitalism*. Princeton, NJ: Princeton University Press.

Freeman, G. (1995) "Modes of Immigration Politics in Liberal Democratic States", *International Migration Review* 29 (3): 881-902

Freeman, G. (1986) "Migration and the Political Economy of the Welfare State", *Annals of the American Academy of Political and Social Science* 485: 51-63

Goldstein, J. and Keohane, R. O. (1993) "Ideas and Foreign Policy: An Analytical Framework", in Goldstein, J. and Keohane, R. (eds) *Ideas and Foreign Policy: Beliefs, Institutions and Political Change*. Ithaca, N.Y.: Cornell University Press.

Hall, P. and D. Soskice (2001) *Varieties of Capitalism*. Oxford: Oxford University Press

Jenson, J. (2007) "The European Union's Citizenship Regime. Creating Norms and Building Practises", *Comparative European Politics* 5: 53-69

Kohli, M. (2000) "The Battlegrounds of European Identity", *European Societies* 2(2): 113-137

Menz, G. (2009) *The Political Economy of Managed Migration: The role of Unions, Employers, and Non-Governmental Organizations in a Europeanized Policy Domain*, Oxford: Oxford University Press

Miller, D. (1995) *On Nationality*, Clarendon Press

Migration Advisory Committee (2014) *Migrants in Low-skilled Work*. London: MAC

OECD (2013) *International Migration Outlook 2013*, Paris: OECD

Reeskens, T. and W. van Oorschot (2012) "Disentangling the 'New liberal dilemma': On the relation between general welfare redistribution preferences and welfare chauvinism", *International Journal of Comparative Sociology* 53: 120–139.

Risse, T. (2010) *A Community of Europeans? Transnational Identities and Public Spheres*, Cornell University Press, Ithaca and London

Ruggie, J. (1998) "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge", *International Organization* 52(4): 855-885

Ruhs, M. (2013) *The Price of Rights: Regulating International Labour Migration*, Princeton, NJ and Oxford: Princeton University Press

Ruhs, M. and B. Anderson eds (2010) *Who Needs Migrant Workers? Labour Shortages, Immigration and Public Policy*, Oxford: Oxford University Press

Sainsbury, D. (2012) *Welfare States and Immigrant Rights. The Politics of Inclusion and Exclusion*. Oxford: Oxford University Press

Schmidt, V. (2010) "Taking ideas and discourse seriously: explaining change through discursive institutionalism through the fourth 'new institutionalism' ", *European Political Science Review* 2(1): 1-25

Seeleib-Kaiser, M (2015) *The UK welfare state, EU membership and free movement*. UK in a Changing Europe Briefing. London

Tamas, K. and R. Münz (2006) *Labor Migrants Unbound? EU Enlargement, Transitional Measures, and Labor Market Effects*. Stockholm: Institute for Future Studies

Weiner, A. (2015) "Polish response to the refugee crisis: where the wild things are?", Blog post, Migration Policy Centre (MPC), European University Institute, 6 October 2015

Weiner, M. (1995) *The Global Migration Crisis*. Boulder, CO: HarperCollins.

Wendt, A. (1992) "Anarchy Is What States Make of It: The Social Construction of Power Politics", *International Organization* 46(2): 391-425

Wright, C. (2012) "Immigration Policy and Market Institutions in Liberal Market Economies", *Industrial Relations Journal* 43(2): 110-13

Tables and Figures (in text):**Table 1: EU25 citizens in selected EU15 countries (excluding reporting country)**

	2004		2013		% Change 2004-2013
	thousands	% pop	thousands	% pop	
Germany	2,332	2.83%	2,676	3.26%	14.76%
UK	1,031	1.76%	2,263	3.54%	119.50%
Spain			1,144	2.45%	
Belgium			732	6.56%	
Ireland	133*	3.5%*	360	7.85%	171.68%**
Netherlands	224	1.38%	353	2.11%	57.58%
Austria	182	2.24%	348	4.11%	90.81%
Italy	190	0.33%	259	0.43%	36.32%
Sweden	207	2.31%	266	2.79%	28.64%
Denmark	67	1.23%	130	2.31%	94.88%
Portugal			58	0.56%	
Finland	35	0.66%	73	1.35%	112.14%

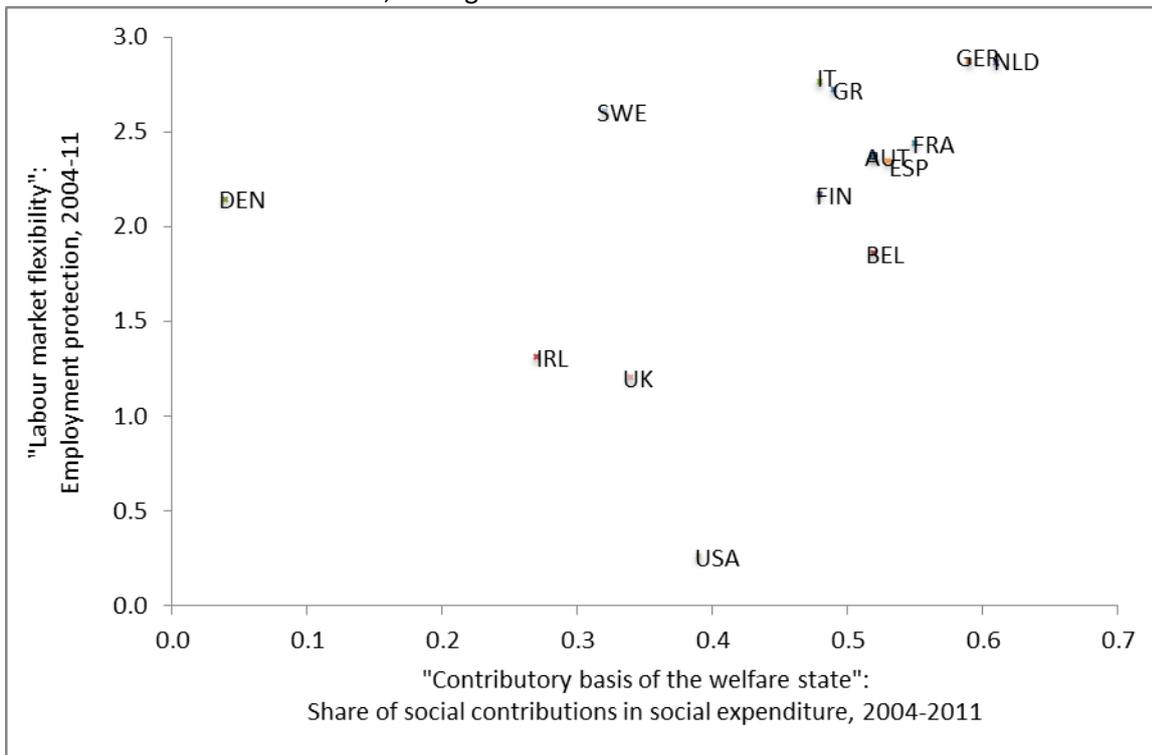
Source: Eurostat (migr_pop1ctz); empty cells mean data not available from Eurostat. Note: The figure for 2013 excludes citizens of Romania and Bulgaria who joined the EU in 2007. *Number of EU15 citizens in Ireland in 2002 (no data available for 2004). **change between 2002 (EU15) and 2013 (EU25)

Table 2: A8 citizens in selected EU15 countries

	2004		2013		% Change 2004-2013
	Thousands	% pop	thousands	% pop	
Belgium			81.8	0.7%	
Denmark	10.0	0.2%	46.3	0.8%	365%
Germany	480.7	0.6%	849.0	1.0%	77%
Ireland			203.3	4.4%	
Spain	42.7	0.1%	124.5	0.3%	192%
Italy	55.6	0.1%	127.4	0.2%	129%
Netherlands	13.1	0.1%	99.5	0.6%	658%
Austria	59.6	0.7%	129.2	1.5%	117%
Portugal			3.1	0.03%	
Finland	15.8	0.3%	47.5	0.9%	200%
Sweden	21.1	0.2%	70.7	0.7%	234%
UK	82.8	0.1%	934.3	1.5%	1029%

Source: Eurostat; empty cells mean data not available from Eurostat

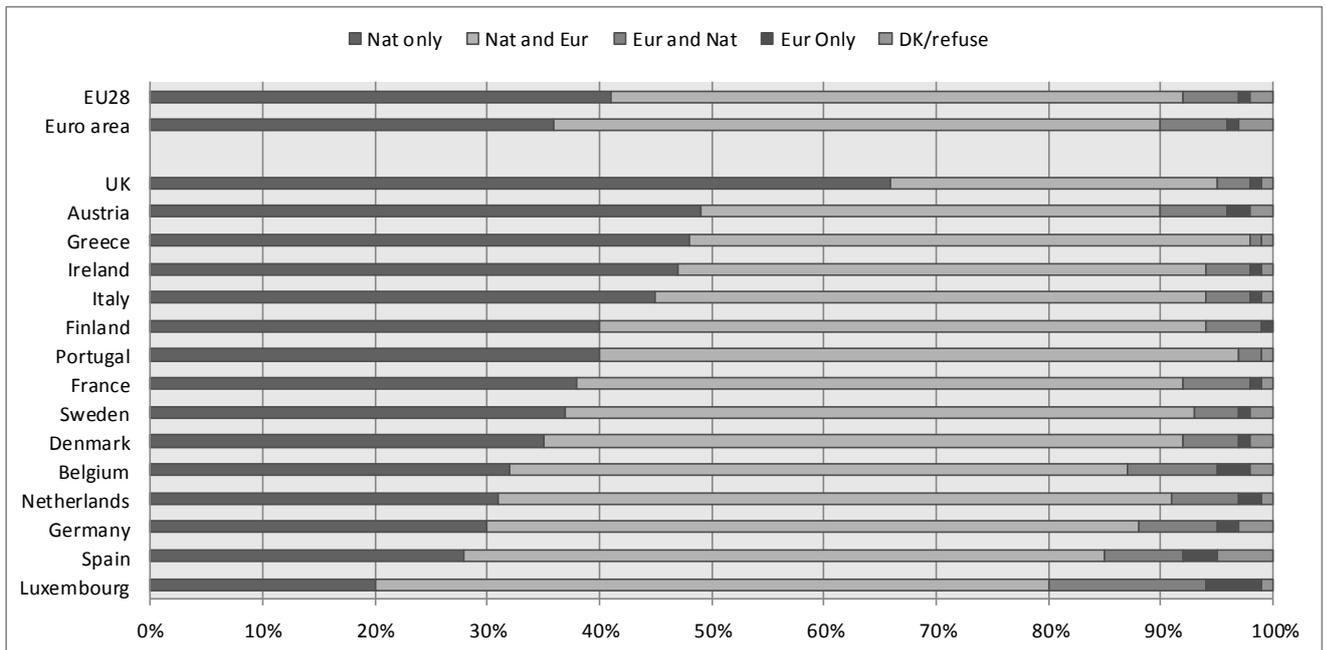
Figure 1: Employment protection and social spending through social contributions in selected EU15 countries and the United States, average for 2004-2011



Notes: "Employment protection" refers to OECD data on "Protection of permanent workers against individual dismissal" (EPRC). "Social contributions" are based on OECD data on "actual social contributions". "Social expenditure" includes public and private mandatory social expenditure. For most countries, OECD data on social expenditure available up to 2011.

Data Source: OECD

Figure 2: Share of population who feel “nationality only”, nationality and European”, European and nationality”, and “European only”, October 2015



Source: Eurobarometer 84 (Autumn 2015)

