

Unearthing a European Union Family Policy. The Impact of Social Protection Policies

Tord Skogedal Lindén



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Preface

This paper is written as a part of the research project «Policy Discourses, International Actors and National Welfare Policy. Norway in a Comparative Perspective», funded by the Norwegian Research Council ([www.rokkan.uib.no/projects/?/\\$present&id=198](http://www.rokkan.uib.no/projects/?/$present&id=198)). It was presented at the ESPAnet conference «Transformation of the Welfare State: Political Regulation and Social Inequality» at the University of Bremen 21–23 September 2006 as well at the workshop «National and International Factors Shaping the Agenda of Welfare Policies» at NOVA/ISF in Oslo in April 2007. Some of the themes presented in the paper were aired in a draft prepared for the Sociology fellows' colloquium at Göttingen University in November 2006. However, the present version is significantly revised from the ones presented in Bremen, Göttingen and Oslo.

Nanna Kildal
Project leader

Abstract

Scholars have noted that European Union social policy does not include a formal family policy. Based on a careful reading of many EU policy documents, I argue that those EU policies concerning families incorporated in different fields of social protection constitute an emerging family policy. The EU's view of these policies as economically productive has resulted in some recommendations and targets being developed that have the potential of influencing domestic reforms in Member States. Further research of possible supranational family policy influence is needed. I also argue that family policy lately is addressed by the Union in a new way, applying an approach similar to the Open Method of Coordination, and this increases its potential influence

Sammendrag

Den Europeiske Union tilskrives knapt noen formell kompetanse i familiepolitikken. I dette notatet argumenterer jeg for at EU gjennom andre sosialpolitiske felt likevel gir uttrykk for en hel del meninger og råd for nasjonal familiepolitikk. Forståelsen av sosialpolitikk som et viktig bidrag til generell økonomisk vekst har ført til at EU har utviklet flere anbefalinger og mål som kan påvirke nasjonale reformprosesser. Notatet etterlyser derfor mer forskning rundt overnasjonal innflytelse på dette området. Videre hevder jeg at EU forholder seg til familiepolitiske problemstillinger på en ny måte som ligner den åpne koordineringsmetoden (OMC) og at dette vil kunne øke organisasjonens innflytelse på feltet.

Introduction

Researchers writing on EU social policy generally agree that the EU has not developed much social policy competence (e.g. Dienel 2002, Falkner, Treib, Hartlapp and Leiber 2005, Kleinman 2002, Leibfried 2005, Palier 2004). This applies particularly to competence in family policy (Hantrais 2000), even though researchers acknowledge that EU regulations are increasingly attentive to families through policies on reconciliation of work and family life (e.g. Hantrais 2003, Dienel 2004, Kildal and Kuhnle 2006, Lewis 2006b).¹ This article will subject this claim about EU family policy neglect to scrutiny and offer an analysis that runs counter to arguments that the EU is uninvolved in the family field. The article challenges this conventional wisdom and presents an alternative interpretation based on analysis of relevant EU social policy documents. Analyzing different fields of EU social protection policy suggest that they contain potential EU family policy, a finding that extends the existing literature on EU social policy.

The central argument of the paper is, first, that although the Treaties do not provide for competence in the field of family policy, the EU's view of social policy as economically favourable (a productive factor) has resulted in a new interest in family issues where some recommendations² and targets have been developed. Even though these policies are embryonic they have the potential of influencing domestic reforms in Member States, making it reasonable to study whether the EU exercises some kind of reform pressure. Paraphrasing Mosher and Trubek (2003: 83), this paper asks whether the EU provides domestic political actors in favour of family policy reform with arguments for the necessity of change and evidence that other countries have reformed successfully. The hypothesis guiding the article is that the EU generates or at least diffuses ideas in the field of family affairs. Second, the paper argues that the Union is addressing family policy in a new way, by applying an approach similar to the Open Method of Coordination (OMC)³, which increases its potential influence in member countries. Two further issues make the topic important: It is interesting to examine what *kind of policy ideas* the EU promotes and the new way of addressing family policy through conferences contributes to the debate on how the EU is developing as an institution, e.g. how it is gradually increasing its competence in new fields. This last point sets focus on whether a policy has to be formalized to have influence or to be a policy at all. I argue that advice, proposals and recommendations regarding family issues from unbinding policy making processes is just as important to study as direct regulation. Policy is found in the whole spectre from court rulings to superficial rhetoric. It is important to stress though that the EU has no family policy which provides services in

¹ The same goes for the OECD although this organisation has a more coherent, direct family policy for instance in the form of databases and family policy reports (Lindén 2007).

² The term *recommendation* is only directly found in the field of employment (and the Stability and Growth Pact) where the Council has issued recommendations based on the proposals of the Commission since 1999. In this article I thus refer to EU *view, advice, suggestion* or *opinion* outside the employment field in order not to confuse the reader.

³ This process, however, is not referred to as an OMC process. Pesticau offers a short definition of the OMC: «The process whereby common goals are laid down and progress is measured against jointly agreed indicators, while best practise is identified and compared» (2006: 162).

cash or kind but is only disseminating *ideas* on national family policies. Through this paper the term family policy is used in this latter meaning of *policy ideas*.

Family policy is defined and carried out in very different ways across the European Union as its Member States understand different measures under this heading. Family policy can be very transfer heavy like in Germany, where the state gives cash benefits priority through for instance child benefit.⁴ Family policy can also focus strongly on services like the provision of public child care in Sweden. The degree to which states regulate family issues in law is also varying a lot. It is important to emphasize from the start that the EU can only address family policy through soft law because there is no Treaty basis for the provision of directives or benefits in cash or kind. As a result, as we will see, the EU family policy is given a certain direction and is addressed mainly through other fields like employment (see Lewis 2006b). By presenting its family policy advice mainly as economic questions the EU can address this field without having an explicit Treaty base.

In the present study, family policy is defined narrowly: *those public policies that consist of benefits and services aimed at parents with children*. This includes benefits and services, regulated by law (e.g. paid parental leave) and not enacted into law (e.g. provision of child care facilities). It does not include general benefits aimed at the entire populace like unemployment compensation, although these fields often have special rules for recipients with children. Furthermore, the EU does regulate whether people can bring with them national benefits when moving within the EU. Here the EU is very active and plays an important role, but I will not look at such issues.

Family policy is an interesting field in that such policies are cross-sectoral (can be found in other fields) and say much about the welfare state as a whole (Clasen 2005, Diemel 2002). In the words of the Irish Minister for Social and Family Affairs; «Our theme [family policy] relates to the three main areas for which there is a Treaty basis for policy exchanges – employment, modernisation of social protection, including the provision of care, and combating poverty and social exclusion» (Coughlan 2004: 235). Family policy has gained steadily more importance in elections and everyday politics due to the changing traditional family unit (which now involves single parents and women employed outside the home). It is also less institutionalised than more traditional areas like pensions. Partly because of this «openness», change and continuous development of new arrangements characterises the field. This makes it a particularly interesting field for the study of the impact of *ideas* and advice rather than hard law on social policies.

The paper is organised into four parts. It opens with a short section on the method of collecting data about emergent EU family policies. Then the paper's main aim is pursued, looking for family policy issues within different areas of EU social policy. The third and fourth sections discuss new instruments like conferences and the Open Method of Coordination while asking why there seems to be more and more family friendly policies in the EU, but only in a cross-sectoral, non-coherent version. The appendix is a list of sources useful for students of family policy.

⁴ The current reforms within parental leave and child care are changing German family policy substantially.

Data and methodology

Under the broad heading of «reconciliation of work and family life» the EU has developed several policies that affect family affairs. These policies can be found both as directives and as non-binding policy advice. The empirical basis for the present study consists mostly of official EU documents such as directives, recommendations, National Action Plans (NAPs), National Reform Programmes (NRPs), and Joint Reports and Communications as well as of conference websites, and presentations and results. Conferences are an often-overlooked part of social policy development and coordination.

These documents are made publicly available on EU websites, and the data used in this article reflects a search of documents related to «family policy» conducted by the author in June 2007. Among the documents are some research publications which may represent the views of individuals and not the official EU policy and thus must be interpreted accordingly. The article will refer to Germany and the UK when exemplifying EU statements, but it offers no systematic comparison of references to these countries. These countries represent different welfare regimes (Esping-Andersen 1990).⁵

The Open Method of Coordination is the new approach applied by the Union to achieve growth, modernisation and welfare and is about policy learning instead of binding law. The aim of the OMC is to spread «best practise»; examples of efficient policies, and achieve better policies by developing common guidelines, indicators of preferred policies, targets and then monitor the Member States' implementation. I search the four fields where there is an ongoing OMC-process; employment, social inclusion, health and pensions. I also look at equality (gender) and demography as two less «typical» social policy fields that still have substantial implications for family policy. The analysis is thus restricted to six areas, but one could probably also find relevant family related policies within other fields, e.g. taxation⁶ or education. The analysis is mainly relying on information available at the website of the European Commission's «department» of Employment, Social Affairs and Equal Opportunities.⁷

Using official documents rather than interviews has some limitations. Such a data source limits the analysis to the results of political negotiations and fails to address the intentions and conflicts behind the original proposals. Thus, the analysis provided in this paper is meant to suggest directions for future research using interviews as well as stronger theoretical arguments about how the EU could affect domestic social policy through policy advice. At the same time these documents enable me to see different fields in connection with each other, revealing an embryonic family policy otherwise hidden.

5 Some authors (Abrahamson, Boje and Greve 2005, Leira 2002, Leitner 2003 Ostner and Lewis 1994) have suggested that this typology fits less well regarding family policies, but the countries still represent some of the new categories they develop and thus represent different ways of dealing with family policy.

6 For instance, the EU has questioned the German Ehegattensplitting as potentially discriminating women.

7 http://ec.europa.eu/employment_social/index_en.html

Integration of family issues into EU social protection policies: a cross-cutting policy

When trying to come to terms with family policy in a European context, one learns quickly that there is barely any European Union social policy.⁸ And, according to Kari, family policy is left more or less untouched by the EU and Member States have developed their own instead (1998: 29). Based on Abrahamson et al. and their description of the UK family policy (or lack thereof) (2005: 209), one could summarize like this: The EU has no family policy in the sense of a coherent set of objectives for government activity in this policy area, but several policies that affect the situation of families. In other words, there is no family policy, but a strong family political commitment. There is no commissioner or Directorate-General (DG; «department») for family affairs (the closest one being perhaps the Commissioner for Employment, Social Affairs and Equal Opportunities). When employing a broad approach though, an evaluation will show that the EU has developed a few family policy stands and addressed family affairs more indirectly through other policies (Hantrais 2004: 96). As will be recalled I use a definition of family policy which focus on families with children and I thus look for policies affecting this group. I turn now to examples of how one in the six social policy fields mentioned above can find views upon central family policy issues like parental leave policies, provision of child care, child poverty and sharing of caring responsibilities.

Parental Leave Policies

The directive on Parental Leave was adopted in 1996 and is one of the few EU Directives within social policy.⁹ It guarantees three months leave and according to Falkner et al. (2005) all EU members had to adopt their legislation to some extent. This is a clear instance of EU family policy, but it has its limitations; the directive does not say that the leave must be paid.

Also, there is one important directive with family policy implications in the area of health: The Pregnant Workers Directive (1992). This directive resulted in improvements in all countries except Denmark and has been particularly important for maternity leave as it guarantees a minimum of 14 weeks paid leave (Falkner et al. 2005: 78). These two directives directly influence the daily life of EU citizens, but they are only minimum measures.¹⁰

⁸ Wolfgang Kowalsky's study of European Social Policy constitutes an alternative view with its very broad definition of European Social Policy: Regulative and redistributive measures as well as relevant effects of other common policies like the Monetary Union and even agriculture is included (1999: 16). In his opinion, the EU does have some supranational redistributive policies through the Social Fund, although he admits that the funding is insufficient and that it only supplements and not replaces national policies (1999: 315). Also, several authors, e.g. Leibfried (2005), acknowledge that the EU plays an important indirect role in delimiting what kind of policies states can choose, but they still consider the overall EU social policy initiatives weak.

⁹ For an overview of EU legislation on parental leave, see:
http://europa.eu.int/comm/employment_social/gender_equality/legislation/pregnant_en.html

¹⁰ See Falkner et al. (2005) for details.

Parental leave schemes are not only addressed by the EU through the Directives. The main argument of this article, saying that the EU's view of social policy as a productive factor has resulted in a new interest in family issues where some recommendations and targets have been developed, is mainly based on the second kind of policies; the non-binding. These can above all be found in the OMC-processes where there is a strong focus on employability and sustainability of welfare arrangements. Here are several suggestions on the design of such schemes, suggestions which show that the EU expresses views which go beyond simple minimum standards, something which is exemplified by the 2003 joint Commission – Council report on adequate and sustainable pensions. It identifies expansion of care facilities for children and other dependants and measures that improve the reconciliation of work and family life as a way of securing welfare systems. Also, people should gain pension credits for periods of childcare or care for elderly relatives (2003: 88). However, the report is critical towards measures which keep women out of work for longer periods:

A number of countries with less developed nursery childcare facilities offer fairly generous support to women who take extended career breaks to care for their children in their first two to three years. Naturally, such policies may primarily reflect priorities in family policy. Yet, with a view to the impact on employment rates and the difficulties for many women of returning to the labour market after a long absence, the question arises whether it would not be better to use these resources to invest in an expansion of childcare services to speed up the return of women after parental leave (2003: 45).

People (women) who do not work because of their family or personal responsibilities are identified as one reason for lower employment rates than wanted. Therefore, shorter leave periods and increased availability of social services could relieve these persons and increase employment rates which at the same time improve the sustainability of pension systems. While family obligations and lack of care services are identified among the hindrances to a higher employment rate (SPC 2004: 4–5), there are no concrete suggestions for mending this. Instead the strategy seems to be to refer to Member States that have developed successful policies in this area, for instance the Swedish parental leave system and its father's quota, and thus indirectly give direction (e.g. European Commission 2006b). Still, one understands that parental leave schemes associated with a Scandinavian type where the leave is well paid but with incentives to return to work after a year's time is preferred.

An expert-report ordered and financed by the European Commission (2005e) goes further. In this report it is recommended that the design of the leave arrangements be reconsidered, especially in countries where men barely make use of leave facilities. This refers to the duration of the leave, eligibility, payment level and flexibility (2005e: 9). This kind of arguments is also reflected in the NAPs, which this UK goal exemplifies:

The Government has set a goal of increasing paid maternity leave to twelve months by 2010 and to introduce the right for mothers to transfer a proportion of maternity pay and leave to fathers. As a step on the way, entitlement to paid maternity leave will increase from six to nine months from April 2007 (2005: 14).

The same report suggests «the streamlining of work and family policies into one integrated system of care, education and leisure services», that means a more coherent family policy (2005e: 10).

Also within health parental leave is described as an important means to assure reconciliation of work and family life and to promote equality and in the Green Paper on demographic change (European Commission 2005d), families are treated very explicitly and given great importance in confronting the challenge of ageing societies. However, it is still obvious that family policies serve the overarching aim of economic growth instead of constituting an important policy field as such. This is revealed already in the first paragraphs of the document where it says that families must be supported by public policies in order to reverse the demographic decline. This reversion is crucial to avoid the ageing of dividing in half the annual growth in GNP. In the same manner, incentives like family benefits, parental leave and child care are emphasized as possible solutions to the low fertility rate with the clear overall aim of keeping people at work (2005d: 5). Reconciling work and family life is justified with regard to the demographic crisis, not to individual wants or interests of children.

Child Care

Creating more kindergartens is perhaps the most direct and specific aim of the EU regarding family issues. This is one of the targets set in the framework of the EES (European Employment Strategy):

Member States should remove disincentives to female labour force participation and strive, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of Age (European Council 2002: 13).

This is an example of a concrete aim originating from the Lisbon strategy which for instance (western states of) Germany needs to work hard to comply with. To say, therefore, that there is no OMC on family policy is not completely accurate as the EES includes a very strong focus on reconciliation of work and family life. Reviewing documents on the EES, one finds references to many of the same family affairs related issues that turn up within other fields of social protection. In Guideline Number 18 (Promote a lifecycle approach to work), a better reconciliation of work and private life and the provision of accessible and affordable childcare facilities and care for other dependents is emphasised. The indicators developed to monitor the measures of the Member States include the employment impact of parenthood, provision of care facilities for children and provision of care facilities for other dependents (ill, disabled, elderly relatives).¹¹ The focus is on how such issues restrict higher employment rates. Measures of reconciling work and family life to increase the overall employment rate adopted in the Lisbon strategy could be interpreted as a sign of EU influence on the family policy since it in practise promotes female employment and thus stronger parental leave schemes and child care institutions as logical next steps. Increasing care facilities for children and other dependents is part of strategies within employment, social inclusion, health and gender equality. Care for other dependents is also legitimized by avoiding the withdrawal of people (women) from the labour market to fulfil care

¹¹ List of indicators available at http://ec.europa.eu/employment_social/employment_strategy/docindic_en.htm

responsibilities. Several of these EU publications include tables or other forms of comparisons and rankings, e.g.: «..., research shows that childcare provision for the under-threes varies from 8% in Germany, 2% in the Czech Republic to 36% in the Netherlands and 22% in Sweden» (European Commission 2007a). Some countries do better than others and the same publication stress the need for mutual learning:

It is clear that countries that favour family-friendly policies in areas such as equal access to employment, parental leave for men and women, equal pay, generally have higher birth rates and more women in work. They are also some of the best performing countries in terms of jobs and growth. The differences in the way countries manage support for families underlines the potential for mutual learning (European Commission 2007a).

A similar emphasis on family friendly policies and particularly child care is found in the Commission's 2006 Annual Progress Report on Growth and Jobs. The report is very concrete in its criticism, as exemplified by the comment on Germany's NRP and the need for «a more concrete and operational plan to achieve the intended increase in childcare facilities» (European Commission 2006a: 5). These recommendations and the NRPs should be studied closer when evaluating the effect of the OMC on national social policy.

That the family policy advice of the EU has the potential of influencing domestic reforms is illustrated well in the EES recommendations which are individually tailored and often reiterate a policy problem within a particular country. In the 2004 Council recommendation on the implementation of Member States' employment policies, Germany is advised to «review possible tax disincentives to female participation in the labour market; increase childcare facilities, especially in the Western Länder, and improve the correspondence between school schedules and working hours; (...)» (European Council 2004: 5). In the same Recommendation, UK is urged to: «improve the access to and affordability of childcare and care for other dependants (European Council 2004: 12).

In the German NAP (2005: 5), family policy is addressed specifically in focussing on providing child care places and allowing for a reconciliation of family life and work. The German report refers to a new law, making the municipalities responsible for providing care for children under the age of three within 2010 (2005: 15). Under the heading *Extending childcare – Strengthening the family*, the following aims are stated: reconciliation of family life and work, targeted material support for families, efforts to increase the birth rate, 230 000 care places for children under three (2005: 26). The UK report identifies the same main groups of people at risk of social exclusion, among them single parent and large (many children) families (2005: 4) and child care is presented as a priority (2005: 6). It is obvious that governments view child care policies to be of great importance to prevent social exclusion, increase birth rates and employment level and this can probably explain the relative high instance of measures in the NRPs and NAPs that could be classified as family policy.

Child Poverty Prevention

Prevention of child poverty is a third family policy issue which is high on the EU agenda. Reconciling work and family life is an important part of the European Social

Inclusion Strategy. To eliminate child poverty is one of the seven key policy priorities in promoting social inclusion (European Commission 2005b). As stated in the 2004 Joint Report on social inclusion, all NAPs acknowledge the importance for families of managing the balance between work and family life (2004: 36). Among the measures that could be useful to achieve this, extension of child care facilities, provision of financial support for families with young children, flexible or part-time working arrangement and a review of parental leave and maternity schemes are mentioned (2004: 46, 53). The joint report does not get more specific than this with regard to measures.

Judging from the joint report, it seems like the Member States have developed several measures targeted at families within the frame of social inclusion. While there are few or none such targeted measures among the objectives and indicators of the OMC, the Member States seems to be convinced that the family constitutes a key role in the fight against social exclusion. This is in line with the very aim of the OMC; agreeing on goals, but leaving the states to decide how to reach them. However, another interpretation is possible; it could be that Member States refer to measures developed in completely other settings to prove action towards social exclusion. Such an interpretation paints a less positive picture of the influence of EU regarding family policy.¹² At least it is interesting to see how initiatives targeted at the family are explained by reference to EU policies.

Sharing of caring responsibilities

A fourth, admittedly less distinct, family policy issue covered by the Union, is the focus on sharing family responsibilities. This means that men, encouraged by provision of financial incentives, should take more responsibility for their children and house work (Špidla 2007). As observed by Daly regarding individual European welfare states (2004: 138) it seems like also the Union considers it legitimate to recommend a certain type of policy (European Commission 2006b: 8). As has been shown in the paragraphs on parental leave the Union wants to increase gender equality and suggests that men should become more involved in caring. The division of labour by gender in a household used to be a matter left to the couple (Lewis and Ostner 1995: 178) but today the EU is clear on its advice that both parents should care for their children. Still, according to Lewis (2006b: 429), this focus was even stronger before the EU started to enhance gender equality mainly through the advice of increased female employment. A second stage consultation of European social partners on reconciliation of professional, private and family life is currently being discussed, dealing with possible EU measures in this field (European Commission 2007b).

¹² Since development of family policy is still in its very beginning, it might be illustrative of how member states make their already established policies the subject of future objectives, meaning that the arrow of influence goes from member states to the EU and not the other way around. This could be a big problem when relying strongly on official texts (Barbier 2004: 11, 14, 15). The ongoing research project on policy discourses will look closer at such questions ([http://www.rokkan.uib.no/projects/?/\\$present&id=198](http://www.rokkan.uib.no/projects/?/$present&id=198)).

Summary

Even though the four issues discussed above are identifiable, they still only constitute aims but no binding agreements, except the few directives that exist. Altogether, according to EU discourse, social protection systems must be made more conducive to a high level of employment and a better work-life balance for families. All EU countries seem to follow this strategy in order to secure their welfare systems. There is more and more family policy, but still more as a means to address issues of demography (population ageing, low fertility rates), changing family structures and human capital (decline in skilled labour supply) than an aim to promote the well being of families. Thus, family policy has become more important above all since it is considered to have relevance to *economic concerns*. The language, however, is one of OMC: Member States should learn from each other's experiences and build on best practise by exchanging data and information. This is perhaps not so surprising since the issue is often discussed in the context of the EES. Lisa Pavan-Woolfe, Director for Gender Equality, European Commission, used the following phrases in a speech: «At European level, we can promote reconciliation in different ways, through the existing directives, with the resources of the Structural Funds and within the European Processes based on the open method of co-ordination between Member States, in the area of Employment, Social Inclusion and Pension» (2002). This emphasises that reconciliation of work and family life is an all-embracing issue which cannot be restricted to one field.

In EU level policy views there are some signs of defamilisation or at least a type of policy usually associated with a Nordic welfare model. While it would be inaccurate to classify EU social policy development as moving in this direction, it seems to be the case for certain aspects of family policy. The following overt or indirect values found in the different fields add up to the promotion of certain policies which contradict the traditional family policy of at least some of the Member States: Fathers should take more responsibility, there should be better rewards for caring responsibilities for both women and men as well as the focus on public/private child care instead of family as both parents should work. Also, family policy arrangements, in contradiction to other fields of social policy, most notably pensions and employment, needs to be extended rather than diminished.

These themes might have limited impact in terms of creating a distinct EU family policy, but must be considered politically important in reflecting recognition of family affairs as one of the main contributors to sustainable welfare states. As a main trend one could say that the EU thinks it has a say, an interest and a legitimate reason to give advice on family related issues. Although no explicit family policy exist, policies in this area are recognized as important and adding all the different references of family policies within the different fields of social protection addressed by the EU leaves us with a distinct amount of policy ideas. Most of the issues (reconciliation, parental leave, child care) are treated in several areas since social policy is considered a productive factor. The analysis of document data offers several insights about an emerging policy and how the EU expresses views on the aims, instruments and (unintended) effects (distribution, fairness, participation, sex-roles) of national family policy. The EU

encourages Member States to develop family friendly policies and there is a discourse on reconciliation of work and family life which dominate all documents.

Compared to national family policies, it becomes clear that the EU still has no coherent family policy. At EU level, there are no regulations concerning child benefits, child care allowances, allowances for single parents or father quotas and the Directives on Parental Leave or Pregnant Workers are minimum measures leaving much to the Member States. Only national social policy is citizen focused (Kari 1998: 38). What this analysis has focused on though, is how the EU increasingly takes an interest in such questions and has started to issue at least some statements and even a few recommendations on this. The EU Commission has just published a Communication on families and announced one on childcare in 2008 with concrete proposals. In sum, notwithstanding the fact that there does not exist any named EU family policy, it is both possible and reasonable to study how the EU influences Member States in this area since it has developed many policies which affect the situation of families. By implication, one simply has to look for family policies in other areas of social policy (Lewis 2006a). In this section I have directed attention towards fields and issues particularly suitable for this. The coming sections deal with the increased use of conferences in the field and go some way towards answering the question why family policy is not a particular area of welfare policy in the EU.

Conferences and the OMC: family policy moving higher on the agenda

«Families, Change and Social Policy in Europe», hosted by the Irish EU-Presidency in 2004, was the first EU Presidency conference on this theme ever. The conference's report to the Council of the European Union is a two-side summary of some of the themes of the conference. When it comes to concrete suggestions, the report is pretty vague, using formulations like «The ways discussed for meeting these challenges include: ...» (2004: 238) instead of direct recommendations of any kind.

Perhaps unsurprisingly at a conference like this, but still noteworthy, many of the participants emphasize how the Union has a say in this policy area. Linda Hantrais, whose work on EU family policy has stressed the modest development so far, acknowledges that some agreement exists among Member States with regard to EU initiatives to for instance create a better work-life balance, even though it is not reflected in common legislation (2004: 113).

At the same conference, the Parliamentary State Secretary Minister Marieluise Beck of the German Ministry for Family Affairs, Senior Citizens, Women and Youth, refers explicitly to the Lisbon strategy, saying that «The Lisbon agenda have given us the specific task of promoting the family unit» (2004: 203) and calls for greater cooperation within the field, although her speech makes all the common reservations:

Europe cannot afford not to talk about such important themes on a regular basis. Please, do not misunderstand me: I am not thinking about shifting responsibility. Europe does not need any authorities for making policies on family affairs. But we do need a forum, in which we can discuss our European problems in the area of family affairs. At one stage, a working group comprised of government officials from the department of family affairs met regularly with the European

Commission in Brussels to discuss current problems. We should set up this working group again! (Beck 2004: 207).

Germany organised a similar conference in 2004 and taking over the EU Presidency in 2007, it took the initiative to establish an «Alliance for families» to enhance exchange of best practise. This has similarities with what Beck referred to above and has been welcomed by the EU Commission (see below).

Austria held the EU presidency in the first half of 2006 and organized a conference entitled «Demographic Challenge – Families need Partnerships» in Vienna in February 2006.¹³ There are rather few references to a possible common EU family policy at this event. Most participants, spanning from ministers and commissioners to experts and representatives of interest organisation, focus on themes like the role of enterprises, changes in family structures and family in the economy and the community as well as reconciliation of work and family life. There is a strong focus on the role of the family in the demographic development and less on the well being of families, though this is touched upon in the official invitation to the conference. Here it is emphasized how services that strengthen, involve and activate families should be prioritized to those making families only objects of policy.

As there is limited documentation from this last conference, one cannot draw too many conclusions from it. However, judging from the downloadable material on the Austrian EU Presidency portal, e.g. the opening address by the Austrian Social Affairs Minister, the gathering is part of a comprehensive initiative to bring family related issues higher up on the agenda:

With this conference the Austrian Presidency wishes to continue the started initiative (Dublin, Berlin) and to make a contribution to this important and necessary discussion at European level. Results from this conference should flow into the new European Lisbon process. (...) We have gathered here to exchange experience and best practice for the reconciliation of family and profession. We can learn a lot from each other, without renouncing our national strengths. The diversity of Europe is also expressed by varied approaches and focal points in the domain of family policy. (...) A common target unites us: Family policy requires the further overlapping co-operation of all social fields (Haubner 2006).

Thus, these three conferences could be seen as the start of a process where the Union takes more responsibility for an until recently neglected area. From the statements of different actors this seems very likely, but in which form this will take place is a different question.

Hugh Frazer of the D G Employment and Social Affairs of the European Commission provides support for a more modest ambition: «From my point of view I felt that most of the issues could well be addressed by developing the processes that we already have» (2004: 230). And at the same time some developments might go in an opposite direction. The European Observatory on the Social Situation, Demography

¹³ There exists no report from this conference, but information is made available at <http://www.eu2006.bmsg.gv.at/cms/eu2006EN/liste.html?channel=CH0602>. Unfortunately, these are mainly abstracts or shorter summaries in English, German or French, allowing no thorough analysis beyond impressions. By way of correspondence with the Austrian Ministry for Social Affairs I have gained access to some of the presentations, but the information is still very incomprehensive. This also makes it difficult to make references in a normal way, meaning that I have to refer only to participants' names or page numbers as they occur when printing out the documents.

and Family, established by the European Commission in 1989 in order to monitor and report about developments in the EU Member States, was closed down in 2004. According to Diemel (2004: 293), it dealt with exchange of information and never became very important. It has been replaced by The European Observatory on Demography and the Social Situation, taking family out of its name. This could be read as a sign of how family issues are subordinate to more pressing economic interests. Moreover, the Commission could have given direct consideration to family policy in the «Social Policy Agenda 2006–2010» like it did with the initiation of a process of Open method of Coordination from 2006 for the areas of health and long-term care. Instead, there are no explicit references to family policy at all and the word «family» appears only once (European Commission 2005a). The closest the Agenda comes to treating family policy is the promise to put forward a communication on social services of general interest in 2005, later postponed to early 2006.

However, the conference – trend continued and the Finnish EU Presidency organised an informal ministerial meeting in July 2006 to follow up Austria's work on family policy. The conference's concluding remarks drawn in relation to the social and health policies focus twice on reconciliation of work and family life, but less direct on family policy measures. Again, family policy seems to be dealt with more as part of other fields, e.g. gender equality and non-discrimination, instead of directly as a distinct field. Here issues like care by men and parental leave for both parents are promoted as well as how women's participation rates are conducive to higher birth rates.

In this respect, the conference does not address family policy in the same straight forward way as in Berlin, Vienna and especially in Ireland. Family policy is treated as a productive factor which for instance prolongs working careers. However, sharing of best practice within reconciliation of work and family life is again stressed. The conference workshop dealing with the question «how can working careers be prolonged during the lifecycle by social policy?» does identify family policy as a key means and underscores how high female employment is connected to higher birth rates provided that child day care services are available. Also, but only in a draft background document (Finnish EU Presidency 2006), reconciliation policies are discussed more thoroughly. It is written by experts carrying no political responsibility, which might explain the much more direct advice and normative views included in the report, for example how pension crediting for child care periods must be improved, gender equality in caring work must be promoted, and more balanced sharing of responsibilities (increase men's housework and child care hours).¹⁴

During the German Presidency in 2007, two important developments took place. Firstly, the Germans organised an informal meeting where for the first time in an EU setting both family and equality ministers met at the same time to discuss common challenges. As in the conferences described above, focus was very much set on learning and according to the German family minister the aim was to develop policy. Secondly, the Germans initiated the «Alliance for families», described in further detail below, in

¹⁴ The attention devoted to family policy at the conference EU's Evolving Social Policy and National Models in Helsinki in November 2006 should also be studied. Unfortunately, there is yet no information available on the website of the Finnish EU Presidency, but family policy was discussed at the meeting. There is also published a book on the Europeanization of social policy as background information for the conference (Saari 2006).

order to enhance exchange of best practise. The «Alliance for families» could also be an equivalent to such conferences.

Should these conferences become annual events with stronger exchange of information, monitoring and negotiating then it could gradually ensure the EU some competence in family policy. According to Barosso, President of the European Commission; «It is not just by developing childcare facilities that we can turnround the decline in birthrates; we should also be drawing on national «best practices» in terms of parental leave, a flexible approach to working time, and social welfare arrangements» (Barosso 2005: 11). Judging from the five conferences organised so far, they could contribute to the building of networks and even epistemic communities since the same organisations, institutions and people are represented again and again. Even official representatives from non-member countries attend these conferences, like the Norwegian Minister for Family Affairs Laila Dāvøy in Berlin 2004.

Overall, the conferences have drawn at least five interesting conclusions: family policy must be addressed in a more consistent manner, more child- and family-friendly policies are needed, action at the European level is required, exchange of best practice is welcomed and a European Demography Forum is to be set up.

The First Forum on Europe's Demographic Future was organised in October 2006. In two of the workshops (1 and 4), family policies are addressed directly through discussions of reconciliation of work and family life and the need for modernizing family policies.

In her opening speech, the German Family minister von der Leyen talks exclusively about family policy and refers to measures that her country will implement as it takes over the EU presidency in 2007. What she refers to as the «European Alliance for Families» is supposed to increase exchange of information and family friendly policies. (Still in its beginning, the Alliance's working mode is described in a communication from 2007 European Commission 2007c). According to von der Leyen the new German parental leave scheme is a direct result of Scandinavian Best Practise (2006: 5). Commissioner Špidla, in his opening speech, says the EU should organise a Forum like this every two years and encourages the exchange of good practise through regular meetings of government experts. Špidla also says that the Union will set up an expert group for family issues (Sachverständigengruppe zu Familienfragen) with representatives from each country (2006: 3). This underscores how family policy through different conferences becomes more and more attention.

A future EU family policy?

Which status do these conferences have, then? In an article on the OMC, Berghman and Kieke (2002) discuss three conferences organized by the Belgian EU presidency in the second half of 2001. According to these authors, «The conferences appeared to represent an important example of the open method of co-ordination, setting the agenda, discussing the development of indicators, and deliberating on the need to expand the powers of the EU into the area of social policy» (2002: 3). Although there is no OMC on family policy in the EU, I find it useful to analyse the meetings described

above in light of this soft mode of governance, especially since conferences, at least in the view of Berghman and Kieke, constitute core elements of the OMC. Such an analysis will hopefully shed light on how far the Union has actually gone in this field of social policy.

Several participants at the conferences emphasize how family policy is fully in the competence of the Member States and there are no direct ambitions expressed as to create an EU family policy. At the same time, however, it is stressed how family policy is of a cross-cutting nature and how a more consistent policy with action at the EU level is needed. Reading reports from the conferences on family policy since 2004, leaves the impression that such conferences are based on much of the same logic as the OMC. In several statements, actors speak up for employing a similar method concerning family affairs. Mary Coughlan TD, Irish Minister for Social and Family Affairs, gave the following statement on the 2004-conference: «I think this Conference has already shown the value of sharing our knowledge, experience, expertise and good practices in this key policy area (...)» (235). On the Berlin conference later that year, her German colleague Renate Schmidt speaks up for a system of continuous exchange of experiences so similar to an OMC on family policy that practically only the term OMC is lacking (2004). Jérôme Vignon of the European Commission emphasizes how family life interacts with social inclusion and pensions and that the EU can coordinate policies in the area by linking national policies and see to it that knowledge, research and practices are exchanged (2004: 223).

At the Irish conference Bernd-Otto Kuper, representing two German welfare organisations,¹⁵ picks up this tread and poses the following question: How realistic is the idea to move the EU Commission towards a regular exchange of information on family policy? After pointing at the many obstacles to this, including the lack of a backing from the current EC Treaty or EU Constitution, Kuper also mentions some signs of a possible change: The demographic factor and its negative impact on economic growth and employment, how measures within exclusion could set focus on certain issues like poverty in families or among children as well as how Member States and NGOs through the Open Method of Coordination «might further support this by championing a political guideline and/or «indicators» (for measuring the progress in the implementation of respective guidelines in the Member States), according to which all measures by Member States must consider issues relating to family policy» (2004: 56). These are very similar reasons to what I have identified as an emerging EU family policy in section one. In a way, the conferences represent a «truly open method of coordination» in having a more bottom-up approach, for instance by allowing participation from NGOs.

Overall, the conferences on family policy and demographic developments have similarities with an OMC-process: Participants are exposed to new ideas and views upon aims, functions and set up of social policy fields and the conference reports contain many suggestions to develop a process of continuous exchange of information based on

¹⁵ The EU representation offices of the “Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege“ and the “Deutscher Caritasverband“, the central voluntary welfare organizations in Germany, see <http://www.bagfw.de/?lang=en>

best practice. Also, as other OMC social policy formulations the ones on family policy are coined in economic language, to use a phrase borrowed from Barbier (2004: 7), meaning that the underlying reason for action is economic growth and sustainability.

However, there are also some clear distinctions. For instance, there is (yet) no development of clear objectives or indicators (except perhaps number 18 and the child facility-goal referred to in section two) and key OMC-players like representatives of Member States and the Commission are not present to the same degree. Also, Member States have not agreed to make annual reports or start monitoring-processes of any kind. The main instrument to achieve the goals of the OMC is the development of processes of discussion and interaction between political and administrative actors at national and international level (Bisopoulos 2005: 151). So far the conferences have not resulted in processes like for instance family policy peer-reviews.¹⁶ Then, are these conferences forums where ideas are exchanged and discussed? More research is needed to clarify the status and importance of these conferences and whether this is cheap talk or the start of binding cooperation. But with this recent development of new modes of addressing family policy, how come family policy at EU level is still only a cross cutting field? And why is there no OMC on family policy?

Scientists writing on this topic give various reasons why the European Union has not (yet) developed its own family policy. The obvious and straight forward answer is of course, in the words of Pfenning and Bahle, that «The EU's principle of subsidiarity leaves social and family policy the responsibility of the member states» (2000: 128). But the interesting question is why the EU has not developed more competences within this area. Many of the obstacles applying to social policy in general also matter for a common EU family policy (Leibfried 2005). A full treatment of this topic is not possible here, but a brief summary of problematic issues applying more specifically to the family policy area based on previous research is instructive.

There are strong ideological dividing lines in this area both between and within countries (Hantrais 2000: 91). Moreover, family policies are by many considered private affairs and a non-suitable area for state intervention (2000: 91). And EU social protection focuses on workers' rather than citizens' rights (Hantrais 2000: 91, Lewis and Ostner 1995: 177). This leaves the Union little competence in this field. Hantrais sums up the argument like this: "Where policy objectives do not coincide with values which are widely shared across Member States, the Union is unlikely to be able to exert its influence or attempt to shape national policies" (1995: 75). I would agree that the different understanding of what a family policy should include complicates the development of *its own* coherent family policy, but not the EU from *trying to shape* national policies. Instead, while always emphasizing how family policies are the exclusive responsibility of the Member States, «the Union can still contribute indirectly to their modernisation and success» (European Commission 2007c: 3). This is justified often by saying that e.g. childcare is instrumental in reaching equality between men and women or higher birth rates.

¹⁶ However, a peer review process in Stockholm on parental insurance and child care as part of the OMC on employment (EES) was organised in 2004 and similar themes have been addressed in other peer reviews.

In the context of this study the allegedly special character of family policy is interesting. I would like to take issue with two assertions regarding family policy. First, the very different family structures across Europe supposedly make it difficult to find one family model which could serve as a model for a common family policy. Does this not make the Open Method of Coordination a natural choice? According to Kohl and Vahlpahl (2004: 12), the OMC is particularly suitable when political consensus is hard to find, path dependency and interconnectedness of social policies are strong and the potential loss of legitimacy high.¹⁷

Next, is family policy really so special with regards to moral questions and conflicts of interest involved? This is possible to question, also other areas are difficult but have still been addressed. Social inclusion, pensions, health and employment are all important in national budgets and for traditional ideas of social justice (Kohl and Vahlpahl 2004: 12). And, as stressed by Radaelli (2004), learning is always a political exercise, irrespective of policy field. Should not the OMC be especially suitable for family policy, then? Family policy is much politicised, but has few vested interest or institutions linked to it. It is popular in the public, but not as important in terms of spending as are pensions or health policies.

One could argue that agreeing on full employment as a goal is less controversial than for example whether families or public institutions provide the best surroundings for the care of small children. Still, family policy seems not impossible to deal with in a more systematic way than has been done till now. The latest developments of conferences on family policy as well as the increasing understanding of the field as important for economy and competition, suggest that this is not totally unlikely. Similar focus in other organisations like the OECD could also provide reciprocal action conducive to further coordination at EU level. At the same time, the recent streamlining process of creating one single OMC could mean that there will be no individual OMC on this issue, but rather increasingly incorporated into the established OMCs or through initiatives such as the «Alliance for families».

Summary and outlook

This paper has discussed the status of family policies in the EU, arguing that family policies are emerging. There is a growing interest in and understanding of family policy as an important issue to address. Further work is needed to determine the conditions under which an EU family policy will develop and its influence on national policy. More research should be done on the implications of this development and how it relates to recent paradigmatic reforms in EU nations like Germany (Ostner 2006). Despite the paper's limited empirical research some conclusions can be drawn that provide food for thought and discussion.

First, the EU has no family policy in the sense of a coherent set of objectives for government activity in this policy area, but several policies that affect the situation of families and ideas on national policy. Family policies are cross-sectoral policies and there

¹⁷ For an instructive overview of characteristics of the OMC as a governance instrument, see also Jacobsson and Vifell (2004: 7) or Radaelli (2004).

exists several traces of family policy in other EU social policy fields. One implication of this is that when searching for EU policies on the area, the search cannot be restricted to what is narrowly defined as family policies, but must include other fields of social policy. Second, however, these policies must first and foremost be interpreted as facilitators of the overall aim of economic growth and less as an attempt at developing common family policies across Europe. The way the EU concentrates on the family as a remedy for the threats against the welfare state (ageing society) is perhaps the most obvious example of this. Third, and with reference to Hantrais (2000) and Lewis and Ostner (1995), the paper pointed at strong ideological dividing lines, conflicts of interest, and the focus on workers' rather than citizens' rights as reasons why there are no distinctive EU policies in the area.

So far the findings of the paper are in line with earlier research on this topic. But in two respects the paper takes another view than most other contributions and this constitutes the fourth and fifth conclusions: Although the EU Treaties do not include a stated family policy, the EU's view of social policy as economically favourable (a productive factor) has resulted in some recommendations and targets with the potential of influencing domestic reforms in Member States. And, based on the recent trend of the holding of special EU conferences on family policy as well as the «Alliance for Families» and due to the commitment to address related issues like demography, I have argued that one has already seen and might witness more EU initiatives affecting family life within a short time. In this regard, the paper has also argued that family policy should not be an impossible field onto which OMC – similar processes could be applied. This goes some way towards challenging the conventional wisdom of family policy being absent at EU level.

In the continuation of this, the hypothesis guiding the essay, but not given any considerable treatment, seem even more interesting: does the EU generate and spread ideas for how to deal with problems and diffuses those ideas with success? The high instance of policies touching and crossing into the borders of family policy warrants a closer investigation of this question and new policy documents and interviews of national and EU officials could inform such research questions further (see Lindén 2007).

By this I do not mean to present the EU as the main actor in developing family policy ideas. Ideas expressed by the EU do not necessarily originate with this institution. They could be incorporated into existing strategies because Member States carrying out such policies seem to have successfully dealt with common challenges like women's employment rate.

However, in addressing such questions, one should study if Member (and non-member) States conduct similar reform strategies, what aspects of the welfare models they question, recognize as problems and which solutions they prefer. Also, the information about problems and solutions which is considered relevant and legitimate by the policy-makers and on what grounds decisions are made should be given attention. Such investigation might further challenge conventional wisdom on EU activities and relevance within the family area.

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The European Observatory on the Social Situation, Demography and Family:

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