EUROPEANIZING RESPONSES TO LABOR MARKET CHALLENGES IN GREECE, IRELAND, AND PORTUGAL: THE IMPORTANCE OF CONSULTATIVE AND INCORPORATIVE POLICY-MAKING

A Dissertation

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Abstract

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This dissertation investigates the relationship between policy-making institutions and processes and the Europeanization of policy content in three second- and third-wave members of the European Union. It focuses specifically on Greek, Irish, and Portuguese responses to a set of labor market challenges in the higher education, immigration, and family policy fields, the latter concentrating on the evolution of policies for work-life balance. The central lines of enquiry involve (a) detailing the extent to which each country has reoriented these three policy areas around Europeanized goals and values, and (b) specifying under what conditions they have been able to do so.

A framework for explaining variation in policy outcomes is developed in which the construction of policy-making institutions and processes capable of balancing functions of interest group consultation and incorporation plays the central role. Ireland
has the most fully developed consultative and incorporative tradition and has Europeanized its policy responses the most. Greece has the least developed consultative and incorporative policy-making institutions and processes and has Europeanized its policy responses the least. Portugal is the mixed case in the sample, falling somewhere in between on both counts.

The dissertation includes a detailed methodological discussion, especially concerning the basis of national and policy area case selection, as well as a theoretical one concerning why and how consultative and incorporative policy-making is important. The qualitative analysis presented in the empirical chapter discussions draws on national and international policy-related documents as well as a wide secondary literature, and a series of interviews with policy-making officials and interest group leaders conducted in all three of the countries under investigation.
DEDICATION

This work is dedicated to my immediate family, namely Paul Buchanan, Charles Nicholls, Helen Nicholls, and Liz Nicholls. Collectively they deserve honorary shares in Telecom after the number and length of phone calls made between Auckland (New Zealand), South Bend (Indiana), Dublin (Ireland), Lisbon (Portugal), and Athens (Greece) over the past six years. The theory is that now I get a job that allows me you pay you all back somehow, but we’ll have to see about that.
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CHAPTER 1:
INTRODUCTION

The formation of the European Union, its gradual enlargement over time, and an accompanying expansion of its functions, represents the most advanced experiment in regional integration to date. Although in the past countries have been formed through processes of “coming together” so that distinct sub-national identities have been maintained, the EU project is different in that member states retain their basic national sovereignty at the same time that efforts are made to harmonize or coordinate key domestic policies across the region. Arguably, individual countries have joined in on European integration for self-interested as much as idealistic reasons. The EU’s original founders were interested in ensuring border security, balancing their weight against larger and historically more powerful countries, and ensuring a market for manufactured and agricultural goods. Later joiners, to the West, South, and eventually East of the original Union, did not want to miss out on the material and political benefits of EU successes in achieving these basic aims. In particular, poorer or less developed nations wanted assistance from the supra-national organization in order to catch up to the living standards enjoyed by their richer neighbors.  

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Yet the goals underpinning European integration have developed far beyond what the project’s founders intended, reaching into new and unexpected geographical areas, and becoming about much more than harmonizing a few particular policy areas. Rather, the European integration project offers a specific, though not always necessarily uncontested or complete, vision of what an advanced post-industrial democratic society should look like. This vision is connected to a set of policy goals and values that are described in this dissertation as “Europeanized” ones. That vision entails a development model, admittedly better conceptualized in theory than translated into fact, that attempts to forge a kinder version of advanced post-industrial capitalism than is currently being experienced in other parts of the world by combining free trade commitments and knowledge-led economic growth with measures to combat social inequality and exclusion and ensure a comparatively high degree of protection for both individual and collective labor rights.

This model borrows heavily from the experiences of the Nordic countries, which in post-World War Two times have emphasized an open economic strategy combined with social equality achieved through such mechanisms as corporatist wage setting institutions and generous universal welfare systems. Yet the model also goes beyond the Nordic tradition in that it incorporates a new focus on social integration or “cohesion” in an increasingly diverse Europe. What is more, the economic strategy for achieving all this is to be based less on small-scale manufacturing, as was the case in the traditional Northern European model, than on “knowledge-based”, technology-intensive industries.

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However, because this Europeanized model of economic and social development is influenced by the policy traditions of some particular member states more than it is by others, some countries have much further to go when it comes to the implementation of Europeanized policy goals and values. For the less developed, more peripheral and later joiners, regional integration provides both the greatest opportunity, to overcome legacies of underdevelopment and the social divisions that stem from that, as well as the greatest challenge, since they have much further to catch up in terms of European living standards and levels of social peace. Included in this set of countries are those of the EU’s southern, western, and eastern reaches, including the Republic of Ireland (since 1973), Greece (1981), Portugal and Spain (1986), as well as the large number of countries located in Central and Eastern Europe which acceded in 2004. ³ While it is too early to assess the effects of European integration on this latter set of countries, a comparison of the group of Southern European members, along with Ireland, provides the best opportunity to assess differences in the extent to which and the reasons why countries respond differently to European integration. By “responding differently” is meant variation in the extent to which individual nations have taken full advantage of EU membership by voluntarily opting to embrace Europeanized development goals and values, rather than on simply national compliance with mandatory laws or policy initiatives.

Out of the larger subset of countries that had the most to gain from as well as the furthest to go in order to take full advantage of regional integration, this

³ Finland is an interesting outlier case here. Although it is located to the North of Europe, it is a traditionally underdeveloped country suffering many of the economic and social indicators found in Southern Europe and Ireland at the time those countries joined the EU, and yet Finland did not join until 1995. Whether Italy is included in the “peripheral” subset is also a matter open to debate. On one hand it was a founding member of the EU and was much more economically developed at an earlier date that the rest of Southern Europe, and yet it has been a major target of EU cohesion policy since its southern regions in particular took much longer to start converging toward European living standards.
dissertation compares the cases of Ireland, Portugal, and Greece. The comparison is appropriate because, as smaller countries with highly centralized political systems and additional similar features such as histories of reliance on agricultural-led economic development and traditions of political clientelism, they share many features that cause us to suspect that they might respond in roughly similar ways. Yet also because they are all small, they are often overlooked in analyses of national adaptation to European integration in favor of the larger players. Even when Southern Europe is the focus, it is much more common to compare Portugal with Spain and Italy with Germany or the UK, whereas Greece is often overlooked entirely or considered too much of an outlier to compare to any other member state. A controlled comparison of this set of smaller and understudied countries is important, not the least when we turn to the theme of labor market challenges as a basis of assessing the extent to which individual nations have Europeanized their policy goals and strategies. Smaller countries in contemporary times face additional challenges when it comes to labor market development, often lacking the pool of high-skilled labor needed to fuel high-wage, knowledge-based economic growth, and increasingly relying on immigration in order to meet those needs.

Clearly, an assessment of the extent to which Ireland, Portugal and Greece have reoriented their entire economic and social developmental strategies around Europeanized goals and values is not possible. That would entail analysis of the complete policy programs of individual governments in each of the three countries since EU accession. Rather, this dissertation focuses on three specific policy arenas that relate to the state’s ability to shape labor market development, or more precisely, the ability of the state to influence population structure along with what sort of skills the working population possesses. This state capacity is increasingly recognized,
especially by European analysts, as being central to a high-wage, high-skill development strategy that also seeks to ensure that the fruits of development are distributed more evenly than they have been in the past. Higher education and immigration policies and policies aimed at the reconciliation of family and working life provide a focus for weighing up differences in the extent to which development strategies have been Europeanized in each of the three countries, as well as a basis for explaining why such variation exists.

The main contemporary developmental challenge faced by latecomer EU member states such as Ireland, Portugal, and Greece is how to carve out a “pathway from the periphery”\(^4\) that involves competing in the world economy on the basis of high skills, technology-intensive and niche service industries in order to fulfill regional policy objectives of economic and social “convergence” within Europe. The greatest challenge, however, is how to achieve all this at the same time that Europeanized goals of “social cohesion” through combating “exclusion” are met. This can be particularly problematic for countries such as Ireland, Portugal, and Greece, formerly on the outskirts of Europe, with prior histories of acute inequality along class but also significantly for this research project, gender and more recently, ethnic, lines. This fact complicates attempts to Europeanize policy goals and values on the part of the newer EU members to the South and far West of the Union, let alone the brand new member states of Central and Eastern Europe. One of the greatest challenges is how best to make use of the state’s ability to shape labor market outcomes, not only through active labor market or welfare-to-work programs, but by incorporating labor market concerns into the “second tier” of state activity in the labor

market arena. This research project conceptualizes higher education, immigration, and work-family reconciliation policies as part of this second tier.

The following chapters argue, and provide evidence to back up that argument, that despite their similarities, there is significant and important variation in the extent to which Ireland, Portugal and Greece have fully Europeanized their policy goals and values. Ireland appears to have Europeanized the most and has benefited more than the two other countries compared here, vigorously pursuing an economic strategy based on knowledge-based growth, especially through its education system. With economic successes over the course of the past decade and a half leading to a tightened labor market, immigration policy and policies for work-life balance are also increasingly conceptualized as part of a labor market support structure, with goals of minority integration and gender equity also adding to the policy debate.

Greece has had the most difficulty adapting to Europeanized policy goals and values, often failing even to conceptualize these three policy areas in a Europeanized way. The gap between the policy goals and values suggested by a Europeanized development strategy and national level ones is most acute in this case. Portugal, in many ways the most interesting case in the set, falls somewhere in between. Portuguese policy initiatives in at least two of these areas, immigration and work-life balance, is relatively advanced and progressive in European terms, and certainly in comparison to other Southern European cases. Yet the stated goals of policies are often divorced from the reality of what is happening in Portuguese society, leaving the researcher wondering whether such initiatives can really have an effect. How can this variation, mostly between nations, but also in this latter case, within Portugal, be explained?
This dissertation argues that in order to Europeanize economic and social development strategies, incorporating a new set of goals and values into national public policy, some crucially important changes must occur at the level of national politics and, more specifically, in the way that the state deals with interest groups. The argument is that there is a strong relationship between the extent to which Ireland, Portugal, and Greece have reoriented their economic and social development strategies around “Europeanized” goals and values, and the extent to which each nation has developed new policy-making processes and institutions that are capable of mediating between the interests of the state and of key societal groups. Such processes and institutions must be capable of delicately balancing two quite different characteristics: consultation and incorporation.

When it comes to reorienting a nation’s development strategy under conditions of political democracy, genuine consultation matters because interest groups are also often experts in their field. Their grass-roots knowledge of the policy problem in question is an important component in developing a coherent and effective solution to that problem. On the other hand, as the broader literature notes and is discussed fully in chapter three, fundamentally reorienting national development strategies also often requires overriding entrenched social group interests. This means that consultative policy-making also usually needs to fill an incorporative function as well: trade-offs between the state and interest groups and between key interest groups over policy details are made in order to prevent such groups from opposing the overall direction of the policy shift.

Intermediary policy-making processes and institutions that adequately combine consultative and incorporative characteristics are important for any democratic regime attempting to reorient national development goals and strategies.
around new ones because the cooperation and consent of key societal interest groups is necessary and because grass-roots expertise is useful. Yet such institutions take on a particular importance for these three countries as they undergo the process of European integration because not only does the EU promote certain development goals and strategies for achieving them, it also promotes a certain type of politics, namely one based on consultation, negotiation, consensus-building, and compromise. Nations such as Ireland, Portugal, and Greece, to which both Europeanized policy goals and values as well as these specific ways of formulating them are generally quite new, if not in some instances entirely alien. This is even more especially true of the two Southern European cases. To reiterate, variation in the extent to which policy strategies have been Europeanized is related to the degree to which each of the three nations have proved capable of constructing new policy-making institutions that balance genuine consultation and interest group incorporation. This arguably amounts to a deepening of democratic development where successful institutional development has occurred.

Although European integration thus provides a backdrop to the analysis that follows, it does not provide the underlying or even the main set of causal variables for explaining institutional development and the resulting policy shifts that result. Those are located primarily at the national level. While other European nations and the EU itself provide a particular set of policy goals and values, the choice to join in on European integration was a national one and even subsequent to that, member states still have some choice about how fully to embrace Europeanization. Further, even though it is assumed here that Ireland, Portugal, and Greece all have some desire to pursue a Europeanized economic and social development strategy, their prior histories of democratic development and especially state-society relations as reflected in
policy-making processes and institutions provide the main explanation for variation in the extent to which they have been able to do so. Legal traditions and both formal and informal institutional development especially are central to these histories, and provide the main facilitators of or barriers to the development of new institutions that effectively balance consultative and incorporative characteristics.

Chapter two provides an extended discussion of the concept of policy Europeanization, and what is meant by a European development project and the goals and values that are associated with it. The argument is that assessing the effects of European integration involves much more than a quick calculation of how many formal European-level decisions are translated into national law and practice. Rather, EU membership provides countries such as Ireland, Portugal, and Greece a distinct but general vision of how their economies and societies might operate. It is thus primarily a positive vision that promises greater economic equality and social integration. The Europeanization of policy goals and values is not so easy for nations such as Greece, Ireland, and Portugal, however, given that they are handicapped by histories of underdevelopment and, in particular, a lack of social investment over a long period of time. This has left “peripheral” EU members with undereducated workforces, fewer women in paid work than is the case elsewhere in Europe, and little basis for understanding how immigration policy might be used to attract specific classes of skilled workers that the country needs. Those specific elements of a high-wage, high-skill labor market strategy are discussed extensively in the second half of the chapter, eventually providing a framework for the analysis of higher education, immigration, and policies for work-family balance to be adopted in the case study analyses.
Chapter three develops an explanatory framework centered on the emergence of policy-making institutions that are both consultative and incorporative. It finds some backing for emphasizing the importance of such institutions and processes in the existing literature, but finds that much of this is limited to the discussion of industrial policy or labor relations and that consideration of such policy-making processes and institutions across a broader range of policy areas is required in order to deepen and generalize the analysis. The chapter then moves onto an extended discussion of how the concept of a policy-making process or institution that is both consultative and incorporative can be operationalized. What does incorporative and consultative policy-making look like and how do we know when we have found one?

Chapter four then begins to apply the explanatory framework to the case studies by identifying bases for the development of these specific types of institutions in Ireland, Portugal, and Greece. Special attention is given to the impact of regime change and transformation on state-society relations, and the extent to which this has been institutionalized in legal and policy-making procedures. General patterns that later apply across the three case studies can be identified. This dissertation does not attempt to give a comprehensive explanation for explaining why and how policy-making traditions change, since the main focus is on proving why and how they matter in the specific cases under discussion. Yet some attention to this question is required, so that chapter four also points out some of the reasons why policy-making traditions are so difficult to change. Elements of elitism and legalism resistant to consultative policy-making even survived a revolution in the Portuguese case. Where policy traditions do change, it tends to occur over the long-term in response to gradually building demands for new forms of political representation on the part of societal interests, even if change can appear quite abrupt. That occurred in the Irish
case, even if the catalyst for change was an acute economic crisis that threatened to expand into the social and political spheres after 1987.

Chapters five through seven take each of the national case studies in turn, concentrating on the details of policy development in each of the three policy areas selected and the corresponding emergence or absence of consultative and incorporative policy-making institutions in each of the nine sub-national case studies. This discussion is based on national government, EU, and OECD policy documentation along with a large number of secondary analyses. In addition, these chapters are based on a series of interviews conducted during 2005 in each of the three countries with government officials as well as policy stakeholders. Special consideration is given to the experiences of those who have been incorporated into state initiated policy-making networks in order to gauge the quality of these institutions and processes, something that is especially difficult to determine from published sources. Final conclusions are presented in chapter eight.

What emerges from the case study discussions is a more or less consistent pattern of state-society relations as reflected in policy-making institutions and processes that is distinctive to each of the three nation-states. Since these patterns are country-specific rather than peculiar to the policy arena in question across the three national cases, the nature of the policies themselves cannot explain outcomes. Because policy shifts are analyzed in this dissertation over a period of at least two decades in each case, neither can the actions of individual governments explain the emergence of such patterns. While individual governments are often responsible for pushing through reforms at a much greater pace than previous governments, and can in fact be responsible for taking the initiative for establishing consultative and incorporative policy-making processes themselves, the case study discussions
establish the fact that general patterns of state-society relations tend to survive changes in executive and legislature.

The general finding is that by overlaying new forms of consultative policy-making institutions over pre-existing ones, Ireland has more fully embraced EU membership by Europeanizing policy goals and strategies. Greece is the case to which the consultative and incorporative policy-making tradition is most alien, and the use of consultative and incorporative institutions in order to bridge the gap between relevant interest groups and the political elite is almost absent. As a result, immigration, higher education, and work-family reconciliation policies are the least Europeanized. The mixed nature of Portuguese responses to labor market challenges is attributable to a relatively strong incorporative tradition but one that lacks robust processes of consultation with independent interest groups across all policy areas. That means that the Europeanization of policy goals and values occurs very unevenly, with some aspects of policy better informed by interest group and stakeholder participation in policy-making than others.
CHAPTER 2:
EUROPEANIZING POLICY: LABOR MARKETS CHALLENGES
FOR GREECE, IRELAND AND PORTUGAL

This chapter discusses a series of contemporary economic and social development challenges facing Greece, Ireland and Portugal, with specific reference to labor market issues and set in the context of both European integration and globalization. In doing so, it has two main concerns. First, it examines the recent turn toward the theme of “Europeanization” in the field of European integration studies and links this to the concept of a Europeanized economic and social development strategy. European integration has provided these countries with a new set of policy goals and values that have influenced the national political debate over social and economic issues and been translated into concrete policy changes to varying degrees.

Second, the chapter discusses how a highly functioning labor market support structure constitutes an integral part of a Europeanized social and economic development strategy. Government action across a number of different policy areas is important for states wishing to pursue a high-wage, high-skill development strategy through which the benefits of economic growth are distributed more evenly than they have been in the past. Three specific policy arenas attached to such a strategy are analyzed here as particularly interesting spheres of state activity in which to investigate the impact of national forms of political organization on the ability of specific countries to take advantage of European integration. Higher education, immigration, and policies for the reconciliation of family and working life are thus
introduced as part of a "second tier" of policies aimed at supporting the development of a Europeanized labor market.

**Europeanizing development strategies on the European periphery**

*Conceptualizing “Europeanization”*

For a very long time, most of the literature within the field of European Union studies focused on explaining the scope and pace of regional integration itself, so that the politics of individual member nations were seen primarily as causal variables impacting on outcomes at the European level. In other words, domestic politics was of interest only insofar as it determined decisions and developments at the supranational level. In particular, the process of integration was and still is often viewed as a power game played out between the interests of individual member states, especially larger nations such as France, Germany, and the UK. However, more recent work in the field turns this causal arrow around so that the focus is on the ways in which decisions made at the European level, or more generally, the dynamics of integration, impact on the politics, economics, and cultural change experienced by individual member states. This literature is built around the concept of “Europeanization” and provides a useful starting point for trying to map out (and later explain) divergent policy decision-making in Greece, Ireland, and Portugal.

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5 A traditional emphasis on the role of specific individual national leaders, such as Charles de Gaulle and Winston Churchill, in the formation of the European Union is in line with these sorts of explanations. For a recent and more theoretically driven account of European integration as the result of the rational pursuit of national objectives see Andrew Moravcsik, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. Ithaca: Cornell University Press, 1998. For a recent review of such “intergovernmentalist” explanations in contrast to alternative ones see Antje Wiener and Thomas Diez (ed.), *European Integration Theory*. Oxford: Oxford University Press, 2004.
As the notion of Europeanization has come into wider use over the past
decade, what exactly the concept refers to, as well as how useful it is, has been
disputed. “Europeanization” has come to have multiple meanings not only to scholars
working in different disciplines, but also across the sub-disciplines of political
science. Johan Olsen usefully distinguishes between at least five separate
interpretations which, though not mutually exclusive, entail five different notions
about what is changing as the result of Europeanization. First, some writers refer to
changes in the territorial reach of Europe, noting that the external boundaries of what
we refer to as Europe has been expanded through the enlargement process; second,
others focus on developing institutions at the European level (which corresponds
more readily to the traditional focus on explaining regional-level developments
highlighted above); third, the concept refers to the extent to which developments at
the European level have impacted on domestic institutions and policies; fourth,
Europeanization can mean the exportation of typically European institutions and
policy models to non-European countries; and fifth, the concept can refer to “the
degree to which Europe is becoming a more unified and stronger political entity”.

The third interpretation, concentrating on the effect of European institutional
and policy models on national-level developments, comes closest to the one used here
and also happens to be the one most often employed by political scientists.
However, political scientists themselves are divided between those who focus on the

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8 Studies that adopt a more anthropological, historical, or foreign policy-related meaning of
the term lie well outside the scope of this dissertation. For a radically different interpretation from the
one employed here see John Borneman and Nick Fowler, “Europeanization”, *Annual Review of
Europeanization of political institutions and those who focus on the Europeanization of public policies, even though Olsen groups these two distinct sets of work into one basic understanding of the key concept. In many respects, this further division mirrors a broader one within the discipline. Arguably, the sub-disciplines of policy studies and comparative politics have grown farther apart in recent decades. One of the motives of this research project is to bring some of the insights of the two fields together since the overall argument is that in order to Europeanize public policies at the national level, certain national political institutions must also develop along certain lines. Specifically, policy-making processes and institutions must become increasingly consultative and incorporative. The theme of developing national policy-making processes and institutions, and patterns of state-society interaction more generally, will be returned to fully in the next chapter, but in order to further define the dependent variable at issue here, the literature on Europeanizing public policy is especially worth reviewing.

While there is some overlap between the literatures on the evolution of national political institutions as the result of regional integration and Europeanizing policy content, the foci of each remain quite distinct. Comparativists have looked at the shape of bureaucracies, patterns of political party competition, and interest group behavior,9 while policy analysts have zeroed in on a very wide range of policy arenas in order to see how European integration has influenced the behavior of member

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states. A general conclusion of the literature, however, is that public policies have been affected much more comprehensively than have national political institutions, so it is not surprising that most political scientists have concentrated on the former, nor that this is the most developed aspect of the Europeanization field as a whole.\textsuperscript{10} For the large part, however, analyses of the Europeanization of public policy further reflect developments within the sub-discipline of policy studies in general. Specifically, studies either aim at generating very general theories, which might presumably apply across any, in this case any European, context. Alternatively, they aim only to test pre-existing or generate new theories by investigating the development of a particular policy area in one national case, or at the most, two or three comparative national cases. It is rare to find single-authored comparative works that test or generate theory \textit{across} policy areas, a point which will be returned to shortly.

Several key insights or themes of the Europeanization of public policy literature can be identified. Recent debate has been dominated by the concepts of “goodness of fit” or “misfit” between European and national policy traditions and preferences. The basic understanding here is that decisions made at the European level are implemented or carried through at the national level to varying degrees, and the main reason for this variation is that (policy) change within a member state will only take place if there is a divergence or “misfit” between a European-level directive, policy, or initiative, and the pre-existing policy framework in that member state. Conversely, change will not take place if there is already a “goodness of fit” between

\footnotesize{\textsuperscript{10} Kevin Featherstone presents results from a recent survey of journal literature to this effect, in “Introduction: In the Name of ‘Europe’”, in Kevin Featherstone and Claudio M. Radaelli, \textit{The Politics of Europeanization}. Oxford: Oxford University Press, 2003: 2-4.}
regional and local policies. While somewhat plausible as a general theory to explain policy change in member states, the analytical framework has been critiqued on empirical grounds. Change might occur on some level as a response to European developments even where a goodness of fit already exists, and even if a policy shift is “required” because there is a mismatch between European directives and local policy frameworks, the supposed national policy shift does not always happen. There are numerous instances where continued member state resistance or simply bureaucratic inefﬁtude results in failure to implement European-level policy decisions.

To this end, most authors also acknowledge that a “misﬁt” between pre-existing local policy and European-level developments is a necessary but not always sufﬁcient condition for change. Much of the more diﬃcult work in the ﬁeld is in specifying these additional conditions, and by far the most popular theory also mirrors the wider turn by political scientists toward institutions, and furthermore, a particular conceptualization of institutions which focuses on veto-points. In this view, the greater the number of veto points within a country’s institutional structure allows actors a greater number of chances to inhibit domestic policy adaptation to Europe.

For example, in her study of the liberalization of road haulage legislation in Britain, Italy, Germany and the Netherlands, Adrienne Héritier found that having a fragmented political system with multiple veto points provided the main obstacle to

11 These concepts have been identiﬁed most strongly with Maria Green Cowles, James Caporaso and Thomas Risse (eds.), Transforming Europe: Europeanization and Domestic Change. Ithaca and London: Cornell University Press, 2001.


Europeanizing policy in the Italian case. While the federalist German system is also marked by a high number of pre-existing veto points, liberalizing reform was achieved “by a large-scale multipartite bargaining process that mobilized and bundled all relevant political forces, building a consensus and pushing through the reform by paying off opponents.”

By contrast, such a tradition of tri-partite consensus-building does not exist in the Italian case.

This theoretical framework, of course, tends to presume that “veto points” are places where certain actors resist European decisions. But what if most actors in a domestic political system actually prefer European-led developments to pre-existing national policy frameworks and attempt use their leverage to pressure central actors to implement desired changes? Increased numbers of “veto points”, otherwise conceptualized as opportunities for influence within the system, might actually facilitate European-led policy change in such cases. The focus on veto points as barriers and never as facilitators of policy change is thus problematic.

An overall very important point to make, however, is that although the political scientist might anticipate that the discipline has bridged the two literatures on Europeanizing public policy and “Europeanizing” political institutions through a focus on veto-points and the additional effects of formal institutions, public policy analysts concentrate almost solely on the impact of pre-existing institutions on policy outcomes, rather than viewing political institutions in EU member states as themselves products of

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15 See below the discussion in chapter seven on the Greek case, where non-state and lower-level state actors often prefer the type of policy shift suggested by European-level developments, yet have few opportunities for influencing central decision-making. In this case, it is likely that increased numbers of “veto points” would actually make Greece more likely to comply with European decisions.
Europeanization and themselves in a moment of transition. This dissertation attempts to make this link where others do not.

Cultural and ideological (or “ideational”) explanations of policy adaptation to European integration are far less common than a focus on institutions. Yet cultural and ideological variables, which do play some role in the case studies analyzed in this dissertation can be brought into focus by highlighting the distinction between what is referred to as direct, negative, or top-down Europeanization, and an indirect, positive, or bottom-up variant. Direct, negative, or top-down Europeanization refers to the extent to which mostly compulsory European laws, directives, and decisions are implemented at the local level, while the indirect, positive or bottom-up variant refers to the more voluntary adaptation involved in knowledge-sharing, policy learning, and adjustment to European norms through gradual cultural and political change.16 In reality, both forms of Europeanization exist and are part of the European project, but different writers tend to focus more readily on one or the other. Institutional analysis tends to focus on the way that actors within member states resist European-level decisions, whereas cultural and ideological analysis concentrates on the latter form of Europeanization by examining the ways in which political actors take advantage of the European project, especially by mobilizing other actors through changing a policy discourse.17

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Those who focus on institutions and mainly negative or top-down forms of Europeanization employ an analytic framework that allows them to be fairly neutral about the content of what can be termed the “European project” as a whole. This dissertation also seeks to give content to the concept of public policy Europeanization by fleshing out what specific policy goals and values such a European project entails and what makes this project from alternative economic and development strategies. This theme is returned to shortly in the following section.

A methodological framework which focuses on goodness of fit or misfit and the role of formal institutions and especially the prior existence of multiple veto-points can be applied to any policy developed at the European level, without having to specify much about how different policies relate to one another. By contrast, a focus on the “bottom-up” or “indirect” type of Europeanization, because it is so heavily tied to looking at the role of ideas and the role of political discourse, is much more “likely to be politically loaded with explicit normative content”.¹⁸ There are many dangers associated with the selection of cultural and ideological factors as primary causal variables, including deviating into a form of discourse analysis that fails to relate discourse to what is actually going on in a real political context, which in public policy analysis can mean believing that political rhetoric is the same as doing something about a specific policy problem, but the focus on “indirect” forms of Europeanization is very important for understanding the depth of change associated with European Union membership in countries such as Ireland, Portugal, and Greece.

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Changing the nature of the debate about a policy problem so that this debate is in line with the one happening at the European level is an important first step to the implementation of real policy change.

This dissertation elaborates on, builds on, and departs from, the established literature on the Europeanization of public policy in several different ways. First, it agrees that Europeanization is best measured by observing the influence of European-level developments on the behavior of political actors and institutional and policy outcomes in member states, rather than convergence toward a European mean. "Convergence is not Europeanization because there is a difference between a process and its consequences".19 Nor is the Europeanization of public policy as it is understood here the same as “harmonization”, a concept frequently employed by political scientists in the field of EU integration studies. Harmonization suggests that national public policies mirror a particular set of agreed standards so that they all look the same.20 In the chapters that follow, it is argued that what is important for the types of labor market-related policy initiatives analyzed here is a reorientation of the way in which policy frameworks are both conceptualized and concretely formulated around Europeanized goals and values rather than forcing one specific legal framework onto each national context. Policy responses to specific labor market challenges must also suit specific national circumstances.

Second, the dissertation attempts to bridge the gap between the literatures on Europeanizing national public policies and Europeanizing national politics by viewing

19 Radaelli, “How does Europeanization produce domestic policy change?” (2003): 33. Although Radaelli does not phrase it quite like this, this confusion between Europeanization and convergence is often found in the work of economists, since they measure outcomes in terms of (presumably) easily measurable economic results rather than the decisions that might have led to these results, or simply responses to external impulses.

political institutions, especially those incorporative and consultative institutions which mediate between the state and its citizenry, as themselves undergoing processes of change and adaptation and part of which is due to longer term processes of democratization or democratic deepening in each of the three national cases. However, since this belongs to a fuller discussion of the causal variables identified in this study, the link between institutional change and policy outcomes is set aside for the moment, to be returned to in following chapters.

Third, this is a project that belongs more to the sub-field of comparative politics than it does to policy studies, chiefly because it adheres to case-selection criteria that has been developed and refined by comparativists but is utilized far less often by policy analysts. Related to this point, the project carefully selects and then compares three countries not only on the basis of their similarities, but also because such smaller peripheral countries are often overlooked in the Europeanizing public policy literature. Although there is considerable scholarship that traces the development of specific policies in one of the three countries selected here, a brief survey of the literature illustrates the fact that the most significant theoretical developments derived from case studies draw overwhelmingly from the British, German, French, and occasionally the Italian experiences. As discussed in the introduction, players such as Greece, Ireland and Portugal that have been presumed to be smaller and less significant in the European integration game, are important cases to focus on when national adaptation to European norms and values is at issue. This is chiefly because, as comparatively peripheral member states, they have further to catch up in terms of the implementation of a Europeanized economic and social development project. The dissertation is also more comparative in the sense that it
reaches conclusions by analyzing three different policy areas, which is extremely rare in this field.

Fourth, this research views both top-down or direct and bottom-up or indirect processes as important aspects of the Europeanization of public policy, although a particular weight is placed on the latter, as the case study discussions will further reveal. This is because the European project that drives Europeanization is viewed here as both more general and more specific than the literature often allows. It is more general most of the Europeanizing public policy literature, which because it traces the fortunes of individual European-level policy initiatives in one, or occasionally two, nations, rarely views individual policy fields in relation to a comprehensive European development project. The dissertation is also more specific than much of the Europeanization literature in that it specifies in as much detail as possible what the content of that project looks like, right down to the level of what is implied by “Europeanizing” immigration, higher education, and policies for the reconciliation of working and family life. If the overall task here is to measure variation in the extent to which Greece, Ireland, and Portugal have embraced the European project, and identify the causes of this variance, the detail of what constitutes such a project must also be outlined.

21 An exception to this, coming a little closer at least to viewing the European project as something more than a collection of individual policy initiatives but rather as something that it directed at implementing a particular world-view, is the work on attempts to diffuse a “European Social Model.” The discussion of this particular case is returned to below.
The content of a European development project

Provoked by an attempt to have a new EU Constitution approved by the voting public of each member state, a political debate erupted in Europe during 2004-2005 over the sustainability of “social Europe,” otherwise referred to as the “European social model.” This concept refers to a collection of values, especially regarding the role of the state in ensuring as much social equality as possible within the boundaries set by the workings of a market economy, as well as specific policies designed to carry these values into practice. These include comprehensive welfare programs based on a mix of social insurance and universal coverage, as well as industrial relations systems which designate a comparatively interventionist role for the state in protecting both individual and collective worker rights. On the continent, in the debate over the future of European welfare states and the values they carry, many European citizens perceived the proposed constitution to pose a threat to a development model committed to social peace and equitable policy outcomes. They perceived this to stem from two sources: the “Anglo-Saxon economic model” which supposedly prizes individualism and free enterprise over social cohesion, and a new conservative streak of European politics which was ushered in by the accession of the

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22 For a recent and important contribution connecting the failure to have the Constitution ratified with concern for the future of social policy in Europe see Anthony Giddens, Patrick Diamond and Roger Liddle (eds.), Global Europe, Social Europe. Cambridge: Polity Press, 2006.


24 Colin Crouch notes the confusion sparked by this term, since Anglo-Saxon would actually refer to Germany as well. He prefers “Anglophone” or “English speaking”, which is also adopted here. See Colin Crouch, Social Change in Western Europe. Oxford: Oxford University Press, 1999.
new central European member states in 2001. The conflict culminated in the rejection of the constitution by French and Dutch voters in the first half of 2005, where “no” campaigns centered not only on the threat posed to European welfare regimes, but also on a democratic deficit increasingly identified with the operation of European-level legal and political institutions.25

Something of this political debate has been mirrored in the academic world. On one hand there are those who argue that internal contradictions of the European social model may eventually cause it to be unsustainable, and on the other hand, many question the extent to which such a model ever existed in the first place. This first group of writers focuses especially on the difficulties placed by European commitments to both the “social dimension” of the European project and ensuring budget discipline. The importance of the latter commitment increased during and after the build-up to European Monetary Union (EMU), since member nations must now conform to stricter budgetary and monetary targets.26 Under these conditions, the institutional power of the European Central Bank is seen to undercut the ambitions of European forces seeking to expand the role of governments in the social sphere.

For some member states, existing labor relations systems are in danger, where the pressure to remove “rigidities” poses a problem for European systems built around the protection of individual and collective worker rights. Similarly, existing social


security regimes appear unsustainable, where the increasing cost of maintaining universal and adequate coverage in the context of population aging causes many to question the durability of government retirement schemes throughout Europe. Furthermore, times have also changed due to recent European enlargement. Whereas once structural funds could be used to prop up the weaker members of the EU, it is now unlikely that the same might be done for each new member nation, at least to the same extent.

The second set of arguments, proposing that the European model of economic but especially social development never really existed, has two main strands. First, it is noted that the commonality between national development and redistribution strategies found across Europe is overly exaggerated. Often taking inspiration from the “three worlds of welfare capitalism” literature, which divides groups of nations into “liberal” “conservative” and “social democratic” camps with debate centering on variations on these ideal-types, emphasis here is placed on differences between groups of nations. The problem of treating all Continental European nations as if they are the same is often enhanced in the English-speaking literature, which contrasts “European” collectively-oriented policy frameworks and national political culture against the individual responsibility and free market frameworks presumed to be favored by English speaking nations (meaning North America, Britain, Ireland, New Zealand, and Australia). Sometimes this literature idealizes the European model as the softer alternative to rampant market-led development, a bias that is rarely helpful


in understanding much about Europe, but one that is important to note. It tends to downplay any negative aspects of the “European” model.

The second strand of this overall argument is distinguished by the fact that it views the “European model” as something developed as the result of regional integration rather than at the level of the nation state, as well as by the fact that it is dominated by those who are and have probably always been extremely skeptical about the ability of European-level governmental bodies to off-set the negative effects of a basically liberal and open economic development strategy. In this view, there might be a lot of discourse concerning social cohesion in Europe, but rarely is this translated into effect since EU institutions were originally developed as market regulators and tend to continue to be concerned primarily with economic development.29

Despite skepticism about whether a European model has ever existed and whether it is sustainable under conditions of economic liberalization and globalization, it is clear that it does persist as a powerful set of ideas and one that can be easily contrasted with alternative ideological constructs and practical proposals about what constitutes a good set of policy goals. To reiterate and expand on the features of a “Europeanized” development strategy for the twenty-first century already outlined in the introduction, and to explain how these features are connected to the concept of a European economic and social model, the three basic elements of such a strategy are summarized as follows. First, in order to maintain high income levels, important for the tax base required by European countries since they favor larger welfare states, EU members need to develop “knowledge-based” industries

along with the growing service sectors. Such a strategy is integral to the EU’s own Lisbon Agenda policy commitments. This has been more difficult for peripheral countries, not the least because they lag behind in terms of levels of educational attainment in the general population, but all European nations face competition in the technology sectors from such countries as Taiwan, South Korea, and increasingly, China, India, and Brazil. Second, the European model has a greater self-conscious commitment to integrating marginalized social groups and ensuring income equality than is found elsewhere. This is not to say that these goals are always achieved, or that they are not increasingly difficult to achieve under conditions of budgetary constraint, as the literature on reforming welfare states in Europe acknowledges. Rather, a great deal of policy debate and action around this topic does take place.

Third, with obvious consequences for the second core feature just discussed, the basis of European integration has always been economic, aimed at promoting free trade at least within the region, so that goals of social equality and peace must be met within the confines of a basically liberal and open economic framework. The experiences of the most “social democratic” European states have traditionally shown how corporatist labor relations and extensive state involvement in income redistribution can be combined with open economic policy.

Core features of the European social model such as comparatively robust welfare systems and comprehensive labor market regulations are connected to a

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broader view about the relationship between the individual, society, and the state that is different not only from that found in English speaking nations, but also with the East Asian model. The Asian model places even greater emphasis on the collective than does the European one, and arguably prizes conformity over individualism. In Europe the mix of egalitarianism and protection for individual rights and liberties, for example, leads to higher union membership rates and comparative income equality, whereas the East Asian emphasis on egalitarianism and loyalty delivers some of the lowest union density rates accompanied by the lowest rates of inequality in the world.

Academic debate concerning the European social model often suffers because the positive features of the balance it strikes between egalitarianism and individual liberties are celebrated without much discussion of the negative social features that seem to necessarily accompany such a model. Leaving aside the critiques heard from economists and business leaders about the rigidities of European labor markets and the lack of entrepreneurial innovation encouraged by overly interventionist states, a major problem with European model is that it originally emerged in countries that were both wealthy and relatively homogeneous. Income redistribution is a core feature of the original European social model, but this mainly relates to redistribution within rather than between countries. Although European integration has allowed richer countries to engage in redistributing some of their wealth toward the poorer and


34 On a “European” approach to social policy as a combination of as emphasis on “personal autonomy” as well as “social inclusion” see B. v. Maydell et al, Enabling Social Europe. Berlin: Springer, 2006: 53-58.
newer members of the EU, the fact remains that European post-World War Two development strategies have generally been concerned with equality principally within individual countries rather than having much interest in “social inclusion” on a global basis. While unsurprising and perhaps reasonable, this goal has sometimes fuelled protectionist tendencies and now invokes fear about threats of labor competition from outside national borders and a general cultural apprehension about increasing cultural diversity. It is difficult not to see the French rejection of the proposed European Constitution in this light, despite the best efforts of the European left to construct the debate around democratic themes. The worst effects of this tendency are measured in the difficulty Europe has had in dealing with the challenges of immigration policy and the integration of migrants, a theme which will be returned to below.

Within the EU, key features of the European model are best highlighted by comparing them with features of developmental models traditionally followed by member nations that constitute the periphery of the regional body. Greece, Ireland, and Portugal fall into this category, and adjusting to the European model has often required deep-seated changes not only in concrete policy terms, but also in the way that these countries conceptualize relations between individuals, interest groups, the nation as a whole, and the state. As a powerful set of ideals as much as a practical developmental project, the European project matters not only because it influences the thinking of political leaders and voting publics, but also because these ideas often have a way of forcing themselves into practice. In Europe, the implementation of ideas often occurs when ideas give rise to regional projects that shape the incentive structures of states. Political actors not only adopt the language of the regional project, but must also submit plans and proposals to the EU in line with this project in
order to receive approval and sometimes real material benefits from the regional organization.

There is no better example of this than in the transition of the concept of “social cohesion” into the policy programs of nations where this concept is really quite alien. Countries such as Greece, Ireland and Portugal, comparatively unequal societies in European terms with residual welfare states, were historically likely to view social inequality through the lenses of poverty relief, where poverty was dealt with within families, or where that failed, through Church-sponsored charity. The European concept of social cohesion is much more expansive than this, not only adhering to a notion of relative versus absolute poverty, but also looking at the ways in which social groups have been marginalized on the basis of gender, age, martial status, ethnic background, disability, and sexual orientation, and what the state might do to better integrate these groups. This project cuts across the class-based notions of social conflict that are a feature of Southern European political culture, as well as the “deserving poor” basis of poverty reduction readily identified in Irish public policy. However, the concept of social cohesion has made an impact in all three of these countries, since states must now report to the EU along the lines described, framed exactly in these terms. Specifically, since 2001 each member nation has had to submit a three-year “Plan for Social Inclusion” which must address a broader spectrum of issues than simply poverty relief.

While it is beyond the scope of this discussion to analyze variation in the extent to which the concept of social cohesion has translated into concrete policy decisions across Europe, suffice it to say that variation does exist. Out of the three national case studies of focus here, the rhetoric of Greek political actors may have changed a little to incorporate the concepts of social cohesion and social inclusion, but
the translation of ideas into policy is still relatively limited. In general, there is a great variation in the extent to which individual nations have embraced the European model and understanding something about the extent to which certain ideals associated with the European development model impact national policy frameworks is one of the major themes of this dissertation.

Selecting and defining the dependent variable

General methodological concerns

To reiterate, this dissertation seeks to explain variation in the extent to which the nations of Greece, Ireland, and Portugal have embraced a Europeanized development strategy by analyzing their responses to a series of labor market challenges, namely in the fields of family, higher education, and immigration policy. Three main criteria have lead to the selection of these particular three policy areas. First, explaining variation within the context of multiple pressures for national policy convergence requires a choice of policy areas over which member states have a reasonably high degree of discretion but that have also made their way onto the EU’s agenda. European institutions clearly determine the content over some policy areas more than others, and the regional body’s influence may be either direct or indirect across the policy spectrum. It would not be terribly interesting nor theoretically advance the study of public policy Europeanization very far only to look at cases of conformity where member state must comply with rules or directives by virtue of their membership of the regional organization. Agriculture and fisheries are still extremely important industries for Greece, Ireland and Portugal, for example, but EU
member states have very little flexibility over these policy areas. Family policy, higher education, and immigration policies, on the other hand, are still primarily the responsibility of individual member nations, even if the EU occasionally shows interest in “harmonizing” aspects of immigration policy in particular. Aspects of family and education policy are influenced but not determined by such EU activity as the regulation of working time, efforts to forge regional-level social bargaining that include the negotiation of anything from work based child-care programs to “education for life” strategies for the purposes of retraining workers in a changing economy, and frameworks for social inclusion.

Second, looking ahead to the explanatory framework outlined in chapter two, the policy areas need to be important or central enough to be able to reflect something general about the nature of state-society relations, reflected in the development of incorporative and consultative institutions, in each of the three countries under consideration. Policy areas that are not very important and in which there appears to be little societal interest will be especially subject to discretionary funding or the personal whims of individual policy makers, limiting their ability to reflect general patterns of state action across the case studies. An example perhaps is state funding for the fine arts, which can depend greatly on the interest of the individual actors involved. Beyond the Europeanization literature, this research project has also been inspired by work that looks at the role of the state in promoting specific development strategies, and the patterns of state-society relations associated with the “developmental” role of modern capitalist states. However, studies in this field tend

to focus almost entirely on industrial policy as a key area for promoting economic growth.36 Yet industrial policy itself is often only one important element of state projects that seek to reorient economic development in a changing global political economy. Thus, this dissertation differs from most work in comparative political economy that focuses on either industrial policy, the state’s direct or indirect role in promoting specific types of economic development, or the state’s management of the relationship between organized business and labor.

Third and related, studies that look at the role of the state and broad patterns of state-society relations in order to explain national choices between development strategies center almost exclusively on the relationship between the state and organized labor and business. By contrast, this dissertation makes a deliberate effort to examine the state’s relationship with a broader range of groups. Is there something common or general in the way that the state deals with different types of interest groups, or are some groups obviously privileged (or excluded) over others? Some of the groups that are important to the development of family policy include business and labor unions, but the relationship between the state and women’s lobby groups, childcare workers, and established churches, for example, are also important to analyze. In the field of higher education policy, clearly defined interest groups include student unions, university administrations, and private educational establishments. The views and interests of immigrant right’s organizations and existing ethnic communities, alongside organized labor and business are obviously

important for states to take into account when designing the legal framework governing immigration.

The decision to concentrate on three policy areas across three nations, delivering a sample of nine case studies, is conditioned by the need to balance issues of manageability where qualitative methods are adopted, as is done here, against the need to increase the number of cases where possible, especially in order to increase the level of variation on the dependent variable. Since this type of research is necessarily carried out using qualitative data such as interviews, published and unpublished policy recommendations, and legislation, students of comparative political economy are usually prompted to limit their selection of cases to a small number of countries and or an extremely limited number of policy issues, or both. Quantitative data is generally much more useful for measuring policy outcomes rather than how and why policy was actually made. However, the sample has been increased to as many as nine distinct cases so that general patterns of similarity can be observed within countries at the same time that patterns of difference between the three nations can be identified.

Labor market support structures in a Europeanized development strategy

While the general challenge faced by nations such as Greece, Ireland, and Portugal in the current political moment is how to forge a development strategy that involves competing in the world economy on the basis of high skills, technology-
intensive industrial development, niche service industries, and competitive wages, this is a problem faced by most “post-industrial” economies. The argument presented above, however, suggests that the experience of these three countries differs somewhat from that of cases such as Australia, New Zealand, Chile or Uruguay, for example, because of the challenges and opportunities associated with European integration. Being part of Europe provides extra impetus and even specific policy models concerning how to deal with labor market challenges in particular. The ability of the state to influence population structure along with what sort of skills the working population possesses provides the focus of this research.

In recent years the EU has turned to the labor market in order to address concerns about the sluggish growth experienced by many European countries, and unemployment rates which are persistently higher than the United States and elsewhere. The Lisbon Strategy, a cornerstone of European development policy since 2000, aims at increasing productivity and greater job creation in order to deliver improved living standards in the region. While the Strategy has been critiqued on the grounds that it is too broad, five specific policy areas are singled out for development: product and capital market reforms; investment in the knowledge-based economy; labor market reforms; social policy reforms; and added later, environmental reforms. Reforms are supposed to be constructed around specific targets; relevant to the development of policy for reconciling family and working life, the Lisbon

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Strategy includes a target of raising female workforce participation rates from 54 to 60 percent by 2010.\textsuperscript{40}

Policies aimed at reconciling family and working life along with higher education and immigration policies form what can be referred to as a secondary tier or support structure of an active labor market strategy. While very interesting in themselves, this research does not focus on what are classically referred to as active labor market programs, which aim squarely at easing citizens from labor market inactivity to activity, and are usually administered directly by departments or ministries of labor or employment. Although these programs are extremely important, the policy areas selected here, as part of the outer ring of a labor market support structure, are more interesting for the purposes of this research project because they involve the interests of a diverse array of political actors and interests, not always related to labor market concerns. While the agencies responsible for the formation of family, higher education and training, and immigration policies often do take labor market issues into consideration, they also must often balance these against other and sometimes competing economic and social goals. Tertiary education policy provides a perfect example here: especially in the context of Europeanization, goals of open access and social equity often appear incompatible with the state’s need to contain costs as well as determine which type of education and training individuals should take in order to suit the country’s developmental needs.

Figure 2.1 Immigration, higher education policies and policies for work-life balance as part of a two-tiered labor market support structure
The choice of policy areas selected here was not guided by a belief that these three policy areas are necessarily the most important influences on labor market outcomes, let alone the most crucial elements of an overall successful economic strategy. Rather, together they act as a good lens through which to assess general claims about policy-making on the European periphery under conditions of Europeanization and globalization. Where appropriate, I consider other influences on the labor market and what are generally regarded as successful policy outcomes, as part of the backdrop to decision-making and part of the overall national development strategy. Examples include the important role of small business and credit policy in the Portuguese case, and tax policy in the Irish.

This project seeks primarily to explain variation in the extent to which three small states have been able to respond to the challenges imposed by the workings of the global political economy by embracing a Europeanized development strategy. Assessing the extent to which states have Europeanized family, higher education, and immigration policies involves looking at three separate stages of policy action and orientation. The first is recognizing the contours of the problem as it has emerged in each national case. In the family policy arena, this means recognizing that there is a tension between working and family life, and that this could be contributing to the problem of an aging population. With respect to higher education policy, all three states must recognize that competing in the global political economy requires an increasingly educated and especially technologically educated workforce and that current policies might not be meeting this need. In relation to immigration policy,

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states must consider whether or not current policy meets especially their economic needs.

Second, this study asks to what extent states conceptualize problems in terms that are compatible with the European debate and strategies for addressing them. This is where elite political discourse does matter, because states (and non-state actors) can pave the way for actual policy action by framing public debate around specific values and goals, “legitimating” a course of action in the process. This dissertation is far from an exercise in discourse analysis, but changes in the debate surrounding a particular topic is an important first step leading to an overall shift in the way that a policy problem is addressed, and more importantly, may or may not be in line with European concerns and values. The point is best illustrated by giving an example that foreshadows one of the case study developments: the demographic imbalance resulting from people living longer and the declining birthrate is increasingly seen at the European level and in most European countries as a problem of reconciling family and working life. However, in Greece, the nation which is most out of step with Europe in this regard, the problem is perceived as a demographic problem that is framed in terms of “population policy”. This ties in more readily to long-term Greek concerns about population decline and the survival of Greek language and civilization than it does to policy action about reconciling family and working life. Explaining why this is the case is the task that still remains.

Third, policy discourse may help set the scene for change, but discourse becomes rhetoric only if it does not accord at some stage with real policy developments. In the case of reconciling family and working life, this is largely a

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matter of how much public resources are devoted to reconciliation policies, though accompanying legal changes reveal much about the ways in which governments have attempted to address the issue. As discussed in a moment, this is an enormously varied and diverse field of state activity and, as such, is usually divided between a number of different state institutions. Levels of funding are also important to consider in the case of higher education policy, but so is the distribution of this funding across public and private, technical and university sectors. With respect to immigration, legal frameworks that represent a coordinated strategy are especially important.

*Family policy*

The centrality of family policy to influencing labor market structure is only now in the process of being recognized. Until recently, the debate over the state’s role in promoting particular types of family structure and organization was framed in terms of “women’s rights,” especially to engage in paid work and determine how many children they will raise, which is sometimes set against either issues of “children’s rights” and welfare and fears about the “breakdown” of the nuclear family. Increasingly, however, governments in Western Europe, concerned about declining birthrates and aging populations are framing family policy in economic terms. Currently, women in many of these countries need to choose between having children (or perhaps more accurately, having larger families or having children earlier in life), and engaging in paid work. The problem for governments is how state intervention might permit families but especially individual women to do both, meeting twin policy objectives of increasing the birthrate and increasing the nation’s economic productivity, without neglecting child welfare.
# TABLE 2.1

THE WORK-FAMILY TRADEOFF IN THE EU-15 COUNTRIES

<table>
<thead>
<tr>
<th></th>
<th>% of population</th>
<th>Total fertility</th>
<th>Female employment rate (% of females aged 15-64)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>11</td>
<td>11</td>
<td>12</td>
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<tr>
<td>Belgium</td>
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<tr>
<td>Denmark</td>
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<tr>
<td>Finland</td>
<td>7</td>
<td>10</td>
<td>12</td>
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<tr>
<td>France</td>
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</tr>
<tr>
<td>Germany</td>
<td>11</td>
<td>11</td>
<td>13</td>
</tr>
<tr>
<td>Greece</td>
<td>6</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>Ireland</td>
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<td>9</td>
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<tr>
<td>Italy</td>
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<td>10</td>
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<tr>
<td>Luxembourg</td>
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<td>Netherlands</td>
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<tr>
<td>Portugal</td>
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<tr>
<td>Spain</td>
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<tr>
<td>Sweden</td>
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<tr>
<td>UK</td>
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<td>12</td>
</tr>
<tr>
<td>EU-15</td>
<td>9</td>
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</tbody>
</table>

* 1992 ** 1993

Counter-intuitively, the “work-family tradeoff” is even more acute in countries that have strong family-oriented cultural beliefs and practices and yet provide a lower level of direct state support to families, including such nations with “conservative” welfare regimes as Greece, Ireland, and Portugal. Traditionally, it was presumed that increased female participation in the paid workforce was linked to the declining birthrates experienced by advanced industrial nations, but current data, especially from Europe, suggests that variations in the birthrate have much more to do with the extent to which states devote resources to easing the tension between paid work and raising families. The OCED notes that: “While there was a strong causal relationship between employment and fertility in the 1960s and 1970s, in the 1980s and 1990s this relationship has become weaker to the point of insignificance in some countries. At the very least, in most OECD countries childrearing and employment seem to be less incompatible now than they were a few decades ago.”

Family policy may be “direct” or “indirect”, meaning that deliberate attempts can be made to influence family size and parental workforce participation but also that many government policies have non-deliberate and unintended consequences in

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In addition, of the three policy areas considered here, responsibility for this one is the most diffused. Unlike higher education or immigration, nations tend not to have departments or ministries dedicated to achieving work-life balance; it is more likely that several state organizations might share responsibility. Both policy analysts and family policy activists tend to argue that better policy would result from having a single administrative body coordinating state action in the field. Many different factors operate to influence the work-child tradeoff, including access to contraception and abortion, local cultural beliefs and practices, indirect effects of the tax system, as well as deliberate government policies aimed at reducing the costs of this tradeoff. Family policy can also have goals that are somewhat outside the scope of this analysis, such as recent Irish moves to create family counseling centers in response to an apparent increase in family stress and breakdown in the country. The analysis will be limited to an assessment of the extent to which the state has deliberately responded to the challenge of creating a work-family balance in Greece, Ireland and Portugal in order to influence future labor market structure. This will permit analysis of the extent to which the state in each case has (a) identified the policy problem at stake, (b) conceptualized the problem in line with European-level concerns, and (c) introduced legislative or non-legislative measures in order to address the problem.

EU legislation concerning gender issues affects national family policies, and it has been noted that, over time, the focus of this legislation has shifted from equal

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pay toward the “reconciliation” of work and family life. However, while member nations may be subject to legislation and agreements on such matters as parental leave or work-based childcare, a great deal of national discretion over the implementation of these measures remains. Taking the EU’s parental leave directive, which aimed at the introduction of national policy frameworks to allow parents (and especially fathers) to take leave for urgent family reasons, Portugal already had provisions while Greece needed to introduce new ones, but both countries only offered only several leave days without pay. By contrast, Denmark, Finland and Sweden allow specifically paternity leave of up to two weeks, paid at 66-75 percent of a worker’s salary. The embracement of European goals and values has less to do with the harmonization of policy than with how each nation selects and co-ordinates different policy mechanisms in order to meet those values and goals.

The analysis that follows focuses on six key policy mechanisms by which states may encourage individuals and families to balance child-rearing against workforce participation. The first is taxation, where different regimes encourage or discourage the take-up of part-time work in particular. The tax code also interacts with other policy mechanisms, sometimes in unforeseen ways. The conventional wisdom is that if taxes are individualized and no tax benefits are granted for privately paid child-care, for example, this will both “force” potential parents into full-time paid work and reduce their incentives to have children, because the family income will drop dramatically if one wage-earner, more often the female half, decides to stay

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Alternatives to tax individualization include systems that compulsorily base levels on a couple’s income. Tending to discourage workforce participation on the part of the second income-earner, such a regime can be found in Ireland. More likely to encourage part-time workforce participation, or the “one and a half” family income model, many family policy activists prefer the option of income splitting for tax purposes, found in France among other European countries. In countries such as Greece, tax benefits or write-offs often increase according to the number of children in a family. This is a crude and often not very effective way of encouraging families to have more children.

A second policy mechanism that has received a considerable amount of attention at the European level is childcare. This can be provided directly by the state directly or indirectly by non-profit organizations, by the informal or family sector, or by the private sector outside or inside family homes, but the state usually has some oversight even in the case of the latter. Increased state involvement in the provision of childcare, or at least the funding of it, has become common in European countries, and with that involvement has come increasing concerns about the quality and quantity of care available. Specific measures include the number of places made available in the public child-care system (where it exists) and the extent to which the state indirectly or directly subsidizes the private and voluntary sectors.

Third, advanced industrial states both inside and outside Europe have supported families since the early twentieth century through direct cash payments to either the mother or the “head of the household”, generally referred to as a child or

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family benefit. 49 Child benefits may be means-tested or universal, vary according to the number of children in a household, and can provide a good lens on a state’s overall approach to family policy. Given Ireland’s pro-natalist albeit often “hands-off” policy tradition, a “children’s allowance” has been paid on a non-means tested basis for third and subsequent children since 1944. 50 Increasingly, many countries, including Portugal and Ireland in this case study comparison, have moved away from the child benefit as a universal entitlement and have instead used it as means-tested poverty relief measure. Again, family policy frameworks with a bias toward supporting “large families” might pay higher rates for third and subsequent children. This is the case in Greece.

A fourth key policy area is maternity leave and benefits. Though these are theoretically separate schemes, they must be considered together because the availability of benefits often influences the take-up of leave from paid work. If maternity leave is guaranteed by law, and yet this leave is unpaid and there are no maternity benefits or very limited state pay-outs to compensate for lost wages, women may choose not to take up their statutory rights. Similarly, but worth considering separately as a fifth mechanism for reconciling family and working life, is paternity leave legislation. The rate of paternity leave take-up is also strongly linked to whether or not the law guarantees that fathers are paid during their period of leave, usually by their employers. Portugal has been particularly proactive, not only compared to the other Southern European countries and Ireland, but also to the rest of Europe on this score. As the Portuguese experience also shows, implementing


parental leave legislation often requires a fundamental cultural shift surrounding traditional gender roles related to the care of children.

Finally, flexi-time, the availability of part-time work, and reduced working days are a sixth way by which states can reduce the costs of the work-family trade-off. Unlike the other five indicators, the difficulty for policy formulation here is that the use of flexi- and other time-related measures are generally the subject of employment contracts, rather than enacted into law, but even so the state may actively encourage such strategies without codifying them in law. Moves in this direction are often reflected in social pacts or other types of signed agreements, where they exist. Ireland, for example, has built such voluntary “family-friendly” initiatives into social partnership agreements. Encouragement of part-time work, in particular, is much more difficult in both Greece and Portugal since both countries abide by the “Southern European model” of welfare provision. This model combines universal healthcare with other benefits such as retirement income that are strongly linked to an individual’s occupation rather than distributed universally. There is also a greater emphasis on the provision of welfare by the family rather than the state. Benefits are generally tied to engagement in full-time work over an extended period of time, with Greece considered the near ideal-type, while Portugal deviating furthest from it and Italy and Spain lying somewhere in between.51

The case study analyses presented in chapters five through seven assess the extent to which state and non-state political elites in Ireland, Portugal and Greece increasingly view family policies in a Europeanized way, namely as means of helping

families to achieve work-life balance in the hope that this will solve of the fertility-workforce participation trade-off discussed above. There is considerable variation in the extent to which each of the three national cases has begun to reconceptualize family policy in this manner, and correspondingly, the extent to which of the six specific policy mechanisms discussed above has been employed with the aim of reducing the tension between work and family life in mind.

**Higher education**

Education policies are rarely studied by political scientists, perhaps because they appear inherently technical and are indeed very complex. Yet there is politics at play here as much as there is in any other policy area. Not only are there non-state actors with deeply entrenched interests involved, but education policies especially are shaped by ideological shifts and long-term political and cultural changes, as educationalists and sociologists would agree. The shift away from agro-export led growth in countries such as Greece, Ireland, and Portugal can go in either of two general directions: governments can make a serious effort to upskill the population and seek overseas investment in industries that require an educated workforce, or they can try to compete on the basis of “low labor costs” in the manufacturing and service sectors against other low-wage economies. Investment in education, technical training, and research and development is central to the high-wage, high-skill strategy, which is surely the preferred option for states such as Greece, Ireland, and Portugal, especially in light of the fact that their size, commitment to European goals of social inclusion, and overall levels of development mean that it unlikely that they can
compete successfully on the basis of low labor costs against such rapidly developing giants as China and India. Their new bases of competition must center on skills.

State education strategies many have many components, including investment in research and development, and education policy touches on a number of different areas, from the provision of primary school education to the retraining of older workers. Because it is impossible to cover all of this here, the focus is narrowed to higher or third-level education and training. More specifically the interest is in (1) the extent to which the university system has been re-oriented towards vocational training or whether it maintains a more traditional role, and (2) the extent to which the non-university sector has been expanded to meet new needs through such measure as “life-long learning” programs, job re-training, and the establishment of technical colleges or similar institutions. I focus less on apprenticeship training schemes and other forms of secondary-level education both inside and outside the traditional school system since these are not usually considered part of higher education provision.

There are a number of mechanisms by which states may reorient the higher education system toward meeting new economic needs. Most notably, states may enact legislation or reallocate funding to various parts of the education system. It is helpful, however, to break the analytical framework into down into four main dimensions in order to focus and guide the case study discussions which lie ahead. These are (1) action the state takes in order to balance technical training against non-technical education; (2) whether or not the state uses private provision in order to meet new needs; (3) how and to what extent higher education is funded by the state; (4) and how funding and other measures aim to increase participation in education, usually referred to as “access” policies. Running through these four dimensions are
also three enduring concerns— ensuring quality, increasing quantity, and the issue of institutional autonomy— often which are in conflict with one another.

One of the most overarching and difficult problems is how to balance technical and non-technical education. At its most philosophical (and ideological) level is the age-old debate over whether education is for education’s sake, personal fulfillment and the enlightenment of society as a whole, or whether in a tough modern world, education is about providing for the labor market. In the European context, both goals are valued, although many would argue that labor market concerns are winning the day in the wake of the Lisbon agenda. Most European countries gradually turned to technical education as early as the 1950s, by which time traditional apprenticeship schemes and trade schools seemed no longer capable of meeting modern needs.

States can achieve an appropriate balance between technical and non-technical education by a number of different means, but a crucial decision is whether to encourage the establishment of technical institutions parallel to the university system, or to force universities to provide technically-oriented education. The latter strategy often runs up against the traditionally fiercely protected autonomy of universities, at least in democratic circumstances. Frequently, both strategies are pursued, creating debate over the proper function of “the university” and whether new types of institutions can apply for university status. One way to avoid some of these conflicts is to create or encourage the technical sector as a separate and parallel, functionally differentiated, set of institutions that do not compete with the universities so much as cater to different types of students. While countries often try to avoid creating a hierarchy between the university and non-university sector here, this is usually unavoidable. Referred to as a “binary” approach, this can be more or less self-
consciously pursued on the part of the state, and more or less successfully. Ireland is the best example of a successful case in this sample, while Portugal’s half-hearted binary system has delivered a wider range of institutional forms with much more mixed results in terms of quality assurance.\(^{52}\)

A second important distinction is between public and private institutions, which can cut across both the technical and university sectors. Traditionally, the state has played a major role in funding higher education in much of Western European because of the lack of private funding sources, setting the region apart from the United States in particular. However, the need for new technical and vocational training to respond to the needs of the market and to the need to increase participation rapidly without great expense to the state has lead to a larger role for the private sector in some cases. In the Southern European cases, following democratization in the mid-1970s, the demand for more places in higher education expanded exponentially within a few years. Suffering economic crisis, Portugal has made extensive use of the private sector, which, as the case study discussion will show, might have been the best way to meet needs in the short term, but is a strategy that has gotten out of control in the past decade. Greece, on the other hand, retained a constitutional ban on private provision throughout the entire period studied, which is often blamed for chronic underfunding in higher education. By 2000, compared to an OECD average of 1.3 percent, Greece spent 0.9 of GDP on higher education, despite providing free tuition,

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Portugal 1.1, and Ireland 1.5. Countries such as Finland and Sweden both spent about 1.7 percent.53

On the question of funding, it is important to focus on who funds education, to what levels, and on what basis. While public funding levels are usually a good indicator of state support for higher education in general, the basis of funding is also important because it has a major impact on the types of courses offered. If, for example, universities are funded on the basis of how many students they can attract, or per student, there is a danger that the quality of degrees and other courses will be reduced in order to make course requirements lighter and more entertaining. Alternatively, research-output based funding may cause teaching programs to be increasingly oriented toward the interests of researchers, and standards for measuring research output might be manipulated to favor the “hard” sciences over other subjects. If overall levels of state funding are decreased, providers may have to turn to private donations for extra support, and private funding may clearly bring with it new teaching and research agendas.

Fourth, access policies regulate who and how many students enter the higher education system. This is where the weight of Europe probably matters most, since there are two sets of compatible goals and values involved. On one hand, access policies are about ensuring more equitable social outcomes by assisting students who, because of socio-economic background, age, ethnicity or disability need extra help gaining entry to and completing higher education. Not only are funding structures important here, through the use of scholarship, student benefits and the like, but so are admittance systems, which in all three cases analyzed here are highly centralized,

causing potential difficulties for ensuring equality of access. On the other hand, access is also an issue tied strongly to labor market concerns. Encouraging mature students to participate in third-level education might be important for equity reasons, but it is also important for an economy increasingly based on new technical skills. In Ireland, access policies have become more important in an era of labor and skills shortages created by economic growth, but the debate in Greece and Portugal, for reasons discussed in the following chapters, is much more muted.

Europeanization raises an additional concern about quality assurance. The main mechanism for ensuring quality across technical and university, public and private sectors, is the qualifications system. The system can be used to control degree and diploma content, and can provide a way of “registering” or accrediting and “deregistering” institutions and programs even in highly variegated and privatized systems such as the Portuguese. However, national degree structures and accreditation regimes in Europe have recently come under pressure to harmonize, prompting increasing concerns about quality control. The 1999 Bologne Declaration, designed to bring national degree structures into line with the three-year undergraduate, two year Masters’ and separate Doctoral degrees identified most readily with the English speaking nations outside North America. Quality concerns arise because the aim of the process is to make degrees and courses more easily transferable among European Union member states, so that students may study abroad, transfer, and have their degrees recognized more easily when employing for jobs overseas.
Immigration

Family and higher education policies are at best medium- to long-term solutions to labor market challenges caused by demographic imbalances and skills shortages. Immigration policy, by contrast, can have almost immediate effects and attracting skilled labor from overseas may be the best option where higher education and training policy fails or has not yet taken effect.\textsuperscript{54} Likewise, governments may have to resort to immigration in order to increase the ratio of working-age to dependent members of the population. Yet the importation of labor might take one of two directions, depending on the particular development strategy adopted by each state and the sorts of pressures placed on governments to either encourage or discourage particular types of migrants. Cheap migrant labor has often been used in Western Europe during periods of economic expansion and labor shortage in order to undertake work in the service or manufacturing sectors that Europeans do not want to perform, such as in the growth years that followed World War Two. In this case, migrant labor may be legal or illegal and this work may be formal or informal in nature.

Alternatively, highly skilled migrants may fill skills shortages resulting from rapid economic growth or change, failed education policies, or the simple lack of skills diversity often experienced by relatively small countries such as Greece, Ireland, and Portugal. Although the focus here is on labor migration, this aspect of a nation’s immigration policy is often hard to disentangle from others. If policy toward asylum-seeking is extremely restrictive, economic refugees might simply enter the

country illegally and yet still perform an economic function. However, issues of refugee resettlement and the integration of migrants in general remain outside the scope of this research, even though it receives much attention in the literature.

While the regional harmonization of immigration policies is a desired goal of the EU, many such efforts have stalled precisely because of the sensitivity of the issue and in fact a great deal of variation across Europe remains. Even with measures such as the Schengen Treaty in place, which allows citizens of EU member states to move more freely between signatory countries at the same that it requires stricter border controls to limit especially illegal migration from non-EU areas, there is still plenty of variation within Europe. All three of the nations considered here have traditionally been countries of migration rather than immigration, a tradition that has been reversed in recent years. Ireland allowed a limited number of European refugees to add diversity to the country in the wake of World War Two, but no significant policy changes occurred until the nation’s recent economic boom created demand for specific categories of skilled and unskilled labor as well as the increased possibility of illegal migration. Both Greece and Portugal have comparatively high levels of illegal migration, Greece due to the porous nature of its borders and geographic location as the meeting ground between the Eastern, Western, and Southern European and the Middle East, and Portugal because of the ongoing legacy of South American but more particularly African colonial ties. Policy responses in the two Southern European


cases have included attempts to combat illegal migration by both tightening border controls and establishing new processes to permit legal migration, but the skill levels attracted by these legislative acts appear quite mixed. Portugal has moved much further than Greece in forging a coherent and pro-active policy response rather than relying on reactive ad-hoc regularization schemes.

Following the three-step process of analyzing policy responses outlined above, states first need to recognize the challenges of immigration policy with respect to their labor market needs. The policy “problem” may vary between countries, and coming to grips with its precise nature first means gathering the right information. For countries with traditionally very low levels of immigration such as these, new government institutions may be required that are capable of collecting data related to existing numbers of migrants, both legal and illegal, as well as identifying and forecasting labor market gaps and needs. A lack of information is especially difficult where government policies, or rather the lack of them, have facilitated the arrival of large numbers of illegal migrants, as in the Greek case. Clearly identifying the policy issues at stake is also often complicated by outbursts of xenophobia and racism, either on the part of society at large, or by politicians willing to tap into these undercurrents for short-term electoral gain. Again, Greek immigration policy suffers in this regard while Portuguese political discourse is relatively devoid of it. Attempts by Irish politicians to take advantage of racist tendencies have also largely failed.

Second, the problem also needs to be conceptualized in “Europeanized” terms, but the European project itself has contradictory goals in relation to this issue. On one hand, to meet objectives associated with the Lisbon agenda and beyond, European member states need to focus on combating unemployment and fuelling employment growth, which would seem to suggest attracting “high quality” migrants who can
contribute to knowledge-based economic growth. The flip-side of this is of course stamping out illegal migration. Yet on the other hand, Europeanized development frameworks supposedly value social cohesion, integration, and tolerance. This would suggest the development of national policies dealing with needs of migrants, such as the family reunification policies favored by the European Commission, and addressing the tensions caused by increased ethnic and cultural diversity. This latter problem is underlined by the previously relative homogeneity of many European societies, and, as recent conflicts in France illustrate, can be extremely destabilizing for society as a whole. Thus, referring to the third dimension of Europeanizing immigration policy, state responses to the problem, if reconceptualized in European terms, might involve both cracking down on illegal migration at the same time that new programs for integrating migrants are established. Most importantly, better immigration policies are those that tend to be more coordinated and self-consciously directed toward a particular set of goals.

The case study discussions will thus analyze specific features of national immigration policy, including an assessment of the state institutions responsible for this area. Unlike family policy, immigration policy is usually the responsibility of one department or ministry in conjunction with the government of the day, although whether immigration policy is aligned with the work of a labor or a justice department can tell much about whether the issue is primarily as an economic issue of a legal or criminal problem. In Greece, immigration has been perceived primarily as a law and order issue, and thus is overseen by the Ministry of Internal Order. While a government research organization has recently been established, and the Greek Ombudsman’s Office has begun to intervene in the policy arena on the behalf on migrants, integration has not been a priority. Greek immigration policy is in fact
extremely contradictory and fragmented, as chapter four details. Portugal, extremely interestingly, has dealt with the contradictory elements of a Europeanized immigration strategy by splitting institutional responsibility between two legally separate government bodies. While the High Commission for Immigrants and Ethnic Minorities (Alto Comissariado para a Imigração e Minorias Étnicas or ACIME) presents the softer side of immigration policy, responsible for assisting migrants to include illegal workers, the Foreigner and Border Service (Serviço de Estrangeiros e Fronteiras or SEF) is the harsher face, responsible for expelling illegals and other more technical matters.

Actual immigration policy is normally reflected in a limited number of acts and decrees. Of particular interest is the extent to which policies on labor migration, asylum seekers, and how to address the problem of illegal migration and trafficking, are coordinated with one another and to what extent policy responses are framed with the nation’s developmental requirements in mind. Studies of immigration often cite raw data on the numbers of legal and illegal migrants, but these are only partial indicators of “policy” since levels of migration are also conditional on the “push” factors that encourage individual migrants to leave their home countries in the first place. What is very important, in the case of this study, is an analysis of not only how many migrants enter the country in any given year, but on what basis and conditions they are permitted to enter, how long they are able to stay and what types of jobs they can accept or are encouraged to accept. What is key is whether mechanisms to induce low-skilled or high-skilled migrants or a mix of both are established and altered over time.

The adoption of organized systems to control directly the number of migrants entering a country is actually quite rare. Indirect measures appear to influence
migration numbers more, although some policy advisors argue that in an ideal world, individual nations would make a better effort to anticipate their own labor needs, and control numbers accordingly.\textsuperscript{57} Options would include the adoption of a quota system, adjusted over time to meet labor shortages. More often, numbers are controlled by giving attention to the basis on which migrants are permitted. This influences not only the number of migrants indirectly, but also the types of migrant. Work permits, for example, might be allocated on a “point system”, which takes into account such factors as individual’s skill level, personal and business assets, and possibly their country of origin. Alternatively, migration might only be permitted once the individual has already secured employment, often only after an employer has proved that the job cannot be filled from the pre-existing labor pool.

“Measuring” the dependent variable

As stated above, the methodological strategy pursued in this research is fundamentally qualitative. While it might be desirable to compile a numerical scale or compound indicator for each of the three separate policy areas scrutinized in the following chapters, doing so presents a number of challenges and runs the risk of obscuring some of the depth of difference between cases that is required to build a genuine picture of the extent to which each of the three countries has Europeanized each policy area under discussion. There are at least three specific problems or drawbacks involved in the creation of an ordinal or categorical scale. First, while “most similar” in a number of different respects, it is quite obvious that each of the

\textsuperscript{57} OECD, \textit{Trends in International Migration} (2002).
three countries is moving toward Europeanizing its labor market strategy, from a
different set of circumstances. This means that a comparison of direction each of the
three countries is moving in is just as important as a comparison of any absolute
values, assuming that absolute values can even be measured. Absolute values, for
example, are often used in discussions of family policy in Europe. Researchers,
limited as they are by the quantitative data available, opt for “big” indicators such as
the percentage of GDP devoted to family policy, or, at a lower level of analysis, the
number of weeks of maternity leave granted by law divided by the level of maternity
benefits paid out during that leave. The result is usually that the Nordic countries
come out looking more generous and thus “better”, while the Southern European
countries remain grouped with Ireland at the bottom of the pile as “welfare
laggards”. Yet this tells us relatively little about the qualitative differences between
the nations grouped at the bottom, which any student of Southern European social
policy will point out, but also the direction each country might be moving in since
they are based on cross-sections of a single moment in time. Such comparisons are
also not at all capable of determining changes in policy discourse, presented above as
early or first-step indicators of policy Europeanization.

Second, numerical scales are unlikely to prove capable of measuring
developments in each of the three policy areas analyzed here so that they can be
compared with one another in any meaningful way. Comparability between policy
areas is necessary for the purposes of this research because, looking ahead to the
discussion contained in the next chapter, the impact of the presence or absence of
policy-making processes that balance consultation against incorporation must be

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58 Such scales based on compound indicators can be found in Anne Hélène Gauthier, *The State
and the Family: A Comparative Analysis of Family Policies in Industrialized Countries*. Oxford:
tested against several policy areas in one country in order to be proved as the basis for an explanation. Chapter five illustrates that Portugal, as this study’s “mixed case”, has both policy areas where the impact of consultative and incorporative policy-making processes can be observed, leading to more Europeanized outcomes, and policy areas where interest group consultation and incorporation and thus policy Europeanization have not occurred. Descriptions of the dependent variable as well the explanatory framework must be capable of both describing and explaining differences within countries across the three policy areas, even though overall, greater variation can be found between nation states than between policy areas.

Furthermore, there is also no one particular policy framework that reflects a Europeanized strategy, another complicating factor for building a picture of the dependent variable. In the immigration field, what is important is whether policy is tied to or “makes sense” in relation to Europeanized objectives in the field, not whether this is achieved through quota systems, bipartisan agreements with preferred countries for sourcing migrants, or points-based visa schemes. In the higher education field, the objective of producing higher numbers graduates in technical and scientific subjects could be achieved through a “binary” approach which treats university and technical institutes separately and differently, but the goal could also be achieved by keeping universities as the main higher education provider but changing the incentive structures open to them.

However, I have tried to be reasonably systematic in “measuring” the dependent variable, even if I have chosen not to aggregate the different measures involved, leaving them instead unaggregated but hopefully more richly descriptive at the same time. A stylized summary of how conclusions about each of the three policy cases in each of the three countries is presented below in the form of a series of tables.
The qualitative assessment of each “value” corresponds closely to the preceding discussion of each of the three policy areas and is presented both as guideline to how each of these values was “measured”, and in the interests of making results replicable and open to scrutiny. Two main summaries are presented, in line with the analysis contained in this chapter. The first looks at how the shift in discourse surrounding each of the three policy problems reflects increasingly reflects a Europeanized outlook can be measured and the results for each of the three national-level case studies. The results for this analysis are based on three basic sources: newspaper and other sources noting public discussions on policy issues, preambles to legislation and government discussion documents which state policy objectives, and interview material. The second presents a summary of the breakdown of the three policy areas presented in the previous section of this chapter, outlining each of the main mechanisms by which Europeanized policy results can be achieved along with basic outcomes in the three national cases.
<table>
<thead>
<tr>
<th>WORK-LIFE BALANCE</th>
<th>Content of “Europeanized” policy perspective</th>
<th>How problem is conceptualized at national level</th>
<th>Problem conceptualized in Europeanized terms?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Work-family tradeoff increasingly viewed as an economic issue; measures must aim to reconcile family and working life.</td>
<td>Ireland</td>
<td>In an increasingly tight labor market, need more women in the workforce in order to fuel growth.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Portugal</td>
<td>At policy elite level, seen as an issue of gender equality.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Greece</td>
<td>“Problem” of low birthrate and “population crisis” recognized, but emphasis is on encouraging women to have more children not more women in the workforce.</td>
</tr>
<tr>
<td>Educat<strong>ion</strong></td>
<td>Content of “Europeanized” policy perspective</td>
<td>How problem is conceptualized at national level</td>
<td>Problem conceptualized in Europeanized terms?</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td><strong>Ireland</strong></td>
<td>Higher education should aim to upskill the population in general to fuel the “knowledge economy”, but especially in technical and scientific areas.</td>
<td>In a direct relationship with economic growth and the development of high-tech industrial policy.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Portugal</strong></td>
<td>Main emphasis has been on increasing education levels in general, but not on scientific and technical training per se.</td>
<td></td>
<td>Partially</td>
</tr>
<tr>
<td><strong>Greece</strong></td>
<td>Viewed very traditionally, no real emphasis on technical training at the third (as opposed to second) level.</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

| Immigr**ation** | Immigration policy increasingly tied to skills needs. Migrant integration programs necessary for purposes of “enhancing social cohesion.” | Increasingly viewed in terms of economic growth, integration issues somewhat neglected at policy elite level. | Partially |
| **Ireland** | | | |
| **Portugal** | Immigration policy seen less through the lens of economic growth/industry policy; more concerned with combating illegal migration. Debate over migration integration relatively advanced. | | Partially |
| **Greece** | Viewed mostly as a security/legal issue, with emphasis on combating illegality. | No |
TABLE 2.3

LEGISLATIVE AND OTHER FORMS OF ACTION IN THE FIELD OF POLICIES FOR WORK-LIFE BALANCE

<table>
<thead>
<tr>
<th>Europeanized policy goals</th>
<th>Mechanisms available</th>
<th>National case</th>
<th>National policy goal</th>
<th>Main mechanisms used</th>
<th>Overall effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>To increase parental workforce participation; to increase birthrate.</td>
<td>Tax (and interaction with benefit) system.</td>
<td>Ireland</td>
<td>To increase parental workforce participation; for families to be able to reconcile family and working life since birthrate still relatively high.</td>
<td>Allowances for single mothers returning to work and education. Investment in childcare. Increases in targeted child benefits. Workplace based solutions pursued through Committee for Work-Life Balance.</td>
<td>Increasingly Europeanized policy framework, with some policy initiatives yet to take long-term effect.</td>
</tr>
<tr>
<td>Europeanized policy goals</td>
<td>Mechanisms available</td>
<td>National case</td>
<td>National policy goal used</td>
<td>Main mechanisms used</td>
<td>Overall effect</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------</td>
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<td>---------------</td>
</tr>
<tr>
<td></td>
<td>Maternity leave and benefits.</td>
<td>Portugal</td>
<td>In context of already high female workforce participation, to reduce family pressures for women already in full-time work. Gender equality.</td>
<td>Some increased childcare provision. Targeted child benefits. Paternity leave scheme.</td>
<td>Policy not “Europeanized” in many respects, because objectives are at odds with Europeanized ones.</td>
</tr>
<tr>
<td></td>
<td>Paternity leave.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Flexi- and other time-based solutions, including use of part-time labor.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Greece</td>
<td></td>
<td>To encourage increased birthrate (“population policy” to address “demographic crisis”)</td>
<td>Child and tax benefits to encourage larger family size.</td>
<td>Policy goals and policy discourse entirely at odds with that occurring at European level and in other EU member states.</td>
</tr>
</tbody>
</table>
### Table 2.4

**Legislative and Other Forms of Action in the Field of Higher Education Policy**

<table>
<thead>
<tr>
<th>&quot;Europeanized&quot; policy goals</th>
<th>Mechanisms available</th>
<th>National case</th>
<th>National policy goal</th>
<th>Main mechanisms used</th>
<th>Overall effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>To increase educational participation generally; to tie provision of higher education better to needs of (high-wage, high-skill) economy.</td>
<td>Legal and institutional differentiation between university and non-university sectors and/or encouragement of technical and scientific training through universities. Whether or not private provision/funding encouraged.</td>
<td>Ireland</td>
<td>To increase participation and encourage growth of technical sector and scientific orientation of universities.</td>
<td>Maintenance of binary structure. Massive investment across all sectors, especially technical institutes. Funding also directed toward access policies.</td>
<td>Increased participation in higher education; provision increasingly tied to needs of high-wage, high-skill economy.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Portugal</td>
<td>To increase participation with as little cost to state as possible and to promote especially regional development.</td>
<td>Early encouragement of technical institutions. More recently, privatization of education system.</td>
<td>Increased participation in higher education, but often at expense of quality and content not necessarily tied to needs of knowledge economy.</td>
</tr>
<tr>
<td>Europeanized policy goals</td>
<td>Mechanisms available</td>
<td>National case</td>
<td>National policy goal</td>
<td>Main mechanisms used</td>
<td>Overall effect</td>
</tr>
<tr>
<td>--------------------------</td>
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</tr>
<tr>
<td></td>
<td>Levels of state funding.</td>
<td>Greece</td>
<td>To increase participation, some attention to quality from very depleted base.</td>
<td>Some attention to technical education but most policy development has tried to improve the quality of university of education from very low standard eg several waves of reform to university administration.</td>
<td>Marked disjuncture between needs of economy and higher education system.</td>
</tr>
<tr>
<td>“Europeanized” policy goals</td>
<td>Mechanisms available</td>
<td>National case</td>
<td>National policy goal</td>
<td>Main mechanisms used</td>
<td>Overall effect</td>
</tr>
<tr>
<td>----------------------------</td>
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<td>----------------------</td>
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<td>---------------</td>
</tr>
<tr>
<td>To tie immigration policy better to needs of (high-wage, high-skill) economy; to facilitate social integration of migrants.</td>
<td>Options for controlling number and type of migrants: - Quota system - Identification of national skills gaps, preferential occupation schemes. - Working visa schemes. - Bilateral agreements.</td>
<td>Ireland</td>
<td>To create new comprehensive system to deal with very new “problem” of migration.</td>
<td>Policy of filling skills needs from elsewhere in EU first (market-driven mechanism). Creation of comprehensive labor migration system (in process).</td>
<td>A very slow Europeanization of policy occurring, with work to be done also on integration issues.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Portugal</td>
<td>To combat illegal migration; to import (mostly unskilled) labor where gaps exist; to facilitate migrant integration.</td>
<td>Regularization programs. Bilateral agreements. Attempts to identify skills gaps (but not always translated in effect through visa system). Creation of ACIME.</td>
<td>Policy discourse and action relatively advanced with respect to migrant integration, but immigration system not aimed at importation of skilled labor to stimulate new sectors of the economy.</td>
</tr>
<tr>
<td>Europeanized policy goals</td>
<td>Mechanisms available</td>
<td>National case</td>
<td>National policy goal</td>
<td>Main mechanisms used</td>
<td>Overall effect</td>
</tr>
<tr>
<td>--------------------------</td>
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<td>---------------</td>
</tr>
<tr>
<td>- “Points” systems.</td>
<td>Greece</td>
<td>To combat illegal migration.</td>
<td>Several regularization schemes.</td>
<td>Massive problem with illegal migration; migration system not tied to needs of labor market.</td>
<td></td>
</tr>
</tbody>
</table>
Summary

This chapter has outlined the importance of the dependent variable at stake in this research, explaining what remains to be explained in the chapters that follow, and presents an outline of how each of the three policy areas in each of the three nations to be compared. In sum, the project traces the extent to which three small European countries have taken advantage of regional integration by embracing a Europeanized development strategy through the lens of three separate policy areas that all relate to the state’s ability to shape the labor market. The literature on the Europeanization of public policy is a useful start here, but it is limited in that it usually shies away from comparison across several different policy arenas, which is necessary for understanding something about the nature of state-society relations and the way this affects policy in nations that have undergone recent and profound social and political change, such as Greece, Ireland, and Portugal. What it does do, however, is point toward considering the content of the European project as a specific bundle of policies that are tied into a broader set of values and developmental ideals. Higher education, immigration, and policies for the reconciliation of working and family life are three arenas of state activity that are important to the European project but also a have sufficient amount of “other” influences to allow general conclusions to be drawn about the formation of policy in each of three societies studied here, and to asses the influence democratization processes, in particular, on the relationship between the state and key interest groups. This latter task is the one that is to be taken up in the following chapter.
CHAPTER 3:
EXPLAINING POLICY VARIATION—A ROLE FOR CONSULTATIVE AND INCORPORATIVE POLICY-MAKING?

This chapter provides a framework for explaining why there is significant variation in the extent to which Ireland, Portugal and Greece, as relatively underdeveloped latecomers to the process of European integration, have been able to embrace a “Europeanized” economic and social development strategy to meet contemporary labor market challenges. The explanation centers on the significance of institutions designed to both consult and incorporate key interest groups into policy-making for shaping immigration, higher education, and family policy outcomes. The argument is that countries such as the three under scrutiny here are best capable of Europeanizing their development strategies by creating new institutions and processes that bridge pre-existing gaps between interest groups and the state. Lying at the center of this overall argument is a very simple observation: the way in which policy is made can and does determine the content of policy decisions.

Although EU membership provides a key influence on national-level policy decisions in the cases to be discussed in the following chapters, EU membership alone, given the variation in the case studies observed, clearly does not determine policy content nor the processes by which this content is formulated. Rather, the main determinants of whether or not each of the three nations selected here have adapted their policy-making
process and institutions so that they are increasingly consultative and incorporative, and consequently, their labor market development strategies, are located internally. Pre-existing patterns of state-society interaction, crystallized in national policy-making traditions, circumscribe the development of institutions and processes that effectively balance genuine consultation with interest group incorporation. Consideration of specific bases for the development of this particular pattern of policy-making is set aside for the moment, to be discussed fully in chapter four. The task of this present chapter is to explain the importance of institutions that combine consultative and incorporative characteristics for nations wishing to reorient their economic and social development strategies in much more detail. At the same time, the concept of an institution or process that is both consultative and incorporative must be fully defined: what does one look like and how do we know when we have found one?

The following discussion is divided into three main sections. The first expands on an argument made in the previous chapter, namely that there is significant disconnect between the literatures on the Europeanization of public policy and on the changing nature of national political institutions as the result not only of European integration, but also of internal pressures such as democratization or democratic deepening. Previous work that considers the impact of European-level decisions on national public policies tends to view the national political institutions that impact on policy formation in a rather static fashion, yet those very same political institutions are also subject to pressures for change and so too in transition. The need to reconnect analysis of the Europeanization of policy to a view of national political processes as dynamic ones is thus explored. The second section contains an extended discussion of why both genuine consultation and
interest group incorporation are crucial for states attempting to fundamentally reorient their own national development strategies. Some arguments along these lines are identified in the existing literature, but further theoretical development is needed in order to explain why these specific types of institutions are especially relevant in a Europeanizing context. This section also considers some alternative explanations for the variation that can be observed across the three national case studies. The final section then operationalizes the key concept at play, outlining what makes a policy-making institution or process capable of effectively balancing consultation against incorporation.

**Linking the Europeanization of policy to national political change**

There are many reasons to suspect that Ireland, Portugal, and Greece would respond to the opportunities afforded by EU membership in roughly similar ways. As comparatively underdeveloped economies, all three not only had much to gain by joining in on the process of European integration. There are also certain features of each country’s political tradition that can be held relatively constant, including a high degree of state centralization combined with local and political party-based clientelism. Yet as the case study discussions to follow illustrate, there is great variation in the extent to which Greek, Irish, and Portuguese policy, especially with respect to addressing contemporary labor market challenges, can be said to have been “Europeanized”. That is, there is marked divergence in the extent to which immigration and higher education policies and policies for reconciling family and working life have been reoriented around
the goals and values suggested by the concept of a “European project”. How can this be explained?

The first premise of the explanatory framework developed here is that the Europeanization of policy is and should be analytically better linked to an understanding of national political institutions, processes and culture as in themselves subject to change. National politics is not simply a set of static, pre-existing institutions and values that act as barriers to and facilitators of the implementation of European-level decisions. Some pressures for change might come from regional integration itself, but these may overlap, contradict, or reinforce other longer-term pressures for change such as globalization and democratization, the latter most obviously which applies to the Southern European cases analyzed here. To this end, chapter one discussed the extent to which the concept of “Europeanization” is currently disputed within the field of European integration studies, but argued that most political scientists understand Europeanization as the impact of European-level decisions, norms and values on (a) national and local policies, and (b) domestic political institutions. It also argued, however, that there is an overall lack of coordination between the study of the Europeanization of policies and the study of how national politics might change under conditions of European integration. The latter might refer to features such as national political culture, but for the most part the concentration has been on formal institutions such as national legislatures, executives, bureaucracies, and federal systems.

Where such a connection is made, the argument tends still to be that political institutions change as the result of policy adaptation, rather than independently due to external forces. For example see Christoph Knill, *The Europeanisation of National Administrations: Patterns of Institutional Change and Persistence*. Cambridge: Cambridge University Press, 2001.
Along these lines, it was noted that one of the most comprehensive theories developed to explain variance in the impact of European-level decision-making on national policy outcomes, whether or not put explicitly in these terms, identifies the number of pre-existing veto-points in a political system as barriers to or facilitators of supra-national policy implementation. This of course first assumes that there is a “misfit” between EU policy and what already exists in each particular member nation under scrutiny. Nations with large, federal systems such as Germany and Italy have larger numbers of veto-points which provide larger numbers of stumbling blocks over which European-level policy can fall. Presumably, smaller and highly centralized countries such as Greece, Ireland, and Portugal have fewer and similar numbers of veto points and thus fewer stumbling blocks. Again, the existing literature on Europeanization suggests policy convergence resulting from the pre-existing institutional similarities across these three cases, yet policy convergence does not in fact exist. Developing an adequate explanation for why not means not only looking at the possibility that national “politics” and especially political institutions are in a state of flux, but also making sure that we are focusing on the institutions that matter most for determining policy outcomes.

The literature on the Europeanization of political institutions generally finds that national institutions have not changed that much, or at least in comparison to public policies, as a result of European integration. In some ways this is not surprising, especially when we limit the discussion to the formal classic foundational institutions that are presumed to form the core of the political system. It is true that at least in stable democratic polities, institutions such as the executive, legislature, degree of decentralization upon the federal-unitary continuum, and the electoral system and its
connection to the party system, do not change often. When they do, it is usually either in response to economic or political crisis or as the result of a build-up of popular dissatisfaction with the system’s responsiveness to public needs and demands or overall ability to guarantee political stability. Examples include the 1958 establishment of the dual-executive or semi-presidential system in France in order to combat recent political instability, or New Zealand’s 1996 abandonment of a First-Past-the-Post electoral system for a Mixed Member Proportional one as the result of decades of public campaigning for a more representative parliament. In both of these cases, however, the actual shift between systems occurred relatively rapidly since it required legislative change. The switch from one electoral system to another under conditions of stable democracy is rare and an observable difference is experienced between one election and the next, even if the pressures for change may have built up over a long period of time.

Other political institutions, however, are prone to slower and subtler change. For example, some scholars have proposed that European-level administrative processes and cultures may have influenced the functioning of national bureaucracies. Due to the expansion of the EU’s administrative functions, the argument runs, large numbers of individuals move between the regional and national bureaucracies, raising the possibility that these individuals act as carriers of “European” values and outlooks down to the level of national institutions. The evidence for this actually occurring, however, has so far been quite slim. To the contrary, case studies, especially of those national

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bureaucracies that have traditionally deviated from Northern European norms, suggest overall persistence of local patterns.  

Yet crucially for the analysis that follows, policy-making processes, which are generally established through government or bureaucratic initiatives or as a result of public pressure for broader or deeper societal input into political decision-making rather than legislative decree, constitute one particular feature of the national political system that is arguably prone to evolution over time. Much of the remainder of this chapter and the case study discussions that follow focus on a specific space between civil society and the state in which institutions and processes can be established for the purposes of public consultation on policy issues and sometimes in the process, the incorporation of societal interest groups. Much recent political science, while shifting away from macro-political and structurally determinist causal variables, focuses overwhelmingly on the legislative sphere in order to explain policy variation and change. This is as true for the theoretically ambitious rational choice school of analysis as it is for institutionally focused explanations of national policy choice. Party politics, whether or not this is grounded in social cleavages, and relations between executives and legislatures provide the main source of focus for most working within the comparative politics sub-field.

By contrast, this dissertation drops its attention down to the layer of state- and semi-state bodies, institutions, and processes responsible for incorporating the interests of stakeholder groups with respect to specific policy arenas. Unlike their comparative

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politics colleagues, students of the “public policy” school have long known that much real decision-making happens as the result of power play within public administrations, and from interactions between bureaucrats, politicians, and policy experts who offer advice from outside the boundaries of the state. Such policy “networks”, “triangles”, or “communities” occupy a similar policy-making space as to the one that is the major focus of this dissertation, but this space is approached from the perspective of political science, or perhaps more accurately political sociology, rather than policy analysis. By that it is meant that whereas the public policy school tends to use pre-existing concepts such as “policy networks” or “communities” in order to highlight something about a specific case, this research project adopts a comparative framework using a most-similar systems logic of case study selection and has additional theoretical interests at stake.

The key argument: Consultation and incorporation

Readers familiar with EU “ways of doing things” might note already that the emphasis on consultative and incorporative policy-making mimics that of the EU itself. The EU actively promotes forms of policy consultation and interest incorporation that it refers to as “social partnership” or “social dialogue” that mirror the consensus building, neo-corporatist labor relations regimes of postwar Northern Europe. Neo-corporatism provides the most obvious model for this new layer of EU-sponsored institutions and processes. Like neo-corporatism, social dialogue is most fully developed at the European

level with respect to the Employment and Social Affairs branch of the Commission’s activities, where core business and labor representatives meet with central EU actors in order to negotiate policy decisions. Yet this model has been extended to negotiation between relevant non-traditional “social partners” in other spheres of EU activity, notably environmental policy with the incorporation of environmental organizations into policy negotiation. Furthermore, the EU also actively encourages the adoption of similar forms of policy concertation at the national level, within member states. In part, this is because for “social partnership” to function well at the supra-national level, functioning “social partners” must have representation and membership at the national and local levels.

Including national representatives of interest groups in European-level social dialogue can also serve as a good way to transmit European preferences and values to the national level; interest group leaders can return to their home countries and use arguments to the effect of the “EU supports our stance so you have to listen this time” in order to pressure national governments on certain policy issues.

It is extremely important to realize, however, that the focus on the policy-making space between civil society and the state employed in this dissertation is justified not merely because of the importance that the EU attaches to the creation of institutions and processes designed to consult and incorporated societal interest groups. It is also

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64 During the fieldwork conducted in the course of this research, nowhere was this strategy more apparent than in Greece, where sometimes it is the only way to get otherwise an unresponsive state to listen. The point will be returned to in chapter five. It is less a conscious strategy employed by the EU than one adopted by local lobbyists and policy-makers in order to push through progressive social policies in particular.
important to focus on because state-society relations of this type have proved capable of helping to explain variation in the extent to which countries outside this sample, and outside Europe, have reoriented their development strategies around specific values and goals. In other words, the theoretical importance of consultative and incorporative policy-making is generalizable beyond the specific cases of Ireland, Portugal, and Greece and furthermore, beyond the case of reorienting policy goals and values around Europeanized ones.

The following discussion draws on the wider political science and sociological literature in order to introduce some of these additional reasons for concentrating on consultative and incorporative institutions, focusing especially on the role that states play in promoting specific development strategies and the mechanisms they use in order to do this. Consultation and incorporation are two quite different aspects of interest group participation in policy formulation that, even though are potentially in tension with one another, are equally central to the reorientation of national development strategies under conditions of political democracy especially. That latter part of the discussion is tied into a review of the contrasting characterizations of consultative and incorporative institutions that are presented by the literatures on public participation and particularly “deliberative democracy” in policy-making, and on neo-corporatism.

Between civil society and the state:

Intermediary institutions and the reorientation of national development projects

In arguing that states self-consciously take on a developmental role, that they are capable of pushing social and economic development in new directions, and that they
employ specific means in order to achieve this, the explanatory framework adopted here quite clearly taps into the well-established “developmental state” literature. This body of work identifies particular types of states that take on an unusually direct and extensive role in developing and redirecting their national economies around a particular set of development goals. These goals are usually centered on economic modernization and often involve large-scale national construction projects or the heavy concentration of resources into particular sectors of the economy. State “developmentalism” is often identified with authoritarianism, especially the growth of the East Asian “tiger” economies of Singapore, South Korea, and Taiwan. The first of these cases remains under (soft) dictatorship and the latter two cases did not fully democratize until the late 1990s. Yet developmental states are also evident in democratic circumstances, and it might also be noted that most if not all states have at least some developmentalist tendencies. Not only can strongly interventionist states that were compatible with democracy be found in the post-colonial histories of nations from Australia and New Zealand to Nigeria or India, but arguably the Scandinavian countries do the same through the construction of consensus-building neo-corporatist mechanisms.

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Especially relevant for the theoretical framework adopted in this research is the recent literature on democratic developmental states that rely less on coercion than on connectedness with social groups in order to guide economic development in a specific direction. Most notably, Peter Evans’ work on the promotion of information-technology based development strategies in several newly industrializing countries finds that a delicate mix of “embeddedness” where state agencies are well connected to the business class and especially organized entrepreneurial and investment groups, and autonomy, where the state acts as a coherent and relatively cohesive actor, explains national success in the field. The innovation in this work is the identification of state “embeddedness” as part of the explanation for developmental success and that insight is taken into account here, but given that the focus of this dissertation extends well beyond the arena of industrial policy, it considers the relationship between the state and a much wider variety of groups to be important. Similarly to Evans’ work and directly related to the Irish case, Séan Ó Riain has recently argued that much of Ireland’s post-1987 success, again with specific reference to industrial policy, can be attributed to the development of formal institutions that regulate the relationship between players in the industry and the state. Although the most clearly recognized example of these new institutions is the social partnership process, which is discussed here extensively below, he insists that there are many others. Reinforced by this layer of consultative and incorporative institutions,

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social partnership has become “the institutional mechanism of public governance through almost all spheres of Irish public life.”  

The remainder of this dissertation looks in depth at the ways in which this layer of institutions and processes can and must be used by states wishing to reorient their national economic and social development strategies. The key argument is that the best institutions and processes for reorienting policy around a particular set of development goals, in this case, those goals and values connected to a “Europeanized” developmental project, are those that are both consultative and incorporative. Institutions and processes that provide linkages between state and societal interests for the purposes of policy formulation must be genuinely consultative as well as effectively incorporative. Before going on to discuss what the institutions and processes that adequately balance consultation against incorporation look like, consultation and incorporation must be discussed separately as two distinct but equally important characteristics.

How and why consultation and incorporation both matter

Genuine consultation over the broad aims of policy in a particular area, as well as the details, is necessary because it can lead to better-informed policy decisions. The state needs to take into account the interests and concerns of key players involved in a specific policy area because stakeholders are often the best experts in the field, even if they sometimes lack the bird’s eye view important for linking action in one policy arena to

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action in related arenas, or to the overall shift in development strategies required in a particular historical moment. For example, with respect to the policy areas of focus in this study, we would expect better decisions to be made if the advice of state ministries and agencies were supplemented by the advice and concerns of such groups as the administrative bodies of technical institutes and universities in the case of higher education, trade unions and child care providers in the case of policies for reconciling family and working life, and migrant rights groups and employers in the case of immigration policy.

Genuine consultation is important specifically for the reorientation of policy goals and values around Europeanized ones because deepening commitment to a Europeanized development project through such measures as implementing migrant integration programs, reducing the number of law graduates in favor of producing more qualified workers in science and technology, or implementing much more generous parental leave legislation, for instance, may be especially challenging for nations such as Ireland, Portugal, and Greece. This is because as traditionally poorer and more “peripheral” members of the EU, countries such as these have greater catching up to do in these policy arenas among others. Fundamentally reorienting policy perspectives, under democratic conditions at least, requires the co-operation of what the policy-making literature sometimes refers to as “street-level bureaucrats”, such as teachers or social workers that work for the state, as well as key players in the economy to include unions, workers, employer organizations and individual firms.

Students of the application of “discursive” or “participatory” democracy to policy-making practice would likely agree with this line of reasoning, since the thrust of
their critique is that policy formulation in advanced capitalist democracies has been high-jacked by technocrats at the expense of public participation and consultation. This relatively new sub-field of public policy analysis argues for the introduction of practical mechanisms such as “citizen’s juries”, not only in order to undercut the role of technocrats or non-elected “policy experts”, but also to reach policy decisions through deliberation and compromise rather than non-deliberative forms of public participation such as referenda. The focus of this literature is very different from that of the developmental state literature, which concentrates on the relationship between the state and generally elite groups such as organized business and individual firms, but is similar in that it links increased consultation with better policy outcomes. As discussed in the previous earlier, however, this dissertation is less concerned with the best policy outcome, but the extent to which policies are oriented toward a particular outcome, in this case, “Europeanized” developmental goals.

The main problem with the deliberative approach, however, is that in its enthusiastic advocacy of increased public participation in policy-making it is open to critiques similar to those that have been made of classical pluralist visions of democratic decision-making. Above all, pluralists and proponents of deliberative democracy tend

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to underestimate the importance of pre-existing power relations within society and between society and the state that are not easily removed despite best efforts to create neutral spaces in which deliberation might take place. In other words, increasing public participation in policy-making through deliberation might be a nice idea, but it is not usually a very good description of how policy is really made, even when efforts have been made to increase consultation with the citizenry. In most cases of consultation between the citizenry and the state, the state inevitably retains a high degree of control over who is permitted into the discussion and under what conditions and, furthermore, this is exactly what is needed for a major reorientation of national economic and social development strategy. These are highly structured spaces, and not just simply for the purposes of perpetuating social and political power imbalances but because, in the real world, states in the process of reorienting their development strategies around a specific set of goals and values need to incorporate societal groups so that they are loyal to the system as much as they need to genuinely take account of their interests and ideas through consultation.  

The incorporative aspects of public policy-making institutions and processes are important because implementing new development strategies often requires acting against the interests of any of key societal or interest groups. That is where incorporation is most useful. To give an example from the case studies which follow, encouraging the


71 The utilitarian, rather than idealistic, purposes of consultative policy-making processes are increasingly recognized by national as well as supra-national organizations beyond the EU, the OECD being one clear example. See especially OECD, *Citizens as Partners: Information, Consultation and Public Participation in Policy-Making*. Paris, Organisation for Economic Co-operation and Development, 2001.
growth of technical education can often be very threatening, both real and perceived, for universities, which have traditionally enjoyed a favored status in terms of financing and the legal framework governing them, which often affords a greater degree of academic freedom and autonomy than other types of teaching institutions. Diverting resources away from traditional liberal education toward technical training can undercut the favored status of universities, as can moves to steer the content of teaching programs in a specific direction.72 If a policy-making tradition encourages consultation and negotiation, compromise is more likely to be reached over the details of policy without undermining its overall direction. The overall direction, in these cases hopefully toward Europeanized goals and values, can still be guided by the state. Where consensus or compromise cannot be reached, the subtle and not so subtle coercive side of incorporative policy-making comes into play. Incorporative policy-making institutions are designed not only to induce co-operation, but are also often accompanied by measures to force co-operation or to constrain interests.73 At the very least, states can refuse to allow particular groups into the policy-making circle as a form of punishment for lack of moderation or co-operation on their part. This allows the state to control, at the very least, the terms of the discussion, and allows it to pursue and in fact gain legitimacy and a measure of consent for its development project. Controlling interests and preventing resistance from them spilling over into open political conflict is not always possible, as

72 Chapters four through six show that Irish universities lost this favoritism as early as the late 1960s. A similar loss occurred to some extent in Portugal from the mid-1980s, while the Greek education system still clearly favors universities.

chapter seven’s discussion of Greece especially shows, but the more robust a state’s
consultative and incorporative tradition is, the more likely it make use of such strategies.

In the absence of effective incorporative institutions and processes, through which
trading over policy decisions between players can occur over the long term, states can
find the implementation of policy goals against the interests of key interest groups
extremely difficult. Without a culture of compromise, the response of such interest
groups to required policy shifts may be to take to the streets in the case of labor or
popular groups or withdraw investment or political support on the part of elites.

Although it is slightly outside the scope of the policy-level case studies considered here,
there is no better example of this occurring than in the field of Greek pension reform.
The Greek pension system is heavily skewed toward the protection of male, full-time,
higher-paid and especially public sector workers, with no coverage at all often achieved
by workers who have failed to fill a requirement of continuous employment within a
particular timeframe during the course of their working lives. This requirement
particularly affects women, who may have taken time out from the workforce, and thus
has significance for the problem of developing for the reconciliation of family and
working life in Greece. Yet any attempt to reform the pension system, even in a social
democratic and in fact “Europeanized” direction, have been met with fierce resistance
from the trade union movement.74 Threats on their part have led to no reforms being

74 This discussion shows heavily on conversations with Professor Manos Matsaganis at the
University of Economics and Business, Athens. Among his works that touch on this theme are “The Limits
of Selectivity as a Recipe for Welfare Reform: The Case of Greece”, Journal of Social Policy. V.32, N. 4,
2005: 235-253, and “Fighting with the hands tied behind the back: Anti-poverty policy without a minimum
income in Greece”, in M. Ferrera (ed.), Welfare State Reform in Southern Europe. London: Routledge,
Public Attitudes in Greece”, Political Studies. V.51, 2003: 262-281, and Maria Petmesidou, “Statism,
made at all. Despite attempts to establish on-going wage pacts in Greece, the fragility and narrow scope of tripartite bargaining mechanisms in this case means that compromise and negotiation over pension reform, among other policies, is impossible.

Students of corporatism, both inside and outside of Europe, would likely agree with many of the aspects of the line of reasoning presented above. Neo-corporatist bargaining builds a tradition of compromise and consensus building, often by trading wage restraint on the part of organized labor for other non-wage related policy agreements on the part of the state (often explicit social policy commitments in the European case). This allows the state to pursue specific goals, most obviously gaining control over inflation, the outcome most often emphasized in connection to neo-corporatist wage bargaining. Although the literature on neo-corporatism thus provides an important backdrop to some of the observations made here concerning the importance of incorporating key interest groups, this dissertation moves beyond the pre-existing literature in several different respects. Above all, the neo-corporatist literature has become increasingly narrow in focus, becoming increasingly technical and less interested in the political project of corporatist-like mechanisms than the economic one.75 The theoretical framework employed here is much more concerned with the broader political project, entailing the reorientation of policy goals around a Europeanized development

strategy, that mediating institutions, whether corporatist in nature or not, play in the national case studies under scrutiny. In addition, and again, by moving beyond the wage-setting or even industrial policy arena, a wider range of policy areas are considered in order to test the notion that there are patterns of state-society relations reflected in policy-making institutions and processes that are more or less specific to the particular national context in question.

Foreshadowing the arguments that follow, successful policy Europeanization in Ireland, Portugal, and Greece has occurred when policy-making institutions and processes located in the space between civil society and the state have a good mix of these two quite different aspects associated with their operation. Genuine consultation and effective incorporation both matter independently, so that a delicate balance must be reached. Unfortunately, if there is what amounts to too much participatory and democratic policy consultation, policy formulation can become an unwieldy mess, with the likely result being either policy stagnation or the government ignoring the debate between interest groups in favor of accepting policy advice from government departments, especially ministries of finance cautioning budget constraint. Yet if the state is too obvious in its control, and especially if the state’s strategy is misguided or dominated by specific interests, consultative and incorporative institutions and processes might become regarded by their participants as token, shallow, and no longer have any binding relevance to the actors involved. There is also the possibility that there are very few institutions and processes established for the purposes of public and/or interest group participation in policy-making at all, let alone whether they adequately balance consultative and incorporative functions.
Further methodological considerations

Alternative explanations

Because Ireland, Portugal, and Greece share many economic, political, and historical features, they can be considered “most similar” in a number of different respects, and thus appropriate cases to compare given the standard qualitative methodological framework for doing so.\(^{76}\) Those who are inspired by world systems or other variations of dependency theory, beginning from the assumption that the poverty of some nations is dependent on the wealth of others, group these nations together as members of the European periphery or global semi-periphery.\(^{77}\) However, writers do not need to belong to that tradition in order to make the point that the countries share similar experiences as relatively underdeveloped latecomers to the European integration project. The EU itself considers this group of countries, along with Spain and Italy, as a distinct subset, noting that: “The term ‘European periphery’ is used to denote those countries” in which all or most of their regions have “75% or less of the EU average GDP per capita” and “comprise the western and southern seabords of the Union”.\(^{78}\) Other countries in


the “peripheral” subset, Italy and Spain, have much larger economies and more
decentralized political systems. Thus, EU membership, country size, and history of
dependent development act as the main control variables in this investigation.

These countries share other economic and political features, historical legacies,
and even aspects of political culture, the latter including patterns of clientelism that will
be discussed shortly. They have all traditionally relied on their agricultural and fishing
industries, have a comparatively high percentage of family-based or small scale
businesses contributing to economic growth, and, unlike their small, Northern neighbors
which opted for free trade based strategies at a much earlier date,79 for a long time relied
on protectionist policy measures in order to shield their fledging manufacturing
industries. State-led development strategies of the 1930s were accompanied by fascist-
inspired authoritarianism in Greece and Portugal under the Metaxas (1936-41) and
Salazar/Caetano (1932-74) dictatorships respectively, and democracy dominated by the
populist Fianna Fáil party in Ireland, leaving legacies of a large public sector and
frequent direct state intervention in all three cases. In addition, all three countries have
had twentieth century histories of (armed) internal conflict and have struggled to forge
national identities in opposition to much larger neighbors, namely Spain, Turkey, and the
UK. A tradition of gaining political loyalty through clientelist networks has also been
identified in all three countries.

78 European Commission, The Single Market Review: The Cases of Greece, Spain, Ireland and
Communities, 1997.

Yet despite these similarities, there are almost no comparative analyses that group these three countries together as a distinct subset, let alone with a focus on policies for reconciling work and family life, immigration, and higher education policies. One set of differences between the three national case studies that could provide the source of an alternative explanation for variation in the extent to which the three countries have embraced a Europeanized labor market development strategy centers on the fact that there are differences not only in the timing of EU accession, but also in the amount of financial assistance each nation has received from the EU. In particular, it has been noted not only that Ireland joined the EU earlier than the two Southern European cases, but also that the country received an extraordinarily high level of support from the European Structural Funds. In the early 1990s, this level of support reached up to over seven percent of GDP.80

Ireland’s natural advantage as an earlier and significant recipient of EU Structural Funds, however, is an insufficient explanation for Irish policy “success”. This is because EU support itself is dependent on a particular set of country-specific conditions. Economic, social and regional development programs for which funding is requested must be negotiated with and approved by supra-national authorities. In addition, nations only receive additional funding for the continuation of policy programs if they can prove that they have spent prior funding as agreed. Ireland has received the most support because it has more or less consistently followed through with what successive

governments have promised the EU.\textsuperscript{81} This shows that it is something about the national cases themselves that influence the extent to which each member state has been able to use the process of regional integration to its own advantage. Similar opportunities, at least in theory, were available to all of the “peripheral” EU members, but some countries had pre-existing political institutions better able to channel and help attract additional funds.\textsuperscript{82}

Those seeking to explain continuing divergence in national policy choice despite pressures for convergence brought by globalization and Europeanization, increasingly center on political parties as key explanatory variables. Political ideologies, or at least policy preferences based on their appeal to specific bases of electoral support, are considered decisively important.\textsuperscript{83} For the preferences or biases of political parties to really matter, however, variation would have to be observed within countries after changes in government. Ireland, Portugal and Greece have all experienced several electoral cycles and a number of changes in government since joining the EU. Although Irish government is dominated by Fianna Fáil, the party had to share power with coalition parties through the 1980s and 1990s, and has at times suffered a loss of power altogether in favor of its main opposition, Fine Gael, usually in coalition with minor political forces. Alternation in power occurs in Portugal between a center-left bloc, dominated by the

\begin{footnotes}
\item Italy had also received a large proportion of the Structural Funds. On the impact of EU membership on Italian policy see Maurizio Ferrera and Elisabetta Gualmini, \textit{Rescued by Europe? Social and Labour Market Reforms in Italy from Maastricht to Berlusconi}. Amsterdam: Amsterdam University Press, 2004.
\end{footnotes}
Socialist Party (PS), and a center-right coalition led by the Social Democratic Party (PSD). In Greece, the electoral system delivers relatively clear victories for either New Democracy, or the Pan-Hellenic Socialist Party (PASOK).

Despite all that, as chapters five through seven illustrate, a remarkably consistent approach to each policy area has evolved in each country, even though the role of certain individuals associated with specific periods of government cannot entirely be discounted. Examples where political leadership and thus arguably parties have mattered in a secondary sense in the cases analyzes here include the particularly “enlightened” leadership of the Socialist government elected in Portugal in 1996, and Costas Simitis’ attempt to “modernize” economic and social policy in Greece at approximately the same time, even if many of these latter attempts ultimately failed. An explanation that can account for general consistency in the extent to which policy areas have been “Europeanized” despite changes in government is thus required.

Explanations that can account for long-term developments necessarily center on features of the political system that too are enduring, leading political scientists to focus on aspects such as political culture, institutional development, and state formation. Relevant here is the large body of literature that blames current policy failures in Southern Europe, especially, on historical legacies of underdevelopment. These include the persistence of clientelism and political patronage as well as the coupling of strong states with weak civil societies that supposedly dominates the region. In the Greek case, trouble in Europeanizing policy strategies is attributed to the persistence of local and national patterns of policy-making and implementation that are considered anti-modern, inefficient, and deeply embedded. This perspective centers especially on the state’s
clientelistic role as an employer, general problems of corruption amongst the bureaucratic and political elite, and a Greek “obsession” with legality that prevents adaptability.84

This set of arguments is problematic, however, once we move beyond assumptions about Greek exceptionalism and “backwardness.” Ireland has in fact has its own long tradition of local clientelism, administered by political parties, that has not necessarily been obliterated by British-style public administration nor the more recent development of Europeanized social partnership institutions.85 By itself, the persistence of clientelism cannot thus provide an explanation for the type of policy variation observed across the three countries in itself. Yet at the same time, clientelism and patronage politics, particularly in the Greek case, do relate in part to the explanatory framework adopted here.

Chapter seven argues that some of these features of the way that the state relates to civil society do provide barriers to the construction of consultative and incorporative policy-making institutions and processes, and thus, to the Europeanization of public policy. Where this analysis differs from previous ones, however, is that it refuses to see such features of “culture” as ingrained, unchangeable facts. It is true, as the following chapter argues, that policy-making traditions are difficult to change, but it also is not


impossible, as developments in Ireland since 1987 underline. The important task undertaken in this research is to conceptualize aspects of political “culture” as features that are shaped by political institutions and not always the other way around. Policy-making institutions and processes, or the lack of them in some cases, encourage particular kinds of behavior. Specifically, a lack of consultative and incorporative mechanisms discourages compromise but encourages winner-take-all strategies. Specific examples of this are discussed extensively in chapter seven. Breaking this cycle might mean creating new policy-making mechanisms first, rather than waiting for “culture” to change so that ways of governing can change likewise.

On the subject of Southern Europe overall suffering from a combination of “strong states” and “weak civil societies”, this explanation for failures to respond effectively to policy challenges raises many more questions than it answers. While the presence or absence of a strong civil society and the consequences of having a weak one has been discussed increasingly with reference to Portugal, the argument is also most often applied to the Greek one. The fact that the highly centralized Greek state was a creation of foreign powers, charged with governing a population lacking any sense of national identity, is repeatedly stressed. Yet the observation that Greece’s main problem is that it suffers from a weak civil society in the face of an overbearing state does not always stand up empirically. There are instances where the state appears weak in the face

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of civil society, at least where civil society is defined simply as a collection of groups and organizations located between family and the state and not necessarily as the carrier of specifically democratic values.

To give an example that will be returned to in chapter seven, Greece’s legal code guarantees special rights to families with more than three children, while families with one or two children miss out on such special benefits. Overall, the evidence suggests that the family benefit structure does not actually encourage families to have more children, which is a stated policy goal. There are in fact very few Greek families who now choose to have three or more children. Attempts to reform the benefit and welfare system, however, have been met with fierce resistance from the Greek Confederation of Large Families, a conservative and vocal organization, including street protests and threatened civil disobedience. Even though this is numerically a very small organization, the Greek state is unable to find ways to either incorporate or marginalize it, so that the state actually appears very weak in the face of such resistance. This example underlines the fact that what is important is not the degree of power or “strength” exercised by the state vis-à-vis civil society, but rather the linkages made between state and civil society. In the policy-making sphere, this means the construction of mediating institutions and processes that can carry out important functions of consultation as well as incorporation.

How much can consultative and incorporative policy-making explain?

For much of its history but particularly over the past two decades, the development of the discipline of political science has been dominated by the search for increasingly “scientific” methods. Despite attempts to make qualitative research more
rigorous, statistical and formal (rational choice) methods are generally regarded as superior. There is something of an irony in this debate in that it is actually qualitative analysts who hold themselves up to the higher standard when it comes to “proving” a particular theory true. Specifically, because of the familiar “too many variables not enough cases” problem that has been central to the development of the qualitative comparative method, the challenge is to come up with a narrow combination of explanatory variables. Good theoretical frameworks usually employ no more than two or three independent explanatory variables. Theories can then be knocked down if “other” additional if not competing causes can be identified. This is in marked contrast to statistical analyses, in which the standards for what can be identified as a “cause” are much different. Quantitative analysts are happy if a variable or set of variables can explain as little as ten percent of outcomes, whereas their qualitative counterparts spend much of their time trying to prove that their explanatory framework can explain almost everything about a given case.

It could be argued, then, that quantitative methods better capture the complexity of the real world, at least in contrast to qualitative analysts who in order to make their theories appear more robust, present a view of the world that can be overly stylized. In the process, “other” contributing causes to variation on the dependent variable can be overly downplayed. This dissertation argues strongly for the importance of the role of

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87 This was clearly reflected in the fact that although the seminal work on the subject (Gary King, Robert O. Keohane and Sidney Verba, Designing Social Inquiry: Scientific Inference in Qualitative Research. Princeton: Princeton University Press, 1994) claimed that qualitative methods should be treated equally, the whole argument of the book is based on making qualitative method mirror statistical standards as much as possible. More serious attempts to treat qualitative methods on their own and different terms are made in Henry E. Brady and David Collier, Rethinking Social Inquiry: Diverse Tools, Shared Standards. Lanham, MD: Rowman and Littlefield, 2004; Charles C. Ragin, The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies. Berkeley: University of California Press, 1987.
consultative and incorporative institutions in shaping, if not determining, varying responses to labor market challenges in Ireland, Portugal, and Greece. It would be foolish and inaccurate, however, to argue that this is the only set of determining factors. “Other” factors that play an additional role in the case study analyses include the very obvious differences, especially economically and geographically, between the three countries. Factors as basic as these can influence the magnitude and nature of the policy problem at stake in each case. A good example here is the influence of geography on immigration. Immigration is a relatively new phenomenon for all three of these countries but the problem of irregular migration is more evident in the Southern European cases. Ireland, as a relatively isolated island, is more difficult for migrants to reach illegally. Furthermore, the problem is particularly acute in Greece, which shares borders with a number of poorer, mainly post-Communist neighbors whose inhabitants can literally walk over the border into Greece. Portugal is slightly more protected because irregular migrants from North Africa and Eastern Europe generally have to go through Spain first.

Another important additional variable to mention because of its relevance to the case study chapters that follow is the role of what can be termed “enlightened leadership” in lieu of pre-existing consultative and incorporative mechanisms capable of bridging the gap between society and the state. There are cases in which policy Europeanization occurs from above and with very little input from interest groups or stakeholders. Specific examples include the introduction of a particularly generous parental leave package in the late 1990s in Portugal, and the quality-oriented reforms to higher education implemented in the same country at approximately the same time. In fact, most of the examples in this dissertation of policy Europeanization through enlightened
leadership come from Portugal. This is likely no accident, but can be traced to the particular way in which the country democratized, discussed in the following chapter. Rights tend to be imposed from above rather than demanded from below.88

Yet while this case shows that Europeanized policy initiatives can happen in the absence of consultative and incorporative policy-making, I argue that there is less likely to be a consistency to the state’s approach in these cases because it depends more on the individuals or party factions in power at any given time. There is also a danger that Europeanizing policy without the input and cooperation of stakeholders can either (a) be undermined in their implementation because they have not secured the support of the stakeholders who also sometimes fill roles of policy implementers, which is especially the case in higher education, or (b) fail to fill the policy’s intended objectives because without the advice of interest group leaders, policies have been badly designed even if with Europeanized goals and values in mind. Policies must also match specific national circumstances.

There is an additional methodological problem that requires mention, one that is not limited to qualitative analysis but appears particularly problematic for it. The “proof” of the strength of a particular explanatory variable or set of variables for quantitative analysts is found in the numbers themselves. For qualitative comparativists, the requirement is that we somehow “see” the causal mechanism at work so that we can describe its impact. But many proposed causal mechanisms are extremely difficult to

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88 Virginia Ferreira argues this with specific respect to women’s rights in particular, see her “Sexualizando Portugal: Mundança Social, Políticas Estatais e Mobilização das Mulheres”, in Antonio Costa Pinto (ed.), Portugal Contemporaneo. Palo Alto, CA: The Society for the Promotion of Science and Scholarship, 2000.
observe at work, whether because of a lack of data or because particular kinds of information are difficult to gather in the first place. Even when the best strategy seems to suggest asking the person who made a policy why they did so, policy-makers, like everyone else, lie or at least misrepresent the situation to make themselves appear in a better light. We can theorize that Greek politicians, for example, consistently ignore issues of migrant integration in Greece because they either share or want to take advantage of the anti-Albanian prejudices of their voters, but it is unlikely that they will tell an interviewer this straight up.

A specific methodological problem related to this general concern which emerged during this dissertation research is the difficulty of observing something that is not there, namely the impact of a lack of consultative and incorporative institutions, especially in the two Southern European cases but above all, Greece. Ireland is the easiest case in which to trace the impact of the development of consultative and incorporative policy-making on policy content because it is the most clearly positive case in the set. The actual impact of both old and new forms of policy-making on policy decisions can be measured by looking at the policy output of those consultative and incorporative processes and institutions, and the extent to which these have both reoriented the political debate and been enacted in law. Chapter five thus points to a number of instances in which policy consultation (and incorporation) has clearly assisted in the Europeanization of public policy in Ireland. By contrast, the negative cases in which I argue that a lack of consultation and incorporation has not led to policy Europeanization are more difficult to “prove.” In these circumstances, the best that can be offered is some speculation about what might have happened or what might happen in the future if consultative and
incorporative policy-making was to be established. Predictions of this kind are made especially in chapter seven in relation to the Greek case.

In sum, the methodological strategy employed in this dissertation begins with an observation that there is a high correlation between the development of incorporative and consultative policy-making institutions and processes, and the Europeanization of public policy output in the three national cases. This correlation is laid out in table 3.1. I have then asked: is there any reason to suspect that this relationship is a causal one? The preceding discussion, drawing especially on the wider literature on how successfully developmentalist states relate to interest groups in their societies, gives plenty of theoretical reasons to believe that it is. The following chapters test those theories through empirical observation of the three national cases and the nine policy case studies, finding that the form of policy-making employed in each case does influence policy content, even if it is obviously not the only factor determining that output. The case study chapters thus adopt a strategy similar to those who use formal process-tracing methods in qualitative research.89

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<table>
<thead>
<tr>
<th>Policy area</th>
<th>Presence of consultative and incorporative institutions/processes</th>
<th>Principle forms</th>
<th>Quality of processes and institutions</th>
<th>Europeanzied policy outcomes?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work-life balance</td>
<td>STRONG</td>
<td>Social partnership plus short-term commissions of enquiry.</td>
<td>Peak-level, relatively formal, ongoing, involving wide array of actors.</td>
<td>YES (albeit from minimal standards in recent past)</td>
</tr>
<tr>
<td>Higher education</td>
<td>STRONG</td>
<td>Social partnership plus large number of short-term commissions of enquiry and working groups.</td>
<td>Peak-level, relatively formal, ongoing, involving wide array of actors.</td>
<td>YES</td>
</tr>
<tr>
<td>Immigration</td>
<td>MEDIUM</td>
<td>Subject of social partnership agreements since 2000.</td>
<td>Peak-level, relatively formal, ongoing and increasingly involving non-economic interest groups.</td>
<td>MIXED (increasingly although very belated)</td>
</tr>
</tbody>
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**TABLE 3.1**

CORRELATION BETWEEN CONSULTATIVE AND INCORPORATIVE POLICY-MAKING

AND THE EUROPEANIZATION OF POLICY OUTCOMES
<table>
<thead>
<tr>
<th>Policy area</th>
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<tbody>
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<td>MEDIUM</td>
<td>Subject of social partnership agreements since 2000.</td>
<td>Peak-level, relatively formal, ongoing and increasingly involving non-economic interest groups.</td>
<td>MIXED (increasingly although very belated)</td>
</tr>
<tr>
<td>Work-life balance</td>
<td>WEAK-MEDIUM</td>
<td>Some consultation with academics, elite and party-aligned women’s organizations, and trade unions. Gender-equality institutions (CITE, CIDM) have some consultative mechanisms, but not directly related to issue of work-life balance.</td>
<td>Informal and fragmented.</td>
<td>MIXED (increasingly in some areas eg parental leave, but not in others eg use of part-time work or flexi-time)</td>
</tr>
<tr>
<td>Higher education</td>
<td>WEAK-MEDIUM</td>
<td>Pact on Education and associated Some evidence of consultation with stakeholders, including teacher and student unions, but Council of Rectors (Universities) has privileged position.</td>
<td>Short-lived, decisions not binding. Wider consultative processes lack depth, consultation is segmented (ie groups not treated equally).</td>
<td>MIXED (much better policy results than in past but still behind Europeanized goals and standards)</td>
</tr>
<tr>
<td>Policy area</td>
<td>Presence of consultative and incorporative institutions/processes</td>
<td>Principle forms</td>
<td>Quality of processes and institutions</td>
<td>Europeanized policy outcomes?</td>
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<td>--------------------------</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>Work-life balance</td>
<td>WEAK</td>
<td>No real evidence of consultation or incorporation.</td>
<td>--</td>
<td>NO</td>
</tr>
<tr>
<td>Higher education</td>
<td>WEAK</td>
<td>No real evidence of consultation or incorporation, except informally with administration of higher education institutions.</td>
<td>--</td>
<td>NO</td>
</tr>
<tr>
<td>Immigration</td>
<td>WEAK</td>
<td>Tentative steps toward consultation with migrant rights organization.</td>
<td>Very informal, one-off and infrequent, confined mostly to some fractions of PASOK.</td>
<td>NO</td>
</tr>
</tbody>
</table>
Identifying policy-making institutions that are both consultative and incorporative

What might an institution or policy-making process that effectively balances consultation against incorporation look like? Even though there is no one model, certain institutional forms seem more capable of achieving that balance than others. Determining which are most effective is a matter of surveying the various ways in which states initiate public participation in policy-making. The following discussion divides the main channels for the participation of key interest groups or stakeholders into three main categories: (1) short-term or “one off” consultative processes, (2) neo-corporatist pact-making and other similar, more permanent forms of interest group participation, and (3) informal processes and institutions that employ consultative and/or incorporative mechanisms. Short-term or “one off” consultative processes are discussed first. This work acknowledges their importance often as first steps toward consultation with either broad-based society or the incorporation of society-based policy “experts” in certain fields but also identifies their limitations in that they do not generally have self-enforcing or self-reproducing mechanisms built into them.

Second, longer-lasting forms of policy consultation including both older and newer forms of neo-corporatist pact-making are considered as a special category, since they tend to exhibit certain features which ensure their longer-term survival as well as provide mechanisms to ensure that decisions made within their parameters are carried through. Third, a group of informal processes by which societal interests are incorporated into policy formulation is discussed, particularly with respect to the role of
political parties and academia as an additional interest group of its own. The main problem here is that although the influence of interest groups through their subtle incorporation into the political system can lead to some especially interesting results, it does not guarantee consultation with important interest groups when necessary across all policy areas. Inconsistency occurs as a result, as the following discussion will show how relevant that analysis is for the Portuguese case in particular.

A note on interest groups

Before discussing each of these broad categories in detail, it is important to clarify which “interest groups” or “policy stakeholders” are important for this analysis. How broad does consultation have to be and which specific interest groups need to be incorporated into policy-making institutions and processes established by the state so that policy is better informed and so negotiation and compromise can actually take place? Literature on the role of deliberative democracy in public policy-making seems to suggest that the wider or at least more representative of society participation is, the better the outcome. Conversely, the neo-corporatist literature is concerned only with peak labor and business confederations and, in truth, only their leaderships who are involved in negotiating wage-setting agreements. In that, neo-corporatism is an elite game. The explanatory framework adopted here strikes down the middle of these two visions of the role of interest groups or “the public” in policy-making. Because this dissertation looks at a wider range of policy areas than is generally considered by students of neo-corporatism, or for that matter, developmental states who tend to focus mainly on industrial policy, a broader range of interest groups is considered to be important. Yet
the analysis is more elitist than what proponents of deliberative democracy allow because, as is made clear by the comparative case study discussion that follows, broad-based *public* consultation is not as important as the incorporation of specific interest groups, since the point here is to improve policy content rather than deepen democracy in itself.

While the range of specific interest groups of concern here is broader than that considered by the neo-corporatist literature, organized labor and business are still important players in the stories that follow, especially with respect to immigration policies and the development of policy mechanisms for the reconciliation of family and working life. Their participation in the formulation of higher education policy is not as great, even if some believe it should be greater in order to better coordinate the content of higher education with economic development. In the field of higher education policy, institutions of higher education themselves and the individuals and group interests that dominate various sectors of the higher education system play the greatest role in negotiating policy development. Other groups that might be incorporated into the discussion include students and their student unions, and teachers and their professional organizations. Organized labor and business are most important to the discussion of policies for reconciling work and family life because much of this policy area involves negotiating more flexible working environments, but other groups may include the childcare sector and possibly women’s lobby groups, although the latter has proved much less significant in the cases studied here than initially might have been imagined. In the immigration policy arena, migrant and human right’s organizations are significant.
players. Potentially significant interest groups across the nine policy-area case studies are identified in table 3.2.

In all cases, however, the importance of interest groups is in their relation to the state and the extent to which they are effectively incorporated into actual policy-making. This sets their role quite apart from the more generalized democracy-supporting role that is assigned to civil society as a whole by political scientists; they in fact populate a rather under-studied space between civil society and the state. They are important where they can be co-opted into political society at the same time that they retain some degree of independence from the state in the way in which they gain membership from civil society and organize themselves internally.

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TABLE 3.2
POTENTIALLY SIGNIFICANT INTEREST GROUPS

<table>
<thead>
<tr>
<th></th>
<th>State</th>
<th>Non-state</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work-life balance</strong></td>
<td>Departments or ministries of social welfare, labor, justice</td>
<td>Employers’ organizations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trade unions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women’s or family lobby groups</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Childcare providers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Charities</td>
</tr>
<tr>
<td><strong>Higher education</strong></td>
<td>Departments or ministries of education, enterprise or development,</td>
<td>Professional and teacher’s unions</td>
</tr>
<tr>
<td></td>
<td>subsidiary or semi-independent bodies (eg for quality assurance)</td>
<td>Student unions and lobby groups</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Higher education institutes (public/private, university/non-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>university)</td>
</tr>
<tr>
<td><strong>Immigration</strong></td>
<td>Departments or ministries of immigration, economic development,</td>
<td>Employers’ organizations</td>
</tr>
<tr>
<td></td>
<td>border control or police</td>
<td>Trade unions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Migrant/human rights groups/charitable organizations</td>
</tr>
</tbody>
</table>

Short-term or “one off” consultative processes

Taking what can be described as “one-off” exercises in policy consultation first, this category covers a number of different sorts of short-lived institutions or processes. The first of two main sub-types consists of broad-based public consultation exercises. Governments or state agencies engage in such exercises in order to generate initial ideas about what should be done to solve a particular policy problem, or to gauge public opinion on quite specific proposals. In the latter case, much of the detailed policy work
has already been done. A second category consists of the more formal establishment of working groups, commissions of enquiry and other similar bodies in which representatives from government and state agencies work closely with interest group representatives but especially policy “experts” in particular fields. The former may sometimes be related to or be carried out as the result of the work of the latter. For example, a tripartite working group looking at issues of work-life balance might call for the establishment of a public consultation process consisting of several half-day public seminars held in regional centers in order to survey public opinion on key issues in a qualitative manner. Alternatively, a commission on inquiry into immigration policy might call for submissions on a discussion document detailing proposed changes. In all cases, however, the effectiveness and employment of both consultative and incorporative mechanisms depends on the extent to which they are formal, on-going, and in general, structured from above.

Those skeptical about the genuine nature of the types of short-term broad-based public consultation processes outlined here tend to argue that they are usually useless exercises in window-dressing; they provide ways for governments to pretend to be interested in what the public thinks without really having to incorporate those interests and concerns into policy content. Undoubtedly this is sometimes true, but more fundamentally, because short-term and one-off consultation processes often lack structure, community groups and individuals may use such opportunities to vent anger or frustration at a particular government policy, but their views are not shaped into concrete policy proposals that are useful for developing real policy detail. This is particularly true
in the case of this first sub-type, consisting broad-based consultation exercises such as public meetings, seminars, and other fora.

The establishment of government working groups, commissions of inquiry, and other instances where expert opinion from the community is structured into the state’s investigation of a particular policy problem or area offers a little more opportunity for interested parties to reshape policy direction. The work of such bodies is generally carried out over a number of years, usually something between one and five, and incorporates individual experts from civil society into working for the state, after which the commission or working group reports back to the government in writing. This has the advantages of being a very formal process and involving individuals with expert knowledge of their field. Opinions are well thought out, extensive research is generally undertaken and depending on the terms of reference of the short-term institution, detailed policy prescriptions as well as general objectives can emerge. Yet there are two main problems associated with this form of interest consultation and incorporation. First, expert opinion may be too elite in these cases, and limited to too narrow a range of interests. In addition, the dynamics of the group may depend on the individuals chosen, whether the chairperson of the committee is any good at his or her job, and so on. Second, governments are generally not required to adopt the recommendations of the committee or working group; they may simply shelve the final reports if they do not like the conclusions.

The use of investigations such as these is especially relevant to the Irish political tradition, inherited from the British who make extensive use of Royal Commissions in particular. Chapter five illustrates the advantages and disadvantages of this specific form
of one-off consultative and incorporative process rather well. The use of such working
groups, committees and commissions has worked relatively well in the higher education
field, beginning as early as the 1960s and leading to early and much needed investment in
that area and assisting in the growth of technical and scientific education above all.
Similar types of work in the family policy field, however, have been relatively less
successful. The Commission on the Family carried out in-depth research and public
consultation of its own between 1995 and 1998, but its terms of reference were extremely
broad, its recommendations very expensive, and following a change in government
during its existence, had many of its recommendations dropped. The use of similar types
of institutions and processes is much more alien to the Greek and Portuguese political
traditions, where very formal investigation by official groups compromised mainly of
experts from the community (not including individuals from the academic community)
whose recommendations are made publicly available is not at all common.

To give a further specific and this time comparative example in order to see how
some of these issues play out, both Ireland and Greece have used broad-based and
generalized short-term public consultation processes in order to gauge public opinion on
immigration policy. In Greece, public meetings on the issue have involved clashes of
opinion and interest between immigration officials, sometimes the immigration minister
himself, and migrant and human rights organizations. Arguably, this has not achieved
very much in terms of overhauling an extremely disjointed and ineffectual immigration
control system and a minimalist to non-existent migrant integration policy. As chapter
seven will show in more detail, where improvements in immigration and integration
policy have been made, it is usually when individuals with sympathies toward or personal
connection with migrant and human rights groups are able to maneuver themselves into positions of power within the public administration. In the Irish case, however, public forums of a similar nature are connected to a much more extensive “consultation process”, launched in 2002 and agreed to under a central social partnership agreement. This also involved the formal gathering of written submissions on a government immigration policy discussion paper. The fact that the broad-based consultation process is tied into an ongoing and formal consultative and incorporative institution in the Irish case means that it is more effective.

More permanent forms of consultative and incorporative policy-making

A very basic problem with short-term or one-off policy-making institutions and processes, however, such as those just discussed, is that they are indeed only designed to exist for a very limited period of time. A survey of the various ways in which the state seeks to shape public participation in policy-making reveals that the institutions or processes that are best able to balance genuine consultation against incorporation are those that are ideally self-reproducing but at the very least, ongoing over a significant period of time. Very short-term exercises in public consultation over specific policies or policy areas generally fail to fulfill incorporative functions because interest groups or individuals representatives of multiple interests are not brought in close enough to the state. They tend to return quickly to civil society or the workplace without having altered their own views and conversely, they generally have not been able to make state representatives sufficiently take on board their interests and concerns.
Ideally, consultative forms of policy-making would be ongoing so that there is opportunity for what public policy analysts refer to as “feedback loops” to be institutionalized. State and non-state actors negotiate over policy detail, the policy framework is implemented, and crucially, all actors consult over the impact of the policy shift and reformulate it if necessary. This process becomes institutionalized or self-reproducing when the role of interest groups in this cycle is self-consciously established and agreed on. This is one of the major advantages of neo-corporatist type policy-making institutions, which, if effective and capable of reproducing themselves (which they can do unless one of the major players involved defects from the agreement), explicitly outline a timetable for the implementation of the agreement and conditions under which it may be renegotiated.

Neo-corporatist or neo-corporatist like institutions and processes thus constitute one very specific type of ongoing, peak-level, ideally permanent form of interest group participation in policy-making. The superiority of neo-corporatism is that, as an institutionalized process consisting of the negotiation of formal agreements, it reflects many of the key elements that allow genuine consultation to be adequately balanced against incorporation. Formal social pact-making is self-reproducing and binding in part because it (a) commits “social partners” to the implementation of very specific policy targets and action, and it (b) tends to induce self-limiting behavior on the part of the actors involved because the reproduction of the institution relies on compromise, renegotiation, and the co-operation of all actors. Related to that first point, consultative and incorporative mechanisms are more durable when agreements are specific. The more specific an agreement over policy development in a particular area, the more likely it is to
be implemented because it is much more difficult for governments to ignore or backtrack on agreements when they commit to specific details. This is also one of the reasons why very generalized and one-off consultative exercises with “the public” through public meetings and even more focused workshops or seminars do not work very well at all: individuals from civil society whose interaction with state representatives is limited to this might not have a very specific set of demands or interests in mind and, in any case, the whole exercise is aimed at gathering public opinion on general policy goals rather than specific detail.

A second reason for the durability of neo-corporatist like arrangements is that longer-term, explicit agreements are more likely to have built-in enforcement mechanisms or other guarantees of policy implementation. Unlike short-term formal policy-making through commissions of inquiry or working groups for the investigation of particular policy problems, the binding and public nature of neo-corporatist type systems forces governments to carry through specific commitments. This not only builds confidence in the system, underpinning the continued involvement of key players, but also forges trust between actors, and “self-limiting” behavior, otherwise known as an ability to engage in compromise. Having a guarantee that an established agreement over a new policy direction will actually be implemented is very important for building trust between state and among non-state actors who may have conflicting interests, and in the institution or process itself. This eventually strengthens the overall consultative-and-incorporative policy-making tradition in a given national context.

Neo-corporatism, however, as noted much earlier in this chapter, is both a conceptual framework and an actually existing policy-making process that is generally
very limited in scope. It usually refers to the specific policy problem of wage setting, and the regulation of the relationship between organized labor, business, and the state that surrounds this problem. It traditionally thus would have little direct relevance for the selection of policy areas considered here, nor the broader range of groups that are stakeholders in or targets of these them. Yet there is good reason to look further at the neo-corporatist model in relation to these case studies. Despite the fact that pressures for labor market flexibilization emanating from economic liberalization supposedly undermine consensus-making wage-setting institutions and instead encourage market-driven wage-setting and eventual wage dispersion, neo-corporatism has made a comeback on the European continent. More surprisingly, it has done so especially in countries that lack long traditions of democratic corporatism, including Ireland, Portugal, and Greece.91

In Portugal and to an even greater extent Greece, however, what might be referred to as neo-neo-corporatist institutions are still limited to wage setting and occasionally broader labor relations issues. In addition, Greece has also had some problems institutionalizing neo-corporatist wage-setting, with frequent disruptions caused especially by refusal on the part of one of the two major labor union confederations to cooperate.92 In Portugal some negotiation over policies for work-life balance takes place within the confines of neo-corporatist institutions, but it is Ireland where “social


partnership” that extends the neo-corporatist model to cover a much wider range of policy issues has been developed furthest. In this regard, Ireland’s Europeanization of policy has been assisted by changes to its policy-making institutions and processes.

While neo-corporatist forms of policy-making that extend beyond the wage setting arena provide the best example of a process that is able to balance genuine consultation against incorporation, other types institutions and processes that are also relatively durable should not be overlooked. These often take the form of consultative committees, where invited representatives of interest groups periodically meet with representatives of the state bureaucracy. Such networks are capable of channeling genuine consultation with “street level bureaucrats” or other policy stakeholders, but the extent to which this consultation is formalized or aimed at agreement on concrete policy detail varies enormously. In addition, there are often no real enforcement mechanisms since these are primarily “advisory” bodies. A full range of more or less permanent consultative committees and advisory bodies are found in both Ireland and Portugal, but not in Greece. Some prominent examples include the Irish National Consultative Committee on Racism and Interculturalism (NCCRI), a state-initiated but semi-autonomous organization established in 1997 which plays an important role in shaping an approach to migrant integration in Ireland. In Portugal, ACIME (the Alto Comissariado para a Imigração e Minorias Étnicas or High Commission on Immigration and Ethnic Minorities) is responsible for consultative body similar to Ireland’s NCCRI which has much the same role. In Ireland some of the more traditional state bodies emerging out of British-style public administration, such as the Higher Education Authority, for example, also have permanent consultative bodies attached to them, gathering together in this case
representatives from university administrations, student and teacher unions, and researchers in the field.

*Informal processes and institutions*

One objection to the analysis presented so far might be that it places too much emphasis on institutions and processes that are relatively formal in nature. Surely there are many informal mechanisms by which individual interest group leaders seek to influence the state? That problem is that most of these informal institutions and processes are simply not capable of balancing genuine consultation against effective incorporation in the way that formal ones can. Many ways in which the state and civil society clash over policy, such as political protest or civil disobedience, fall outside the scope of this discussion since this does not involve the co-option of interest groups into the space located between civil society and the state. In fact, as this dissertation will later argue with respect to the Greek case, popular protest tends to arise where there is a lack of opportunity for interest group incorporation into formal policy-making channels established by the state.

One specific way in which individuals are incorporated into state institutions is worth mentioning, however, given its relevance for the two Southern European cases in particular. Academics constitute a specific group of individuals that is frequently incorporated into policy-making institutions and processes, with mixed results. All three

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93 The British expression, “tea and sandwiches at Number 10”, referring to the way in which labor relations conflicts were traditionally resolved through informal discussions with the Prime Minister’s office, springs to mind.
of the countries compared here make use of academic expertise in policy-making, but in slightly different ways. In Ireland they are appointed to commissions of inquiry or become permanent members of consultative committees along with representatives from interest groups, whereas in both Greece and Portugal their influence is often experienced through their relationships with individual political parties, much of this on an informal basis. Given that political appointments to positions in the public administration are much more extensive in Southern Europe than in Ireland’s British-inherited system, it is common for academics to move between positions in the university and bureaucracy with changes in government. This is especially the case with Socialist Party administration in Portugal.

While many academics in other countries might envy this influence, it brings some risks when it comes to policy-making. Intellectuals, especially in Southern Europe where until very recently higher education has been reserved for a small elite and who still enjoy a privileged social status, are sometimes too far removed from the lives of ordinary citizens to offer policy advice that best represents their interests. A perfect example here is the disjuncture between the feminist, equality driven motive of policies for reconciling family and working life implemented under the Portuguese Socialist Party during the 1990s, and the fact that most Portuguese women are simply driven into full-time work whether they like it or not due to extremely low wages. That case will be discussed in much more detail in chapter six.
Can political parties make good alternative consultative and incorporative channels?

A second and important remaining issue that requires some attention is the role of political parties in providing channels for consultative and incorporative policy-making. The emphasis of this analytical framework is on the independent role of institutions and processes that regulate the relationship between society and the state when it comes to the formulation of policy issues. This relationship is often mediated by political parties, and especially parties that control the means of government at any given time, but this is not the main focus here. Political scientists argue that political parties matter for policy because one of their primary functions is to aggregate societal interests. This dissertation argues that we can recognize the aggregating functions of political parties without reducing the importance of the independent role of linkages between societal groups and the public administration in each national case under scrutiny. The aggregation of societal interests performs an important representational function under conditions of democracy, whereas the consultative and incorporative institutions of interest in this work have less to do with democracy and more to do with effective implementation of economic and social policy.

To reiterate, this dissertation is guided by a strong belief that the reorientation of national economic and social development projects, in these cases around Europeanized goals and values, requires links between the state and interest groups that go beyond the interest aggregation mechanisms provided by political parties. This is because much policy detail in advanced capitalist democracies is “filled in” by state and non-state experts rather than as the direct implementation of political party platforms. Chapter five
shows that a populist coalition administered by a dominant political party, Fianna Fail, helped mediate between societal interests in the first few decades of the Ireland’s existence as an independent state. The problem was that this was a relatively closed system that was not capable of truly incorporating new interests that began to form in the wake of a social liberalization process that intensified in the early 1970s. Instead of adapting the party system, through the rise of a new party for example, new interests were best incorporated through the social partnership process and other forms of independent negotiation between the state and societal groups from the late 1980s. This has led to successful policy Europeanization in this case.

Political parties remain however one obvious means through which individuals are cop-opted up into high-level politics. Of the three national case studies considered here, Portuguese politics is characterized most by the incorporation of emergent civil society organizations into parliamentary politics, particularly by being selected as Socialist Party candidates. Several prominent migrant community leaders of African descent during the 1990s, for example, are now members of parliament. This tends to make the Portuguese parliament more representative, but it actually prevents the Portuguese state from maintaining negotiation with interest groups on an independent basis. This is because these actors have been siphoned off from their interest groups so that they are now part of the governing elite and their primary loyalty is to a political party rather than to the group from which they were drawn.

As the following chapter in particular discusses, parties not only play a major role in contemporary Greek politics but party politics is dominant in political and social life to such an extent that it causes problems for democracy. State institutions themselves are so
highly politicized that constructing independent relationships with interest groups is impossible in many instances. Further, parties in this case do not provide good alternative consultative and incorporative mechanisms because of the particular way in which parties operate in this national case. The internal organization of Greek political parties tends to be somewhat less than democratic. PASOK in particular has a mass base of support but party members and supporters are used more as a mobilization force than anything else. They are certainly not treated as members of societal groups whose interests must be carefully weighed against each other. The impact on policy outcomes of both the lack of a state-initiated consultative and incorporative policy-making tradition and a political party system that activates large sections of the population but does not seriously attempt to aggregate interests is traced through chapter seven.

Summary

Reorienting national economic and social development projects under conditions of political democracy usually entails extensive negotiation and compromise with key interest groups. Institutions and processes must be established in order to mediate between state and societal interests as well as among societal interests. In the Irish, Portuguese and Greek cases, regional integration provides an opportunity to reorient national developmental strategies around “Europeanized” goals and values. Successful Europeanization of policy, however, has meant changing the way that policy has been made in the countries under scrutiny here. Specifically, this has involved the construction of new policy-making processes that adequately combine consultative and
incorporative characteristics. Genuine consultation is required because Europeanizing policy areas such as higher education, immigration, and work-life balance relies in part on utilizing grass-roots expertise and technical advice that policy-making participation on the part of interest groups can provide. Effective incorporation is required because the new policy direction may mean acting against the preferences of entrenched, long-standing interests. Incorporation allows compromise to be achieved.

Where the three national cases discussed in the following chapters really do differ is in the bases for the development of consultative and incorporative policy-making institutions that their political and legal histories provide. Ireland is advantaged here by the fact that it inherited a prefabciated set of political institutions that, by and large, functioned democratically, from the British. This also included a history of co-opting experts from outside government and the formal bureaucracy in order to serve on commissions of enquiry and working groups, better informing public policy in the process. Participation was then broadened and made more permanent from the late 1980s with the adoption of a self-reproducing “social partnership” process. Recent Portuguese political history is marked by one of the twentieth centuries longest-running dictatorships in the form of the formally incorporative Salazarist “New State”. The revolution that eventually led to the democratization of the country in the 1970s obliterated some aspects of this tradition while it maintained others; Portuguese state-society relations is still characterized by a high degree of state centralization and a tendency to incorporate interest groups into the political system rather than allow them to interact with the state as independent operators. It is in Greece, however, that the distance between state and society and the absence of institutions and even informal processes to bridge that distance
is most obvious, where the Greek political system clearly remains elitist and consultative processes are the least formalized where they exist at all. Chapter four investigates the bases for the development of consultative and incorporative policy-making in each of these cases in more detail, before preceding on to the in-depth analysis of the impact of policy-making institutions and processes on national family, higher education, and immigration policies presented in chapters five through seven.
CHAPTER 4:
BASES FOR MAKING POLICY-MAKING CONSULTATIVE AND INCORPORATIVE IN IRELAND, PORTUGAL, AND GREECE

This chapter identifies basic features of the relationship between state and society in Ireland, Portugal, and Greece, as reflected in policy-making processes and institutions. It argues that these features tend to be relatively enduring, becoming deep-seated patterns that are not easy to change. Where departures from the past have occurred, allowing for new forms of consultative and incorporative policy-making to emerge, this is generally the result of changes of or transformations within the national political regime. Processes of democratization or democratic deepening have been established in all three countries and although whether this has been the result of internal or external forces does not matter very much for the analysis which follows, what does matter is how radically the break has been made with the past and how new trends build on or fit with longer-term policy-making traditions. Changing a policy-making tradition may be difficult, but not impossible.

Irish policy-making processes have gradually been opened up to new interest groups over the course of the past two decades, and new procedures that balance functions of consultation and incorporation have been overlaid on pre-existing consultative ones that were inherited from the British political tradition. This has amounted to a democratization of Irish politics itself, occurring in order to correct certain
deficiencies in the political system. In Portugal, the sharp break with authoritarian rule occurred in 1974, but the break was not so sharp that a number of pre-democratic legacies did not continue to shape state-society relations and the policy-making system in particular. Where intermediary policy-making processes and institutions are to be found in the Portuguese case, they tend to lean more heavily toward incorporation rather than genuine consultation between independent interest groups and the state, delivering a mixed set of policy results. State-society relations in Greece are even more heavily marked by authoritarian legacies than in Portugal, due to the specific course of democratization that occurred in this case. Intermediary institutions and processes are generally absent here, making the embracement of a Europeanized development strategy all the more difficult.

**How, why, and the extent to which policy-making traditions change**

The main objective of this chapter is to describe some of the main features of the Irish, Portuguese, and Greek policy-making traditions, while the overall objective of the dissertation is to show how these traditions influence the content of public policy in each case. Explaining the origins of policy-making traditions and under what conditions they change involves a separate set of questions entirely, and in some sense represents too large a set of issues to address here. This chapter, however, goes some way to explaining the origins of the policy-making tradition in each case, if only by describing how long aspects of that tradition have been in place and how they have changed over time, especially as the result of differing paths to democracy in the Southern European cases.
and of democratic deepening in response to a series of economic and political crises in the Irish. Because of this, a brief theoretical discussion of how, why and the extent to which policy-making traditions change is offered before preceding on to the case study analyses, even if the presentation of a systematic and testable set of hypotheses is outside the scope of this current research project.

Throughout this dissertation, policy-making traditions are described as including “institutions and processes”, hopefully consultative and incorporative ones for states attempting to reorient their development strategies around Europeanized goals and values. Although the reference to institutions and processes may initially appear theoretically sloppy, it is in fact a deliberate choice. Policy-making traditions include both institutions, where rules are written down and agreed to by the actors involved, and processes, which are much more informal in their nature. Most of the institutions and processes referred to in the case study discussions, however, fall far short of being able to be described as “formal” or “parchment” institutions, which are by their nature legally binding.94 The previous chapter made an argument that the more formalized a policy-making process is, the more likely it is able to balance functions of consultation and incorporation. Irish social partnership agreements, discussed in much more detail in a moment, are relatively formal in that they are written down, formally signed up to by the “social partners”, and have a self-reinforcing mechanism built into them through the

Central Review Committee. Yet these agreements are not legally binding in the sense that electoral law, for example, is.

One of the reasons why it is still useful to think of features of a policy-making tradition such as social partnership agreements as “institutions”, however, is that it tells us something about their nature and provides clues as to how they change. The main insight of the turn to institutions on the part of political scientists over the past two decades is that institutional arrangements are particularly difficult to change. There are varying explanations for why this is the case, with rational choice theorists describing institutions as the result of an equilibrium or in ordinary terms, compromise, being reached between political players, and historical institutionalists pointing out that institutions shape the behavior of actors over the long term and produce their own reinforcing mechanisms to ensure their survival. In both cases, external shocks provide the main explanation for why institutions change.

Several insights of the institutionalist literature are important for the story told here and in the following chapters. Institutions, whether relatively formal or relatively informal, are difficult to change and show remarkable durability or “stickiness” over time. Further, external shocks do account for some major changes that can be observed in the following case studies. In Ireland, the development of the social partnership

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process after 1987 can clearly be traced to the economic crisis that deepened in the several years prior to this date. The shift did not however mean the replacement of older forms of policy-making such as select committees or Green and White paper public submissions, but rather their supplementation and therefore an overall thickening of the layer of consultative and incorporative policy-making found in this case. In the Portuguese case, it is probably a gross understatement to describe the 1974 revolution as an external shock. The magnitude of the shock since it occurred along all three levels of the social system, economic, political, and social,\textsuperscript{96} surely overshadows the one experienced in Ireland a decade or so later. The revolution, a result in part from a crisis of the Salazarist state, clearly led to a dismantling of many aspects of it in the following decade and this obviously fundamentally changed how policy was made.

Recent institutionalist literature, however, has pointed out that external shocks often do not provide the best explanation for institutional change and continuity.\textsuperscript{97} There are instances both in which change occurs gradually rather than abruptly in the absence of any obvious external shock, and in which external shocks do not change institutions as much as we might expect. This set of insights is relevant to all three national cases discussed here. First, the development of social partnership in Ireland can be traced to the external shock of an economic crisis that peaked in the late 1980s, but there were also additional long-term and underlying pressures for change to the political and policy-

\textsuperscript{96} The link between collapse at all three levels of the social system and revolution is described by Antonio Gramsci as an “organic crisis”. See \textit{Selections from the Prison Notebooks}. Quintin Hoare and Geoffrey Nowell Smith (eds.), New York: International Publishers, 1971.

making system leading up to this. As the following section argues, Ireland had a relatively closed policy-making system for most of its existence as an independent state, in which farmers, small business, an ideologically moderate union movement, and the Catholic Church were privileged actors. This arrangement came under pressure in the final decades of the twentieth century because, among other things, decreasing public acceptance of political corruption as well as cultural changes that undermined the societal grip of the Church.

In addition, and perhaps controversially, I argue that even where external shocks are apparently extreme, including a breakdown in the national political regime and specifically democratization in both Portugal and Greece, policy-making traditions do not change as much as we might expect. Two things struck me during my field research in Portugal, the first more surprising than the latter. First was just how much of Portugal’s character as a “dual society”, entailing a sharp disconnect between the worldviews of masses and elites, has survived not only the (initially socialist) revolution but also two decades of European integration. Concretely, this was reflected in the attitudes of public servants to policy consultation beyond a few select groups such as trade unions in the case of family policy or university rectors in the case of higher education, which can be summed up generally as “why bother”? The continued elitism of many bureaucratic actors, and academics, can probably be explained by the fact that even revolutionary regimes need to find capable staff for the state to function properly or at all. Inevitably, members of the old regime or in this case at least the same social class that staffed the
state before the revolution become the “new” bureaucratic elite. The second, less surprising, aspect of the Portuguese policy-making tradition is the survival of an incorporativist tendency, a theme that will be returned to below.

In Greece, this chapter argues, there is also a sharp divide between elite politics and the rest of society, but one that is not moderated by the tradition of incorporation found in Portugal. This can in part be traced to Greece’s limited and top-down path to redemocratization after 1974: the state was not dismantled either by the 1968-74 military junta nor the democratic regime that immediately took its place, so that prior patterns of politics and policy-making survived even more easily than they did in Portugal. If change to the policy-making tradition is to occur in Greece in the future, it is likely to be in an incremental manner and importantly, stemming from inside the public administration. Chapter seven points to the case of immigration policy in which most pressures for the government to start consulting migrant organizations have started from within the public administration. Specifically, individuals who occupy some position of power, especially in the recently created Ombudsman’s Office and usually educated and socialized in Western Europe or North America, have reached out independently to migrant organizations and tried to push the government toward negotiating with them.

98 The de-Ba’athification versus re-Ba’athification debate in the wake of the United States’ invasion of Iraq in 2003 speaks exactly to this point. This is a vastly under-studied subject in the regime “transitology” literature. There are very few works on the role of the bureaucracy in democratization and democratic consolidation, and those that do tend to view prior patterns of policy-making simply as problems to be overcome, especially in Eastern Europe. See for example Randall Baker (ed.), Transitions from Authoritarian Rule: The role of the bureaucracy. Westport: Praeger, 2002.
Ireland is the national case study with the most developed consultative and incorporative policy-making tradition considered in this dissertation. It might be expected that this is due to the country’s at least century-long democratic history, along with a style of politics that is usually described as consensual and centrist, and a stable, on-going system of public administration. Ireland could thus be considered “naturally” advantaged in this respect. While true in part, this does not tell the whole story. Ireland’s inheritance of a British-style political system, to include policy-making processes that involve formal consultation with policy experts and stakeholders, did give the country a consultative and incorporative tradition. Some of the key features of this more traditional form of interest group consultation and incorporation are discussed below. Yet due to the emergence of a one party dominant political system and the creation of a populist coalition through which that party formulated and implemented public policy, policy-making processes actually remained closed to a number of important interest groups in favor of a few privileged and overpowering ones, at least until the 1980s.

The past two decades have witnessed, for reasons discussed shortly, the rise of a new set of consultative and incorporative policy-making processes and institutions in Ireland that runs alongside and occasionally overlaps with the work of more traditional

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forms of public consultation, such as select committee hearings or commissions of inquiry. This has increased the number of interest groups incorporated into central decision-making as well as broadened the range of issues formally negotiated. The previous chapter argued that policy-making processes and institutions are more likely to be capable of balancing incorporative and consultative characteristics where they are formal, ongoing, and include the range of interest groups appropriate to specific policy issues. Because Ireland’s “social partnership” experiment reflects all of these features, it is given special attention here, even though the widening of public consultation in Ireland since the late 1980s is not limited to this particular process and its accompanying institutions. What chapter five will show is that the more an issue has made it onto the negotiating agenda of consultative and incorporative policy-making bodies, the more likely it is to have become conceptualized and addressed in a “Europeanized” way. There is some variation within Ireland in this regard: responses to the policy challenge posed by immigration lag behind those in the family and higher education fields, precisely because they have only recently been addressed within the context of social partnership negotiations.

Regime change and transformation

Given that Ireland has enjoyed a comparatively stable democratic history for most of the past century, it is easy to overlook the fact that there was nothing inevitable about
this outcome. The Irish Free State, later renamed the Republic of Ireland, was formed in 1921 following the 1918 creation of an independent Irish parliament (Dáil Éireann) and the subsequent Anglo-Irish war. This ended when a treaty partitioning the island was signed, which was then immediately followed by a particularly violent period of civil war over the content of the treaty. However, once a truce was reached, normal parliamentary politics soon returned, with a center-right coalition leading the nation through the first decade of statehood. Thus, despite the upheavals of the early twentieth century, the new state was fortunate in that it inherited a set of political institutions that, by and large, functioned democratically. The colonial regime laid the foundations for post-colonial democracy in the 1920s in the sense that it had a bicameral elected parliament and an established party system, even if these political institutions had been responsible for implementing less than democratic laws in the form of measures designed to exclude indigenous Irish from many aspects of political, economic, and cultural life. This institutional history put the country in a better position to begin a much-needed project of national economic recovery than was possible elsewhere on the European periphery at this time, to include inter-war Portugal and Greece.

In the early 1930s, a new and soon dominant force in Irish politics emerged in the form of Fianna Fáil, headed by charismatic former anti-treaty faction leader, Eamon de Valera. The importance of both de Valera and the new party for the future course of Irish politics is difficult to overstate, with Fianna Fáil adopting a populist style of leadership and aligning itself with key interest groups including organized labor, farmers, which

101 This is the beginning and important premise of Bill Kissane, *Explaining Irish Democracy*. Dublin: University College Dublin Press, 2002.
were still mainly small-scale and family based, the struggling indigenous manufacturing sector, and the Catholic Church. The seemingly contradictory elements of such a coalition were reconciled through a nationalist ideology that was gradually redefined by the Fianna Fáil leadership. Ensuring loyalty through local networks and clientelist distribution of favors, the party seemed almost impossible to move from power through much of the twentieth century.

Early Fianna Fáil ideology combined radical and conservative elements in a distinctive way that has left a strong mark on policy development in many areas. It was radical in the sense that it sought to deepen Irish independence, especially from Britain, by reviving the Irish language and most importantly in this era, adopting an import substitution industrialization strategy. On the other hand, it was socially and morally conservative, and the close relationship between the party, the state, and the Catholic Church has influenced many areas of social policy in particular. These apparently contradictory elements are easily reconciled, since it was felt that Catholicism, in particular, was what made Ireland culturally distinct from Britain. The implications of

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102 The small-scale and associated inefficiency of Irish farming, especially in the West (on this see Fergus Campbell, *Land and Revolution: Nationalist Politics in the West of Ireland 1891-1921*. Oxford: Oxford University Press, 2005: 8-41), can be traced to the forced break-up land into small plots under early colonial rule. The inclusion of agricultural interests in this populist coalition sets it apart from others of its type, especially in South America in the three decades before 1960. This only further highlights the primacy of nationalism over class-based interests and ideologies in twentieth century Ireland.


this, especially for family law and policy as framed by the Constitution, will be returned
to in the following chapter.

Ireland’s attempt to gain economic independence through protectionism headed
into trouble by the early 1950s, suffering many of the same deficiencies as other import-
substitution-industrialization strategies elsewhere in the world. However, unlike
nations such as Australia or New Zealand for example, which did not consider
abandoning these measures until the late 1970s, Ireland adopted an investment-oriented
regime twenty years earlier. This change in direction is usually traced to the 1958
publication of a government report on the status of the Irish economy, generally referred
to as the “Whitaker Report” after its author, but it is unlikely that it was simply the
foresight of an individual that suggested these changes were necessary. To begin with,
countries in Northern Europe were beginning to benefit from the “small, open and
corporatist” strategies that have been identified as key to their successes in the postwar
period, even if Ireland did not experiment with the corporatist part of the equation until
much later. In addition, Ireland was already looking toward closer ties with Europe as
early as the 1950s.

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105 The failure of the import-substitution-industrialization also caused some Irish academics to
liken Irish fortunes to those of Latin America, thus entering the dependista versus modernization theory
debate. See in particular Denis O’Hearn, “The Irish Case of Dependency: An Exception to the


Dublin: Institute of Public Administration, 1986;
The country was finally granted EU membership in 1973. While Irish economic successes in the 1990s have often been credited to EU membership, accession clearly took a long time to benefit the country, and it was not until many internal and additional changes had taken place and through which EU Structural Funds could be channelled did membership really take effect. In fact, the period between 1973 and 1987 was an especially difficult one for the country. Referred to by one economist as the “post-colonial economic vicious circle”, the Irish economy had become locked into a continued dependence on Britain despite efforts to the contrary, a reliance on agricultural, high unemployment, mass emigration, and population decline.108 By 1981 inflation stood at 21 percent, the current account deficit ran at 15 percent of GDP while government debt reached around 130 percent by 1986, at which point unemployment had escalated to 16 percent of the labor force.109 While most OECD countries experienced economic difficulties following the oil shocks of the early 1970s, the problem appeared much worse in Ireland in light of its underlying developmental difficulties and much lower absolute living standards than found elsewhere in Western Europe.

Where opening up to the outside world did appear to take immediate effect was in the realm of cultural politics. From the mid 1970s, the stranglehold over social policy by the Church began to break down, as did, albeit more gradually, that of Fianna Fáil over national politics. By the 1980s, tight governmental control over television and print media had been loosened, and national debates could now take place over sensitive issues


such as birth control, divorce, and abortion, even if Ireland’s approach to such topics remained and still remains conservative by European standards. This general societal opening, combined with Fianna Fáil’s failures in the economic arena, caused the party to lose some electoral ground during this period. Fine Gael, more clearly located on the center-right in terms of economic policy and with a traditional base of support in the business community, governed in coalition with the increasingly centrist Labour Party between 1982 and 1987, and again with the addition of the center-left Progressive Democrats from 1994 until 1997. As chapter five will illustrate, this latter period of government, often referred to as the rule of the “Rainbow Coalition”, is significant because of the attention paid at that time to social policy in particular. Ireland’s coalition politics often defy what would be expected on a left-right political spectrum. Fine Gael, most clearly identified as a pro-market and pro-business party, has at times co-operated with parties to the left of both itself and of Fianna Fáil in order to try to break the dominance of the latter.

The first attempt to solve the embedded economic crisis that had begun in the early 1970s was carried out by the 1982-87 Fine Gael-Labour government and mirrored the liberalizing, more-market reform packages adopted at approximately the same time in other parts of the English speaking world. However, the pursuit of such a “neo-liberal” approach only seemed to plunge Ireland further into crisis, and it was clear by 1987 that things had to change. After 1987 there was a concerted effort to turn the economy around through negotiation with core economic stakeholders and a mixed reform strategy that combined features of a classic structural adjustment program (focused especially on repaying the national debt and curbing inflation) with less orthodox measures. The
recovery eventually became a remarkable one, with phenomenally high rates of growth and employment creation throughout the 1990s, which provides an important backdrop to the analysis of the three main policy areas of interest here and which is made in the following chapter. As further detailed below, the crisis talks initiated by the state but with active participation on the part of organized business and labor eventually formed the basis of what is referred to as the “social partnership process” in Ireland, constituting a major site of consultative and incorporative policy-making for the past two decades.

*State-society relations and the policy-making tradition*

Until the 1990s, state-society relations in Ireland as reflected in interest group politics and policy-making was filtered through two historical legacies. On one hand, the inheritance of political institutions from the British meant that the bureaucracy took on the form of what is usually termed the “Whitehall” model of public administration.\(^{110}\) It was and is a career public service, and the workings of inter-departmental or select committees and commissions of inquiry mark the policy-making process. Such a tradition allows policy-makers to consult with and incorporate the interests and opinions of policy stakeholders, such as vice-chancellors of universities in the field of education or doctor’s associations in the health policy arena, along with academics or other outside “experts”. Although such a tradition provides a strong basis for consultative and incorporative policy-making, as discussed in chapter three, it has its limits. Principally, it

is a particularly elitist model and in some circumstances consultation (and incorporation) is not broad enough. The elitism or “insider” basis of this form of consultation was reinforced in the Irish case by the almost state corporatist form of interest group mediation administered by the Fianna Fáil party machine. Second, consultation under this system is most often short-term or one-off in nature, and decisions within them tend not be binding on political actors.

Policy-making in Ireland through much of the twentieth century was thus consultative, especially in areas in which technical expertise was particularly important, such as in the case of higher education analyzed here. Arguably, a number of key interest groups were consulted and incorporated as early as the 1960s when the reorientation of Ireland’s third-level education system began to take place. Yet policy-making institutions and processes were also in a significant sense closed. Ordinary citizens might have been able to gain some local influence through local clientelist party networks, but at the national level, some interests were clearly favored over others. Fianna Fáil’s populist coalition included agricultural interests, some local manufacturing participation (although business loyalty has always been divided between Fine Gael and the dominant party), key trade unions, and the Catholic Church. Other interest groups, significantly for this analysis those working on behalf of women but also those representing minority churches or unorganized workers or the Irish Traveller community,\textsuperscript{111} for example, were generally excluded from this picture.

\textsuperscript{111} A distinct indigenous ethnic minority. Until very recently, society in the Republic of Ireland was overwhelmingly ethnically (and religiously) homogeneous, with this exception.
This closed system changed markedly from the late 1980s and, I argue, so much that is can be considered a transformation within Irish democracy itself because it represented a fundamental change in the way that it operated. This transformation is reflected not in the rise of new political parties, with no real difference being experienced in the nature of one-party dominant party system, nor any formal institutional changes, but within the field of interest group consultation and incorporation. More open forms of interest group intermediation developed underneath or in parallel to the old party and parliamentary system. The opening of peak-level political discussion to previously excluded interest groups was partly forced by the system’s own failures to ensure economic and social stability, but was also the reflection of the societal liberalization that had occurred since the early 1970s and the need to incorporate new sorts of demands. While similar societal changes were occurring in other mature democracies during this period of time, Irish society was arguably much more deeply conservative than other countries, reinforced by the privileged position of the Catholic Church, especially, when it came to policy decision-making. There was thus more to fight against.

Moreover, Ireland’s essentially democratic and even consensus-making style of politics was marred by a number of corruption scandals, which served to forge a gulf between the citizenry and their political leaders. During the 1990s, the privileged position awarded by the old interest group intermediation system to the Church was further undermined by a series of child (and adult) abuse cases. Taken together, it became clear to political leaders themselves that new alternative channels of political

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consultation were required beyond the bounds of the electoral system. Although the post-1987 “social partnership” agreements and the processes that built up around them were not the only alternative forms of ensuring greater accountability and government responsiveness to shifting societal interests, social partnership is indeed one of the most widely recognized and researched ones. It also plays a significant role in the case study discussion of Irish family, immigration, and higher education policy detailed in the following chapter, and thus requires further elaboration.

In this context of continuing economic crisis, the Irish government, with formal agreement from both organized business and the union movement, launched its first social partnership agreement, the *Programme for National Recovery 1987-1990*. The content of this agreement had been largely outlined in the National Economic and Social Council’s (NESC) *A Strategy for National Development 1986-1990*, and in many respects took the form of a classic wage agreement. The NESC is in itself a tri-partite advisory body. The social partners, “conscious of the grave state of our national economy”, agreed to modest wage increases of not more than 2.5 percent each year between 1988 and 1990, in an effort to control inflation and start reducing the national debt. This was significant in the Irish industrial relations environment, which had traditionally operated through free or “voluntaristic” collective bargaining and which in recent times had become highly conflictual.

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TABLE 4.1
SUMMARY OF PROVISIONS OF SOCIAL PARTNERSHIP AGREEMENTS 1987-2005

<table>
<thead>
<tr>
<th>Name of agreement</th>
<th>Duration</th>
<th>Government and Tánaiste (Prime Minister)</th>
<th>Wage agreement</th>
<th>Overall direction of non-wage provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Programme for National Recovery</em></td>
<td>1988-1990</td>
<td>Fianna Fáil</td>
<td>Pay increases not to exceed 2.5% in each of the years 1988, 1989 and 1990.</td>
<td>Economic crisis means that agreement is guided by the need to improve the country’s macroeconomic health, especially with regard to national debt. Industrial policy measures aim at strengthening industrial and tourism sectors and labour and social policy measures aim to combat high unemployment and poverty rates.</td>
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<td></td>
<td></td>
<td>Charles Haughey</td>
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<td></td>
</tr>
<tr>
<td><em>Programme for Economic and Social Progress</em></td>
<td>1991-1993</td>
<td>Fianna Fáil/Progressive Democrats</td>
<td>Increases in basic pay of not more than 4.0% in 1991, 3.0% in 1992 and 4.75% in 1993.</td>
<td>Cautiously starts to expand scope of policy initiatives beyond wage agreement into tax and social welfare policies, with major focus on reducing unemployment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Charles Haughey</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Programme for Competitiveness and Work</em></td>
<td>1994-1996</td>
<td>Fianna Fáil/Labour Coalition</td>
<td>Starting 5 months after expiration of previous agreement, not more than 2% increases in basic pay for first 12 months of new agreement, 2 percent in second 12 months, 1.5% for next 4 months, 1.5% for next 3 months and 1% for final 6 months.</td>
<td>Major focus of policy initiatives is employment growth—written with a view to European Monetary Union in mind.</td>
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<td></td>
<td></td>
<td>Albert Reynolds</td>
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</tr>
<tr>
<td>Name of agreement</td>
<td>Duration</td>
<td>Government and Tánaiste (Prime Minister)</td>
<td>Wage agreement</td>
<td>Overall direction of non-wage provisions</td>
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<tr>
<td><em>Partnership 2000</em></td>
<td>1997-1999</td>
<td>“Rainbow” Fine Gael/Labour/Democratic Left John Bruton</td>
<td>Not more than 2.5% for first 12 months of duration of agreement; 2.25% for second 12 months; 1.5% for next 9 months and 1.0% for final 6 months.</td>
<td>“Social inclusion” provides the main theme of non-wage-related policy initiatives.</td>
</tr>
<tr>
<td><em>Programme for Prosperity and Fairness</em></td>
<td>2000-2002</td>
<td>Fianna Fáil-Progressive Democrat Bertie Ahern</td>
<td>5.5% for first 12 months; 5.5% second 12 months; 4% for remaining 9 months.</td>
<td>An extremely broad range of initiatives is organized into five “frameworks”: (1) the industrial relations-related “Framework for Living Standards and Workplace Environment”, (2) the industrial policy and development-oriented “Framework for Prosperity and Economic Inclusion”, (3) the “Framework for Social Inclusion and Equality”, (4) the educational and training focussed “Framework for Successful Adaptation to Continuing Change”, and (5) the “Framework for Renewing Partnership”, which looks at devolving the partnership approach down to local and enterprise levels.</td>
</tr>
<tr>
<td><em>Sustaining Progress</em></td>
<td>2003-2005</td>
<td>Fianna Fáil-Progressive Democrats Bertie Ahern</td>
<td>3% for first 9 months; 2% for second 6 months; 2% for final 3 months.</td>
<td>Caution in relation to social policy initiatives driven by global economic downturn. Comprehensive policy plan is supplemented by ten special initiatives: housing and accommodation; the cost and availability of insurance; migration and interculturalism; long-term unemployment, “vulnerable” and redundant workers; tackling educational disadvantage; waste management; care of children, people with disabilities and older people, alcohol and drug abuse; including everyone in the information society; and ending child poverty.</td>
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</tbody>
</table>
Although there is an extensive body of literature on the contribution of this process to creating a stable environment for foreign direct investment in particular,\textsuperscript{114} for the purposes of this study it is not the wage bargaining itself which is significant, but the fact that social partnership gradually became much more than about wages, providing the key platform for interest group mediation in Ireland. The scope of debate was broadened, as was the range of groups and organizations who were invited by the government to take part in social partnership negotiations. Furthermore, social partnership provided a new form of potentially consultative and incorporative policy-making in this case, layered over pre-existing arrangements for short-term and one-off interest group participation. What made the social partnership agreements different was the fact that they were long-term in nature and self-reproducing because they provide mechanisms for their own review and own renegotiation. They are also conducted at the peak level and are relatively formal in the sense that interest groups and the state sign off on the commitments made as a result of negotiations, after which agreements are published and widely available to the public. This limits the extent to which governments can ignore or backtrack on commitments made in the agreements.

Following the apparent success of the first agreement, the social pact was renegotiated every three years since. In the process, it has increasingly widened beyond

its original aims to cover a wide range of policy issues and has incorporated new interest
groups into the process of negotiation, some fully as “social partners” and others as
consultative organizations. Before 2000, formal social partnership negotiations took
place between the government and three “pillars”: organized labor, highly centralized
under the Irish Congress of Trade Unions (ICTU), the comparatively divided business
and employer pillar, and the third and separate negotiating pillar reserved for the primary
producer sector. In 2000, a fourth pillar was added in order to formalize the participation
of the community and voluntary sector. As table 4.2 illustrates, the number of groups
represented became very large. It can be noted that groups were added by invitation from
the government, meaning specifically the Prime Minister’s office and his administrative
team, and the explanation for why the decision was made to increase the range of groups
involved probably lies in the strong commitment to the process that quickly developed on
the part of the state. Because the wage agreement and industry policy commitments
made in the first social partnership agreement appeared to pay off as early as 1990,
political actors believed this provided a model for the negotiation of a much wider range
of policy issues.
TABLE 4.2
SIGNATORIES TO IRISH SOCIAL PARTNERSHIP AGREEMENTS, 1987-2005

<table>
<thead>
<tr>
<th>Agreement</th>
<th>The “Social Partners”</th>
<th>“Third pillar”/farmer’s organizations</th>
<th>“Fourth pillar”/voluntary sector</th>
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</thead>
<tbody>
<tr>
<td></td>
<td><strong>Business</strong></td>
<td><strong>Labor</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Programme for National Recovery 1988-1990</strong></td>
<td>Federation of Irish Employers (FUE); Confederation of Irish Industries (CII), Construction Industry Federation (CIF).</td>
<td>Irish Congress of Trade Unions (ICTU)</td>
<td>Irish Farmers’ Association (IFA); Macra na Feirme, Irish Co-Operative Society (ICOS)</td>
</tr>
<tr>
<td><strong>Programme for Economic and Social Progress 1991-1993</strong></td>
<td>Federation of Irish Employers (FIE); Confederation of Irish Industries (CII); Construction Industry Federation (CIF).</td>
<td>Irish Congress of Trade Unions</td>
<td>Irish Farmers’ Association; Macra na Feirme; Irish Co-Operative Society.</td>
</tr>
<tr>
<td><strong>Programme for Competitve-ness and Work 1994-1996</strong></td>
<td>Irish Business and Employers’ Confederation (IBEC); Construction Industry Federation.</td>
<td>Irish Congress of Trade Unions</td>
<td>Irish Farmers’ Association; Irish Creamery Milk Suppliers’ Association (ICMSA); Irish Co-Operative Society (ICOS); Macra na Feirme.</td>
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<tr>
<td>Agreement</td>
<td>The “Social Partners”</td>
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<tr>
<td></td>
<td><strong>Business</strong></td>
<td><strong>Labor</strong></td>
<td><strong>“Third pillar”/farmer’s organizations</strong></td>
</tr>
<tr>
<td><strong>Partnership 2000</strong></td>
<td>Irish Business and Employers’ Confederation; Small Firms Association (SFA); Construction Industry Federation; Irish Exporters’ Association (IEA); Irish Tourist Industry Confederation (ITIC); Chambers of Commerce of Ireland (CCI).</td>
<td>Irish Congress of Trade Unions</td>
<td>Irish Farmers’ Association; Macra na Feirme; Irish Co-Operative Society; Irish Creamery Milk Suppliers’ Association (ICMSA)</td>
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<tr>
<td>Agreement</td>
<td>The “Social Partners”</td>
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<tr>
<td><strong>Business</strong></td>
<td><strong>Labor</strong></td>
<td>“Third pillar”/farmer’s organizations</td>
<td>“Fourth pillar”/voluntary sector</td>
</tr>
<tr>
<td><strong>Programme for Prosperity and Fairness 2000-2002</strong></td>
<td>Irish Business and Employers’ Confederation; Small Firms Association; Construction Industry Federation; Irish Exporters’ Association; Irish Tourist Industry Confederation; Chambers of Commerce.</td>
<td>Irish Congress of Trade Unions</td>
<td>Irish Farmers’ Association; Irish Creamery Milk Suppliers’ Association; Irish Co-operative Society Macra na Feirme</td>
</tr>
<tr>
<td><strong>Sustaining Progress 2003-05</strong></td>
<td>Irish Business and Employers’ Confederation; Small Firms Association; Chambers of Commerce of Ireland; Construction Industry Federation; Irish Exporters’ Association; Irish Tourist Industry Confederation.</td>
<td>Irish Congress of Trade Unions</td>
<td>Macra na Feirme; Irish Farmers’ Association; Irish Creamery Milk Suppliers’ Association; Irish Co-operative Society</td>
</tr>
</tbody>
</table>
In terms of policy content, wage constraint was traded especially for tax reductions during the early 1990s, while other social policy commitments have been layered into the agreements later on. With a slight slow-down in the Irish economy from its extraordinarily high rates of growth of up to nine or ten percent during the mid to late 1990s, there have been fears that the process has come under threat, particularly as the economy appeared to become “overheated” and a greater percentage of wage agreements at the enterprise level began to break through the national-level accord.115 In other respects, however, the process has been strengthened in the sense that more organizations and interests have been brought within the social partnership framework and that, crucially, year-to-year policy developments in an increasing number of areas rise directly out of the social pacts.

Social partnership in Ireland is an ongoing process that has given rise to several formal bodies. The work of the more academically-oriented NESC is scrutinized by the National Economic and Social Forum (NESF), to which the “social partners” have formal representation. In addition, and one of the reasons why the partnership agreements have been considered a success, the implementation of policy commitments made in them is monitored by a Central Review Committee, housed in the Prime Minister’s Office but again, with representation from the four “pillars”. Often interacting with the social partnership process, more traditional forms of public consultation have also continued. By “interaction”, it is simply meant that the social partnership agreements frequently initiate and set the framework for other types of public consultation or expert opinion.

115 At the time of research, the social partnership process itself had actually stalled, with the 2005 negotiations collapsing at a late stage.
gathering. To give an example from the case studies that follow, the public consultation process on immigration policy that took place from 2001 is first mentioned in the 2000-02 *Programme for Prosperity and Progress*.

Finally, it is important to emphasize that social partnership, just as much as more traditional Irish forms of expert and stakeholder consultation such as commissions of inquiry or calls for public submissions on proposed legalization, is highly structured from above, and thus acts to incorporate as well as consult interest groups. When asked about the participation of the Union of Students in Ireland about the group’s formal representation on centralized bodies such as the National Qualifications Authority, a student organizer remarked that although such representation is sought after and welcome, “because these formal institutions are at such a high level, recommendations are almost already pre-approved by the government.”[^116] Presumably then, representation has much to do with legitimating decisions on the part of the government, and at least feeling part of the inside decision-making on the part of representative organizations.

The incorporative aspects of formal consultation are particularly clear in the case of social partnership. While it is outside the scope of this dissertation to consider fully the impact of participation on the organization of interest groups, suffice to say that the Irish government has repeatedly used its powers not only of agenda-setting but also of being able to “invite” individual interest groups to become part of one of the four pillars in

[^116]: Interview with leadership of Union of Students in Ireland, Dublin, 28 April 2005.
order to moderate the tone of policy debate and exclude specific interests from participating.\textsuperscript{117}

**Portugal: An incorporative rather than consultative tradition?**

Portugal, as the mixed or intermediary national case in this three country sample, is in many ways the most difficult to analyze. It has managed to successfully Europeanize some of its responses to labor market challenges more than it has others. This can be explained by the fact that policy-making processes designed to bridge the gap between policy-makers and policy stakeholders are established very unevenly across the various arenas of state activity. Where such institutions and processes exist, they tend to be less genuinely consultative than effectively incorporative. Furthermore, they tend to be constituted at lower levels of the political system that they do in Ireland, meaning that they provide some channel for public or interest group input, but not in a way that can easily translate into policy detail or contribute to fundamental policy shifts. Chapter six also shows that although some extremely progressive and creative policy responses have resulted from decisions made from within the public administration without any serious input from policy stakeholders, these policy decisions often suffer because they do not reflect the reality of the problem as ordinary citizens experience it. Much of this contemporary pattern of state-society relations as reflected in policy-making institutions

\textsuperscript{117} The two most important examples here are the exclusion Irish Small and Medium Enterprises Association (ISME) since it frequently clashes with Ireland’s main peak business and employers’ representative, the Irish Business and Employers’ Confederation (IBEC), and the battle fought between the government and the umbrella organization, the Community Platform, which was eventually expelled from the partnership process permanently after it refused to sign the 2002 *Sustaining Progress* agreement.
and processes is a result of legacies that actually precede the democratization process that began in the mid-1970s.

Regime change and transformation

Portugal is arguably the oldest nation-state in Europe, referring to the fact that apart from a century of Spanish domination spanning the sixteenth and seventeenth centuries, its borders have not changed and the geographical area constituting the Western-most country in Europe has been governed from the area around modern Lisbon since the eleventh century. While some Moorish influence is reflected in surviving architecture and language, that source of influence is not as extensive as that of Spain, and until the recent arrival of migrants from former Portuguese colonies, this history ensured a relatively homogeneous population with regional flavors but not the divisions and emergence of distinct sub-national languages and identities as those of its much larger neighbor. The Portuguese state has traditionally been very centralized, despite the spread of Portuguese territory (at least in theory) across its colonies in Latin America, Asia, and Africa up until the early 1970s. Traditionally fearful and suspicious of the Spanish and their influence, Portugal has rejected Spanish ways of doing things in favor French language, culture, and importantly for this analysis, legal traditions. The Portuguese admiration of the French legal and political system has assisted in the construction of a strong statist tradition that survived even late twentieth century democratization.
For much of its history, Portugal was ruled by a monarchy that benefited from the exploits of Portuguese expansion from the sixteenth through the nineteenth centuries. This was finally ended by a liberal revolution and the creation of the First Portuguese Republic in 1910. The move toward liberal although still oligarchical democracy was however short-lived, when after a fifteen-year period of political and economic instability, a military coup was staged in 1926.\textsuperscript{118} While the outcome of this military intervention took a few years to take shape, it ushered in the rule of one of the longest lasting dictatorships of the twentieth century. The conservative and authoritarian nature of this regime was underscored by such policies as sex segregation in schools and the establishment of a new internal security or “political” police force. The transition to authoritarian rule was guided by António Oliveira de Salazar, first as finance minister in the new administration and then as Prime Minister beginning in 1932. A year later, a new constitution was enacted, defining Portugal as a corporative, single-party, and multi-continental country, the latter referring to the tight reign over the colonies which remained in place until the 1960s. This became the basis of the Estado Novo (New State), a grand authoritarian national unification scheme marked by internal repression, a new Labor Code with all independent trade unions banned, and administration through a single party, the União Nacional.

There is much debate in the historical literature over whether or not the corporative and authoritarian tendencies of Salazarism made the Estado Novo a fascist

regime. In many ways it certainly looked like one, although it outlived fascism in Germany and Italy by a long stretch. Whether or not it was fascist is not particularly relevant here, but the important thing to note for later discussion is the emphasis placed on the top-down incorporation of social groups through a political party but also directly with the state through the labor relations system. The classic study in English of Portuguese corporatism is by Philippe Schmitter, who describes the country as an “ideal type” corporatist state, coming much closer to a pure corporatist system than is found anywhere else. Yet, he also notes that this system only functioned as intended for a relatively short period of time and that as new social groups and interests emerged that could not be controlled by corporatist mechanisms, these gave way to straight-out repression over time. One curious aspect of politics under Salazar was that foreign policy did not always fit the stereotype of isolationism and protectionism adopted by populist or otherwise fascist-leaning governments during the early period. Portugal was an early member of the European Free Trade Agreement, a precursor to fully-fledged European integration, as well as NATO.

The tight control over society exercised by the Salazar regime during the 1930s and 1940s began to loosen in the 1950s, with increasingly contentious relations with the overseas colonies being a major precipitating event. Indigenous movements for independence emerged in Africa, especially Angola and Guinea-Bissau, eventually lead to the outbreak of war in Africa in 1961. Although by this stage Portugal must have


looked to the outside world rather weak, insignificant, and inward-looking, the country itself had a rather inflated view of its role in world, and fought hard to keep its overseas colonies. Portugal’s self-image as a great sea-faring power continues today, although most Portuguese see this as a historical rather than contemporary fact. India quickly moved to take back any of its territories still in Portuguese hands, while Portugal exported its men to fight to keep land in Africa.

As the colonial wars dragged on, political tensions within the country began to build. The state responded by reforming and rearranging public administration in the late 1960s. Salazar resigned due to ill health in 1968, dying two years later, and was replaced by a reformist Marcello das Neves Alves Caetano. Referred to as the “‘Primavera Marcelista’ or Marcelist Spring, small liberalization measures did not manage to ease social and political tensions nor increasing dissatisfaction on the part of junior army officers. The *Estado Novo* was swept away by a (mostly) bloodless military coup on the 25th of April 1974, led by junior officers fed up with a long, drawn-out and unpopular overseas war. This breakdown of authoritarian rule and the period of very slow and uncertain democratization that followed is referred to as a revolution, not only by the Portuguese themselves, but also often in the academic literature. A couple of key features of the regime change justify this label, particularly the fact that it was accompanied at least in the beginning by mass social mobilization. In addition, it had

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121 Especially in the agricultural Alentejo region, often considered the hotbed of Portuguese protest given that this was where the liberal First Republic was also declared. See Nancy Bermeo, *Revolution in the Revolution: Workers’ Control in Rural Portugal*. Princeton: Princeton University Press, 1986. On mass mobilization as a necessary component of a “social” revolution, see Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia, and China*. Cambridge: Cambridge University Press, 1979.
in its initial stages a strong Marxist-Leninist influence, imported by soldiers who had served abroad in the colonial wars and who absorbed both socialism and sympathy for third-world liberation struggles there. The economic and political changes at least intended by the immediate new regime were also very radical: industries were nationalized, the colonies were given their freedom, and entire branches of the government were dismantled at the same time that others were expanded. The 1976 Constitution outlined a plan for the “transition to socialism.”

Yet is also extremely important to note that the transition from authoritarian rule had a number of “top-down” as well as “bottom-up” elements that decisively shaped the path of democratization and democratic consolidation. In the initial stages of regime change, since it was not entirely certain that that the change would result in democratization at all, the importance of the military’s role, and internal struggles within it, cannot be overestimated. 122 This has special implications for political developments during the late 1970s and late 1980s, when social movements and popular uprisings gave way to a Portuguese desire for stability first and political democracy and European integration next. Socialism, so often associated with the Revolution of the Carnations as the events of 1974-76 became known, may never have even been favored by the majority of Portuguese at all. By 1984, forces in favour of not only democracy but also capitalist development connected to European integration had won, marginalizing more radical elements.

Between 1974 and 1984, the Portuguese economy remained in turmoil and politics consisted of a quick turnover of provisional and then elected governments which tended to collapse very quickly. To sum up a long and complicated story, the radical left, itself split between hard-core Marxist-Leninists and socialists, was eventually side-lined in favor of social democratic forces. For instance, five different constitutional governments reigned between 1976 and 1979, reflecting a power struggle between the left and the “right”, although truly centre-right and conservative forces did not make much of an impact on Portuguese politics until a little later.\(^{123}\) The major turning-point occurred in 1982 when the “Council of the Revolution” was abolished, finally achieved civilian control over the military, which was then reinforced by the 1984 Constitution which among many other things, created constitutional courts. The 1983 election was won by the comparatively centre-right “Centre Bloc”, comprised of the Socialist Party (PS) and the Social Democratic Party (PSD), which later separately formed the two main Portuguese political parties. This coalition implemented a series of economic reforms aimed at stabilization and continued a program of liberalization that had begun under the Sixth Constitutional Government elected in 1979. A key figure here is Prime Minister Aníbal Cavaco Silva, who instituted a series of wage pacts during the 1980s which formed the core of a weak neo-corporatist system.\(^{124}\) The authoritarian corporatist


system that framed relations between labor, business, and the state under Salazar was dismantled along with many other aspects of the pre-revolutionary state apparatuses. Because the period between 1974 and 1984 was characterized by state-led economic development, the tendency toward incorporation in policy-making, however, survived the revolution. The full implications of this for the overall argument of this dissertation are discussed in the following section.

The legacies of the revolutionary aspects of democratization are otherwise reflected in the left-wing slant of Portuguese politics, reflected in such details as the fact that the two main political parties both claim attachment to a socialist tradition, named the Socialist and Social Democratic Parties even though they occupy center-left and center-right positions on the political spectrum respectively; that the contemporary constitution commits the Portuguese state to guaranteeing an extensive array of social rights; and that in terms of actual outcomes, Portugal is the Southern European country which has moved the most toward universal health and welfare coverage, even if that coverage is still minimalist compared to other Western European nations.125 Yet, as is fully detailed in chapter six’s analysis of the Portuguese case, the backlash against the left and the attempt to implement a socialist project has been as a significant influence on public policy since the late 1970s as was the revolution itself. The swing between revolutionary and counter-revolutionary tendencies has aptly been referred to as the

“pendulum principle” with respect to the Portuguese case, and is especially relevant to the privatization approach to higher education that is discussed fully in chapter five.

State-society relations and the policy-making tradition

Although there is a strong tradition of studying the economic and sociological implications of public policies in Portugal, analyses of the Portuguese policy-making process are few and far between. Despite the fact that there are a number of comparative surveys of policy-making institutions and processes in developed, democratic, or European contexts that are quite comprehensive in nature, such works generally fail to include discussions of Portugal, or for that matter, Greece. Where Southern European cases are discussed at all, Spain is usually offered as the example. Is this because there is a bias against smaller and more peripheral European democracies, or is it because policy-making processes in Southern Europe do not fit easily into categories designed to describe the more open and thus easier to study processes and institutions found in the North? Or is it that there is an absence of anything that could even be described as an identifiable policy-making process in Portugal at all? It is quite likely that all three propositions are true. With respect to the latter, it is quite clear that concepts such as “policy networks” or “triangles” designed to describe policy-making in Western Europe


127 For example see the otherwise comprehensive Donald C. Rowat, Public Administration in Developed Democracies: A Comparative Study. New York: Marcel Dekker, 1988, which includes a chapter on Spain.
but especially the Anglo-Saxon world, do not really fit the Portuguese, or even more especially the Greek, situation.

When “Southern European” policy-making, or more often public administration is of focus, it is usually in order to highlight what are regarded as pathologies of the public administration in this set of countries. Southern European state bureaucracies are described as bloated, damaged by political party patronage, and overly legalistic, if not corrupt. The problem here is not only that it lumps all four of the Southern European cases together and obscures any differences between them, but also that by focusing solely on the continuation of problems within the bureaucracy, it does not tell us much about possible relationships between independent interest groups and the state.

Some studies of Portuguese public administration have attempted to take better account of recent developments by considering the impact of a number of public sector-related reforms implemented during the 1990s. These attempted to devolve power from the center down to regional levels and to make public services more responsive to the needs of citizens. The reforms can also be seen as an exercise in modernization aimed at moving away from the overly bureaucratic state inherited by the democracy from the Salazar era.128 Yet while considered moderately successful, Portugal remains a highly centralized state, reflecting its Francophile tendencies, and also carries through certain

features of the political and public administrative system that cause the “Southern European” stereotype to ring true. Most important of these legacies is that (a) Portuguese public administration is still highly legalistic; (b) access to policy-making is still generally confined to an elite; and (c) where broader participatory policy-making exists, it occurs at a relatively low level of the system and tends to be more incorporative than consultative.

During the course of my research, I was told repeatedly that in Portugal, “everything begins with the law.” The meaning and importance of this statement is difficult to adequately emphasize to a Western European or English-speaking audience, but perhaps one way to illustrate the point is to say that in Portugal it is assumed that the way in which policies are researched is by reading the legal code governing that particular arena.129 There are no discussion, Green or White papers to look at; they simply do not exist or are else not made public. Such legal codes are written by policy elites, often with legal backgrounds who have remained insulated in the public service for their entire careers, enacted by either legislative or executive degree, and then implemented in a top-down fashion sticking (at least in theory) closely to the law. Moreover, public consultation over the content of legal frameworks is not generally considered to be especially important at the peak policy-making level, even if there is some demand for public consultation and input at the level of local politics.130 To give

129 When researching the formulation of policies for the reconciliation of work and family life, I was repeatedly directed to the Codigo Laboral, even though I was asking questions about how and why policies were made.

130 Local-level participatory decision-making is making a comeback in Portugal. See the special issue of South European Society and Politics. V.9, N.2 (2004).
an example that will be returned to in chapter six, in an interview with one of the main architects of Portugal’s extremely generous and distinctive paternity leave legislation, implemented under the 1996-2001 Socialist government, I asked which groups were consulted in the process—trade unions or family organizations, perhaps? My question was met with a perplexed expression and an answer to the effect that the initiative was driven entirely from inside the administration and did not need outside input.

This response is surely at variance with the image of post-revolutionary Portugal as a hotbed of political protest, social movements, and participatory politics. The answer is that although local participatory politics emerged in the wake of the revolution, it was generally short-lived and limited to certain sectors. By the early 1980s, such revolutionary politics was not conducive to the new goals of economic stability, capitalist development, and participation in European integration. The point is not that the revolution did not make any policy impact, but rather that this influence is best reflected in certain legislative commitments (such as the strong guarantee of gender equality in the post-revolutionary constitution), rather than overall changes in the way that the state interacts with interest groups and policy stakeholders. One pre-revolutionary legacy is that Portugal in many respects is still a “dual society”, where a highly educated elite enjoys privileged access to policy-making. Those with legal, engineering, economics and increasingly even social science training are especially well poised to influence policy-making, often through informal means. Another legacy is that although a robust consultative tradition is lacking in Portugal, it does have a relatively strong incorporative tradition that serves to bridge the gap between policy makers and policy stakeholders. Who is included in processes of policy incorporation varies according to the nature of
each particular arena, as does the extent to any genuine consultation occurs and at what level of the political system. Peak-level negotiations between labor, business, and the state are still confined mainly to strictly industrial relations issues. More fragmented and lower level processes of consultation and incorporation are found especially in the family and immigration policy cases discussed in chapter six.

One of the key differences between the Portuguese and Greek cases is thus that Portugal has a much deeper history of interest group incorporation on the part of the state, whereas Greece’s recent attempts have been confined to patronage administered through political parties. The Portuguese tradition is inherited from the state corporatist Salazar era, where interest groups were created by and incorporated into the state. In post-revolutionary times, political parties have remained a core vehicle for co-opting the leaders of civil society into parliamentary politics; the fact that Portugal does not have strong “civil society” organizations or independent lobby groups can be attributed to the fact that political parties siphon off such individuals before they have a chance to create organizations of their own.\textsuperscript{131} While party activists may argue that this allows them to influence politics directly, the tendency is not toward the development of an independent relationship between key interest groups and the state.

\textsuperscript{131} I originally owe this observation to Dr. Fernando Luís Machado, a long-time student of immigration politics in Portugal, who points to a number of individuals from the former African colonies who had become activists for mainstream political parties rather than attempt to work through migrant rights’ organizations. Virginia Ferreira gives a slightly different explanation for the failure of independent women’s organizations to develop, arguing that since rights were handed down from above in the wake of the revolution, women became accustomed to not having to fight for anything. See her “Sexualizando Portugal: Mudança Social, Políticas Estatais e Mobilização das Mulheres”, in Antonio Costa Pinto (ed.), \textit{Portugal Contemporâneo}. Palo Alta: The Society for the Promotion of Society and Scholarship, 2000: 180-212. Activists on women’s issues whom I was directed to during the course of this research were either aligned closely to one of the main political parties or occupied permanent policy-making positions in the public service, or both.
This is not to say that policy-making institutions and processes that have the potential to fill functions of both consultation and incorporation do not exist in this case. Rather, it is that when they do, they are constituted at such a low level of the policy-making system and are confined to discussing such a narrow range of issues that they often have a relatively weak influence on actual policy outcomes. The best example here from the case studies to be discussed in chapter six is the consultative body established by the Alto Comissariado para a Imigração e Minorias Étnicas (ACIME). One of ACIME’s functions is to consult with migrant groups over policy issues and administer funding to them to support their activities. This is arguably the most progressive government initiative in the immigration policy field out of the three national case studies considered here. But ACIME only deals with issues of migrant integration and not with general immigration policy and there is no real parallel organization to deal with the issue of better tying immigration controls to labor market needs, which is where Portugal’s problem currently lies in this field. In addition, migrant groups are dealt with primarily on an individual basis where ACIME lists at least one hundred different community organizations that it deals with. The relationship thus becomes more about funding the individual activities of these organizations thereby bringing them into “the system” rather than about negotiating big policy issues with a centralized policy-oriented umbrella group. Again, incorporative characteristics seem to outweigh consultative ones.
**Greece: Politics and policy as an elite game**

Greece is the country in this sample with the weakest consultative and incorporative policy-making tradition. The following discussion traces this initially to a pattern of state formation in which a modern nation state was imposed through foreign intervention with little organic relationship between the new state and pre-existing society. The wide state-society gap that characterized Greek politics for much of the country’s history did not change much during the twentieth century, in which an elitist “hard” form of democracy alternated with authoritarian rule. Greece theoretically fully democratized from 1974, but the way in which it did so did not involve any serious reform to the way in which policy was made. In fact, the rise of party dominance of the state bureaucracy actually reinforced many of these older patterns. The implications of this for the Europeanization of public policy are discussed at the end of this chapter.

*Regime change and transformation*

Much is often made of the fact that modern Greece is the result of foreign intervention, and that there is something manufactured about the Greek nation-state. A mid-twentieth century observer noted that: “Continued foreign interference in the internal affairs of Greece has had dire repercussions. Perennial economic and political crises have been to no small degree a result of foreign meddling.”\(^{132}\) Like Ireland, the modern

Greek state was born out of violence. The country was initially established as a West European-inspired buffer against the Ottoman Empire, the remnants of which Greece engages in border disputes with right up until the present day. The Greek War of Independence (1821-29) could not have been waged, let alone won, without foreign aid and inspiration and the creation of the new Greek nation was justified and sold to local elites on the basis that ethnic Greeks were the rightful inheritors of the classical Greek tradition based on art, literature, and political democracy. That classical tradition, from which most Greeks at that point were completely alienated from and unfamiliar with, was conceptualized as European and progressive and pitted against the supposed backwardness and “darkness” of the Oriental East. This left Greeks to grapple with the contradictions between their new identification with Western Europe and the many aspects of their culture inherited from their status as subjects of the Ottoman Empire for at least the century and a half following independence.

After the struggle for independence was won, a constitutional monarchy was established during the 1840s by foreign powers and remained the basic form of national political regime governing Greece until the early twentieth century. Instability in a system with an already very thin veil of political legitimacy intensified during the late nineteenth century, leading eventually to the Greek version of a republican revolution that resulted in the installment of Eleftherios Venizelos as Prime Minister in 1911. Although Venizelos was later celebrated as a key modernizing figure in modern Greek history, his initial period of rule actually ushered in yet more instability for the
World War One was surrounded by a fallout between republican and monarchist forces, leading to the abdication of King Constantine, the installment of his son as King, and an eventual war with Turkey between 1919 and 1922.

The dislocation of peoples during the period immediately following World War One and in the wake of the collapse of the Ottoman Empire is difficult to overstate, resulting in the arrival of hundreds of thousands of ethnically Greek refugees from Asia Minor. The culmination of the bloody conflict was the 1923 evacuation of ethnic Greeks from Smyrna, located in the Anatolian region, after an agreement between Greece and the new created state of Turkey to exchange populations was made in an effort to end decades of border conflict. The period of instability that marked the 1920s was eventually turned around by the return of Venizelos as Prime Minister, who oversaw a significant number of national development projects between 1928 and 1932 including the building of schools and other basic infrastructure projects. Yet the promise of success revolving around these actions was soon dashed by the onset of the Great Depression, leading to a series of coups and counter-coups in Greece. With war brewing in Europe, formal dictatorship was established in 1936 under the guidance of General Ioannis Metaxas.

Political change during the Metaxas period echoed that being experienced elsewhere in Europe, and especially Southern Europe, at approximately the same time. As in Portugal, fascism was never fully embraced even if the regime displayed fascist

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tendencies. The Metaxas regime (1936-40) stressed conservative and collective values but also exhibited a developmentalist streak, notably establishing the nation’s first social insurance scheme. Greece, however, refused to co-operate with the Axis powers as war broke out in Europe, with Metaxas famously refusing to allow Mussolini to cross onto Greek land near the beginning of the war. Tragically for Greece, this resulted in the country being invaded shortly afterward and remaining under occupation until Italian and German forces evacuated in 1944.

Immediately following occupation and stemming from the internal social and political conflict that sharpened during it, Civil War broke out in 1946 and lasted until 1950. The Greek Civil War raged between communist and anti-communist forces and has long-term significance not only because it seriously damaged the economy even more than it had already been destroyed under foreign occupation and ensured a decade of social misery to follow as a result, but because of the conflict’s impact on national political culture and institutions. The Greek right emerged from the conflict in a clearly dominant political position, and was thus able to implement a series of anti-communist (and generally anti-leftist) legislative measures that barred them from gaining political and intellectual power, even if the country became ostensibly democratic. The two main political groupings reflected early twentieth century ones more than anything else, with the regrouping of monarchist and anti-monarchist factions into political parties that were now at least united by their hatred of communists.134

During the 1950s and 1960s, Greece was thus officially democratic but took on the form of a “hard” democracy where overt political repression was used liberally in conjunction with only slightly more subtle forms of institutional bias. Although civil rights were in theory guaranteed by a new democratic constitution, “these were rendered useless by a variety of emergency measures, some dating from the Metaxas period, others from the civil war.”\textsuperscript{135} The cultural and institutional legacies of such a constrained and elitist democracy were reflected not only in formal politics, but in a variety of other social and economic institutions as well. Notably, left-leaning academics were systematically removed from universities and other places of learning.\textsuperscript{136} Since Greek political history during the twentieth century aside from the Civil War period was marked by unstable democracy biased in favor of elite social groups and the political right, interrupted occasionally by military coups, the breakdown of “democracy” in 1967 and the establishment of a short-lived military regime afterward is not all that surprising. Given that history and the fact that the Greek colonel’s regime did not significantly alter the state apparatuses from how they had previously operated, neither is it particularly surprising that when democracy returned in 1974, the political system retained many of its elitist tendencies.

Especially in light of the literature on “bureaucratic authoritarianism” in Latin America and elsewhere, which observed that militaries increasingly installed themselves as technocratic managers of the state during the 1960s and 1970s and that this represented


a new form of authoritarian rule, students of Greek politics have found the 1967-74 military regime difficult to categorize. In some senses the Greek colonel’s regime resembled bureaucratic authoritarianism in that it intervened in order to secure political order in the context of social mobilization and political polarization, but when in power the regime did attempt to implement a structural adjustment program, unlike the Latin American bureaucratic regimes of the 1970s, instead opting for a state-led development strategy.\textsuperscript{137}

More importantly for the purposes of this research, however, the military intervention represented a continuation of personalist and factionalist politics rather than a long-term attempt to gain control over the state bureaucracy by the military as an institution. The coup, led by George Papadopoulos, was backed by only by one sector of the army, and had too narrow a support base in broader society. What is more, the regime spent much of the time attempting to consolidate its control over society, both horizontally, with resistance from non-military political elites along with other military factions especially in the air force and navy, as well as vertically. Social mobilization had led to the coup occurring in the first place but carried on through the junta’s duration,

\textsuperscript{137} The unusual economic policies, at least for a military regime during the “bureaucratic authoritarian” era, is emphasized by Nancy Bermeo, “Classification and Consolidation: Some Lessons from the Greek Dictatorship”, \textit{Political Science Quarterly}. V. 11, N. 3, 1995: 435-452. Robert M. Fishman, in an important comparison of the thee Southern European transitions of the 1970s, also finds Greek an in-between and less easy to classify case, although he eventually categorizes the Greek transition as emanating from the state but how closely regime and state were intertwined in this case, given the direct role that the military played in governing at this time. See “Rethinking State and Regime: Southern Europe’s Transition to Democracy”, \textit{World Politics}. V.42, N.3 (1990): 422-440. My argument differs in that it considers the most important feature of the Greek colonel’s regime to be that it was short-lived and actually failed to penetrate the state in such a way that it to fundamentally change the way it operated, allowing pre-junta political institutions and behaviors to be resurrected.
culminating in the long drawn-out Athens’ Polytechnic student protest in 1973 that became a major catalyst for the regime’s downfall.138

As is well known, the Greek colonels did themselves no favors at all by intervening in Cypriot politics in 1974 and thus choosing to embark on another military confrontation with Turkey over a territorial issue. That led to a realization on the part of those elements of the military hierarchy that still actually supported the colonel’s regime that holding direct power over the state was not really beneficial to itself in any case. This indicated a break by the military-as-institution from the military-in-politics in Greece, and a comparatively rapid transition to democracy with the military practically handing power immediately back to the civilian political elite followed that year.139

While democrats might celebrate the fact that Greece’s last authoritarian regime was a short-lived one and that it did not fundamentally alter state-society relations as the result of both this fact and because its penetration of the state apparatuses was comparatively shallow, the problem is that this allowed prior patterns of elite politics and state-society relations to be more or less resurrected during the democratization period. This has proved a problem for the quality of democracy in Greece, and specifically for the purposes of this research, the construction of consultative and incorporative policy-

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making institutions since these were completely alien to the *pre*-authoritarian Greek political tradition.

Twentieth century Greek politics had been elitist, personalist, and biased in favor of the political right, even resulting in domination of politics by successive generations of the same family. This pattern was not exactly broken by the breakdown of authoritarian rule, with power under the new democracy alternating between the Papandreou and Karamanlis families, the involvement of both which actually precedes the military coup. The innovation of the democratization period was that political parties took center stage, primarily as support bases for powerful party leaders. Government since 1974 has been dominated by Andreas Papandreou’s Pan-Hellenic Socialist Party (PASOK), with Papandreou as Prime Minister between 1981-89 and 1993-96. Andreas Papandreou’s father George led the liberal Center Union Party in the 1960s, and his grandson, also named George Papandreou, was elected as PASOK’s leader in 2004. While PASOK self identifies as a socialist party, it is more accurately described as a populist one and not always easy to place on the center-left, not only in policy terms, but also because of its internal organization and use of patronage networks. New Democracy, led by Constantine Karamanlis and accurately described as a conservative party of the right, has provided the alternative power base.

The domination of Greek politics by these two main political parties headed by strong leaders has proved overwhelming, including manipulation of the Constitution to generate specific political outcomes, extreme politicization of the public service, and
public policy content coming second to internal party struggles. Although much of this is blamed on PASOK’s failure to modernize and democratize public administration during its time in office, it is not readily apparent that New Democracy has behaved very differently when in power. In this context, party competition is intense and policy goals are often clearly subordinated to strictly political ones. Chapter seven discusses several cases in which policies are simply reversed once a change in government occurs.

State-society relations and the policy-making tradition

The combination of the colonization of the state by the party-based patronage system with the continuation of personalist politics has profound consequences for policy-making processes, and therefore policy decisions, in Greece. In short, there are very few institutions and processes that are available to bridge the gap between policy-makers and policy stakeholders. Those that exist are extremely limited in the range of policy issues addressed and the number of players involved. Historians and social


scientists often argues that many of the problems involving the colonization of the state by political parties relate to the broader observation the Greece suffers from a strong, overbearing state and a weak, undeveloped civil society. That is an argument often made about Southern Europe as a whole and Greece especially, but does not really describe the reality. Greece has a mobilizational streak to its political culture, witnessed in everything from Greenpeace posters plastered across the center of Athens to noisy and occasionally violent street protests particularly during the annual anti-authoritarian November 17th celebrations, to the numbers of bricks thrown through French-owned shop windows or the United States embassy, depending on which foreign power is least popular at the time. To outside observers, Greek citizens seem more politically active than Portuguese ones, and society actually appears particularly mobilized. The problem is that social movement activity is not the same as having a “civil society” of the type that current thinking in political science presumes to underpin stable democracy. In fact, elements of Greek social movement-ism are decidedly uncivil, if by that is meant destabilizing the political system.

The problem is not that there is no foundation for civil society, but rather that the Greek political system makes few attempts to reach out to important interest groups and the citizenry at large in order to help create a stabilizing civil society. When there are clashes between state and society over policy issues, these can be highly charged, but there are few established channels for mediating between social groups and between social groups and the state in such a way that can inform actual policy decision-making. This image of the Greek state as weak in the face of civil society which is actually only enhanced by colonization of the state by political parties and their associated interest
groups, labor unions in the case of PASOK and the Orthodox Church in the case of New Democracy for example, had led others to describe the state as a “colossus with feet of clay.”\textsuperscript{142} It appears overbearing but is actually rather weak, especially when it comes to actual public administration rather than the legislative branch of government.

The best example here is the relationship between successive governments, especially PASOK ones, and the labor movement, which surely amounts to a “capture” of government policy by a minority interest group if ever there was one. The majority of Greeks do not belong to labor unions: in 1995 overall union density was reported at 27 percent of the workforce in 1995 even if levels in the public sector can reach up to between 75 and 90 percent.\textsuperscript{143} Yet the labor movement provides resistance fierce resistance to policies that threaten its members. Although that is generally the purpose of labor movements, the Greek one is especially well known for putting particular interests ahead of collective ones and being able to block reforms aimed at spreading social benefits more evenly across society. The problem is enhanced by the concentration of the labor movement in the public sector, reinforcing the clientelist relationship between unions, political parties, and the state. The stranglehold over policy sometimes exhibited by the unions is facilitated by the fact that there are so few alternative channels for other interest groups to influence policy decisions. In addition, while Greece also has an established tri-partite wage-setting system, issues such as immigration, higher education


and family policy reform generally do not fall within the parameter of negotiations carried out within this system. The collective bargaining system, in this instance, reinforces a rather unhealthy relationship between state and society.

In the vacuum left by the absence of mediating policy-making processes and institutions capable of balancing consultation with incorporation, policy issues often become a battleground for waging power struggles within governing parties. Greeks are particularly cynical about this, and chapter seven details specific instances where policy stakeholders interviewed during the course of this research believe this to be the case. Attempts at administrative reform that could potentially alter the pattern established by the combination of patronage running through the public administration and personalist politics at a governmental level have also been manipulated for political reasons. One Greek analyst describes a process of repeated attempts at administrative reform that while ostensibly aim to curb clientelism in the Greek bureaucracy, usually serve to reinforce party patronage given that the reforms themselves have been initiated and controlled by either PASOK or New Democracy.\(^\text{144}\)

One the positive side, there are a few identifiable changes relevant to the policy areas under consideration here that deserve mention. In particular, migrant rights organizations have long been interested in establishing genuine consultation processes with successive governments. While still now at a tentative stage, state representatives agreed to enter dialogue with such organizations in 2005. Some of the impetus for this change has come from the interest that the Greek Ombudsman’s Office has had in the

immigration issue. This Office was established in the late 1990s in order to provide checks on other government agencies on behalf of the public, and has proved capable of retaining an independence not generally found in Greek public administration. It has more recently broadened its functions to include greater responsibilities for ensuring equality in the state’s treatment of citizens. Whether the consultation process has any real impact on national-level immigration and migrant integration policy, however, remains to be seen.

Conclusions

One of the problems associated with comparing Ireland to Portugal and Greece is that it is all too easy to arrive at a conclusion, whether intentionally or not, that pits Irish “superiority” as an English-speaking and more politically developed nation against the “backwardness” of the two Southern European cases. The above discussion has shown that the picture is much more complicated that that. Although Ireland has been advantaged when it comes to the construction of consultative and incorporative policy-making institutions by its more stable political system and inheritance of a British-style parliamentary democracy, there has been a significant change within the Irish policy-making policy process over the past two decades due to failures of the pre-existing system as much as the result of pressures for wider conclusion. Gradually, the system has been opened so that an increased number of interest groups have been able to

influence policy at a peak level of interest group aggregation, allowing the state, at the same time, to exercise its powers of incorporation and thus retain control over the nature and scope of policy bargaining.

Until the early 1970s, Portugal was governed by an authoritarian regime that used both inclusionary and exclusionary tactics in order to stay in power. The legacy of this for policy-making following democratization was that where processes and institutions to bridge the gap between state and society exist, they tend to more incorporative than consultative and, furthermore, are segmented in fashion, aggregating interests at a very low level of the policy-making system. Greece, on the other hand, has had a long tradition of elite-driven politics and policy-making based on the personal interests of individual government actors that was neither swept away by the short-lived military authoritarian regime that ruled between 1968 and 1974, nor by the somewhat incomplete process of redemocratization that followed. The implications for the content of policy decisions differs between the two Southern European cases as a result: Greece has failed to Europeanize any of the three policy areas analyzed here, while the embracement of Europeanized policy goals and values in Portugal is more in evidence, even if uncertain and incomplete. The full impact of the three distinctive national policy-making traditions on immigration, higher education policies and on policies for the reconciliation of family and working life are analyzed in the following three chapters.
CHAPTER 5:
IRELAND

The previous chapter pointed out that Irish policy outcomes have been substantially Europeanized in part because of the development of two distinct layers of consultative and incorporative policy-making processes and institutions in this case. On one hand, contemporary Irish policy-making has been shaped by the prior existence of a consultative tradition that operated at the peak level, was formal in nature, and included non-state policy experts, even if these types of bodies were usually short-term or one-off in nature. On the other, new forms of policy-making emerged in the late 1980s on the foundations of this older tradition but also in response to a long-term economic crisis that had the potential to spill over into a general social and political one. These new processes and institutions are also peak-level in nature, but have in some cases provided for the aggregation of and mediation between a much broader set of interests than in the past and, most importantly, are on-going in nature. That has assisted Ireland in Europeanizing its responses to a range of policy challenges.

This chapter looks at the relationship between the development of consultative and incorporative policy-making and the evolution of policy responses to higher education, immigration policies and policies for the reconciliation of family and working life. The comparative discussion of the three policy arenas that follows shows how contemporary policy-making draws on both older and news forms of public consultation
and interest group incorporation, and that there is some variation between policy areas in this respect. Consultation between the state and key interest groups in the field of higher or third-level education policy draws most fully on the older consensus-building tradition. Policies for the reconciliation of working and family life, by contrast, have most clearly benefited from some of the newer forms of policy consultation and interest group incorporation, especially the social partnership experiment discussed as one special type of policy process in the previous two chapters. Tracing the course of immigration policy is complicated by the fact that immigration is such a new policy problem for Ireland. Due to the very recent appearance of immigration on the political agenda at all, it is only since around 2000 that consultative processes have begun to undermine a very traditional and outdated policy framework in this area.

This chapter expands this argument and shows its impact on actual government decision-making by tracing policy development in each of the three policy areas across time and through the individual specific institutions responsible for developing policy in each case. Before that, however, a brief moment is taken to set the three main policy areas of interest here in a broader context by outlining the general labor market challenges the country has faced in recent times.

**Labor market challenges in Ireland**

For most of its history as an independent state, the Republic of Ireland suffered from underdevelopment, dependency, and a failure to industrialize, despite efforts to the contrary. The problem of a lack of employment opportunities beyond what was offered
in the comparatively inefficient agricultural sector and nascent local industries was traditionally offset by mass emigration, a fact that will be returned to below and was also the case in both Portugal and Greece. The population continuously declined until around 1960, despite a comparatively high birthrate and efforts at industrialization under the first Fianna Fáil government.\footnote{The connection between unemployment and emigration is spelled out in a number of sources related to immigration cited below, as well as Paul Tansey, \textit{Ireland at Work: Economic Growth and the Labour Market, 1987-1997}. Dublin: Oak Tree Press, 1998: 51-52.} During the 1970s through the mid-1980s, however, the country began a plunge into what seemed to be a permanent economic crisis. The greatest labor market challenge during this era was how to combat the severe and long-term fact of unemployment that had set in since the early 1970s, and its related impact on poverty levels in the country. At the point when government-initiated crisis talks were held between the state and its “social partners” in 1987, the unemployment rate stood at just under twenty percent.\footnote{Reported data varies, but the OECD put the official rate at 19.6 percent in 1987. \textit{OECD, Economic Surveys: Ireland}. Paris: Organisation for Economic Co-operation and Development, 1987/88: 32.} Of course, official unemployment rates do not report the percentage of the potential workforce that chooses not to engage in paid work and therefore the overall number of economically inactive adults. Importantly in Ireland, a comparatively small percentage of women and married women in particular traditionally took up paid work outside the home up until the 1990s. This has particular relevance for the discussion of policies for reconciling family and work life that follows.
# TABLE 5.1

**IRISH LABOR MARKET INDICATORS 1995-1995**

<table>
<thead>
<tr>
<th>Year</th>
<th>Employment rate (percentage of population aged 15-64)</th>
<th>Unemployment rate</th>
<th>Total workforce with at least upper-level secondary school education</th>
<th>Part-time employment as percentage of total workforce</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Total</td>
<td>Aged under 25</td>
</tr>
<tr>
<td>1995</td>
<td>67.1</td>
<td>41.6</td>
<td>12.3</td>
<td>19.5</td>
</tr>
<tr>
<td>1996</td>
<td>67.5</td>
<td>43.2</td>
<td>11.7</td>
<td>18.2</td>
</tr>
<tr>
<td>1997</td>
<td>69.1</td>
<td>45.9</td>
<td>9.9</td>
<td>15.4</td>
</tr>
<tr>
<td>1998</td>
<td>72.1</td>
<td>49.0</td>
<td>7.5</td>
<td>11.3</td>
</tr>
<tr>
<td>1999</td>
<td>74.5</td>
<td>52.0</td>
<td>5.7</td>
<td>8.6</td>
</tr>
<tr>
<td>2000</td>
<td>76.3</td>
<td>53.9</td>
<td>4.2</td>
<td>6.8</td>
</tr>
<tr>
<td>2001</td>
<td>76.6</td>
<td>54.9</td>
<td>4.0</td>
<td>7.3</td>
</tr>
<tr>
<td>2002</td>
<td>75.4</td>
<td>55.4</td>
<td>4.5</td>
<td>8.5</td>
</tr>
<tr>
<td>2003</td>
<td>75.2</td>
<td>44.7</td>
<td>4.7</td>
<td>9.1</td>
</tr>
<tr>
<td>2004</td>
<td>75.9</td>
<td>56.5</td>
<td>4.5</td>
<td>8.9</td>
</tr>
<tr>
<td>2005</td>
<td>76.9</td>
<td>58.3</td>
<td>4.3</td>
<td>8.6</td>
</tr>
</tbody>
</table>

**SOURCE:** Eurostat 2006.

The “miracle” economic recovery after 1987 was accompanied by massive employment growth, even if it took several years for this to make a serious impact on unemployment rates. By 1995, the unemployment rate was reduced to 12.2 percent, above desired levels but reduced over the past decade.\(^{148}\) A decade after that, Ireland had achieved one of the lowest unemployment rates in the world, remaining stable at around 4.5 percent between 2000 and 2005. The benefits of economic growth, however, are best reflected in data related to employment creation, especially since new groups that had

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previously not been counted as “unemployed” were now entering the workforce for the first time. Employment growth was especially strong in the new, foreign investment-led industries of computer technology and pharmaceuticals, as well as in the service sector, and the greatest boom years were to be found in the mid-1990s. Between 1989 and 1997, employment grew by 23 percent overall, 32.4 percent in the service sector, 25.7 percent in industry, and fell by 17.3 percent in the farming sector. Although the fast pace of economic growth led to increased wage dispersion and a widening income gap, absolute poverty levels were actually reduced.

Irish analysts have tried to present the economic recovery as less of a “miracle” and a result of luck, than as the consequence of a number of long-term policies and decisions finally paying off. Among these is the decision to pursue an outward-looking, investment-oriented strategy as early as 1958, focusing on tax breaks for overseas companies in particular. From the late 1980s the number of especially North American owned foreign companies taking advantage of these policies, as well as of Ireland’s relatively young and well educated but comparatively cheap labor force, certainly increased. The role of Ireland’s technically-inclined higher education strategy in all of this is detailed below. Other factors clearly include the support received from the EU in terms of the Structural Funds and its associated cohesion policies, and the


pursuit of a mixed economic policy that combined orthodox stabilization measures with expanded state planning in the field of industry policy and active labor market programs. How much the recovery, especially in its early years, can be traced to “fiscal contraction” is something of a debate in the literature. The adoption of centralized wage bargaining, helping to control inflation, is also believed to have assisted in the recovery, the broader implications of which for policy-making patterns in Ireland are traced through this chapter.

Ireland is thus a much more modernized and arguably happier place than it was twenty years ago, notwithstanding some of the dislocations caused by rapid growth. It should be noted that employment growth included a large percentage of jobs that were part-time in nature, something that contrasts sharply with the Southern European cases and is significant for policies for work-life balance, but also raising questions about job security, job quality, and underemployment. Also, in direct contrast with its long history of outward migration, Ireland is now experiencing labor shortages in some sectors of the economy and a related immigration wave, especially from the newest members of the EU. Other dislocating consequences of growth include rises in the cost of living, driven especially by housing costs, and infrastructural inadequacies, especially in roading and public transport. At a policy-making level, the greatest concern is how to continue the expansion of knowledge-based employment opportunities based on indigenous capital and continued improvements in labor productivity rather than direct overseas investment,

since Ireland now faces much competition in this area from regions of the world in which labor in much cheaper. That concern was particularly prevalent in 2001-02, although the threat of recession and end to job growth that was predicted during this period did not in fact eventuate. This is the recent history that provides the backdrop to the three specific labor market policy challenges discussed for the remainder of this chapter.

Reconciling family and working life

The reconciliation of family and working life as an arena of self-conscious, coordinated state activity and as a topic of national political debate has emerged in Ireland since around 1990. Prior to this, reconciliation issues were framed in terms of women’s rights to engage in and be treated equally in paid work. Frequently these rights were pitted against public policies that reflected a traditional belief that women should not be “forced” to work outside the home. A reorientation of the debate so that it more closely reflects the one currently taking place elsewhere in Western Europe has been facilitated in part by the changing nature of the Irish economy itself. New opportunities opened up by post-1987 employment growth combined with increases in the cost of living that have accompanied the economic recovery have encouraged an increasing proportion of Irish women, especially married women, into paid employment. Yet just because objective circumstances change does not mean governments will necessarily respond in a way that better facilitates work-life balance. If the state fails to address the

153 A good survey of all of these concerns is provided by Peter Clinch, Frank Convery and Brendan Walsh, *After the Celtic Tiger: Challenges Ahead*. Dublin: The O’Brien Press, 2002.
issue, the longer-term consequence of this are likely to be fertility decline as well as increased social and family tensions. Irish policy-makers have become increasingly aware of this fact.

While changing economic circumstances may have helped highlight the problem of work-life balance, actual reconciliation policies have largely been introduced through consultative institutions that have gradually incorporated the concerns of trade unions, organized business and a little less so, women’s lobby groups, into the policy framework. Two specific policy-making processes responsible for introducing concrete changes after 1990 were a short-term Commission on the Family, and the broader social partnership process built around the tri-partite wage agreements negotiated continuously since 1987. Because the agreements made through the partnership process have been binding, formal, have involved labor and business, and have provided accompanying feedback loops for evaluation of the policy implementation process, they have delivered most in the way of concrete policy shifts.

_The policy problem: Female workforce participation in an era of labor shortages_

The problem of developing policies for work-life balance in Ireland since around 1990 has consisted of how to cope with the legacies of a family policy, labor law, and social welfare framework that actively discouraged women from participating in paid work in an era when female workforce participation has become vital to economic growth. Historically, Ireland has represented a classic case of a conservative family policy regime in which a consistently high birth rate was maintained at the expense of
female labor force participation. This sets Ireland apart from Portugal, which has experienced a declining birth rate but relatively high female workforce participation, as well as Greece, which has especially low rates of both. Irish women had an average of 4.03 children in 1965 compared to an EU-15 average of 2.72. This fell to an Irish average of 2.47 compared to an EU average of 1.60 in 1985, while female workforce participation rates did not begin to “catch up” to the European average until the 1990s.\textsuperscript{154} The historically low rate of female workforce participation was not only reinforced by the absence of state policy to help achieve a balance between family and working life, as in the case of other “minimalist and familialist” welfare policies, but in this case actual deliberate efforts to ensure women chose family over work.

Such measures included constitutional commitments to encourage women to stay at home as well as specific labor law provisions. The Irish Constitution shares with the Greek, Italian and Portuguese ones a particularly strong and explicit commitment to supporting specific forms of family life, while the actual family policies of individual governments have remained not only implicit, but also minimalist in terms of real support given.\textsuperscript{155} While historically low levels of state support in terms of services as well as cash benefits have been linked to Ireland’s adoption of a \textit{laissez-faire} economic and social development strategy that shied away from interference in the “private” sphere, the basic framework determining the context of family policy is better characterized as

\textsuperscript{154} Eurostat 2003.

\textsuperscript{155} Linda Hantrais and Marie-Thérèse Letablier, \textit{Families and Family Policies in Europe}. London and New York: Longman, 1996: 27. In Spain, which otherwise shares many features of the “Southern European” model of social policy, there has been a resistance to making such constitutional commitments since explicit state “intervention” and molding of family life is so closely associated with the Francoist regime.
conservative rather than liberal. What did exist in terms of active family was a collection of social welfare benefits aimed at poverty relief while the apparent policy of non-intervention in the private sphere was justified and reinforced by the strong relationship between the Catholic Church and the state in terms of shaping family policy and social welfare policy in general. Granted both a privileged position in the Constitution and informal access to policy-makers from the 1930s, the Church doctrine of subsidiarity meant that state “interference” in family life was discouraged. Most infamously, the government’s proposed Mother and Child Scheme, designed to provide free health care, was defeated by the Church in the late 1940s on these grounds.\(^{156}\)

Despite this “non-interference” stance, the Irish state has actually always intervened in family life by prescribing what a family should look like. The basis of “non-interference” lies in the Constitution’s commitment to preserving the family as “the natural primary and fundamental unit group of Society” which possesses “inalienable and imprescriptible rights, antecedent and superior to all positive law.” Yet two, eventually more controversial, clauses specify how families should organize themselves by emphasizing the role of women as mothers (with no corresponding emphasis on the role of fathers). The State not only “recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved”, but also that the State shall “endeavour to ensure that mothers shall not be obliged to engage in labour

to the neglect of their duties in the home”. Others have discussed how these constitutional provisions evolved not only out of the social conservatism of the first Fianna Fáil (de Valera) government, but how this in turn stemmed from the connection between a gendered and Catholicized form of republicanism that provided the ideological glue for the new Irish Free State. The Constitution has thus helped to underpin a general and quite distinctively Irish belief that (married) women should not be “forced” to work outside the home, and for much of the twentieth century a number of legislative measures remained in place that actively discouraged women from doing just this.

Chief among these was a marriage bar in the public service, predating the Constitution, which required that women working in the public sector must resign after marriage. In addition, the 1935 Conditions of Employment Act allowed women to be excluded from occupations considered “unsuitable”, even if it was not specific about what these jobs exactly were. Bans on night work for women and any job that required lifting a weight over 16 kilos excluded women from the clothing sector, for example. In addition, the tax code, based on joint taxation, acted as a strong disincentive toward engaging in paid work on the part of married women. While the principle of joint taxation was legally challenged in the late 1970s, with the Irish

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Supreme Court ruling against compulsory family-based taxation and after which an alternative form of income-splitting for tax purposes was introduced, conflict over whether full tax individualization would “force” women into the workforce and undermine the Constitution remains right up until today.  

This male breadwinner model might have worked in a closed economy that relied heavily on agriculture (keeping in mind the amount of unpaid female labor the family-farm based sector usually relies upon), and where manufacturing jobs were few and reserved largely for men. But if Ireland was to diversify and modernize its economy and converge toward European living standards by focusing on high-tech, increasingly higher wage, and knowledge-based niche industries, the national attitude toward female workforce participation would also have to change. Over time, it did. The rate of female workforce participation increased sharply during the 1990s, from a rate of 35.9 in 1991 to 54.1 in 2000. There is widespread recognition that women not only benefited from economic growth, but also contributed to it, acting as a very important “reserve army of labor” for investors in the new economic sectors.  

The changing circumstances families found themselves in as a result of this shift helped to increase the amount of public attention and political debate over the tension between family and working life, solutions to which had to be created from scratch in many cases given the pre-existing state policy of “non-intervention” in family life. Specific policy responses to the  

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161 See for example Liam Reid, “Study finds fears unfounded over tax individualisation”, The Irish Times. 6 October 2003.  

problem, however, had to be forged through deliberate efforts on the part of the state as well as specific interest groups. These are discussed in the following section.

The current debate over reconciling family and working life in Ireland has further intensified since 2000, with the new pressures brought by rapid economic growth often meaning that families require two income-earners in order to survive, especially in the greater Dublin area where much of the growth has been centered. In particular, 2004-05 saw a series of by-elections in the commuter belt areas surrounding Dublin, during which the issue of childcare suddenly became an important and explosive political issue, despite work previously been done to meet increased demand. Overall however, the debate has moved away from women’s right to work versus the dangers associated with “forcing” mothers into paid work, toward how to reconcile parental responsibilities and employment in a new environment where “choice” to work is limited less by discriminatory state practices than by economic necessity. Economic growth had been accompanied by rises in the cost of living, providing a new kind of motivation for women to join the paid workforce.

Due to belated state action in areas such as the provision of childcare or even equal treatment for women with respect to employment, the Irish state still lags behind its Northern European neighbors, especially the Scandinavian countries which have provided so much more state support for individuals and families attempting to reconcile family and working life over a much longer period of time. However, what remains important is not only that the family policy debate been increasingly reoriented around “Europeanized” norms and values, but that is has been followed through by increases in
funding levels and other forms of concrete policy action as a response to societal demands.

*The role of consultation and incorporation in shaping policy responses*

Since the conceptualization of measures aimed at the reconciliation of family and working life as a distinct and important arena of state activity is relatively new in Ireland, consultative and incorporative policy-making processes and institutions can be most clearly identified after 1990. Prior to that, however, issues broadly related to this policy area were the subject of a number of peak-level albeit one-off exercises in interest group consultation and incorporation. The most important of these was the (First) Commission on the Status of Women, formed in 1970 and with representatives from state agencies and women’s interest groups. The implementation of the Commission’s 1973 recommendations included a number of changes to existing labor legislation and which are discussed in the following section.

The Commission also gave rise to the formation of a national non-governmental umbrella organization, originally known as the Council for the Status of Women since its initial explicit aim was to monitor the implementation of the Commission’s recommendations. Over time, this group, currently named the National Women’s Council of Ireland (NWCI), has expanded its functions and has over 150 institutional members. Along with organized labor and business, it consistently gains representation on a wide range of government bodies, including as a formal signatory to the social
partnership agreements along with other groups included in the community and voluntary “pillar” from 1997.

During the 1990s, two key institutions for translating the long-term concerns of women’s groups and the labor movement about the lack of support in Ireland for working families into concrete policy proposals for resolving tensions between work and family life were a Commission on the Family and the social partnership process. While the latter process was more successful over the medium term in directing resources toward specific policies, the Family Commission did help reorient the debate and, at the very least, create the climate for an increasingly explicit national family policy framework. The role and functions of these two bodies with respect to the development of policies for work-life balance are worth discussing in detail before moving on to the analysis of the actual policy shifts they were able to facilitate.

The Commission on the Family was established on a temporary basis in 1995 by Pronisias De Rossa, Minister of Social Welfare under the “Rainbow Coalition” government of 1994-1997. It produced an interim report in 1996 and a final report in 1998, with the latter report being published one year later than intended and after a change in government. De Rossa is a well-known figure on the Irish political left, and as such, brought to the Social Welfare position a strong inclination toward wealth redistribution, particularly a concern to help out the poorest and most marginalized members of Irish society. However, the work of the Commission was also strongly influenced by the recent adoption of Ireland’s first divorce law, and the body was charged with investigating ways to keep families together given a public concern that the new legislation would deepen processes of family breakdown. Its mixed and broad goals were
thus both radical and conservative in the Irish political environment, and the uneasiness involved in balancing these tendencies was quickly revealed in an early reluctance and difficulty in even defining the notion of “the family.” At a basic level, the Commission had to retain “due regard to the provisions on the family in the Constitution intended to support the family unit”, which is clearly built around the nuclear family model even if the Commission does not explicitly state this, while also dealing with the more flexible definition of the family “outlined by the United Nations.” Thus, the Commission had a broad, complex, and perhaps therefore unenviable task.

Among its chief recommendations with relevance for the policy problem at issue here was the establishment of a Family Affairs Units to oversee overall family policy development within the Department of Social Welfare, which by 1998 had become the Department of Social, Community, and Family Affairs. This new policy unit would be responsible for co-ordination between government departments, further implement specific policy recommendations, and provide a “forum for raising awareness about the new and emerging needs of families into the new century.” Much of the Commission’s final report also deals with the funding and strengthening of family support agencies, mostly private organizations under contract with central and local government. Extra funding in this area was provided in the government’s 1998 budget, in response to a 1997 submission on the part of the Commission. With respect to the


issue of the reconciliation of family and working life, many of the Commission’s recommendations touch on this theme, even if they are not primarily framed in these terms. The impact of the group’s work on some specific policy initiatives in the field will be returned to below.

During the course of this research, several former members of the Commission lamented the limited impact on actual policy development that they believed they were able to make. Although some of these research participants have underestimated the importance of the Commission’s work, it is clear that some of the body’s recommendations failed to be put into practice. Research participants generally laid out two possible reasons for its perceived failings. First, the change of government preceding the publication of the Commission’s final report, and the incoming Fianna Fáil administration’s more “pragmatic” approach to policy-making broke away from the more visionary pretensions of the Rainbow Coalition. Related to this was a lack of political will when suggested programs were costed and judged to be too expensive. A second reason offered was bureaucratic disinterest and the fact that despite the formation of the Family Affairs Unit within it, the Department of Social, Community and Family Affairs, formerly the Department of Social Welfare, has never had a strong policy-making function. It has also been pointed out in an academic article by one of the Commission’s members, that commissions of enquiry only tend to make a discernible policy impact

165 Mary Daly and Sara Clavero place a considerable amount of weight on it in Contemporary Family Policy: A Comparative Review of Ireland, France, Germany, Sweden and the UK. Dublin: Institute of Public Administration/Department of Social and Family Affairs, 2002.

166 Interviews with community representatives on the Commission on the Family from the family counseling and charitable sector conducted in Dublin 26th April 2005 and 5th May 2005 made essentially the same point.
when their goals are tightly defined. The Family Commission had a broad set of objectives, and thus many of its recommendations were too vague to make any significant impact.\textsuperscript{167}

More fundamentally, however, the mixed fortunes of the Family Commission illustrate the problems associated with short-term or one-off consultation processes analyzed more comprehensively in chapter three, in contrast to mechanisms that are more institutionalized or at the very least, on-going. Another reason why the work of the Commission delivered fewer concrete policy results in the field of work-life balance in comparison to the social partnership agreements is found in the membership of the two different bodies. What is notable about the membership of the Commission, in contrast to the social partnership agreements, is that its membership included no representatives from either organized labor or business. This illustrates how family policy in this case was not primarily perceived as an economic issue, if at all. Out of the fourteen members, in addition to the secretariat provided by the Department of Social Welfare, there were four public servants, one economic and social policy researcher, three medical and social work professionals, two representatives from the counseling and family law sector, two charity workers, one local politician, and the former chair of the Irish Countrywomen’s Association. It is clear from this that there was a broad scope of expertise involved, but also a bias toward psychiatry, counseling, family law, and action toward combating poverty. This bias was not unreasonable since the terms of reference were directed

toward service provision aimed at “strengthening” families, but it did mean that other issues, important across Irish society, became a little side-lined.

More crucially than anything else however, policies for work-life balance, as distinct from family policy in general, require the acquiescence if not consent of organized labor, but most of all, employers. One problem in the Portuguese case, the discussion of which follows in the next chapter, is that no matter how many rights the state in theory guarantees, the take-up of parental leave rights or other workplace-related measures relies on the cooperation of employers. That has been dealt with in Ireland through the partnership agreements in which the negotiation process has ensured that the main business and employers’ confederation in particular, the Irish Business and Employer’s Confederation (IBEC), is accepting of overall policy development in the field. With respect to women’s organizations, the NWCI has been a party to the partnership negotiations since 1997 as part of the “fourth” or community sector pillar of the partnership process. Because this fourth pillar, to include representatives from the Catholic Church, has become wedded to an anti-poverty agenda, measures such as raising benefit rates have provided the main source of focus for these groups.

As discussed in the previous chapter, the social partnership agreements negotiated in Ireland since 1987 have become consistently broader in scope. A summary of policy developments made within the context of social partnership related to policies for work-life balance is given in table 5.2 and some of these are discussed in more detail below. For the social partners, each major commitment made in the initial formal agreements entails sending a representative to sit on a committee or working party that must review and monitor that initiative. The process of negotiating, agreeing on, and monitoring
policy is time-consuming, laborious, and on-going. This, however, is also one of its strengths. Because the same actors remain part of a continuous set of processes, a problem-solving approach can be adopted over a long period of time, without the wheel needing to be reinvented every time an agreement is negotiated. By contrast, commissions and other such one-off, short-term institutions, tend to start from scratch.

This point is emphasized not so much as to critique the Commission on the Family, but in order to highlight what makes the social partnership agreements work. In fact, many of the following developments were signaled, overlapped with, or gave effect to the work of the Commission.

**TABLE 5.2**

EXPANSION OF POLICIES FOR WORK-LIFE BALANCE UNDER THE SOCIAL PARTNERSHIP AGREEMENTS, 1988-2005

<table>
<thead>
<tr>
<th>Name and duration of agreement</th>
<th>Areas covered in agreement with implications for reconciliation policies</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Programme for Economic and Social Progress 1991-1993</em></td>
<td>Child Care Bill has already been introduced. Mentions work of the Second Commission on the Status of Women. Amendments to legislation covering part-time work signaled. Childcare—government commits to providing more facilities in the public sector and will carry out research into a variety of additional pilot schemes.</td>
</tr>
<tr>
<td>Name and duration of agreement</td>
<td>Areas covered in agreement with implications for reconciliation policies</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Partnership 2000 1997-1999</strong></td>
<td>Support for families acknowledged as major policy area for work and work of Families Commission noted. Integration of existing separate family and child benefit schemes proposed. New employment equality and equal status legislation is proposed. Continued implementation and monitoring of implementation of Second Commission on the Status of Women recommendations. Action on childcare to include research on employment potential of childcare sector; expansion of pilot programs to all geographical areas; first consideration of affordability issues. EU Directive on Parental Leave to be implemented.</td>
</tr>
<tr>
<td><strong>Programme for Prosperity and Fairness 2000-2002</strong></td>
<td>Commitment to increase childcare provision in both private and community sectors to be funded under 2000-06 National Development Plan; increase use of school facilities for after-school care; New framework for equality in the workplace stemming from implementation of new Employment Equality Act 1998. National Framework for Family-Friendly policies announced and functions of National Framework Committee are detailed. A number of measures to increase workforce participation, especially women workers. Social Partnership-based review of maternity legislation to begin—establishment of new working group. Review of parental leave legislation to be conducted. Acknowledgement of work of new Family Affairs Unit.</td>
</tr>
<tr>
<td><strong>Sustaining Progress 2003-05</strong></td>
<td>Childcare initiatives include the identification of local needs by County Childcare Committees; existing National Childcare Strategy to be further developed in order to address needs of low income-earners; greater incentives for provision of workplace-based childcare. Implementation of outstanding recommendations from Maternity Protection Review Group. Implementation of adoptive leave protection legislation. Strengthening of Parental Leave Scheme in line with recommendations of review group. Continuation of Work-Life Balance Committee.</td>
</tr>
</tbody>
</table>
Overall, it can be argued, while economic change itself may have helped push the issue of work-life balance more centrally onto the Irish political agenda, consultative and incorporative policy-making has been required to fill into policy detail on one hand and gain the support of key interest groups on the other. The latter function is filled especially well by the social partnership process due to the fact that once policy action in this field moves outside the sphere of social policy directly into the workplace, the cooperation of both labor unions and employers’ organizations become particularly important. This is not to say either that non-economic groups have been unimportant. Input from childcare associations, the early childhood education sector, charities, and family counseling agencies in particular on policy detail has been incorporated through more traditional forms of policy consultation. The Commission on the Family was one comprehensive attempt to aggregate and filter public opinion, but other short-term bodies designed to investigate specific issues such as childcare or parental leave have also made up of the thick layer of policy consultation that has surrounded the evolution of policies for work-life balance over the past decade and a half.

The impact of this increasingly dense layer of consultative and incorporative policy-making processes and institutions on the reorientation of Irish policies for work-life balance toward Europeanized goals and values can be measured in the gradual policy shift that has taken place, especially after 1990. The contours of this policy evolution are now given in order to outline the impact of consultative and incorporative policy-making in more detail.
As highlighted above, until the early 1970s family policy in Ireland was largely implicit and made up of a series of measures aimed at poverty relief or child protection. The state stepped in occasionally when families and Church-based charity failed. One of the first steps, following patterns of state intervention in many other OECD countries, was the introduction of a child allowance in 1944. This was almost the first non means-tested or contributory payment in the country’s history, but until 1974 was subject to taxation. General family benefits were also limited in the sense that they were at first targeted to families with three or more children, extended to those with two or more children in 1952, and then to all families with children in 1963. Higher rates were awarded to families with five or more children, handicapped family members, and multiple births. From the 1950s, additional child dependent allowances were also paid to families on welfare benefits under most benefit schemes. A third form of family subsidy was the child tax allowance, which co-existed with these other arrangements but varied in generosity over time. Changes to this basic child allowance system were increasingly oriented toward poverty relief rather than universal coverage with the introduction of a Family Income Supplement (FIS) in 1984, and as a mechanism for

encouraging especially single parents into paid work in the 1990s. This shift is returned to below.

Limited welfare state expansion was also reflected in the introduction of the first state maternity benefit in 1911, consisting of a one-off payment based on either a husband or wife’s insurance record and covering about forty percent of all births during the 1930s and 1940s. A separate means-tested grant was then added in 1953, aimed at those not already covered by social insurance. From 1952, a maternity allowance, different from a one-off benefit but also based on insurance contributions, paid new mothers six weeks before and six weeks after childbirth at a flat rate equal to the unemployment benefit paid to men and unmarried women at the time.172 The issue of maternity leave was not addressed until much later, since a long-held assumption was that women cease working after childbirth, if not after marriage. This was also the case with respect to childcare and most other aspects of family policy related to labor market participation, and the minimalist approach was not seriously challenged until the entry of Ireland in the EEC in the early 1970s.

Joining in on European integration created an opportunity for Irish lobby groups, particularly trade unions, women’s organizations, and academics, to mobilize around issues of equal pay and gender equality in the workplace. In the case of some specific policy measures, the Irish state did not have a choice about whether to respond to these demands: legal protection for equal pay was in fact a condition of Ireland’s entry into the EEC, leading to a series of negotiations between the Irish government and European-

level institutions as early as 1961. However, concrete legislative changes did not occur until a decade later, when increased internal pressure especially on the part of women’s lobby groups and the union movement coincided with the need to conform to the rules of European membership. In that sense, regional integration did help open up a political opportunity for pressure groups working in the field, and provided an additional reason for policy-makers to become interested in the issue.

The 1970-73 Commission on the Status of Women played a major part in shaping these outcomes. This body’s recommendations were understandably framed very much in terms of women’s rights and equal opportunities, given the active discouragement on the part of state with respect to female workforce participation and the disjuncture between European and Irish policy at this time. The Commission recommended the introduction of a number of provisions aimed at removing active gender discrimination, including the belated removal of the public service marriage bar. European directives on equal pay were finally put into effect with the enactment of the Anti-Discrimination (Pay) Act in 1975, followed by the 1977 Employment Equality Act 1977 and the establishment of the Employment Equality Authority (EEA) as a statutory body in the same year. The EEA was further responsible for stimulating policy debate around these issues, and arguing that broader issues of gender equality in Irish society be addressed. In this respect, integration entailed a commitment to putting some of this legislation in place, but

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internal mobilization made sure that state action was not simply limited to the implementation of formal EU directives.

A number of other changes in the field of the reconciliation of work and family life, even if they were not perceived primarily in these terms, followed as a result of the Commission on the Status of Women’s work and recommendations. In addition to the child benefit schemes already in existence, a Family Income Supplement (FIS) was introduced in 1984, aimed at supporting low-income families where the parents were in paid work. As in previous decades, maternity legislation provided another focus of state activity, but rights were somewhat extended from before. The Commission had recommended a minimum entitlement of twelve weeks guaranteed maternity leave, which eventually resulted in the 1981 Maternity (Protection of Employment) Act which gave fourteen weeks protection with an option of an additional four weeks. This was later repealed and reenacted by the Maternity Protection Act 1994, which had the same provisions but also implemented the European Union Directive 92/85 1992 on protection for pregnant, recently given birth, or breastfeeding workers.\(^{175}\) The social insurance-based maternity grant was abolished in 1983, by which point it was worth very little in terms of cash value, and the existing pay related scheme was also reduced to 70 percent of earnings in the following year and eventually abolished in 1988. By 1987, the contributory conditions for the general maternity allowance were increased, so covering

fewer workers. The general reduction in cash benefits paid by the state reflects the
dire financial circumstances Ireland found itself in during the mid- to late-1980s.

However, beyond these adjustments and notwithstanding these very important
equality-related changes implemented in the field of labor relations, issues of family law
and women’s rights outside the scope of the arena of work-life reconciliation took up
most of the family policy agenda for the first two decades following Ireland’s accession
to the EU. Framed very much in terms of “women’s issues”, debate over family law and
family policy centered around the legalization of contraception, a protracted battle,
abortion, which remains illegal, and divorce, which was eventually legalized by a 1995
constitutional referendum. Issues such as parental leave, paid or not, flexi-time, and the
lack of childcare facilities made minimal impact in the political arena. It was not until
the mid-1990s, following initiatives in EU policy such as the Working Time and Parental
Leave directives, and a sudden realization that women had largely fuelled as well as
benefited from employment growth during the post-1987 boom period, that reconciliation
policies seriously began to make their way onto the policy agenda.

The continuation of the state’s minimalist and non-interventionist approach with
respect to policies aimed directly at reconciling family and working life is reflected in the
publications of the European Observatory on Family Policies, which began in 1990 and is
an important source for comparing reconciliation policies in member states until about
1995. The Observatory noted the domination of Church-state conflict especially in
relation to contraception, abortion, divorce and, increasingly in the late 1980s and early

1990s and connected to the uncovering of child abuse within state and Church-run facilities.\textsuperscript{177} Otherwise, the Observatory tends to report little or no debate around issues such as paid parental leave or the possibilities of reconciling work and family life through adjustments to the tax and benefit system. Childcare facilities, or rather the lack of them, were a minor exception during this period, with a Working Group on Childcare Facilities for Working Parents formed during the early 1980s with a view to increasing supply.

Any serious intensification of efforts to introduce new measures aimed at reconciling work and family life occurred after 1990, even if the minimalist expansion of family policy until this date placed extra limitations on the kind of policies that could immediately be pursued, and especially after reconciliation topics began to be addressed by consultative and incorporative policy-making bodies after 1995. Some of the most important changes during this decade centered on the effects of the tax and benefit system, including the child benefit structure, in order to both reduce poverty and facilitate female workforce participation; increasing the supply of childcare; parental leave legislation; and the development of a framework to encourage the implementation of “family friendly” policies in the workplace. Each of these is detailed in turn, before the influence of consultative and incorporative policy-making on such developments is discussed.

Once the Irish economy began to recover after 1987, government attention turned most immediately to poverty relief along with the reduction of income taxes as a means

by which to share the benefits of growth. Notably, the first social partnership agreement, the *The Programme for Economic Recovery*, made a commitment to reviewing the social welfare system with a view to raising rates, especially with regard to the Family Income Supplement (FIS). By this stage, the FIS was paid to low-income families with children where the parents worked at least twenty hours per week. Through the 1990s, increased attention was given to the ways in which the social welfare and taxation systems interacted, with a view to eliminating disincentives for individuals to engage in paid work. In many countries during the benefit-slashing days of the 1980s and 1990s, “encouraging” individuals into paid work involved cutting social welfare benefits with little attention to the effect of marginal tax rates on those returning to work. In Ireland, however, the general approach was to allow individuals to both keep social welfare benefits and take up work for a certain period of time in order to ease the transition.

Continued review of the family benefit and tax subsidy structure was carried out by, among other bodies and government departments, an Expert Working Group on the Integration of the Tax and Social Welfare Systems as well as the Commission on the Family. The latter was particularly concerned, as already noted, with issues of child welfare and thus especially the role of the FIS in alleviating poverty.

During the 1990s, some adjustments to the three forms of child support already available were carried out as a result of these investigations. First, the universal, no-longer means-tested child benefit, developed since the 1940s, was increased at least eleven times between 1990 and 2001. Traditionally, special attention was paid to larger families with a higher rate paid for the fifth and subsequent children. The broadly shared definition of what constitutes a large family changed in line with contemporary
demographic patterns so that a higher rate was awarded to fourth and subsequent children from 1991 and then to the third child in a family from 1995. Second, Child Dependent Allowances, paid to social welfare recipients with children, received not as much policy attention. Rates were also raised, although not as frequently, and entitlement was extended by including children in full-time education, eventually up to the age of 22.

Third, the Family Income Supplement (FIS), paid to low-income workers was made increasingly generous through changes to the way in which is calculated. In an era of labor market shortages, policy emphasis was increasingly placed on making work pay. In 1997 a One-Parent Family Payment was introduced in order to rationalize existing several different one-parent family support payments and with a view to facilitating the take-up of paid (and especially part-time) work by single parents through higher additional earnings allowances on top of welfare payments. Although many of these changes were aimed at encouraging parents and especially mothers into paid work, and were thus perhaps driven by the new fact of labor market shortages, increasing female participation is an explicitly Europeanized policy goal, and not all countries with traditionally low levels of female workforce participation have implemented such policies, Greece being a notable example.

Turning to the issue of childcare, namely its quality, quantity, and affordability, this area has been an underlying problem in Ireland for the past two or three decades that came to the fore during the 1990s. The issue had been previously looked at in the early

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1980s by a Working Group on Childcare Facilities for Working Parents, and revisited by a Second Commission on the Status of Women and a new working party a decade later. In 1991 a new Child Care Act, the first major legislation in this area since 1908, was passed. However, the focus of the new legislative framework was on child protection and quality of care rather than addressing the chronic lack of supply and escalating costs of the mostly private care available. In fact, the 1991 Act has been blamed for making child care even more expensive, since it prescribes, among other things, a very strict caregiver-to-child ratio.

Supply and access issues began to be addressed more comprehensively after the passage of the 1991 Act. Given the surge of women entering or re-entering the workforce, and aided by EU funds aimed specifically at supporting childcare infrastructure, early policy initiatives included a commitment made under the 1991-93 Programme for Economic and Social Progress’ to open one new facility in the public sector per year, and a number of regionally-based pilot schemes to fill gaps in rural supply. Significantly, yet another working group was established under the 1997 Partnership 2000 agreement, with the report of this working group finding a “crisis” in childcare despite the attention already paid to the issue. The government’s intention of meeting the need for increased supply is reflected especially in the 2000-06 National Development Plan, which is published by the Department of Finance but negotiated with input from the “social partners” and is the chief mechanism for giving specific funding

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commitments to many of the policy initiatives agreed to in the partnership agreements. Under the plan the government dedicated 250 million Irish pounds under the EU supported Regional Operational Programmes for the provision of childcare facilities, thus still aiming primarily at supply issues.\textsuperscript{182}

The general consensus appears to be that while the number of places available has improved with government support since 1990, the new and so far neglected issue is of affordability. Organized labor and business have entered negotiations with government departments on this issue, with both groups yet undecided on the precise mechanisms through which the state might subsidize childcare. Tax concessions are one possibility, but the unions in particular are concerned that this method would benefit wealthier parents while failing to meet the needs of low-income earning families. Direct subsidies have also been debated, but it is unclear whether these should be given to parents universally or on a means-tested basis, or directly to private child care providers. At the very least, the main political benefit stemming from the discussions begun under \textit{Partnership 2000} seems to be that the issue will not be drop off the political agenda any time soon.

Similarly, developments concerning parental leave legislation have been incremental, yet at the same time have served to underline the political importance of reducing the work-family trade-off in Ireland as well as going some way toward reducing it. Until the mid-1990s there was no particular legislation governing parental leave, which was a matter of contract negotiation,\textsuperscript{183} with more generous conditions found in


the public sector. New legislation in 1998 brought Ireland into line with the EU’s 1995 Parental Leave Directive, providing for fourteen non-transferable weeks of unpaid leave for each parent, taken as a block or in parts with employer consent, until a child is five years old. A review of this legislation was agreed to under the 2000-02 *Programme for Prosperity and Fairness*. The review group comprised the social partners along with representatives from the relevant government departments and the Equality Authority, and, chaired by the Department of Justice, Equality and Law Reform, concluded its review in late 2001. While the working group could not reach consensus on a number of issues, including the introduction of paid parental leave, the problem of paternity (as opposed to both parental and maternity) leave, it did find that a majority of representatives agreed to an increase in parental leave from fourteen to eighteen weeks, greater protection for being able to take leave in forms other than one continuous block, and the possibility of raising the age of children covered by the legislation up from five years.\footnote{Government of Ireland, *Programme for Prosperity and Fairness: Report of the Working Group on the Review of the Parental Leave Act 1998*. Dublin: Stationery Office, April 2002: 9-11.}

One of the most important policy initiatives, however, in the entire field of policies for achieving work-life balance is the formation of the National Framework for the Development of Family-Friendly Policies (later referred to as the National Framework for Work-Life Balance). This was established initially under the 2000-2002 *Programme for Prosperity and Fairness* in the context of “a tightening labour market environment and the increased emphasis on human resources as a key competitive element,” and was guided by a belief that family-friendly policies “can serve a dual
purpose of contributing to the needs of business as well as meeting the needs of employees with family responsibilities.”

A commitment to establishing a National Framework Committee was made under this agreement, to be made up of representatives from the Irish Business and Employer’s Confederation (IBEC); the Irish Council of Trade Unions (ICTU); the Departments of Enterprise; Trade and Employment; Finance; Justice, Equality and Law Reform; Social Community and Family Affairs; the Taoiseach (Prime Minister’s) Department; and the semi-independent Equality Authority.

The primary objective of the National Framework Committee is to develop and monitor practical measures at the workplace level. Specific activities have included assisting in the establishment a code of practice for parental leave; the dissemination of information regarding working-time legislation; the launch of an annual Family-Friendly Workplace Day as part of a broader awareness-raising objective; and the development of guidelines establishing best-practice for jobs that are difficult to legislate around. The overall approach is thus very different from the one often adopted in Europe and elsewhere, which centers on forcing enterprises to conform to mandatory requirements. It thus aims to adopt a bottom-up and consensual rather than legislative and top-down strategy. The OECD has praised this approach for reducing compliance costs for business and generally promoting flexibility in working arrangements, and has been accepted by employer and union groups as the main vehicle through which to address such issues of work-life balance in the workplace. In the case of employers in particular,


the approach is welcomed as an alternative to mandatory legislation which “will always
be resisted” by businesses.\textsuperscript{187}

The work of the National Framework Committee has seen the issue of family-
friendly workplace policies gone from receiving no debate whatsoever, as the European
Union Observatory on Family Policies noted in 1991,\textsuperscript{188} to receiving a great deal of
public and political attention a decade later. However, some participants in the
partnership process are skeptical about the extent to which the debate has translated into
real change in the workplace. Despite the change from “Family-Friendly” to “Work-Life
Balance” in order to describe the work of the Committee, there is still a strong feeling
that this policy area is seen as a “women’s issue” and research shows that flexi-time and
job sharing arrangements are mostly taken up by female workers in the public sector.\textsuperscript{189}
The fear here, particularly on the part of female union officials, is that when work-life
balance is perceived as a women’s issue, there is a lack of interest on the part of the still
predominantly male organized workforce in order to see policy initiatives through.
Despite this, the sudden turn-around in Ireland’s economic fortunes, from a situation of
unemployment to an “era of employee choice” driven by labor shortages,\textsuperscript{190} the need for
most adults to engage in paid work due to the rising cost of living, combined with the
publicity generated by the work of the Committee for Work-Life Balance along with

\textsuperscript{187} Interview with policy officer for the Irish Business and Employers’ Confederation, Dublin, 17
June 2005.


\textsuperscript{189} Peter Humphreys, Síle Fleming and Orla O’Donnell, \textit{Balancing Work and Family Life: The
Role of Flexible Working Arrangements}. Dublin: Department of Social, Community, and Family

other government departments, has meant that these issues have made their way onto the public agenda. This is evidenced in the great deal of media attention given to issues such as childcare, and more recently, the contradiction between labor market trends and constitutional designation of women’s place in the home.

Summary

Both old and new forms of consultative and incorporative policy-making have gradually helped Europeanize responses to the challenge of developing policies for work-life balance in Ireland, especially after 1990. The older part of the Irish policy-making tradition, consisting of short-term, peak-level, formal participation of experts and stakeholders, is represented by such bodies as the two Commissions on the Status of Women, the Expert Working Group on the Integration of the Tax and Social Welfare Systems and, discussed most extensively here, the Commission on the Family. Social partnership, as the core feature of the newer aspect of the policy-making tradition, has built on this by forcing the government to commit to specific initiatives and providing a continuous framework for ongoing negotiation between stakeholders. Commitments made within the context of social partnership and the work of other older-style bodies often overlap, but taken together, they form a layer of policy-making institutions and processes capable of both genuine consultation and effective interest group incorporation.
Higher education

The literature on higher education policy in Ireland makes much of the state’s commitment to maintaining a “binary” system, by which is meant an administrative, institutional, and philosophical differentiation between technical and university education. The following discussion is guided by the observation that while this approach is not unique to Ireland, what makes policy here distinctive is that not only is it especially self-conscious, but there is also a consensus among policy-makers and stakeholders around the objectives and implementation of such an approach. Crucially for this analysis, while policy initiatives have been top-down in nature, emanating from within the Department of Education in particular, intermediary policy-making institutions and processes have played an important role in building that consensus. In contrast especially to Greece and as the following chapters will show, the Irish binary strategy is guided by concern for the needs of the economy. At the forefront of state planning since at least the late 1960s and consistently reflected in policy documents and discussions developed both inside and outside the country, many of which are reviewed below, the state’s strategy has been characterized by an acknowledgement of the importance of the technical education sector to economic development.

Although state agencies themselves play an important and independent role in the story about the evolution of Irish higher education policy that follows, consultative and incorporative institutions have been equally important in several different respects. The more traditional short-term nature of consultative and incorporative processes and
institutions in this field belies the fact that they have consistently drawn in many of the same interest groups and interest group leaders so that the relationship between state and societal interests here is more ongoing than the one-off nature of commissions and working groups involved in this policy area might suggest. The special relationship between the state and large, important, especially public institutions of higher learning is also a feature of policy development in Portugal and Greece, but the dominance of such groups is moderated in the Irish case since short-term policy-making bodies have tended to draw in a wider selection of interests at earlier stages of policy development. The overall effect is that the Irish state has been consistently better than other states at taking on board the interests and concerns of important interest groups in the sector, filling consultative functions, at the same time that a consensus has been built around higher education policy, thus carrying out incorporative functions at the same time.

The policy problem: Toward the “knowledge” economy

All three of the national case studies considered in this dissertation have faced the problem of increasing participation in higher education while better tying the development of the sector to labor market needs and concerns. Ireland began to address the issue much earlier than either Portugal or Greece, beginning heavy investment in the construction of a non-university technical sector in the early 1960s. Similar strategies in Portugal were not pursued until political circumstances allowed it from the late 1970s, while serious attempts to increase participation by expanding the non-university sector began in Greece during the 1980s. Earlier Irish successes meant that the basic problem of
increasing participation in higher education had been largely met by the time that the other two countries began to catch up to Western Europe in this respect.

More recent challenges have involved the further development of quality control mechanisms that apply across the whole higher education sector and increasing participation and equality of access to higher education, not so much in order to increase the percentage of the labor force with third-level qualifications, but to upskill certain sectors of the population. The latter entails a greater focus on life-long learning and the needs of mature students. These concerns again relate to labor market ones, specifically, shifting higher education priorities to suit the “next stage” of economic development that Ireland is expected to go through if it is to sustain the pace of growth the country has experienced over the past two decades. Whereas earlier education policies concentrated on providing a technically trained workforce that would provide an extra attraction for overseas companies considering investing in Ireland, the policy-makers presume the next stage to involve development of indigenous companies, requiring a higher level of scientific and “entrepreneurial” education.

*The role of consultative and incorporative policy-making in shaping policy responses*

As the following section discusses in much greater detail, the comparative success of Irish higher education policy is tied to an early recognition of the role that education plays in economic development and the pursuit of a consistent and self-conscious “binary” strategy that sought to put this belief into practice. Many of the individual policy decisions within this overall strategy required the cooperation of institutions,
educators and students within the higher education sector. The prevailing forms of interest group consultation and incorporation in the higher education field have been relatively traditional in nature, tending to consist of High Commissions, Steering Committees, and similar sorts of bodies designed to address very specific problems and questions. For the most part, these are short-term, formal, peak-level processes and institutions that involve relatively elite groups, principally the leadership and management of educational institutions, academics, representatives of teaching staff, and student organizations especially in more recent times. Examples of such bodies are given in table 5.3, but this list is by no means exhaustive. Other consultative mechanisms have been built into the work of the semi-autonomous Higher Education Authority, for example.

Higher education, not only in Ireland, is especially conducive to this form of elite-level consultation and incorporation. Even though wider society might benefit from higher education policy, the immediate and direct targets of policies are narrower than in the case of family policy, for example. Higher education policies in the first instance apply only to certain institutions and the groups and individuals associated with them, whereas policies for work-life balance are potentially immediately relevant to all families. Higher education policy is also, at least in Ireland but also in Portugal but as chapter seven will show, not Greece, often deemed to be a technical rather than political matter and because of this, on the whole, has been depoliticized. This means that most of society is happy to turn the making of education policy over to “the experts.”

191 The same cannot necessarily be said for primary and secondary school education in Ireland, because this has been a site of struggle over Church-state relations in a way that higher education has not.
The expertise of interest group leaders, especially those who run institutions of higher learning, is important, but so is their co-operation. Because these groups and individuals are also responsible for implementing policy decisions, building a consensus around a new policy direction is very important. On the other hand, incorporative mechanisms also work the other way, presenting a subtle threat to such groups that their interests will be ignored if they do not consent to an overall policy shift. Something of this happened between the late 1960s and mid-1980s in Ireland. Priority for investment had been given to the technical education sector during this period, much to the annoyance of some within the university sector. While the universities tried to protect their own privileged position, they were left “out in the cold” in policy-making terms. Only when they accepted the overall policy shift and in fact joined by developing scientific and technical training programs of their own did they regain priority.\textsuperscript{192}

While higher education is thus especially conducive to high-level, elite policy-making in general, to include all three of the national cases analyzed in this dissertation, there are some important differences in Ireland. First, there have been greater efforts to balance representation on committees and working groups, across different institutions and to include groups such as student organizations that have not always had the same degree or type of inclusion in other cases. Second, much more policy consultation has occurred in a formal and public manner. Reports of consultative committees and working groups are published and can be more easily observed as having been incorporated into

\footnote{Primary and secondary schools in Ireland are funded by the state but are almost exclusively run by the Catholic Church.}


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legislation. This is not the case in Portugal, for example, where it is clear that much negotiation occurs between university rectors and government, but much of this happens informally and is thus undocumented. Third, attempts were made in Ireland during the 1990s to expand public participation beyond the traditional forms identified in table 5.4 below, especially through a multi-layered consultation process surrounding the publication of government White and Green Papers on Education. Those latter developments are discussed fully below, but what is important to note is that more recent innovations in the policy process both supplemented and built on top of more traditional forms of interest group consultation and incorporation.

*The evolution of higher education policy 1965-2005*

Until the rapid expansion of third-level education through the establishment of new types of institutions during the 1970s, post-secondary school education and training was provided by universities, a series of schemes administered through local Vocational Education Committees (VECs), and a range of small-scale professional training institutions, especially for teacher training and some of which were aligned to religious establishments. The oldest university in the country (including at the time, Northern Ireland) was Trinity College Dublin, established in 1591 and with ties to the Protestant Church and thus British colonial power. Later institutions were established in or near Dublin during the late eighteenth centuries including the Royal College of Surgeons in 1784 and St. Patrick’s College, Maynooth, in 1795, which was chiefly a seminary for much of its existence but later expanded its teaching programs to become part of the National University of Ireland (NUI) system. A university was founded at Belfast
(Queen’s University) in 1845, but it was not until 1908 that the NUI system was established. This, over time, had constituent colleges at Maynooth, Dublin, Galway, and Cork. The universities were permitted a great deal of autonomy from the early stages of their development, which later contrasts with the development of the non-university sector.

Vocational and technical training was administered by local city or county councils through the VECs under legislation dating from 1930. The Vocational Education Act gave these committees the task of providing “continuation education” to supplement the existing secondary school system by providing alternative vocational second-level schools for young people as well as some degree of adult education through evening classes. The VECs also oversaw apprenticeship programs until the 1960s, when a new type of industrial training authority was established. Preceding this, however, technical education from the late nineteenth century was provided in Dublin by a series of loosely associated schools. Over time, this loose association developed into the Dublin Institute of Technology (DIT) of which these schools became constituent colleges. Eventually, in 1978, the DIT became unified in a single organization to further coordinate the different training programs offered. This early and somewhat more organic development of the DIT is important to highlight, in contrast to the top-down establishment of other regional vocational and technical education providers at a later


date. The DIT also remains the largest provider of tertiary education in Ireland in the twenty-first century.

Higher education policy became a subject of serious political attention in the early 1960s. The abandonment of the protectionist strategies of the de Valera era after 1958 was accompanied by increased state interest and oversight in the field of tertiary education, especially in the technical and vocational or non-university sector. The beginning of this is usually traced to the publication of a government report, *Investment in Education*, in 1965. Written by a steering group that included officials from the Department of Education as well as industry and organized labor, the report was prepared as part of the OECD’s Education Investment and Planning Programme. This program grew out of a 1961 OECD conference on “Economic Growth and Investment in Education” and consisted of the formation of research teams of experts in at least ten European nations, of which Ireland was one early and enthusiastic member.\(^{195}\) The research was carried out between 1962 and 1965 and identified a gap between the goals of the new development strategy based on free trade and eventual European integration and what the education system provided in terms of technical education. It was on the basis of this research that the OECD noted, with respect to the government’s Second Programme for Economic Expansion (1964-1970), that an increased orientation toward technical training, science and research and better opportunities for broader participation in higher education was required.\(^{196}\)

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The OECD’s report was important not because of the external advice it offered to Ireland, but because it involved an investigation team of key domestic players and thus became a means by which to build a consensus over a new technically-oriented policy direction. By the time that this report was published, steps were already being taken in the direction suggested. Two major state bodies, the Steering Committee on Technical Education and the Commission on Higher Education, were responsible for turning this general desire to increase the number of science and technology, business, and engineering graduates into concrete policy proposals during the 1960s. The Steering Committee on Technical Education met between 1966 and 1969, reported in 1967 and 1969, and followed through on a 1964 government announcement of its intention to create a series of Regional Technical Colleges (RTCs). These were originally intended to provide education mostly at the secondary level in technical subjects, but by the end of the decade it was clear that they would also offer awards and qualifications at the tertiary level. The most immediate concern was to provide courses “aimed at filling gaps in the industrial manpower structure, particularly in the technician area.”¹⁹⁷ Because the type of training was important for the economy but there was little actual public demand for such skills, this demand “must be stimulated artificially”, with the RTCs providing one of the main mechanisms for achieving this.¹⁹⁸ The network of institutions was not only supposed to provide technical education for an expanding economy, but their regional basis was intended to assist in ensuring access to education for students living in areas


outside the main urban centers, in the process ensuring even economic development across the country.

The Commission on Higher Education investigated a range of issues in the policy field beginning in 1960 and eventually completing its final report in 1967. Its most important recommendations for the long-term included the establishment of “New Colleges” to provide both degree-level and shorter courses in a wide range of technical and non-technical subjects to increase participation in third-level education. Recommending that these be established one each in Dublin and Limerick, the two institutions later became known as the National Institutes of Higher Education and were founded in 1964 and 1969 respectively. Funding was to be based not simply on student numbers, but also with a view to the “range of activities” offered by the institutions.199

Another important issue that the Commission attempted to deal with was the question of university autonomy. The newly developing non-university sector was to be more or less directly controlled by the Department of Education. This established a potential for tensions in the sector to rise, however, since while the non-university institutions were to be funded directly and did not have their own power to confer degrees and other awards, universities did. This lack of autonomy in the non-university sector contrasting with a high degree of independence for the universities is a hallmark of Ireland’s “binary” approach to tertiary education and has remained in place since its inception. While the independence of universities could not really be questioned, policymakers noted the difficulty of “reconciling University autonomy with state

coordination.” It has also been noted that the university sector was not given priority for investment and development during this era, and even that “in some quarters came to be regarded as a brake on economic development.” This may have reflected what was described to this author as a traditional Department of Education view that universities are “self-indulgent and arrogant and not contributing to Irish life.” It was not until the 1980s that the universities too could play an important role in science, research and economic development, but their traditional and non-technical role was emphasized up to that point.

A partial answer to the question of the tension between autonomy and policy coherence was found in the Higher Education Authority (HEA), established on an ad hoc basis in 1968 before becoming a statutory body in 1972. The HEA was to have a dual function, on the one hand as a semi-independent body for the provision of policy advice and review for the tertiary education sector as a whole, and on the other as a funding agency for the university sector only. This clear distinction between the university and non-university sectors, often referred to in later policy documentation and literature as the HEA and non-HEA sectors, is further underlined by the formation of the National Council for Educational Awards in the early 1970s, although the legislation governing the Council was not enacted until 1979. The National Council for Educational Awards Act gave the NCEA statutory powers to provide for awards to be made at degree,

\[\text{\textsuperscript{201} White, \textit{Investing in People} (2000): 96.}\]
\[\text{\textsuperscript{202} Interview with former Ministry of Education and current Higher Education Authority official, Dublin, 1 June 2005.}\]
diploma and certificate level in non-university institutions, as opposed to universities which award their own degrees.

TABLE 5.3

<table>
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<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Universities</td>
<td>18 056</td>
<td>78.0</td>
<td>63 328</td>
</tr>
<tr>
<td>Technical Institutes</td>
<td>1 449</td>
<td>6.3</td>
<td>43 476</td>
</tr>
<tr>
<td>Colleges of Education</td>
<td>1 498</td>
<td>6.5</td>
<td>2 092</td>
</tr>
<tr>
<td>Other</td>
<td>2 140</td>
<td>9.2</td>
<td>7 652</td>
</tr>
<tr>
<td>Total</td>
<td>23 143</td>
<td>100.0</td>
<td>116 548</td>
</tr>
</tbody>
</table>


In 1974, a new government announced a set of proposals that would have seen a move away the “binary” system that was so clearly established by this time. However, most of this was abandoned, especially since it included proposals that appeared to undercut university autonomy and thus attracted a great deal of opposition from that
sector. Rather, the following years saw more consolidation than change, with the policy focus shifting to ensuring greater access to higher education as the economy struggled to develop and the population of young Irish boomed. During the 1970s, enrollments in primary and secondary schools increased dramatically, so that much research and effort during the latter half of that decade and the next focused on meeting increased demand in the higher education sector. Details of the enormous growth in participation are detailed in table 5.3. In addition, it was noted in one study for example, that around two thirds of students that enrolled in first-year tertiary education came from the highest socio-economic groups. Concerns over equality of access became the flip-side of the debate over the role of education in developing the economy, with policy analysts urging that both goals could be met at once.

One of the obstacles to fully addressing issues of access in Ireland has been the adoption of a highly centralized and inflexible “points system” for entrance into courses with limited numbers of places available. The points system was adopted by the NUI in 1970 for certain subjects where the number of applications outstripped supply, and was expanded to the other universities by the late 1970s, and eventually adopted by the non-university sector in the early 1990s. The system works by totaling the number of points gained in the Leaving Certificate Examinations at secondary level. Students take six subjects, including English, Irish and one other language. The ranking and assigning of

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204 Patrick Clancy and Ciaran Benson, _Higher Education in Dublin: A Study of Some Emerging Needs_. Dublin: Higher Education Authority, 1979: 30. Clancy and Benson define this higher socio-economic group as comprising the higher and lower professionals, employers and managers, and salaried employees.
students to courses is carried out by the Central Applications Office, a limited and private company used by the universities since 1976. Unlike some other countries in which interviews, writing samples, socio-economic background, quotas for specific ethnic groups, or disability might be taken into account, this is not possible given Ireland’s highly centralized admissions tradition. In addition, the particular subjects taken for the Leaving Certificate are not normally taken into account; there are usually no prerequisites for university courses. This has more recently drawn complaints that this biases secondary school students toward “easy” subjects, to the detriment of particularly science subjects taken up at this level, which may then filter through to the tertiary system. While alternatives to the points system were considered during the 1970s and again by the Commission on the Points System in 1999, it has remained largely unchanged.

However, this did not prevent actual student numbers from increasing during the 1980s, and while the basic structure of the binary system was not altered, there was some reassessment of the role of specific institutions within it. In has been noted, in particular, that the university sector, which had been somewhat sidelined since the 1960s, was reassessed by policy-makers in light of the global turn toward engineering and computer science in the 1980s.205 The idea was that the universities would be able to provide higher-level research in these fields than what could be offered by the largely teaching-oriented non-university sector. During the first half of the 1980s, the NUI was dissolved to allow each of its formerly constituent colleges (University College Dublin, NUI

Galway, NUI Maynooth, and NUI Cork) to become fully independent universities. In addition, an International Study Group on Technological Education in 1987 found that academic standards at the two NIHEs were equal to that of the universities and that they should be permitted greater autonomy and their own degree awarding powers. That resulted in the passing of the twin University of Limerick and Dublin City University Acts in 1989. Apparently, this transfer “was achieved with remarkably little public discussion or worry about academic drift or the effect of the transfer on the rest of the technological sector.” 206

By 1990, participation in third-level education in Ireland had expanded to the point where it was placing a great deal of pressure on existing institutions. The number of full-time students increased more than four-fold from a total of 18,693 in the 1965/66 academic year, to 88,193 in 1993/94, with additional students in part-time education and training.207 Much of this expansion occurred during the cash-strapped decade of the 1980s, and the non-HEA sector in particular suffered from a severe lack of investment in basic infrastructure, most of which had not been updated since the formation of the RITs in the 1970s. In 1991, a new OECD review of Irish education policy was published, which set the course of policy reform for the next decade. The OECD routinely surveys the higher education systems of its members, but these surveys consistently seem to have made a greater impact on Irish policies than in either the Portuguese or Greek cases. While much of this new report focuses on primary and secondary education, the general


view was that while the overall system was well targeted toward the provision of technical education, it lacked coordination and suffered from a shortage of resources.\textsuperscript{208} In the context of economic recovery after 1987, education in general became a major area of policy development. During the 1990s governments aimed at increasing quality and updating the relationship between higher education and economic needs, even if the basic parameters of the higher education system remained unchanged.

Many of the legislative changes influencing higher education during the 1990s stemmed from government initiatives signaled in a June 1992 Green or discussion paper entitled \textit{Education for a Changing World}, followed by a 1995 White Paper, \textit{Charting our Education Future}. While these two documents were issued by the Department of Education and involved much initiative from individual education ministers, they were also influenced by a series of consultation measures aimed at gaining consensus around key proposals, especially in the three year period between the publication of the Green and White Papers. These included the calling of public submissions, “innumerable seminars and conferences, some private, the others public, up and down the country”,\textsuperscript{209} and the convening of the National Education Convention in October 1993, bringing together stakeholders from across the education sector. The success of the National Education Convention and its subsequent influence on government policy has been described as “unprecedented” by Irish observers.\textsuperscript{210} As outlined above, these developments expanded and built on the pre-existing tradition of peak-level negotiation


\textsuperscript{209} Walshe, \textit{A New Partnership} (1999): 31.

\textsuperscript{210} Professor Áine Hyland, quoted in Walshe, \textit{A New Partnership} (1999): 43.
between the state and elite interest groups. In addition, a Steering Committee on the Future Development of Higher Education, comprising representatives of government, higher education institutions and other sector groups, conducted significant research during the mid-1990s that fed into some of the decisions made in the 1995 White Paper.

One objective of all this state activity during the 1990s was to give coherence to the entire education system, so that much of the policy consultation and subsequent government action related to education at the primary and secondary levels. That does not concern us here, but it may be noted that much discussion related to ongoing consideration of the role of the Catholic Church in administering the school system. In addition, as the original Green Paper spells out, the new approach toward the education system to include the tertiary sector was aimed at educating students to participate “in an enterprise culture,” preparing students for the changing world of work, as well as improving access for disadvantaged groups.211 The seemingly increased emphasis on science and technology gained criticism from some quarters that the Irish approach to education was becoming increasingly utilitarian and failed to recognize the broader role of education in producing well-rounded citizens. However, the underlining of the economic role of education, accompanied by a concern for access issues which were taking on a new dimension in the new age of labor shortages, was nothing especially new in the Irish context, as the previous discussion shows. This continuation of the basic policy direction is further reflected in the differential treatment of the university and non-university sectors during the decade. What was new was an intensified concern with

quality and quality control across both sectors, rather than simply increasing the numbers of students in higher and especially technical higher education, which had arguably been the main focus in previous decades.

Substantial changes to the status of the Regional Technical Colleges (RTC) occurred during this decade. In 1992 a new Regional Technical Colleges Act and parallel Dublin Institute of Technology Act were passed. The unique role of the DIT was recognized, with the institution now permitted to confer its own awards, an opportunity not opened up to the RTCs. Amendments to these two pieces of legislation in 1994 permitted a greater degree of institutional autonomy by removing them from the direct control of the local Vocational Education Committees. In 1998, the RTCs were renamed Regional Institutes of Technology (RITs), reflecting in particular some very sophisticated research and high-level teaching programs already having been developed in the non-university sector. By far the most important change, however, appears to be the increased levels of funding allocated to the regional institutes during this decade. One RIT president described the contrast in these terms: running a RTC in the 1980s was “a firefighting experience, battling with continuing incoming numbers” with very few resources, while the 1990s saw significant upgrades especially in infrastructure.\textsuperscript{212} Clearly the economic recovery during this era allowed greater resources to be devoted to the RITs without taking anything away from the university sector.

\textsuperscript{212} Interview with author, 15 June 2005.
### TABLE 5.4

**MAJOR DEVELOPMENTS IN HIGHER EDUCATION POLICY AND ASSOCIATED INCORPORATIVE INSTITUTIONS 1960-2005**

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy development</th>
<th>Associated consultative institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>Publication of <em>Investment in Education</em></td>
<td>Steering group on higher education which included representation from organized labor and business</td>
</tr>
<tr>
<td>1960-67</td>
<td>Establishment of Dublin and Limerick National Institutes of Higher Education</td>
<td>Commission on Higher Education</td>
</tr>
<tr>
<td>1966-69</td>
<td>Establishment of Regional Technical Colleges</td>
<td>Steering Committee on Technical Education</td>
</tr>
<tr>
<td>1972</td>
<td>Establishment of Higher Education Authority</td>
<td>Commission on Higher Education</td>
</tr>
<tr>
<td>1970-79</td>
<td>Establishment of National Council for Educational Awards</td>
<td>___</td>
</tr>
<tr>
<td>1970</td>
<td>Foundation of Points System for entry to higher education</td>
<td>___</td>
</tr>
<tr>
<td>1989</td>
<td>NIHEs become universities</td>
<td>1987-89 International Study Group on Technical Education</td>
</tr>
</tbody>
</table>
| 1994-98| RTCs given increased institutional autonomy and eventually reconstituted as Regional Institutes of Technology | 1993 Green and 1995 White Paper public consultation process  
                                             | Steering Committee on the Future of Higher Education                                                  |
| 1997   | Passage of Universities Act                                                         |                                                                                                      |
| 1999   | Establishment of National Qualifications Authority                                  |                                                                                                      |
| 1999   | Retention of the Points System and establishment of additional access initiatives    | Commission on the Points System                                                                    |
Despite the upgrading of these institutions and the transfer of the two National Institutes of Higher Learning in Dublin and Limerick to university status in 1989, the state remained committed to “system differentiation” during the 1990s, with the 1995 White Paper stating that: “The diversity of institutions and the separate missions of the two broad sectors will be maintained to ensure maximum flexibility and responsiveness to the needs of students and to the wide variety of social and economic requirements.”

This enduring belief in the benefits of a self-conscious binary strategy for higher education seems to have affected the decision to decline the DIT’s application for university status in 1997. An international review group considering the issue voiced concern that DIT might “drift away from the teaching of practical subjects” at various levels, “which are of such inestimable value to industry and commerce, and to local communities.” While some at DIT were initially very disappointed by this outcome, the institution has more recently chosen not to reapply for university status. This seems to stem from a realization that DIT, with its own power to confer awards and considerable freedom to design its own teaching and research programs, can achieve good things within the existing system.


While the upgrading of the technical institutes and their changing status in the law was mostly welcomed by the non-university sector, proposed changes to the governing structures and funding of universities met with more opposition. Three specific areas of tension were government proposals that were viewed by the universities as undercutting their traditionally autonomous status, including changes to the way in which universities are governed and proposals to increase the role of the HEA in ensuring quality in teaching; proposals surrounding the dissolution of the National University of Ireland into separate and independent universities; and funding, especially the removal of student fees paid directly to universities. This first and second set of issues became a major point of conflict between the state (involving not only the government of the day, but also the independent state body, the HEA), and the individual universities, and many of the most contentious proposals were dropped or watered down between the publication of the 1995 White Paper and the enactment of a new Universities Act. This 1997 Act laid out the responsibilities of universities, paying greater attention to quality assurance than in the past, and also dealt with the reconstitution of the NUI system.

The new emphasis on quality was also reflected in the restructuring of the awards and qualifications system under the Qualifications (Education and Training) Act 1999, which replaced the existing National Council for Educational Awards with a National Qualifications Authority. This new body was responsible for overall policy and general oversight while two further separate bodies were also established, the Further Education and Training and the Higher Education and Training Awards Councils. Changes to the

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qualifications framework are important for the story told here because they are the principle means by which states can influence the content and quality of courses.

The abolition of tuition fees for undergraduate students in 1996 was understandably popular with students, but has been critiqued by academics and some social action groups as a regressive step that advantages already privileged students and their families, and by the universities as a move that endangered the financial health and thus quality of teaching programs.\(^{219}\) While state officials in the education field believe that the universities well overstated their case,\(^{220}\) the issue of how best of ensure equity in terms of access to higher education remains. Universities are still funded almost entirely and directly by the state through a combination of block grants and “fees” paid per and on behalf of students from the state budget. In recent years (1995-2001), this has seen the contribution of the state to funding higher education, including both the university and non-university sectors, remain stable at around 1.3 percent of GDP, which is also about the OECD average.\(^{221}\)

Two recent and important reports are both representative of some of the contemporary issues facing higher education in Ireland, and proving influential on the public debate. The OECD’s 2004 report on Irish higher education policy pointed especially to the need to better coordinate different elements of the existing system, as well as presenting a series of suggestions as how to move away from the reliance on


\(^{220}\) Interview with former director of the Higher Education Authority, 1 June 2005.

direct state funding in order to improve the quality of teaching and research programs and move into new fields. Second, 2001’s *The University Challenged*, commissioned by the Higher Education Authority and referred to as the Skilbeck report, pointed to similar issues involved in adapting to globalization, Europeanization, and the resulting new research and teaching environment. Access and equity issues also tend to be framed in these terms, with policies aimed at expanding life-long learning tied into the labor market challenges poised by the workings of the new economy.

The 2004 OECD report underlined how well Ireland’s “binary” higher education system had served the country, emphasizing the “extent to which the [technical] institutes see themselves as different from the universities” and the special role they play in local economic development, promoting wider participation in education through their regional focus and through “provision of ladders of opportunity through different educational levels”, and their support for apprenticeship, applied knowledge, and skills-based training. However, the differential treatment of the university and non-university sectors, with the former awarded greater autonomy and overseen by the HEA, and the latter administered directly by the Department of Education and Science as it is now known, is seen by many as hampering co-ordination within the sector as a whole, and a barrier to research collaboration between institutions. The report suggests that the basic “binary” structure be maintained, but that a new buffer organization be formed in order to oversee the entire sector and to replace the HEA, possibly to be named the Tertiary Education Authority. Little objection has been raised to such an institutional reconfiguration.

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The focus on collaboration and moreover the need for institutional specialization, forced not only by the realization that “in a small country, no single institution can excel at everything”, but also by the pressures of needing to engage in increasingly technology-intensive research, is also extensively discussed in the Skilbeck report. This has fuelled increased policy focus on strategic planning, research evaluation, the attraction of private sources of funding, and quality assurance in teaching programs. Much of this current debate is also colored by overall state and sector group concern over the “next stage” of Ireland’s economic growth. Whereas the post-1987 recovery was largely fuelled by overseas investment, especially in the computing and pharmaceutical industries, the concern is now to create indigenous industries that will survive any shift in overseas investment to new regions competing on the basis of low labor costs.

Ireland’s economic transformation, and especially the tightening labor market, has also given new life to the traditional concern with ensuring equality of access to higher education. While this was previously seen in terms of encouraging students from lower socio-economic backgrounds into education, and this concern remains, there is also a shift to a focus on adults or “second-chance” students, and those disadvantaged by disability or ethnic background. The Commission on the Points System, reporting in 1999, was charged with looking at the impact of the existing centralized system for entry

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223 Danny O’Hare, “Wanted: integrated planning for third level”, The Irish Times. 31 May 2005: 14. O’Hare is a former president of the Dublin City University, formerly the National Institute of Higher Learning at Dublin.


to higher education on these groups, and noted especially that only two percent of university students were adults in 1997. 226 While the Commission recommended that the points system be retained, it also suggested that additional programs at the level of each institution be introduced in order to increase adult participation and re-training. A target was set at 15 percent of places for students over the age of 23 to be made available by 2005, to be increased to around 25 percent by 2015, “a proportion which would bring Ireland closer to the average participation rate for mature students in OECD countries as a whole.” 227 Increasing broader access, however, has always been a main focus of the RITs and the DIT, many of which have extensive programs for encouraging this. 228

Summary

Ireland got a head start on Portugal and Greece when it came to the reorientation of higher education policy around Europeanized goals and values since policy-makers recognized the importance of increasing participation generally and in scientific and technical education specifically as early as 1960. While it is clear that the foresight of key individuals within the Ministry of Education in particular played a central role both in the early pursuit of such a strategy and maintaining the state’s commitment to it, consultative and incorporative institutions and processes also mattered in several crucial


228 See Dublin Institute of Technology, Access Initiatives in DIT. Dublin: DIT, 2005. This published document was handed to this author as a response to a question about the current government focus on access issues. The senior representative from DIT replied “but that is what we’ve always done!”
respects. First, the provision of stakeholder expertise helped fill in details of the overall policy direction. The Steering Committee on the Future of Higher Education and the Commission on the Points System that operated during the 1990s, for example, offered very specific and concrete pieces of policy advice. Second, by inviting interest group leaders into the policy-making process repeatedly even though usually in a short-term or one-off manner, consensus building could take place. That process was extended to a much wider variety of interest groups, to include parents and other street-level stakeholders, during the public consultation exercises of the 1990s. This established a tradition capable of supplementing more traditional forms of consultation and incorporation in this case.

Immigration

The history of immigration policy in Ireland is a short one, and is clearly overshadowed by the country’s history as a nation of migration. Net immigration did not become a fact, let alone a policy issue, until well after the post-1987 economic recovery had begun. Policy responses, therefore, are both delayed and rather underdeveloped, especially in comparison to the fields of family and higher education policy discussed above. Although state action in this area was stepped up during the early 1990s, much of the new migratory flow was left to the market to regulate, with mixed results. Part of the explanation for the neglect of immigration policy until very recently lies in the simple fact that it is only very recently that failures in this “market-led” approach to immigration policy have become visible. This is even in comparison to the other EU members that are
considered new countries of migration, to include Portugal and Greece. The remaining part of the explanation lies in the fact that it was left off the agenda of, importantly, the social partnership agreements and outside the scope of other consultative policy-making processes during the 1990s. This, however, is beginning to change.

Immigration: A very new policy problem

The history of Irish immigration policy until the mid-1990s is extremely limited and thus easily summarized. The basis of all legal immigration was laid out by the Aliens Act of 1935, which was later supplemented and amended through various orders, the most important of which being the Aliens Order of 1946. This legislative framework laid out the rules and regulations governing border control in Ireland, placing responsibility for overseeing this arena with the Ministry of Justice. In particular, it gave broad powers to the Minister of Justice to expel migrants deemed to be illegal, a provision that formed the basis of much legal dispute during the 1990s. In reality, however, there was very little inward migration, with the exception of the acceptance of small groups of European refugees during the period surrounding World War Two.229 This made Ireland a particularly culturally homogenous society, a fact that was not altered until very recently. As in the other two national case studies discussed in the following chapters, immigration was overshadowed and its impact undermined by the deep-seated tradition of migration that developed in Ireland following independence.

Between 1946 and 1966, a net total (which takes into account the numbers leaving as well as those arriving) of almost eight hundred thousand Irish left the country, giving rise to a concern that the Irish population would go into permanent decline.\textsuperscript{230}

Net migration continued to drop during the 1980s and into the 1990s, and it was not until 1996 that the number of migrants entering the country began to outweigh the number of Irish residents departing. In 1991, an inward flow of around 33,000 migrants was still outnumbered by the 35,000 who departed, delivering a net migration calculation of \(-2.0\). By 1996, however, around 7,000 more migrants entered the country than departed. This pattern intensified over the next decade, with net migration of almost 30,000 individuals during the year 2000, jumping to over 40,000 during 2004. This was despite the slow-down in economic growth that occurred after late 2001.\textsuperscript{231} During the earlier part of this decade of migration, the vast majority of migrants were Irish citizens returning from the United Kingdom, supplemented by a boom in the arrival of asylum seekers. Labor migration, initially from other EU member states to include Eastern Europe after 2004, but increasingly from elsewhere in the world, began a little later but continues to increase.

The problem of how to develop an adequate legal framework is thus a very new one in Ireland, even in comparison to Portugal and Greece which started to receive significant number of migrants as early as the 1970s even if large numbers of these were

\begin{itemize}
    \item This discussion is based on Central Statistics Office data, in Gerard Hughes and Emma Quinn, \textit{The Impact of Immigration on Europe's Societies: Ireland}. Dublin: ESRI/European Migration Network, 2004: 7.
\end{itemize}

248
at first return migrants from Portuguese-speaking Africa in the former case, and Europe and North America in the latter. As in the two Southern European cases, the bulk of new migrants have filled in gaps in unskilled or low skilled segments of the labor market, but more attention and interest has been played in Ireland to the recruitment of skilled workers and entrepreneurs. This is connected to the much spoken-of “new phase” of indigenous enterprise-led development.

*The role of consultation and incorporation in shaping policy responses*

As the following section further details, the Irish immigration regime is only now in the process of adjusting to the rapidly changed migration reality. Until the late 1990s there were few interest groups actively lobbying on the subject, including migrant and human rights organizations but also organized labor and business. In addition, and perhaps partly because of the lack of interest on the part of these latter organizations, labor migration especially was one of the few major policy issues that was neither the subject of the social partnership negotiations nor of alternative forms of policy consultation until relatively recently. During the course of this research, an ICTU representative acknowledged the “failure” of the social partnership process to conceptualize and deal with the challenges posed by this issue. Referring to the social partnership process as a “problem solving rather than advocacy” approach for interest groups, she argued that the system works well when agreement can be reached over what the policy problem in question actually is and when the partnership agreements are very specific about what agreement has been reached. In the case of immigration, there is “no
consensus yet” on the problem that immigration poses, thus delaying policy development.232

It is true that the immigration issue has been paid far less attention at this level than have other policy problems, but this has changed in very recent years and serves to further underline the importance of social partnership as a peak-level, comparatively formal type of consultative and incorporative policy-making process. The increasing prominence of the immigration issue on the social partnership negotiating agenda since 2000 has played a role increasing the priority given to it, especially on the part of organized labor and business. This increased concern has given rise to a broader set of consultative exercises, mostly fitting into the one-off or short-term category outlined in chapter three, but at a peak governmental level. Post-2000 exercises in public consultation, both within and outside the social partnership process, have also helped channel the efforts of human and migrant rights organizations. Increased activism in these quarters rose in response to a wave of anti-migrant and especially anti-asylum seeker sentiment that erupted in the mid-1990s. The most notable of these was the 2001 formation of the Immigration Council of Ireland, a non-governmental but comparatively well-resourced umbrella group that has become one of the major lobbying forces in the immigration policy arena.

The first steps toward incorporating a review of immigration policy into the social partnership process were made under the *Programme for Prosperity and Progress*, in effect between 2000 and 2002. This agreement mentioned the need for a consultative

232 Interview with official from the Irish Congress of Trade Unions, 6 May 2005.
approach to immigration policy for the first time, as well the need for policy to be
developed in order “to address the needs of the labour market.” This short statement was
particularly vague, but it did signal the launch of a public consultation process that took
place during 2001 and 2002 and which helped lay the ground for contemporary
developments in the immigration policy field.\textsuperscript{233}

Four actions were taken under watch of the Fianna Fáil- Progressive Democrat
Coalition Government after 2000 following on from the announcement made in the
\textit{Programme for Prosperity and Progress}. First, a comparative study outlining some of
the alternative labor immigration frameworks available to Ireland was commissioned and
carried out by the International Migration Organization. Second was an internal review
of processes and procedures in place at the Immigration and Citizenship Division of the
Department of Justice, Equality and Law Reform, and third was the establishment of a
Cross-Departmental Working Group on Immigration to coordinate policy development
and delivery. Fourth, and most important for the purposes of this research, a public
consultation process was launched in 2001 and reported back on in 2002. This latter
exercise involved the presentation and analysis of sixty-six submissions, some from
individuals but most significantly from non-government organizations, organized labor
and business, and migrant and human rights lobby groups.\textsuperscript{234} With labor migration as a
key focus, this consultation process then went on to inform the publication of a 2005

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public discussion paper on immigration policy. It is likely that this latter document will lead to the passage of a new comprehensive immigration framework.

The incorporation of societal groups has also taken place, albeit in an arena somewhat peripheral to immigration policy and especially labor migration policy, on issues of migrant integration and anti-racism. One of the most important of these developments is the National Consultative Committee on Racism and Interculturalism (NCCRI). This semi-autonomous body was established in 1997 by the Department of Justice, Equality and Law Reform, and is responsible for “equality proofing” government policy, allocating resources to organizations that work on behalf of ethnic minorities, and overseeing the Advisory Committee on Racism and Interculturalism. The latter is described as a “partnership body” in the sense that it draws together state agencies and community representatives into a permanent consultative institution. The work of this organization overlaps with the National Action Plan Against Racism, which is surrounded by a participatory policy-making process launched in 2001. Such developments do seem to have gone some way toward undercutting the xenophobic currents that emerged with the appearance of the “refugee problem” during the 1990s.

The evolution of policy responses in the 1990s and beyond

Coping with the “refugee problem” provided the first point of departure from the immigration code established by the 1935 Aliens Act. The development of a policy framework governing labor migration to Ireland will be discussed shortly, but before that, some analysis of policies related to refugees and asylum seekers is required. It was
argued earlier that refugee policy is of relevance to this research project only insofar that it overlaps with and is integrated into a national strategy for labor migration. There are several additional reasons why it is important to discuss Irish policies toward refugees and asylum seekers during the 1990s in relation to the country’s general immigration policy. First, the arrival of new groups of asylum seekers in the early 1990s is obviously related to the Irish economic boom that began around this time. Asylum seekers are clearly not stupid; they may have legitimate reasons for fleeing their own countries, but it is reasonable and rational to flee to a new country that is capable of offering not only protection for basic human rights, but also economic opportunities that might underpin a new life. Second, as the first new types of groups to arrive were very different from the groups of return migrations that had dominated until this time, asylum seekers did present a major challenge to the existing legal framework governing immigration, and thus helped set the tone of the political debate. This was not always in a positive direction, since Irish policy discourse over the past decade has at times been injected with heavy doses of xenophobia and racism, especially on the part of the mainstream media and certain political elites. Third, and perhaps related, the refugee “problem” in Ireland has parallels in both Portugal and Greece, where illegal migration rather than the arrival of asylum seekers has provided the greatest challenge to forging a comprehensive immigration strategy.
TABLE 5.5
MAJOR DEVELOPMENTS IN IRISH IMMIGRATION POLICY

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1935</td>
<td>Aliens Act, modified by Aliens Order 1946</td>
</tr>
<tr>
<td>1996</td>
<td>New Refugee Act</td>
</tr>
<tr>
<td>1999</td>
<td>New Immigration Act</td>
</tr>
<tr>
<td>1997</td>
<td>Establishment of National Consultative Committee on Racism and Interculturalism (NCCRI).</td>
</tr>
<tr>
<td>2001-02</td>
<td>Public consultation process on immigration</td>
</tr>
<tr>
<td>2003</td>
<td>New Immigration Act passed, establishes framework for 2004 referendum</td>
</tr>
<tr>
<td>2003</td>
<td>Employment Permits Act passed.</td>
</tr>
<tr>
<td>2004</td>
<td>Employment Permits Act amended.</td>
</tr>
<tr>
<td>2004</td>
<td>Referendum allows parliament to revoke <em>jus soli</em> provisions, which are then modified by Irish Citizenship (Amendment) Act.</td>
</tr>
<tr>
<td>2005</td>
<td>Call for public submissions on proposed Immigration Bill</td>
</tr>
</tbody>
</table>

It has been noted that the initial arrival of asylum seekers in the 1990s, alongside what until then was largely return migration by Irish citizens, was so significant that “[t]he term ‘refugee’ therefore entered popular parlance as synonymous with the first wave of non-Irish immigrants who arrived of their own accord.” Put more bluntly, “for the first time, a group of non-white people became visible.”\(^{235}\) This phenomenon has even influenced both the primary and secondary research materials available on general immigration policy, since it focusses overwhelmingly on refugees and asylum seekers.\(^{236}\) To give an idea of the scale of Ireland’s rapid transformation into a reception country for asylum seekers, while there were only 39 officially recognized asylum seekers in the


country in 1992, there were as many as 10,325 in 2001. This is despite a number of measures designed to “toughen up” against possibly illegitimate claimants over these nine years.

The first major piece of legislation related to this area was the Refugee Act of 1996, which was influenced not only by events occurring in Ireland, but also by European-level moves to coordinate policies related to asylum seekers. Specifically, Ireland was involved, along with the other EU members, in the negotiations leading up to the signing of the Dublin Convention. This agreement came into force in 1997, and aimed to prevent individuals from applying for refugee status across a number of European countries by only allowing applicants to process their claims in the original country through which they entered the EU. The 1996 Irish legislation thus enacted the 1951 Geneva Convention on the Status of Refugees and the 1967 Protocol related to the Status of Refugees at the same time that it outlined the process for applying for refugee status.

The Refugee Act was then amended by the Immigration Act 1999 and the Illegal Immigrants (Trafficking) Act 2000, with the new Immigration Act related to the regulation of immigration in general but clearly relevant and possibly most relevant to asylum seekers. Earlier that year, a High Court decision had struck down provisions of the 1935 Aliens Act which allocated extraordinary responsibilities for expelling illegal aliens to the Minister of Justice on the basis that the Act did not set down any policies

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and principles by which such decisions would be made, thus violating the national Constitution. The government’s response was to attempt to reenact these powers through the 1999 Immigration Act. A later iteration of this dispute between legislature and judiciary played out in 2004 along practically exactly the same line, leading to the introduction of a new Immigration Bill later that year.

During 2000, a system of direct provision for asylum seekers was established under Social Welfare legislation and institutionally delegated to the new Reception and Integration Agency. Instead of providing asylum seekers with social welfare benefits or allowing them to work, they would now be housed together in dedicated centers, provided food directly, and allocated a very small living allowance. While governments argue that this policy is designed to benefit asylum seekers by making sure their needs are met, advocacy groups tend to see it as a cynical attempt to reduce the number of applications for refugee status, since the services provided are very basic and personal freedoms are somewhat circumscribed. It should be noted, however, that direct provision does not go as far as some countries have done in seeking to reduce numbers of asylum seekers, such as the establishment of permanent and secure detention centers.

Further legislative action aimed at regulating and curbing the influx of asylum seekers occurred after 2000. The Immigration Act 2003 further amended the 1996 legislation related to refugees and asylum seekers, including a controversial clause to make carriers such as airlines or passenger ferries responsible for checking that

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passengers are carrying the correct travel documentation and imposing fines if they do not (a move that has the potential to conflict with United Nations’ conventions on the ability of refugees to travel without documentation). The Act also aimed to streamline and speed up the asylum seeking process in order to reduce the numbers waiting to have their refugee status determined. Also in 2003, moves were made to prevent children in Ireland from being guaranteed automatic citizenship and to prevent parents of Irish-born children automatically being guaranteed residency rights (jus soli). More significantly on this theme, a national referendum was held in 2004 on whether to alter the Irish Constitution to allow the legislature to determine citizenship requirements, something that had been blocked in the past, and whether the to extend automatic citizenship only to children with at least one parent who is or who is entitled to be an Irish citizen. The constitutional amendment was passed by an overwhelming majority of citizens, and the new powers were exercised in the passage of the Irish Citizenship (Amendment) Act 2004.

This analysis shows that the issue of refugee and asylum seekers received considerable legislative action and attention in the period after 1990. The policy debate surrounding these developments reads like a tug-of-war between refugee advocacy groups and a series of governments determined to decelerate the inflow of asylum seekers that accompanied the Irish economic recovery. Two unfortunate consequences stem from this. On one hand, government rhetoric during this period often sought to tap into xenophobic undercurrents that are undeniably present in Irish mass political culture and only different from similar happenings occurring elsewhere in Europe in the very recent emergence of immigration as a national issue. This was fed by alarmist media reports
that tended to overstate the impact of the “refugee problem” on the economy. It can also be noted, however, that public anti-refugee sentiment actually appeared to wane over time, so that by around 2003, public opinion appeared to have swung further in favor of asylum seekers, measured in public support for asylum seekers in several high-profile cases in which young people in particular were under threat of expulsion from the country. It seems the case that the depth of racism and intolerance was not as deep as a number of politicians seemed to think, and the crackdown on asylum seekers and possible illegal migration as a means of gaining popular support has been somewhat miscalculated. A worker for a non-governmental organization in the immigration field put it this way: many of the mechanisms put in place, such as restrictions placed on health and education services to undocumented migrants, are circumvented “in a very Irish way”, in that such services are extended anyway despite any restrictions outlined by law.\textsuperscript{239} As the following section on integration issues shows, state agencies themselves are in fact in part responsible for undermining the racist rhetoric of some individual politicians, despite the ongoing temptation to resort to this strategy.

On the other hand, and perhaps more importantly for the purposes of this research, the dominance of the political debate by the “refugee problem” has diverted attention from the need to for the country to review and reformulate its labor migration scheme. As noted above in the discussion on family policy, Ireland faced a labor shortage by the late 1990s. It would have to look at importing labor once indigenous sources, such as women who had previously opted out of the paid workforce, had been exhausted. Furthermore, as the discussion on higher education revealed, although Ireland

\textsuperscript{239} Interview with representative from the Irish Immigrant Council, 20 May 2005.
has done well in terms of skills development in the general population over the past several decades, the need to further attract skilled labor in new industries such as information technology has been recognized by both government officials and interest group leaders, especially on the part of organized labor and business in this case. In this context, a fully comprehensive labor migration scheme has been slow to get off the ground, but analysis of the current debate as well as past developments is necessary to illustrate how policy is gradually being reoriented toward these goals—and how the “social partners” are playing a role in this reorientation.

During the first decade or so following Ireland’s post-1987 economic boom, most of the need for skilled workers in particular was filled from local sources, including Irish citizens returning from overseas. Although accompanied by a steady increase in the number of asylum seekers, data shows that both return migrants and the small numbers arriving from non-EU states were much better educated than the average Irish worker, and thus filled a major skills gap in the labor market.240 This began to change, however, as the decrease in the proportion of return migrants as a percentage of overall immigrants declined. One estimate puts this at peaking at 55 percent in 1999, declining to at least 40 percent by 2003, and falling further after that.241 A shift in migration patterns toward unskilled or low-skilled workers is clearly taking place, which can be measured in several ways. While the earnings of non-EU migrants in the mid-1990s were on average higher than Irish workers, reflecting higher skills levels, a decade later migrants are less skilled


and earn much less. Furthermore, analysis of the country of origin of migrants shows that the proportion of migrants from non-EU OECD countries is declining, while the share of those from EU accession and applicant countries and elsewhere in the developing world, notably South-East Asian migrants taking up positions in the service sector, is increasing. Accompanying that trend, migrants are increasingly concentrated in the service industry, especially the hotel and restaurant sector.

All this has occurred, for better and for worse, under a labor migration system that has not so far undergone major change since it was established well before the 1990s. Ireland’s labor migration system is “employer-driven” in that only employers may recruit and hold permits for overseas workers. Foreigners from outside the EU wishing to work in Ireland are granted one out of four types of permit, namely short term “work permits”, “work visas” or “authorizations” for longer term stays, intra-company transfer permits, and permits for trainees. However, by far the majority of foreign workers take advantage of the work permit system, and thus is the main source of debate over labor migration in Ireland. In order to employ a foreign worker, employers must first prove that they have been unable to fill a vacant position from either within Ireland or within the EU, then apply to bring a particular foreign citizen to the country in order to fill that job. Work permits are then valid for up to one year, which the employer may apply to have renewed.

The “labor market test” which requires employers to make an attempt to recruit workers from EU and Irish sources first has been in place since 2000, was strengthened in

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2003, and further reformed in 2004. In addition to a reinforcement of the requirement that employers gain a letter of clearance from FÁS, the state’s employment agency, certifying that the job vacancy has been advertised for a certain length of time before applying to the Department of Enterprise, Trade and Employment for a work permit, new procedures were introduced under the Employment Permits Act 2003 that barred employers in some sectors of the economy from applying. This latter measure is based on a quarterly labor market survey conducted by the Department of Enterprise, Trade and Employment designed to identify labor market gaps. The Employment Permits Act 2004 brought in tougher penalties for illegal employment and put in place procedures for facilitating the issue of work permits in sectors of the economy identified as having high need.  

In addition, a separate system of work visas and authorizations had been introduced in 2000 to enable the entry of skilled workers in specific areas of high need, especially information technology, engineering and town planning, and health and social welfare. This type of visa is issued directly to workers through overseas Irish consulates and thus by-passes the work permit system. However, this alternative system has attracted far fewer workers than the traditional work permit system, perhaps simply because it is so new and thus not yet well understood by potential migrant communities.

A reflection of the shift from return migration accompanied by an influx of asylum seekers toward large-scale labor migration is that during period 1997 to 1999, the number of applications for asylum exceeded the number of new work permits issued, but since 2000, the number of work permits has grown much more rapidly than asylum

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applications so that during the period 2000 to 2002, work permits accounted for 67.6 percent of applications for work permits and asylum taken together. The total number of work permits issued to non-EU nationals increased from 5,750 in 1999 to 40,504 2002.246 A sign that policy might be out of step with real trends here is that in 2001 the government predicted that 12,600 immigrant workers would be needed each year for the next six years to fill labor demand, and yet between January and July 2002 as many as 20,000 new work permits were issued.247

The Irish state’s attempt to keep control over the scope of non-EU labor migration through the work permit system is matched by a deliberate policy of filling labor market gaps primarily from within the EU, to include the 2004 EU accession countries of Central and Eastern Europe. As the next two chapters show, much of the immigration policy action in other EU member states connected to European integration during the 1990s related to meeting the requirements of the Schengen Agreement, which commits signatories to allow free movement of individuals within the Schengen area. Ireland, along with the UK, is not part of this agreement, but the two countries already share a Common Travel Area Agreement that does affect some policy decisions. Irish consideration of EU developments in reflected more readily in the debate over how to treat new member states when it comes to labor market issues. The EU’s policy toward the 2004 accession countries allowed existing member states to place a bar on workers from the new member nations for up to seven years. Other European countries,


especially Germany which has consistently suffered high employment, feared a sudden influx of workers from the East. Ireland’s decision not to place such a bar has been described as “possibly the most significant labour immigration policy decision taken by the Irish government in recent years,”\textsuperscript{248} and has witnessed a flood of arrivals from Eastern Europe that is not yet reflected in immigration research. Irish exceptionalism here can probably be explained by the fact that labor shortages were being experienced when this decision was made. Yet despite government attempts to limit the number of non-EU migrants arriving to work in Ireland, it is clear that the trend is for increased inward migration from both within and outside the EU.

There are a number of problems with the work permit system, some of which inform the current attempt to negotiate a more comprehensive labor migration strategy that is discussed below. The most common accusation, not limited to Ireland but found wherever such systems exist, is of employer abuse of the system and the resulting exploitation of foreign nationals that can result. Because it is the employer who holds the work permit, workers may be promised work conditions and levels of pay that differ from what they are actually given, and because workers are permitted to work with that employer only, they are unable to compete freely on the labor market for a better job.\textsuperscript{249}

Irish responses to new immigration challenges reflect a balancing act that many OECD, not just EU, countries face with respect to labor market issues. On one hand, unskilled migrant labor is useful and in times of growth, the economy needs it. Migrants often perform tasks and accept lower material living standards than Irish workers. Yet


this has to be carefully managed. Very liberal immigration policies, like that extended to the EU accession countries in 2004, can create their own problems. During the period in which research for this dissertation took place, a sudden arrival of especially Polish workers had created a welfare crisis in central Dublin. Even if many of these workers arrived with a number of skills, especially in construction and related trades and gaps in the labor market here would suggest they would find jobs, language barriers for one thing provided obstacles to their immediate employment. Catholic charities were left to pick up the pieces. In addition, despite Ireland’s investment technical and scientific training over past decades, it is argued that the country would also benefit from increased skill-based migration. Like most other OECD countries, there are gaps in the health care professions in particular, although Irish policy-makers are currently stressing the need to attract scientific researchers and entrepreneurs or self-employed migrants.\(^{250}\)

As discussed above, a negotiated approach to immigration policy that developed after 2000 culminated most recently, at the time of writing, in a 2005 discussion document on proposals for a new comprehensive immigration framework. The discussion document argues that existing Irish immigration law “is not suitable for the needs of the modern Ireland, now a country of net inward migration.” Although legislative reforms have been carried out over the past decade, these have been “stop-gap measures generally brought forward to address specific aspects of immigration that needed an urgent legislative response.” Proposed changes presented in the discussion document would constitute a “root-and-branch replacement of the present law” which can

be “modified as needs will require and that will provide a fair and transparent set of procedures for the day-to-day implementation of these policies.” While the proposed Immigration Bill is clearly focused on labor migration, it is also informed by a new post-September 11th emphasis on border security. The increasing importance of economic migration, including on a short-term basis, must be coordinated with a new system of permanent or long-term migration. Up until now, Ireland strangely has not had any system of residence permits. This would be reviewed in order to “select people as potential future citizens, not just workers.” Additional schemes are required in order to attract entrepreneurs, researchers, and, something that was mentioned in the 2004 OECD review of Irish higher education policy, international fee-paying students. There is no signal, however, that the system of employer-based work permits is likely to be abandoned.

The current debate is informed by the presumed failures of the market-led approach to immigration that prevailed during the 1990s. In particular, Irish advocates for migrants and their communities are generally extremely critical of national immigration policy, generally reflecting a view that:

There is no coherent legislation or social policy on immigration, and any provisions have been ad hoc, piecemeal and designed, to a large extent, (a) to control immigration and present it as a “security matter” rather than to promote the rights of immigrants, and (b) to exclude rather than provide a clear route of access for immigrants to Ireland. The emphasis in our system is on meeting the demands of the economy for labour rather than on upholding the rights and meeting the needs of immigrants and their families. The result of this employer-

251 Department, of Justice, Equality and Law Reform [Ireland], Immigration and Residency in Ireland (2005): 21.

led and market-driven policy is that immigrants to our country are insecure and vulnerable to exploitation. ²⁵³

Furthermore, policy fragmentation is evident in the way that labor migration is institutionally differentiated and differently overseen from other aspects of immigration policy. Labor migration and more specifically the work permit scheme is administered by the Department of Enterprise, Trade and Employment, and yet all other aspects of immigration policy and migrant integration are handled by the Department of Justice, Equality and Law Reform. That need for a comprehensive system of working and residency permits has been recognized by the state, and does appear to be in the process of being incorporated into government legislation. Into this overall framework, there are a myriad of seemingly small and technical issues to be resolved. One of the ones often mentioned by migrant advocacy groups is changing legislation to allow those on student or other short-term visitors visas to apply for work permits and longer-term stays once already in the country. In addition, there has so far been little attention to the absence in the law for a right to family reunification and this constitutes a current “big issue” for non-governmental organizations in the field. ²⁵⁴

During the time in which the field research for this analysis was being carried out, however, Ireland’s relationship with the rest of the EU with respect to the immigration policy appeared to dominate the political agenda. Following the opening up of the Irish economy to the new accession countries in 2004, large numbers of migrants most notably from Poland arrived ready for work. Despite labor market gaps across some sectors of


²⁵⁴ Interview with representative from the Immigrant Council of Ireland, 30 May 2005.
the economy, many of these new migrants were unable to immediately find jobs, in many cases due to a lack of English language skills. Because such workers are not immediately entitled to the benefits of the social welfare system, this began to put pressure on private charities, especially church-based ones, whose resources are extremely limited. A related problem, mentioned by both organized labor and business during the course of this research is the existence of barriers to the recognition of the qualifications of EU migrants. While in theory they have free access to the Irish labor market to work in the skilled jobs that they may be trained for, either a lack of recognition processes or resistance from local professional organizations can result in these workers being forced into unskilled and low-paid jobs.255

Summary

As discussed in chapter one, identifying what it means to “Europeanize” immigration policy is not an easy task, precisely because it has proven to be the most difficult policy area at least out of the three analyzed here for the EU to grapple with. Much can be done in the family and higher education fields by injecting additional resources in order to deal with the problem. Good immigration policy, by contrast, is not achieved by throwing money at the problem, despite the fact that migrant advocacy groups might lobby for additional resources for migrant integration schemes.

Immigration policy is difficult to fit into a “Europeanized” development project because Europeanized values seem to suggest contradictory policy goals: European countries need to attract skilled labor and their commitment to “social cohesion” suggests the need to establish comprehensive migrant integration programs, but treating migrants primarily as workers might be detrimental to social cohesion in the long run especially where migrant workers are slotted into the economy as low-paid, unskilled labor and even second-class citizens. Immigration policy is also a difficult field because even if the policy objectives can be identified and tied to both a broad set of social values and a particular economic development strategy, legal frameworks can have unintended consequences, thus subverting those policy goals.

With this in mind, it can be noted that the Irish tendency has been to view migration through a labor market lens. There is nothing essentially wrong with that, but the formulation of a more comprehensive immigration policy must aim to coordinate short-term labor migration with other aspects of a wider strategy including opening up the possibly for permanent residency and assisting migrants in their integration into Irish society. The best hope for this, as illustrated by developments both within and outside the social partnership process since 2000, is to seek and channel interest group participation into the policy-making process.

Conclusions

Taken together, the development of policies for the reconciliation of family and working life, higher education, and immigration demonstrate the multiple layers of Irish
consultative and incorporative policy-making at work. Traditional peak-level and formal but one-off or short-term consultation with experts and stakeholders, represented by such arrangements as commissions of inquiry, have been consistently used to build consensus around policy shifts in the higher education field. Older forms of consultative policy-making also shaped early developments associated with the formulation of policies for work-life balance, to include the 1970-73 Commission on the Status of Women and the Commission on the Family two decades later. However, it is newer forms of consultative and incorporative policy-making, represented by the social partnership process, that have been primarily responsible for forging consensus around specific policy measures in that field. In the case of immigration policy, a lack of central consultation between the state and interest groups delayed the evolution of an adequate response to the new migration reality in the 1990s. More recently, however, the take-up of immigration as a topic of negotiation within the context of social partnership since 2000 has broadened policy consultation in this arena as well.
CHAPTER 6:
PORTUGAL

This chapter argues that the reorientation toward Europeanized goals and values has occurred very unevenly in Portugal, including across the three policy areas of major interest here. Migrant integration policy, for example, has been reoriented around the goal of “social cohesion” more than in either of the other two national cases, yet immigration policy itself lags behind the Irish case in the extent to which issues such as how to attract highly skilled workers to the country have been addressed. The following analysis shows that where family, higher education, and immigration policies have been Europeanized, a combination of two main factors is usually at play. First, some of the most progressive Portuguese economic and social policies discussed in the pages that follow have been initiated or developed by certain “enlightened” individuals or factions of the national executive, meaning both elected government officials and bureaucrats. Second, interest group support or at least consent for these policies is then built up through mechanisms that are more incorporative than they are genuinely consultative. Interest groups are brought on board at a later date rather than treated as important sources of expertise at an earlier stage. In addition, these mechanisms tend to be constituted at a much lower level of the policy-making system and are less formal and
ongoing than in the Irish case, which although limits their ability to shape final concrete policy decisions, does provide a channel for the manufacturing of consent.

In addition, there are many areas in which the informal or loose nature of policy consultation allows some groups far more opportunity to access policy-making than others. In general, academics, the legal community, and some other similarly elite groups are privileged over non-elite groups, though the scale of their influence depends on the precise issue area in question. This means that when consultation occurs at the peak level, it is particularly “segmented” across different policy areas in this case. This is clearly the case in higher education policy, where the Council of Rectors that governs public universities enjoys influence over policy-making equal to no other interest group.

The only danger in this combination of policy elite-driven policy formulation combined with the uneven development of low-level consultative and incorporative mechanisms and segmented high-level consultation with a smaller range of interests is that it opens up the possibility that even where policy is certainly progressive and arguably “Europeanized”, it can still be out of touch with reality. As stressed in chapters two and three, it is important for individual member states to frame policy problems in a Europeanized way, but policy responses also have to “make sense” in relation to the way that the problem is reflected in each national circumstance. Consultation with interest groups matters not only because incorporation helps governments implement new policy frameworks, but also because these groups can help governments better understand the policy problem in question. There are several instances in the Portuguese case where more consultation at an earlier stage of the policy process would arguably have helped better match reality to policy response. These include the problematic privatization
approach taken in the field of higher education from the mid-1980s, as well as how to make the new parental leave scheme deliver its desired results in the field of policies for work-life balance after 1996.

**Labor market challenges in Portugal**

While the Portuguese economy remained underdeveloped and became increasingly stagnant under the Salazar dictatorship, unemployment did not start to become a significant social problem until the 1970s. Several factors account for this, the first being that true levels of underemployment were masked by Portugal’s reliance on agriculture, which tends to report farmers as employed even if they are barely operating at a subsistence level. In addition, not only was unemployment avoided through emigration, but the during the 1960s the colonial army absorbed many of the young men who might have been unemployed otherwise. This situation was reversed after 1974 once the decolonization policy was rapidly implemented. Not only did the army return home, but so did many migrants from the colonies and eventually many return economic migrants from Europe and North America since Portugal had managed to redemocratize. Adding even further to the pressures of absorbing so much extra labor was a steadily increasing number of women seeking work during the 1970s; an extra burden on young job-seekers since new employment laws tended to protect those already with jobs; and a
general reduction in agricultural and industrial production as the result of political upheavals of the revolution.256

Given the increased number of individuals to find jobs for in addition to the sudden withdrawal of foreign investment and other disruptions that took place in the wake of the revolution, it is simply amazing that unemployment levels did not surge higher than they did during the transition to democracy. One estimate is that the unemployment rate rose from 3.1 percent in 1973 to 14.4 percent in 1976 before declining to about 12.8 percent in 1977.257 The fact that it was not any higher is usually attributed to the growth of public sector employment during the political transition period, including wide scale nationalizations of certain industries and companies. One calculation finds that the number of individuals employed by the state more than doubled between 1968 and 1979, from 155,200 to 313 000, increasing again to 442,000 in 1983.258


### TABLE 6.1
PORTUGUESE LABOR MARKET INDICATORS 1995-2005

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<th>Employment rate (percentage of population aged 15-64)</th>
<th>Unemployment rate</th>
<th>Total workforce with at least upper-level secondary school education</th>
<th>Part-time employment as percentage of total workforce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>Female</td>
<td>Total</td>
<td>Aged under 25</td>
<td></td>
</tr>
<tr>
<td>1995</td>
<td>73.5</td>
<td>54.4</td>
<td>7.3</td>
<td>16.5</td>
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<tr>
<td>1996</td>
<td>73.9</td>
<td>54.9</td>
<td>7.3</td>
<td>16.7</td>
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<tr>
<td>1997</td>
<td>75.5</td>
<td>56.5</td>
<td>6.8</td>
<td>15.1</td>
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<tr>
<td>1998</td>
<td>75.9</td>
<td>58.2</td>
<td>5.1</td>
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<td>1999</td>
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<td>59.4</td>
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<td>2000</td>
<td>76.5</td>
<td>60.5</td>
<td>4.0</td>
<td>8.8</td>
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<td>2001</td>
<td>77.0</td>
<td>61.3</td>
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<tr>
<td>2002</td>
<td>76.5</td>
<td>61.4</td>
<td>5.0</td>
<td>11.6</td>
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<tr>
<td>2003</td>
<td>75.0</td>
<td>61.4</td>
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<tr>
<td>2004</td>
<td>74.2</td>
<td>61.7</td>
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<tr>
<td>2005</td>
<td>73.4</td>
<td>61.7</td>
<td>7.6</td>
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</table>


Portugal’s ability to cope with the economic challenges of the late 1970s and early 1980s even as well as it did was at the cost of a burgeoning balance of payments crisis and a huge public debt. By 1983 this spilled over into an economic recession, the social effects of which continued to be offset by public employment, even if by this stage some workers were not always being paid on time given the financial circumstances the state found itself in.\(^{259}\) Privatization of many of the nationalized sectors began in 1987 in conjunction with a general structural adjustment project implemented by the center-right

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Social Democratic Party (PSD). Employment growth occurred in the late 1980s and early 1990s, after which another recession led to an overall employment decrease, led by the service sector as well as small-scale manufacturing for export. Both of these sectors increasingly made use of female labor, a factor that is discussed in detail shortly with respect to the analysis of Portuguese policies for the reconciliation of family and working life.

Portugal is considered something of an exception when it comes to the ability to sustain a comparatively low unemployment rate, at least by European standards, over the past two decades. This appears all the remarkable when it is recognized that the country has hardly experienced magnificent general growth record since the late 1980s and despite the surge in employment creation that followed shortly after Portugal’s European integration in 1986. In Ireland, the gradual decline in unemployment levels since 1987 is correlated with impressive employment growth and a stunning expansion of GDP. The Portuguese economy, by contrast, seems to suffer badly from periodic boom and bust cycles. The Portuguese economy only grew by an average rate of 0.85 between 2001 and 2004, including an actual shrinkage occurring in 2003, compared to average growth rates of a little over 4 percent between 1997 and 2000. The corresponding data for Ireland is an average growth rate of 10.1 between 1997 and 2000, falling to an average rate of 5.1 percent between 2001 and 2004, the slowdown due much in part to Irish dependence on the United States and the slowdown experienced in that country after 2001. The Greek economy grew by an average of 4.6 per year in the latter period and 3.7 in the earlier

In this context and during the course of the field research for this dissertation, several Portuguese academics and policy activists described the mood of the country as “depressed” or even “embarrassed.” A slowdown in economic growth in the first years of the new century had culminated in a serious budget crisis during 2004-05 that finally resulted in government deadlock.

Explanations for Portuguese successes in maintaining relatively high employment levels despite periodic economic difficulties often center on comparisons with Spain, given that the two countries share similar wage-setting agreements among other things. A common explanation is that Spain’s labor market is more rigid, especially in terms of wages—meaning mostly that wages are lower in Portugal than in Spain. It is true that despite formal “inflexibility” such as stringent job security laws, the Portuguese labor market is flexible in a number of other ways. Comparatively low wages constitute one form of flexibility, as does the use of short-term contracts, used increasingly by employers from the mid-1980s, and the use of child and illegal migrant labor. Yet many of these conditions also exist elsewhere in Southern Europe, especially in Greece and as the next chapter discusses in more detail, and yet unemployment levels have been consistently much worse in Greece.

The weakness of explanations centered on labor market rigidities, which arguably do not differ as much across Southern Europe as the economics literature likes to make out, has led others to focus on broader political factors and especially on the

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261 Data calculated from Eurostat 2006.

interventionist role of the Portuguese state after 1974. These include the extension of credit to small businesses, initially under a largely nationalized banking sector,\textsuperscript{263} and more recently, active labor market programs. More generally, it is proposed that the sequencing of privatization of state services, well after the transition to democracy began, meant that a cutback in state employment only occurred after enterprises located in the industrial and service sectors were developed enough to begin contributing to employment growth.

A major problem Portugal now faces is that many of these “new” service and industries, some of which are still heavily tied to an inefficient agricultural sector, are no longer sustainable given competition from Eastern Europe and Asia. Staple Portuguese products have suffered either a loss of market or the growth of competition in recent years, including cork, fisheries, clothing and footwear. Furthermore, a growth strategy based chiefly on low-wage competition is not going to provide an adequate basis for meeting the expectations of an increasingly consumerist society whose reference point is with Western Europe and not the “developing” or “peripheral” world. This is slowly leading toward the development of new industries structured around the concept of “the innovation society”, yet Portugal has much further than most European countries to go in making this concept a reality. As this chapter discusses in detail, levels of education in Portugal still lag far behind their Western and Southern European counterparts. Despite efforts to improve education levels an “information underclass” can be clearly

identified. This translates into the emergence of a very limited number and range of “knowledge based” local industries and the lack of a clear strategy about how to shift away from continued Portuguese reliance on an underdeveloped agricultural sector, struggling industries, and a growing low-wage service sector.

Reconciling family and working life

Portugal is an unusual case when it comes to the development of policies for work-life balance because high rates of female workforce participation have been achieved without much historical support for families on the part of the state. This situation began to change in the late 1990s, with new legislative action in the field of parental leave and new resources for the development of childcare facilities. The observable shift that has occurred, however, has been framed slightly differently than the one occurring at the European level: through the lens of “gender equality” rather than “work-life” balance or the problems associated with declining fertility rates in an era of an aging population. The shift has also taken place without much consultation with interest groups, meaning that state action is in danger of failing to address the actual policy problem at stake. The nature of this policy problem in Portugal is discussed first and at length because of the country’s status as a European outlier in this regard.

The policy problem: High female participation rates in a low-wage economy

It is important to begin this discussion by pointing out just how hard Portuguese women work, putting in many long hours both in paid, mostly full-time jobs, and unpaid labor. Men have to work hard too in what is by West European standards a low-wage economy, but all the evidence suggests that women work harder. A majority of Portuguese women have a paid job, and most of these jobs are full-time. Recent time-use survey data finds that working Portuguese women on average labor outside the home almost as much as men, about 8.1 versus 9.0 hours per day respectively, yet these women also work an average of an additional 3.8 hours in the home compared to men’s 1.3 hours.\textsuperscript{265} Furthermore, having children only mildly affects workforce participation in comparison to other countries; women tend to drop out of work for only a very short time after childbirth before returning to full-time paid employment.\textsuperscript{266} Even more importantly, they do all of this while historically being offered very little state support to help them balance responsibilities inside and outside the family home. In calculations of benefit packages and overall state support given to families, Portugal has consistently

\textsuperscript{265} Anália Cardoso Torres, Francisco Vieira da Dilva, Teresa Libano Monteiro and Miguel Cabrita, \textit{Homens e Mulheres entre Família e Trabalho}. Lisbon: Comissão para a Igualdade no Trabalho e no Emprego, 2004: 111.

\textsuperscript{266} This point is made in OECD, \textit{Babies and Bosses. Volume 3: New Zealand, Portugal, and Switzerland}. Paris: Organisation for Economic Cooperation and Development, 2004: 18. In addition, very good data which proves the point can be found in Tito Boeri, Daniela Del Boca and Christopher Pissarides (eds.), \textit{Women at Work: An Economic Perspective}. Oxford: Oxford University Press, 2005: 21, table 2.6. This data shows very little variation in the take-up of part-time work by women in Portugal with children compared to those without children, in contrast to other European countries.
been grouped at the bottom of the OECD in terms of generosity, along with Greece, Ireland, Italy, and Spain.  

This Portuguese exceptionalism is the first thing that strikes most researchers when surveying the national context for the development of policies for the reconciliation of working and family life in this case. According to the highly influential analytical framework provided by Gosta Esping-Andersen that was summarized in chapter two, Portugal is an outlier because it maintains high rates of female workforce participation while generally belonging to the “Southern European” family of residual and minimalist welfare states. Welfare regimes in Southern Europe tend to be patchy and less than generous in their coverage of the population, and fragmented and inefficient in their delivery. Welfare benefits are most often tied to occupational status, and a tradition of making welfare provision mostly an individual or family responsibility has been proven to increase the tension between family and working life.  

To this end, Greece, Italy, and Spain have especially low rates of female workforce participation as well as low birthrates even by European standards.

Welfare state development in general and family policy in particular was extremely limited during the Salazar era up to 1974. Guided by a conservative ideology, most welfare responsibilities were devolved to the family. Furthermore, although the

267 Linda Hantrais and Marie-Thérèse Letablier, Families and Family Policies in Europe. London and New York: Longman, 1996. Note the date of publication, which does not take into account changes in Portugal during the 1990s which this chapter discusses.

new forces that came to power after the revolution were convinced of the need to expand welfare provision, their ability to carry that through into practice was limited not only by the long-term underdevelopment of the economy as well as the short-term economic crisis of the late 1970s, but also by the fact that is was a bad “world time” to be attempting to expand welfare provision since most other OECD countries had started the process of cutting back theirs.\textsuperscript{269} In the family policy sphere, that meant that in concrete policy terms, strategies for work-life balance did not go much beyond the existing child benefit scheme and some changes to maternity leave provisions until the 1990s. So despite post-revolutionary constitutional commitments to state provision of public services and a guarantee of gender equality that would also seem to suggest further intervention in this sphere, the Portuguese welfare state still retains a limited and familialist orientation even if it does not fit the “Southern European” stereotype anywhere near as closely as does Greece.

Yet despite having other “residual and familialist” features such a tight relationship between social security and occupation-based social insurance contributions, Portugal’s rates of female labor force participation are closer to Scandinavian than they are to Mediterranean ones. Women took up paid work at what is in retrospect an astonishing rate especially after 1981. OECD data reports female labor participation rising from 32.0 percent in 1970 to 59.1 percent in 1989, then remaining stable between 60 and 65 percent during the 1990s.\textsuperscript{270} Another way of underlining the increase in the


rate of women entering paid work is to point out that while male employment grew by 93 percent between 1981 and 2001, the increase in female workforce participation grew by 850 percent over same period.\textsuperscript{271} By 2000, the actual female participation rate at over 60 percent was higher than that of Germany at 55.9 percent, and closer to the Swedish rate of 69.3 percent than to Greece’s at 41.2 percent, Italy’s at 39.6 percent and Spain’s at 40.3 percent.\textsuperscript{272} Yet in terms of the labor market challenge posed by demographic change posed at the beginning of this dissertation, Portugal does have a falling birthrate that is now lower than that found in the Nordic countries even if it is still slightly higher than that of the rest of Southern Europe. That is a source of concern, yet it has not been a main feature of recent debates over family policy in Portugal, which tend to revolve around either issues of gender equality or poverty relief.

While the data on female workforce participation might give the impression that Portugal looks more like Sweden or Finland that Spain or Greece in this regard, the reality is a little different. The universalist orientation of welfare state development and gender equality driven component of family policy in Scandinavia has been surrounded by shifts in traditional ideas about gender roles, and even more progressively, a greater sharing of unpaid household labor between men and women, and more recently, talk of one-and-a-half income families in which both parents reconcile family and working life through part-time work, shorter working hours, or job-sharing.\textsuperscript{273} Despite arguably

\begin{footnotesize}
\begin{enumerate}
\item Anália Cardoso Torres, \textit{Vida Conjugal e Trabalho: Uma Perspectiva Sociológica}. Oeiras: Celta Editoria, 2004: 22.
\item From Eurostat data, see Table 1.1 of this work.
\end{enumerate}
\end{footnotesize}
greater social gender equality than found elsewhere in Southern Europe, this is not always mirrored in family economic arrangements to the same extent that it is in parts of Northern Europe. This is not to say that public policy in this field has not at times been marked by a very clear and strong gender equality ideology. The gender-equality perspective of some Portuguese policy-makers and its reflection in institutional development is discussed further below.

Two questions arise from the fact of Portuguese exceptionalism. First, in the absence of much in the way of state services and benefits to help ease the tension between family and working life, how are Portuguese women even able to do both? Second, if research proves that an absence of such services and benefits reduces female participation rates elsewhere, why have Portuguese women entered the labor force in such great numbers? This first question is much easier to answer than the second which is much more contested and open to interpretation. While the following sections will discuss gaps in the provision of benefits and services for the purpose of achieving work-life balance in much more detail, it is quite obvious that it is not state intervention that allows Portuguese women to work both inside and outside the home. In fact, many would argue that the high female workforce participation rate is retained in spite of the enormous gaps in state provision and intervention that remain. In the absence of state provision of services such as affordable childcare, or government policies to encourage employers to offer flexible or even part-time working schedules, working mothers and fathers in Portugal rely overwhelmingly on the support of wider family networks.
Childcare is clearly an even greater problem for solo mothers, especially in lower paid jobs and if family networks are lacking.\footnote{Karin Wall, José São José, and Sónia V Correia, “Mães sós e cuidados à crianças”, \textit{Análise Social}. N.163 (2002): 631-663.}

With respect to the slightly more difficult question of why Portuguese women bother to work outside the home at all given the difficulties for childcare in particular that entering the paid workforce causes, there are a number of different and sometimes competing answers to this question. Academic analysts tend to stress economic factors that push or pull women into the workforce. Chief among the push factors is the fact of low wages in Portugal, something that was also emphasized by union officials during interviews conducted during the course of this dissertation research.\footnote{Interview with representative from General Confederation of Portuguese Workers (CGTP), Lisbon, 20 October 2005. See also See Christine Cousins, “Women and Employment in Southern Europe: The Implications of Recent Policy and Labour Market Directions”, \textit{South European Society and Politics}. V.5, N.1 (2000): 97-122, who gives evidence that family incomes in Portugal are the lowest in the EU.} Among the pull or “demand” side factors, it has been suggested that Portugal’s role in the international division of labor has played a major part.\footnote{Ana Rute Cardoso, “Women at Work and Economic Development: Who’s Pushing What?”, \textit{Review of Radical Political Economy}. V.28, N.3 (1996): 1-34.} Although the workforce in Portugal is less stratified long gender lines than elsewhere in Southern Europe,\footnote{Virginia Ferreira, “Positive Action and Employment Segregation”, in Virginia Ferreira, Teresa Tavares and Silvia Portugal (eds.), \textit{Shifting Bonds, Shifting Bounds: Women, Mobility and Citizenship in Europe}. Oeiras: Celta Editoria, 1998: 271-335.} there is a heavy concentration of female labor in certain sectors, such as clothing and footwear and cork processing, the latter which has traditionally a very important industry for Portugal but is unfortunately now operating in a tapering export market. Since the international competitiveness of these industries relies on cheap labor, and Portugal also has in fact an
on-going problem with the illegal employment of children in precisely these industries, women are pulled into employment in these sectors as well as being pushed by the need to supplement family income.

This is not necessarily the story told, however, by policy officials in charge of developing policies for work-life balance. In 2004 the OECD published a new volume in its Babies and Bosses: Policies for Reconciling Work and Family Life series that included Portugal as a case study. One main recommendation of the study was that the Portuguese state should remove structural barriers to part-time work in Portugal so that it became an option for parents attempting to resolve tensions between family and working life. I asked a senior policy advisor, also a key architect of the 1996 parental leave legislation detailed below, about the OECD’s recommendations about the option of part-time work in Portugal, and got a curious response. Portuguese women, in her opinion, chose to work full-time because it gave them power in society. They were “not stupid” and knew that if they worked part-time instead of full-time they would lose their “power and equality” in the workplace and would also have to take responsibility for the home.278

Explaining policy development: The role of consultation and incorporation

It has thus been noted that although there is a “positive attitude of the state” in relation to gender equality in Portugal, “this has not been translated into substantive measures likely to help women combine employment and family life due to its limited

resources.” This dissertation argues that although a lack of resources, or more accurately a lack of resources combined with a minimalist welfare state tradition to build upon, has indeed hampered policy in this arena despite some recent improvements, the lack of consultative mechanisms is also problematic. The gender equality perspective is something that has been very much driven from above, giving rise to a number of important state institutions, some of which involve consultative and incorporative mechanisms, but most of which concentrate on the implementation of formal rights and especially gender equality measures written into labor legislation. Parallel institutions and processes have not developed in the family policy arena per se. This section gives a review of these developments before moving on to an analysis of the impact of these developments on the evolution of policies for work-life balance in the next.

The conservative approach to economic and social policy that marked the years of Salazar’s dictatorship was, in theory, swept away by the regime’s collapse in 1974. It has been noted in particular that the Portuguese Constitution introduced at the end of the 1974-84 democratization period “probably goes further than any other EU member state in conceptualizing the family as a fundamental social institution deserving support from the state.” Whereas the Irish Constitution does not promise much in terms of real material support for families, the Portuguese one certainly does, even if those promises


280 The fact that the state’s commitment to gender equality has never been matched by strong mobilization of Portuguese women is emphasized by Virginia Ferreira, “Sexualizando Portugal: Mundança Social, Políticas Estatais e Mobilização das Mulheres”, in Antonio Costa Pinto (ed.), Portugal Contemporâneo. Palto Alta, CA: The Society for the Promotion of Science and Scholarship, 2000: 180-212.

have not always been realized. Article 67 of the contemporary constitution states that:
“The family, as a basic component of society, has the right to protection by community and the State and to the creation of all the conditions that permit the personal fulfillment of its members,” before listing the specific ways in which the state is theoretically supposed to give that protection and support. These entail promoting “the social and economic independence of family units”; establishing and guaranteeing access to childcare centers and other facilities for family support to include provisions for the aged; working “with parents in the education of their children”; guaranteeing the legal right and “technical arrangements” for family planning as well as “regulating assisted procreation, in such terms as safeguard human dignity”; adjusting tax rates and welfare benefits in order “to reflect family responsibilities”; and “implementing an overall and integrated policy for the family” after consultation with associations representing families.282

Further to these specific family-related commitments, however, the post-revolutionary constitution committed the Portuguese state to ensuring gender equality. This framed early attempts at making some of these ambitious promises a reality, but has equally influenced more recent policies aimed at reconciling family and working life implemented during the 1990s. For the purposes of the present discussion, however, it also gave rise to at least two important institutions that have had some impact on the development of policies for work-life balance even though they are not in fact responsible for formulating and implementing family policy itself. Not unlike Irish government efforts during the 1970s in response to EU pressure, the workplace was seen

as the primary arena for pursuing goals of gender equality in the immediate post-revolutionary years.

This initial approach is reflected in the institutional development that followed. The Commission for Equality in Work and Employment (Comissão para a Igualdade no Trabalho e no Emprego or CITE) was established in 1979 and deals with complaints of discrimination in the workplace and adjudicates employment disputes. CITE is a tripartite organization overseen by the Ministry for Labor and Social Security and in its early years was chaired by the Director for Labor. Its current members are, on organized labor’s side, both the center-left Confederação Geral dos Trabalhadores Portugueses (CGTP) and the further left União Geral dos Trabalhadores (UGT), and on organized business’ side, the Confederação da Indústria Portuguesa (CIP) and the Confederação do Comércio e Serviços de Portugal (CCP).

Overwhelmingly, the institution deals with complaints of unfair dismissal and is and always has been confined to the consideration of gender-based cases of discrimination. This specifically gendered focus of CITE was reinforced in an interview with a former chair of the organization, who was rather bemused by the increasing number of complaints presented to CITE on the basis of race or immigrant status, which is not within the institution’s terms of reference.283 Early cases presented to CITE tended to focus on issues of equal pay, with Portugal having an eye on joining the EU and the EU having passed a series of equal pay directives in the early to mid-1970s. More recently, cases have centered on issues such as pregnancy and breast-feeding. CITE’s

283 Interview with former chairperson of CITE, 7 October 2005. Much of the remainder of this discussion of CITE’s role is informed primarily by this interview.
rulings are overwhelmingly in favor of the worker in the employment relationship. Even if this resulted in positive outcomes for working women, it should also be noted how narrow CITE’s role is, and that few cases have yet been ruled on concerning issues such as the right to part-time work, flexi-time, or parental leave.

Similarly but with a much broader institutional role than the CITE, the Comissão da Condição Feminina was established by decree law in 1977. This followed a 1975 conference that took place in the wake of the revolution on the status of women. The body was reconstituted in 1991 as the Commission for Equality and Women’s Rights (Comissão para a Igualdade e para os Direitos das Mulheres or CIDM) under the responsibility of the Ministry of the Presidency. The CIDM has responsibility for inter-departmental coordination, producing the National Plan for Equality that is the responsibility of all EU member states, and occasionally hosting consultative meetings with interest group stakeholders.284

Neither CITE nor the CIDM has direct responsibility for family policy however, nor for the specific problem of developing policies for the reconciliation of work and family life, even if recent research carried out of behalf of CITE has come to focus on such issues. There have been several attempts to create government departments with responsibility for this policy area, however, which are interesting in that they have received a considerable amount of attention from the EU as well as academic commentators. They are also interesting because they represent an early appreciation of

284 For example, during the early 1990s at least, a group known as Consultative Council for the Commission for Equality and Women’s Rights which included a non-government organization wing (Organizações Não Governmentais Do Conselho Consultativo da Comissão para a Igualdade e para os Direitos das Mulheres) appears to have been in existence. However, no policy-making official or Portuguese academic consulted in the course of this research mentioned such an organization or considered it important.
issues surrounding work-life balance that is not found in Greece and only appeared
during the 1990s in the Irish case. Yet it should also be kept in mind that family policy
has usually been approached at the elite policy-making level from a social
welfare/poverty relief perspective or a gender equality one, giving the debate a
qualitative difference from the one that has been occurring at the European level.

The fullest albeit brief expression of state interest in conceptualizing and
formulating family policy as a distinct arena of state activity occurred between 1980 and
1982. A State Office of the Family with a Secretary of State for the Family was
established under Law 202/1980 and was followed by the 1982 creation of a Ministry of
Social and Family Affairs which oversaw an Interministerial Commission on the Family,
Cabinet of Studies and Projects for Family Affairs, a Director-General for the Family,
and an Advisory Council on Family Affairs. The latter institution presumably had
potential to combine consultative and incorporative functions. The explicit commitment
to this policy area was abandoned, however, in 1983. There is not much analysis in the
secondary literature to suggest why this abandonment occurred, but perhaps this policy
area simply failed to remain a priority given that the economy had not yet bounced back
from its post-revolutionary period of crisis. The only institution to survive is the Director
General for the Family, whose role is “purely advisory.” This impression is backed up
by the evidence presented below: policies for work-life balance especially, where they do
exist, have tended not to stem directly from the efforts of this organization and certainly
not from any interest group consultation processes established by it.

A limited amount of consultation over family policy does occur, in two basic forms. On one hand, at the peak level, negotiations over issues of work-life balance happen in a limited way between trade unions and organized business as part of Portugal’s neo-corporatist tri-partite industrial relations system. The range of issues negotiated within this framework is very limited, however, and particular collective agreements only apply to particular occupations or industries. There is not much evidence of wider negotiations between economic players and the state over issues connected to this policy area, such as childcare provision or even paternity leave legislation, and Portuguese “neo-corporatism” contrasts with Irish “social partnership” in this respect. On the other hand, some consultative and incorporative mechanisms do exist in order to channel negotiations between other sorts of interest groups, parents’ organizations and childcare providers for instance. However, in cases where this broader consultation occurs it is generally at too low a level of the system to have genuine policy impact, and is non-binding and not particularly formal in nature.

As in the case of higher education policy discussed next, sometimes the only evidence of consultation between a broader set of interest groups and the state is found in a number of “seminars” held pertaining to the issue. These fall into the category of one-off or short-term consultative processes discussed in chapter three, even where they are

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presented as part of an ongoing permanent consultative structure. Examples are one-off meetings held by the Consultative Council of Non Government Organizations attached to the CIDM and seminars organized by the surviving Director General for the Family.\textsuperscript{288} In both cases, there is a particularly high participation rate of academics compared to “street level bureaucrats” or community workers, something that is not true in the Irish case discussed in the previous chapter. There is also no real evidence that these short-term efforts are able to function as part of a feedback structure on concrete policy decisions. In addition, an ongoing state Consultative Council for Family Affairs has representation from non-government organizations in the family policy field, but the focus of this body is on issues such as child protection rather than work-life balance. When I approached for an interview about certain issues associated with work-life balance, representatives from the organizations stated that this fell outside their terms of reference.

So despite some evidence of on-going relationships between interest groups and the state, this relationship is not very formal or else negotiations take place on such a short-term or low-level basis that it does shape policy decisions in any serious way. Rather, moves that have been made toward a somewhat more Europeanized way of looking at issues of work-life balance have been achieved more through the individual actions of “enlightened leaders” within the government or state bureaucracy, even if the main objective of many of such leaders have centered especially on the promotion of

\textsuperscript{288} I have two specific cases with accompanying documentation held by these organizations and on which this analysis is based. Comissão para a Igualdade e para os Direitos das Mulheres [Portugal], \textit{O Emprego das Mulheres e as Estucturas de Apoio às Crianças}. Seminar notes. Lisbon: Organizações Não Governamentais Do Conselho Consultativo da Comissão para a Igualdade e para os Direitos das Mulheres, 1991, and Director-Geral da Família, \textit{Tempo para o Trabalho, Tempo para a Família}. Seminar notes. Lisbon: 1989.
gender equality for its own sake rather than as a means to increase female labor force participation and/or fertility rates. It would be difficult to argue that the promotion of gender equality in of itself is not a “good” thing. The point here is rather than it gives the Portuguese debate a different character than the one occurring at the European level. A key enlightened leader of the push for gender-equality policy in the late 1990s expressed puzzlement that this researcher would even be interested in the role of non-state interest groups in shaping policy outcomes; in her opinion their influence and opinions did not matter and it did not matter that it did not matter. How and why more robust consultative and incorporative institutions do matter is a theme returned to at the end of this chapter.

Evolution of policies for work-life balance 1975-2005

The commitment made in the Portuguese Constitution to assisting families has not always been consistently reflected in the expansion of services, benefits, or legal changes to facilitate work-life balance. One of the reasons for this is a lack of resources; Portugal remained one of the poorest EU members for the period under analysis here, and the Portuguese state has had a number of competing priorities in the social policy arena, to include a required investment in education discussed below. The development of stronger consultative and incorporative policy-making may not have helped change this situation, but it arguably would have done more to better match policy to the needs of

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289 Interview with former senior policy advisor in the field of gender equality policy, Lisbon, 5 November 2005.
families over the past two decades in particular. Three basic phases of post-revolutionary policy development subsequent to the establishment of CITE and the CIDM in the 1970s can be identified. The first, covering the 1980s, is marked by consistency with the past. Although there was an interest in expanding the level of services and benefits offered to working parents and apart from the establishment of CITE and its accompanying alterations to the labor code, much of this did not change from what had been offered before the revolution, being limited to child benefits and maternity leave legislation. By the early 1990s, interest in policies for work-life balance become more apparent, though still viewed through the lens of a gender equality or welfare perspective. The welfare perspective is reflected best in the attention to childcare facilities paid during this period. After the election of a Socialist government in 1995, parental leave guarantees were expanded. Third, in the era of budget restraint that characterized the period after 2001, attention has shifted to increased targeting of the social welfare budget toward poorer working families.

The pre-revolutionary minimalist and familialist character of family policy under dictatorship did not preclude the existence of some state benefits and services before 1974, even if these were justified by the state’s need to protect the family from the “corrupt” ideologies of the outside world and certainly not aimed at reconciling family and working life. As in many other countries, including Ireland, family or child benefits and maternity leave legislation were the principle mechanisms for protecting families during the earlier period. A child benefit was first introduced in 1942 and

although not discussed much at all in the literature, was relatively high for much of the
Salazar era. Worth twenty percent of the average male manufacturing wage in 1961,
higher than that found in Sweden or Finland at the time, it did however decline in value
after that, worth only 7.5 percent in 1975 and 4.9 percent in 1990.\(^{291}\) During the 1980s
Portugal was the only country in Southern Europe with a universal child benefit, even
though that benefit was increasingly token in nature.\(^{292}\) During the early 1990s there was
some discussion at the government level about better targeting the benefit to low-wage
families, though this did not actually happen until a decade later.\(^{293}\)

Maternity leave constitutes a second early arena of state activity. Original 1922
legislation stated that new mothers must take ten weeks of compulsory leave at up to
sixty percent of earnings,\(^{294}\) although since maternity benefits and pay during maternity
leave have always varied according to social insurance contributions and plans, so that
coverage has also varied widely. During the 1970s legislation provided for nine weeks
on full pay in some circumstances, which was raised to thirteen weeks in 1980, bringing
Portugal into line with international commitments but far behind many other European
nations.\(^{295}\) Finland and Sweden both provided for 52 weeks by 1985.\(^{296}\) One study

\(^{291}\) Discussion based on data presented in Anne Gautier, The State and the Family: A Comparative


\(^{293}\) John Ditch, Helen Barnes and Jonathan Bradshaw (eds.), Developments in National Family


\(^{295}\) Marlene Lohkamp-Himmighofen and Christiane Dienel, “Reconciliation Policies from a
Comparative Perspective,” in Linda Hantrai (ed.), Gendered Policies in Europe: Reconciling Employment

found that by 1991, one-off birth grants reached 75 percent of mothers, nursing allowances reached 64.5 percent, and maternity leave was taken up by 53 percent.\textsuperscript{297}

Because maternity and parental leave provided the major field of action for government policy in the field of work-life balance between 1996 and 2001, however, further policy changes are returned to shortly below.

### TABLE 6.2

**MAJOR DEVELOPMENTS IN PORTUGUESE POLICIES FOR WORK-LIFE BALANCE**

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1922</td>
<td>First maternity leave legislation passed.</td>
</tr>
<tr>
<td>1942</td>
<td>Child allowance/family benefit introduced.</td>
</tr>
<tr>
<td>1977-79</td>
<td>Establishment of institutions to address issues of gender equality—CITE and CIDM.</td>
</tr>
<tr>
<td>1980-83</td>
<td>State Office for the Family created (and then abolished).</td>
</tr>
<tr>
<td>1980</td>
<td>Maternity leave legislation brought into line with minimal European standard.</td>
</tr>
<tr>
<td>1990-</td>
<td>Expansion of childcare supply through public contracting.</td>
</tr>
<tr>
<td>2003</td>
<td>Targeting of existing child allowance to poorer families.</td>
</tr>
</tbody>
</table>

By the beginning of the 1990s, attention had shifted to the important issue of the gap between childcare supply and demand. The Portuguese state relies heavily on contracting with the non-profit sector in order to try to meet demand, which is supplemented by a for-profit private sector and some pre-school education establishments controlled directly by the state. Like most countries, then, childcare is provided by a

patchwork of organizations, the affordability and availability of which varies according to geographic region and the age of a child in care. The consistent problem in Portugal over the period of interest here is the lack of available spaces, especially in the publicly subsidized sector, and especially for children aged under three. Some mobilization but still mainly within the public administration around the issue occurred during the 1990s and did result in an increase in public provision for children aged between three and six as a result. A report of a seminar held by the CIDM’s Non-Governmental Organization Consultative Council in 1991 laments the fact that while fifty percent of children in the 0-3 age group had working mothers, only 11 percent had access to formal care, even though there is a legislative commitment to the provision of care. The rate of coverage for the 3-6 age group was 35.6 percent compared to 80 percent for a “majority of European countries.”

Efforts to expand childcare meant that the rate of coverage for the older age group had increased to fifty percent by 1994. Yet much of this development occurred in institutions run by the Ministry of Education, the number of nursery schools in this category increasing from 2141 with 49 820 users in 1985/86 to 3 049 schools and 72 428 users in 1993/94. It has been pointed out how at the time how little these schools contributed to the reconciliation of family and working life, however, since they generally opened for only five hours a day and closed for two hours during the middle of

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298 Comissão para a Igualdade e para os Direitos das Mulheres [Portugal], O Emprego das Mulheres e as Estruturas de Apoio às Crianças. Seminar notes. Lisbon: Organizações Não Governamentais Do Conselho Consultativo da Comissão para a Igualdade e para os Direitos das Mulheres, 1991

297
By 2004, participation rates for the 3-6 year old group had increased to 75 percent, with an extension of hours, but only 22 percent for younger children. This includes coverage by private providers that supplements the not-for-profit and state sectors, which is often very expensive in comparison to wages. One curious aspect of Portuguese policy in this area is that by law, parents must pay full-time rates even for part-time use. A tax break is provided for childcare fees, but this is usually not enough to offset the full-time rate requirement, providing a disincentive to part-time work.

While some expansion of childcare provision occurred under the Socialist government of 1996-2001, most attention has focused on the parental leave scheme introduced at this time because of its unusual focus on paternity leave as opposed to general parental leave that is transferable between men and women. Maternity leave of 120 days can be transferred to the father after 90 days and spread out over a year on a part-time basis, but there are also two special sets of paternity leave, one of five days following the birth of a child and one of 15 days over the period that maternity leave covers. Importantly, parental leave is paid, but it does depend on a worker’s insurance contribution record so does not cover all cases. The logic behind the development of such policies was explicitly centered on the promotion of gender equality, specifically, changing the attitudes of Portuguese men toward childcare. According to one of the key architects of the reforms, transferable parental leave rights by adopting a gender neutral

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framework is “a mistake”, as is always targeting measures toward women as if they are the ones who are “different”. To change the way men think about their role as fathers, rights have to be specifically and separately awarded to them.\footnote{Interview with former Secretary of State for Equality, 7 November 2005.}

Arguably, changing traditional perceptions of gender roles is one an important part of a Europeanized approach to family policy in itself. Some doubt can be raised, however, as to whether Portugal’s paternity leave legislation helps families cope with the tensions between work and family life over the long term. Fifteen to twenty days of paid paternity leave spread out over the first year of a child’s birth, in addition to several other forms of partially paid or unpaid special leave for the care of sick children for example, probably does not affect the choice to have children or to enter the paid workforce as much as some other reconciliation measures have the potential to do. As the recent OECD report noted: “Portugal has a comprehensive child-related leave model but only few families can afford to make use of it.”\footnote{OECD, \textit{Babies and Bosses} (2004): 145.} The cost of childcare, particularly for part-time work and multiple barriers to the use of flexible, reduced, or high quality part-time working arrangements as developed in the Nordic countries are probably much more influential on family decision-making over the longer term.

The center-right government that came to power in Portugal in 2002 did so in the context of a developing budget crisis. During the late 1990s, the country had in fact expanded its social welfare commitments in general through the gradual expansion of a minimum income policy, widely discussed as a progressive move toward the provision of a universally applicable safety net and away from the occupational basis of welfare

\begin{footnotesize}
\begin{enumerate}
\item Interview with former Secretary of State for Equality, 7 November 2005.
\item OECD, \textit{Babies and Bosses} (2004): 145.
\end{enumerate}
\end{footnotesize}
associated with the “Southern European” model. The PSD-CDS government made no moves to overturn developments in the family policy arena made under the Socialists, but did introduce a series of measures designed to target the family benefit and taxation structure increasingly to poorer and larger families. This resulted in about ten percent of families losing the existing Child Allowance.

Summary

Although Portugal was been able to achieve comparatively high rates of female workforce participation, increasing from the mid-1980s, in the absence of comprehensive policies for the reconciliation of work and family life, the development of such policies is still important. Not only is child welfare a concern in a situation in which much childcare is informal, and there is in fact evidence that children are left home alone in Portugal more than they are in other OECD countries, but the tensions between work and family life are likely to do very little to help combat long-term fertility decline, the second part of the problem associated with an ageing population. Current academic research shows

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an increased anxiety among young people about the future, associated with delayed family formation and a perceived need to put work first.\textsuperscript{307}

Where progress has been made in the development of policies for work-life balance, they have been framed more by gender equality rather than labor market concerns \textit{per se}, and formulated and implemented by “enlightened” bureaucrats rather than through negotiation with interest groups. This has consequences for the substance of the policy shift, even if it has “Europeanized” in some respects. In recent times, the concentration of policy-makers has been on such issues as paternity leave legislation rather than an overhaul of the childcare system or the type of high-quality flexibilization of working time that is increasingly the subject of efforts in this policy arena especially in the Nordic countries. Part-time work and job-sharing arrangements are one key component of this latter strategy, but are fiercely resisted by officials in the public administration for ideological reasons. How much increased consultation with interest groups might change this situation can only be a matter of speculation, but even trade unions that are often closely aligned to government on certain issues tend to argue that this ideological resistance to part-time work has little to do with the preferences of Portuguese workers than simply low wages. General problems associated with the development of policy through enlightened leadership rather negotiation with and between interest groups is returned to in the conclusion to this chapter.

\textsuperscript{307} Maria dos Dores Guerreiro and Pedro Abrantes, \textit{Incertas: Os jovens perante o trabalho e a família}. Lisbon: Departamento de Estudos, Prospectiva e Planeamento, 2004.
Higher education

Portugal’s revolutionary regime from 1974 to 1976 and subsequently, the country’s democracy, inherited a major problem in the form of an underdeveloped education system. The higher education system under the *Estado Novo* had been accessed only by a small elite and offered a narrow set of courses and programs. Education policy from the late 1970s through the 1990s aimed to increase participation but also diversity, first through the construction of a new public polytechnic system and several new universities, then later through the encouragement of the growth of private institutions. These policies did increase participation, but their ability to increase the diversity of courses offered was rather more mixed. By the early 1990s the attention thus shifted to the problem of how to increase the quality of higher education, a theme that carries through to the contemporary policy agenda, which is also centered on how to enhance the overseas reputation of the Portuguese education system. There is a little more evidence for the use of consultative and incorporative policy-making strategies at the peak level here than there was in the family policy arena, at least in this latter period. Genuine consultation is confined to a very narrow set of interests, namely an academic elite that tends to serve as both stakeholder and giver of supposedly neutral policy advice, a position that is unique to higher education policy. This is true everywhere, but in other cases to include Ireland, there have been attempts to broaden participation in policy-making beyond this elite.
Nowhere is Portugal’s inheritance of a “dual society” as it made the transition to democracy more apparent than in the field of education. One of Europe’s oldest and historically most prestigious universities is to be found here and intellectuals are both held in high regard and permitted a considerable influence in social and political life. Yet the country still suffers from having one of the most under-educated workforces in the developed world. As the following discussion will illustrate with respect to higher education, Portugal has done a lot of catching up in terms of expanding access to education at all levels over the past three decades. But it has also had much catching up to do. Under Salazar, access to basic education was limited for many, especially in rural areas, with primary school attendance for girls not made compulsory until 1960. Education suffered especially at the secondary level, beyond the initial six years of required attendance. During the 1969-70 school year, 27.7 percent of fourteen year olds were enrolled at school, compared to almost 50 percent in Spain and around 90 percent in a country such as the Netherlands.\(^\text{308}\)

The long-term legacy of this has been a lag in literacy rates: by 1988 the illiteracy rate for those aged over fifteen still reached almost eighteen per cent while those of most other Western European countries were approaching zero.\(^\text{309}\) However, the “dualist”


nature of the education system is not only reflected in the under-education of a large sector of the population, but also in how well the elite has traditionally been educated. The contrast is reflected in the fact that although Portugal has the lowest proportion of the population aged 35-64 with a secondary school qualification in the OECD, bar Turkey, those who do manage to complete secondary school score very highly on literacy tests.\textsuperscript{310} That social class has traditionally mattered most when gaining access to education is particularly striking in light of the fact that gender provided no real barrier to members of the elite attaining university qualifications. By 1970, predating the revolution, 45 percent of university students were female.\textsuperscript{311} Given the discussion of Portuguese gender relations and female workforce participation presented above, perhaps that is not very surprising, but here it serves to further underline the extent of dualism and elitism in the education system that democratizing forces would have to deal with after 1974.

Prior to the early 1970s, higher education in Portugal was generally provided by a limited number of public universities while technical education was confined to the secondary level. The country’s first university was established in the thirteenth century, eventually permanently at Coimbra, before parallel institutions were founded in the major cities of Lisbon and Porto in the mid-nineteenth centuries. An additional university for Lisbon was then established in 1930 and the Catholic University was founded in 1967. Apart from this latter institution, which did not really expand its teaching functions until the early 1970s, the provision of private education was limited to several arts schools and conservatories. At the beginning of the 1960s, 98.4 percent of students in higher

\textsuperscript{310} Conceição and Heitor, \textit{Innovation for All?} (2005): 7-12.

\textsuperscript{311} OECD, \textit{Education in OECD Developing Countries}. (1974): 36.
education were thus enrolled at public institutions, and 94.9 percent were enrolled at universities. The highly traditional universities that made up this system were divided into separate and distinct faculties, where courses aimed to give a five or six year degree in law, sciences, engineering, or medicine, for example, not a general education.\textsuperscript{312}

As part of the much larger but ultimately failed attempt to modernize the \textit{Estado Novo} in order to relieve some of the social pressures that eventually caused its downfall, moves to diversify the public higher education system were made on the eve of the revolution. This followed a decade of gradual expansion of participation in higher education that had occurred since the beginning of the 1960s, although this expansion was nothing like that which occurred a decade later. The 1973 plan included the intention to create several new universities and university institutes, particularly in regions such as the Alentejo and the Minho that had previously gone without their own, plus a new polytechnic system to offer more advanced technical training than what has previously been taught at the secondary level, even though most of these courses taught by the proposed polytechnics would be at the sub-degree level. The program was obviously put on hold as the result of the breakdown of the authoritarian regime, although elements of it carried through into the new administration’s approach to higher education after 1974.

The policy problem from the late 1970s until at least the early 1990s was how to increase participation in higher education while containing costs to the state. This was achieved first through the creation of a polytechnic system and several new public

\textsuperscript{312} Manuel Braga da Cruz and Maria Eduarda Cruzeiro (eds.), \textit{O Desenvolvimento de Ensino Superior em Portugal: Situação e Problemas de Acesso}. Lisbo\~{n}: Instituto de Ciencias Sociais da Universidade de Lisboa for Ministério de Educação [Portugal], 1995: 20-21.
universities, but most importantly for increasing participation, the stimulation of private provision. The latter strategy created a new set of problems that provided the source of government attention from around 1994, namely the lack of quality control in the system and the failure of the privatization strategy to meet regional and labor market needs.

_Consultation and incorporation in the making of higher education policy_

Although the argument of this dissertation is that it is national patterns of policy-making that best explain outcomes and that there is a general consistency in the way that states deal with interest groups that is consistent in each national case, there is some within-country variation that also needs to be explained. This is especially the case in Portugal, the difficult “mixed” case. In short, there is somewhat more evidence for the development of institutions and processes established at the peak level for the purpose of the formal consultation (and incorporation) of key interest groups in the higher education field than there is in relation to policies for the reconciliation of work and family life and immigration. Although the range of groups consulted in any genuine way during the formulation of education policy is very narrow, and when attempts have been made to expand the variety of groups that are consulted, their input is not always evident in concrete policy terms, that difference between policy areas deserves some elaboration and explanation.

Examples of consultative policy-making in Portugal in the field of higher education include the National Council for Education (CNE), founded in its present form in 1987 and responsible for consensus-building between education “partners” over policy priorities and approaches. The CNE, however, is overwhelmingly made up of university
professors and its work consists mainly of holding conferences and publishing research findings. In addition a one-off 1997 Pact on Education, discussed in detail below and which guided or more accurately described the Socialist government’s policy at the time can be described as a relatively successful attempt to develop consultative and incorporate policy making in the sense that it committed policy “partners” to a number of important policy goals. It was limited, however, in that it was initiated primarily by a single individual, the Minister of Education, and was short-lived. By far the most influential interest group, however, is the Conference of Rectors of Public Universities. Although there is a parallel organization to represent the public polytechnics, it is not as influential as the Conference of Rectors. In addition, there is an independent umbrella organization that represents the private sector, the Portuguese Association for Private Higher Education, but it does not have a formal relationship of the type enjoyed by the public sector representatives and has no clearly discernible impact on policy development.

Before further discussing some of the limits of consultative policy-making in the higher education arena in Portugal, it is worth exploring why there is more evidence for consultation happening at a national level in the case of education than there is in the other two policy cases. Part of the explanation lies in the nature of education policy itself in light of what we already know about the Portuguese policy-making tradition. In some ways, interest group consultation and incorporation in the case of education policy is never as broad and does not need to be as broad as it does in the other two policy cases. Policies for work-life balance affect almost everyone, but only a small sector of the population at any given time is directly affected by tertiary education policy. The most
crucial players are already part of the elite—the state, teachers as represented by their professional organizations, administrators of institutions of higher learning, and to a lesser extent, student associations. The interest of both organized labor and business is usually confined to parts of the education system that aim at bridging the gap between schooling and work, such as apprenticeship systems. The fact that representatives from the most important groups belong to the educated elite anyway, along with the fact that the Portuguese policy-making tradition has always allowed plenty of room for intellectuals to move in and out of politics, whether formally or informally, means that consultative and incorporative policy-making is more easily achieved in this field than in others. Put simply, the fact that intellectuals make up one of the key interest groups relevant to higher education policy helps produce this particular result. However, even the interests of intellectuals as a group are more often that not filtered through the Conference of Rectors rather than professional teachers’ associations, for instance, when it comes to concrete policy decisions rather than the offering of research and general policy advice.

Attempts to broaden consultation with stakeholders beyond the special relationship enjoyed between a small selection of university administrators and the state are relatively recent and limited in the extent to which they are genuinely consultative, arguably thus leaning too far in the direction of incorporation. The consultative approach reflected in the 1996 Pacto Educativo Para O Futuro was something new for the formation of Portuguese education policy. The Pact consisted of a policy document supported by a consultative process involving the government and key stakeholders, to
include parents, teaching, and administrators. It should be noted that its proposals applied not only to higher education, but education policy at all levels. The key document gives the impression of, however, consisting of a means to build support for a shift in government policy direction that had already been decided on, rather than of a genuinely consultative process. In this sense it can be contrasted with Ireland’s public consultation process of the early 1990s which took several years to complete and revolved around the publication of a Green or discussion paper rather than a “pact” agreeing to a certain shift in policy goals.

By contrast, there is not much evidence that the decision to encourage private sector growth in the late 1980s discussed in detail in the following section had anything to do with any consultation with key interest groups in the field. What remains consistent across both decades in fact is that major initiatives actually resulted more from the interests and proposals of individual Ministers of Education than from anything else. Specifically, Minister of Education Roberto Carneiro’s commitment to stimulating private sector growth drove policy in the 1980s, as discussed further below. Policy during the 1990s, aimed at improving quality and reigning in parts of the system that appeared out of control, was steered by one Marçal Eduardo Grilo, Minister of Education from 1995 to 1999 and a prolific writer on education in Portugal, as witnessed in the footnotes to this chapter. It just so happens, however, that Grilo is a particularly “Europeanized” individual, having participated in policy making at the supra-national

level and being responsible for pushing the idea of education policy being based on a pact between key players in the late 1990s.

Opportunities for influencing the real detail of policy however, even in the case of the Pact on Education, are very limited. There is a qualitative difference between the role of consultative bodies in the education field in Portugal than there is, for instance, in Ireland. Because the Irish policy making tradition includes opportunity for the circulation of government discussion documents and formalized feedback on those documents, such as the Green and White Paper process which shaped education policy in the early to mid-1990s, consultation has been broader in Ireland as well as more concrete. In Portugal, the work of the National Council on Education in particular seems to consist of academics joining together to give an opinion on an issue, rather than to formulate concrete policy proposals. This is witnessed by the fact that most of the documents published by this organization and available to the public consist of summaries of seminars where the main participants are academic experts on a particular issue. The Ministry of Education’s 1997 *Autonomia e Qualidade*, published at approximately the same time as the Pact on Education, was presented more as a discussion document, but many of the proposals presented in it were already being implemented as government policy. Not only are the main contributors to the debate academics, but when attempts are made to broaden the range of interest groups involved, the process for providing “feedback loops” in the case of government policy is not fully developed. It could be speculated that policy-makers in Portugal do not see this as important, as the above discussion on policies for work-life balance clearly reveals in that case.
Some of these qualitative differences are spelled out by contrasting the responses of the heads of the national student organizations in Ireland and Portugal to similar questions about the extent to which they have gained representation through participation in national consultation processes and how they felt about the quality of that representation. The Irish student leader commented that because formal policy decisions are made at such a peak level, recommendations made by consultative bodies mostly involve tinkering with the edges or technical details of a policy decision since they have almost been “pre-approved” by the government. Students’ associations were not necessarily more disadvantaged here, however, in comparison to any of the other key stakeholders. Yet the Portuguese student leader argued that in his experience, although legislation actually spells out that student unions are supposed to be consulted over policy decisions, they are only ever included at the “end point when the legislation is about to be passed as a token effort” which amounts to “fast food student participation, because the students don’t play any part in the actual cooking.” This is different, however, from the way that other stakeholders are treated since specific groups are included at a much earlier stage in the consultation process. The Portuguese student leader pointed in particular to the Council of Rectors, and the weight of the “big traditional universities” at Lisbon, Porto and Coimbra who are dealt with on a one-to-one basis, compared to the smaller public institutions and representatives from the private sector.\footnote{Interviews with the President of the Union of Students in Ireland and the Fórum Académico para a Informação e Representação Externa were conducted in Dublin on 28 April 2005 and in Lisbon on 26 September 2005 respectively.} Adopting the terms from the analytic framework guiding this dissertation, student organizations in
Portugal might be incorporated by being made to feel as if they have been included in state decision-making processes, but they have not been genuinely consulted.

*Developments in higher education policy 1975-2005*

Education policy is one area in which the effects of the “pendulum principle” of revolutionary and counter-revolutionary tendencies following the breakdown of Portugal’s authoritarian regime and the at least temporary victory of the *Movimento das Forças Armadas* (MFA) discussed in chapter four can be clearly witnessed. In one of the very few monographs on the history of the Portuguese system that exists, Stephen Stoer presents the immediate revolutionary period, from 1974 until 1976, as one of the mass mobilization of civil society in which the movement’s leaders used education as a means by which to spread the ideology of socialism. This was witnessed in the appearance of, among other things, literacy campaigns run by the MFA, worker’s education centers, and the formation of student unions. By 1977 however, the revolution had reached its demobilization phase during which a period of “normalization” of the relationship between state and society, meaning an end to the revolutionary period, and thus for education policy, set in.315

To this end, the provisional government made two announcements immediately following the revolution aimed at turning higher education into a citizen’s right rather

than an elite privilege. First, virtually free access to the universities would be instituted. Second, the system of technical education that had been established at the secondary level and modified by the 1973 reforms would be elevated to the tertiary since it was believed that having a differentiated system such as this was responsible for perpetuating social hierarchy and removing this differentiation was part of “democratizing” the education system. A prevailing view was that the old system of technical education at the secondary level was “a socially devalued form of education.” These measures resulted in an immediate increase of enrolments in higher education by 40.3 percent between 1974-75 and 1975-76. The difficulties that resulted from these actions, however, were predictable. Not only were many students unprepared for higher education and the university system in particular became overloaded without either resources to deal with the increase in numbers or the expertise to cope with teaching new sorts of students, but there was soon a realization that Portugal also needed to increase the technical skills of its workers and that a more adequate and varied technical or non-university sector was required.

Post-revolutionary education policy then, between about 1977 until the mid-1980s, consisted of the creation of a binary system of higher education, but with far less explicit commitment to it than found in the Irish case. Policy-makers recognized that the economy required an array of what is referred to as “short cycle” technical courses that do not necessarily lead to advanced degrees, but also wished to avoid the perpetuation of


the “dual society” through a differentiated approach to the university and non-university sectors. This ambivalent attitude toward the distinction between university and non-university higher education colored state policy for at least the next two decades. Due to the enormous increase in demand that had placed pressure on the public universities in particular, a cap was placed on the number of enrolments in these institutions beginning with schools of medicine for the 1976-77 year and then spreading to all programs by 1978. After some uncertainty about how much of the old regime’s 1973 plan to build new universities should be carried through, by 1980 there were nine public universities including “university institutes” that were then turned into full universities a little later on, in addition to the pre-existing Catholic University and one additional private institution.

The decision to create a full polytechnic system was strongly influenced by the advice, and the loans that were tied to this advice, by the World Bank. The reliance on this funding and the role it played in stimulating the sector was emphasized to this author several times during the course of this research by different policy-makers in the field. A “secondary justification”, however, was provided by the need to increase educational participation in the regions in order to enhance regional development. Under Decree Law 513-T/79 the “short-cycle” system was referred to as Polytechnic Higher Education where the explicit objective was to fill gaps in manpower needs.\textsuperscript{318} These institutions were thus conceptualized as tertiary ones, even if some courses provided not much more

than basic technical training. The potential for “drift” between the university and non-
university sector and a lack of clear role for each became more apparent during the
1980s, and is discussed further below.

The gap between the demand for and opportunities for access to higher education
only began to be closed in the late 1970s through the creation of the polytechnic system.
Further state interest in both broadening and increasing access opportunities was pursued
in the 1980s along two distinct lines. On one hand, the binary public system was
consolidated, even if plenty of room was left for “drift” between the university and non-
university systems. On the other, an original if not unique attempt to encourage the
private sector to fill gaps still left by the public system resulted in the partial privatization
of higher education in Portugal. This latter strategy has been highly controversial and
much debated and the main threads of that debate will be outlined below. First, the legal
framework governing the public system needs to be discussed.

The binary distinction between the university and polytechnic sectors that had
been adopted several years earlier was formalized in the 1986 Framework Law on
Education, which covered the entire education system but had specific sections related to
higher education. It was pointed out to this author that this piece of legislation and the
education field generally is an example of the fact that “things in Portugal always start
with the law”. Framework laws in particular must state exactly what institutions can do,
including with respect to aspects of their internal organization.319 Conversely, if the
legislation is silent on an issue it is assumed that this is something the institution cannot

319 Interview with former Secretary of State for Higher Education, Lisbon, 1 October 2005.
do. This means that autonomy must be formally given to institutions in precise areas of their operation. Under the 1986 legislation universities were given more autonomy than polytechnics, which were to report directly to the Ministry of Education, although university autonomy was not strengthened until a decade later following the mounting critique that Portuguese universities were not flexible enough to respond to changing international and labor market circumstances. The semi-autonomous consultative central body mentioned in the previous section, the National Council on Education, was also established under the 1986 Framework Law to offer advice to the government and to forge a policy consensus amongst representatives from the education sector.

As the previous chapter illustrated with respect to the Irish case, there are two ways in which a binary system can be established, and then kept in check if there is a self-conscious commitment to it on the part of policy-makers. First, legislation can spell out the differences between the university and non-university sectors and force individual institutions to register with the state or in some way be “approved” as one of the two types of institution. The 1986 Portuguese framework law basically does this. Second, once established, the binary nature can be reinforced through the qualifications framework. A qualifications system in which different types of institutions are permitted to teach different types of courses and where the state keeps a close eye on the content of those courses is often a thorn in the side for many individual institutions, but it allows the state to make sure that the overall logic of having a binary system is carried into practice. This is where Portugal’s comparatively weak commitment to a binary structure is reflected most clearly, since changes within the qualifications framework implemented since the 1986 Framework Law was introduced allowed for a substantial “drift” to occur.
between the two systems which was only made much more complicated once the existence of large numbers of private institutions was added to the mix.

Portuguese universities, the only real form of higher education until the late 1970s, have traditionally awarded a first-stage undergraduate degree or *bachalerato* and a second-stage undergraduate degree referred to as the *licenciatura*. Studying for a *bachalerato* usually takes about two years, while the *licenciatura* takes around four years although generally longer in the case of law, medicine, engineering and similar programs. Postgraduate study was only carried out at the doctoral level until masters’ degrees were introduced in 1980. Originally, in keeping with the short-cycle education supposed to be offered by the new polytechnics, the new institutions were permitted to offer only the *bachalerato*. In the late 1980s, a new degree was introduced, referred to as a CESE (*Curso de Estudos Superiores Especializado* or Specialized Higher Education Course), which though equivalent to the *licenciatura* awarded by the universities was designed mainly for students who had come back to education after some time in the workforce. However, the polytechs found that most students did not want to undertake courses that led only to a *bachalerato* and so offered the CESE more widely than first envisaged. Eventually, given the changed nature of the CESE brought about by the polytechnics themselves, Law 115 of 1997 abandoned this degree structure altogether and permitted the polytechnics sector to award both the *bachalerato* and the *licenciatura* directly, although only universities at this point may award postgraduate degrees. The shift in emphasis through changes to the qualifications framework means that the original

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320 Perhaps making it equivalent to the career-oriented postgraduate diplomas awarded in British-style education systems. For further discussion on the rise and demise of the CESEs see Correira, Amaral, and Magalhes, “Public and Private Education in Portugal” (2004): 466.
distinction made between the university and non-university sectors “may not be as clear as the original planners intended.”

From the perspective of this dissertation the only problem with the drift of polytechnic institutes into providing something similar to what the university sector offers is that it often means that they fail to fill objectives of meeting niche labor market requirements and overall providing the country with a highly technically skilled workforce. In order to “elevate” courses to degree and in Portugal the *licenciatura* level, what were originally technical courses may become overly theoretical and book-oriented. A similar point is made by a recent report on the diversity of course offerings in Portugal by the National Council for Education, which argues that shortly after their establishment, the “new universities” created in the regions and the polytechnical institutes seemed to fill the role intended for them, specializing in skills required for regional niche industries such as textiles or fisheries. However, over time a tendency evolved for the polytechnics and the new universities to “copy” the universities in their course offerings, proliferating the number of social science, legal, and general business studies programs offered in particular. The policy has resulted in institutional diversity but not so much in diversity of subjects and courses offered across the system. The path that the evolution of the private higher education system took from the mid-1980s has only intensified this problem.


322 This seeming natural tendency associated with system drift is something that has happened with the conversion of polytechnics to universities in Australia and the UK, and is one of the main reasons why Irish policy-makers have continued to defend the rigidity of the binary system.

By far the most important and interesting feature of the development of Portugal’s higher education system from the mid-1980s, notwithstanding the significant contribution the polytechnical institutes have made to upskilling the workforce, is the privatization strategy adopted in the late 1980s. Government policy directed at stimulating the development of private institutions involved altering the access system to higher education, changing rules to allow professors to work in both the public and private sectors simultaneously, and the provision of subsidies to private providers.324 Whether this turn to the private sector was driven primarily by necessity or by ideology is something of debate in Portugal, or at least, in more recent times the role of necessity has been stressed much more readily than the ideological terms in which the policy was initially couched. Despite initial achievements in establishing a new regional polytechnic system in the late 1970s, the country was only just emerging from an underlying economic crisis. The need to expand social policy across so many different areas could not even begin to be met by state finances. Privatization is thus often presented as the only choice policy-makers had from the mid-1980s in order to expand participation in higher education.325

Ideological and purely political motives, however, cannot be ignored. A key figure in the promotion of the privatization strategy was Roberto Carneiro, Secretary for State for Education in 1980-81 and then Minister for Education under the first clearly center-right PSD government of 1987 to 1991. Private education was promoted under


325 This was primarily the view put across in interviews with both a former Secretary of State for Higher Education, Lisbon, 1 October 2005, and a former Minister of Education, Lisbon, 12 October 2005.
Carneiro’s leadership as a core tool of economic development, since he and others in the government believed that the private sector was naturally better at responding to “market” needs so hoped that it would meet gaps in provision that still remained in the regions and in specific technical areas. Allowing the private sector to flourish was also considered an extension of democracy, moving away from the statist and overly bureaucratic model that had prevailed under the Estado Novo and may have in fact only been reinforced in the 1974-1976 revolutionary period in which “the public universities were used basically to teach Marxism.”

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**TABLE 6.3**

**MAJOR DEVELOPMENTS IN PORTUGUESE HIGHER EDUCATION POLICY**

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>Plan to create new polytechnic system and new regional universities, put on hold during revolutionary period.</td>
</tr>
<tr>
<td>1974</td>
<td>Institution of open entry to public institutions.</td>
</tr>
<tr>
<td>1977-</td>
<td>Creation of public polytechnic system, with significant financial contribution from World Bank.</td>
</tr>
<tr>
<td>1978</td>
<td>Introduction of <em>numero clausi</em> or cap on entrance to public institutions (overturning 1974 policy of free access).</td>
</tr>
<tr>
<td>1987</td>
<td>Beginning of privatization approach, with measures gradually introduced to stimulate growth of the sector.</td>
</tr>
<tr>
<td>1987</td>
<td>Specialized Higher Education Courses (CESEs) introduced to allow Polytechnics to degrees higher than first-cycle <em>bachalerato</em>. Abandoned 1997 and polytechs allowed to award the second-cycle <em>licenciatura.</em></td>
</tr>
<tr>
<td>1994</td>
<td>First law for evaluation/quality assurance introduced.</td>
</tr>
<tr>
<td>1996-97</td>
<td>Policy strategy outlined in the <em>Pact on Education and Autonomy and Quality.</em></td>
</tr>
<tr>
<td>1997</td>
<td>New Finance Law for higher education passed.</td>
</tr>
<tr>
<td>1999</td>
<td>Portugal signs Bologna Declaration, leading to degree restructuring.</td>
</tr>
</tbody>
</table>

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The collective result of the growth of the public non-university sector but most clearly the private higher education system was an enormous increase in enrolments during the late 1980s and early 1990s. According to Portuguese government figures, the number of students in higher education increased from 83,000 in 1980, to 157,000 in 1990, and then rather astoundingly to 314,000 in 1995, doubling in the space of five years. Much of this growth occurred in the newly created private sector, increasing by 250 percent between 1987 and 1991 compared to a growth rate of 40 percent in the public sector. Furthermore, as early as 1991 the actual number of students in the private sector outstripped those enrolled in public institutions the first time. By 1993, 25 percent of young people aged between the ages of 18 and 24 were participating in education, compared to six percent for the 1974/75 academic year. In this sense, the privatization strategy fulfilled its objectives of increasing enrollments in higher education while keeping costs to the state at a minimum. But did the private sector also, as predicted, turn out to be better at responding to regional and labor market needs? And what about the quality of education provided overall?

It is on these last two points that much of the criticism of the use of the private sector to meet increased demands for access to higher education in Portugal has been leveled. The private sector included anything from full private universities and polytechnics to small language schools, but became increasingly concentrated on the


teaching of law, business studies and social sciences. Although, in theory, new courses offered by private institutions are supposed to register with the state and in this manner be kept in check, the system has increasingly been described as “out of control” since the mid-1990s since individual institutions have found ways to subvert the original policy’s goals. First of all, the private sector has actually lagged behind the public sector in terms of serving regional needs, with private institutions becoming heavily concentrated in coastal urban centers and especially in the two main cities of Lisbon and Porto that were already well served by the public sector. In fact, the public system actually provides better access to education in the regions, especially through the public polytechnics and the “new universities” located in more traditionally isolated areas. In addition, the private sector has not tended toward the provision of technical education as intended, but toward courses in social science, law, and business studies. During the 1998/99 academic year, enrolments in courses in social science, law and commerce accounted for 27 percent of total places in the public sector, but 47 percent in the private sector.331 This may not be as much due to demand as it is to the relatively cheap cost of courses in these subjects compared to science and information technology, for example, which require investment in equipment other than books and classrooms.

There is also much skepticism about the quality of teaching in the private system. While some private institutions, most obviously the Catholic University, clearly provide high quality education, some argue that in “most cases [private institutions are] little more than secondary schools of higher level, without a permanent and well qualified

In fact, availability of qualified staff was one of the biggest issues confronting attempts to stimulate the private sector in the early 1990s: most academics already had permanent jobs in the public sector. The solution was that many academics took part-time jobs in the private sector in addition to their permanent jobs, a phenomenon described as the rise of the “turbo” professor by the Portuguese. The negative public perception of the private sector is also self-fulfilling since secondary school students generally opt for public universities as a first choice, public polytechnics second, and then private institutions last. Public institutions cream off the better students. This has muddied Portuguese policy-makers original intention to provide a binary system of education capable of producing both internationally competitive research and a technically trained labor force, since the public-private divide has perhaps become more important that the university-polytechnic one.

Partly as a result of the particular policy strategies pursued in the late 1980s, the main concern in the field of higher education shifted during the 1990s from expanding participation to quality assurance across both the public and private, and the university and non-university sectors. Part of this stemmed from the sense that the privatization strategy had resulted in a loss of state control over the type and quality of courses offered, but it was also built on a general impression that due to its belated development, higher education in Portugal needed to modernize and catch up with the rest of Europe in many respects. A 1998 OECD review noted that teaching across the entire higher education system seemed particularly old-fashioned and out of date, with a focus on the route


333 OECD, First Years of Tertiary Education (1998): 13
learning of facts rather than interpretation and analysis. To this end, a new law for evaluation of higher education was passed in 1994, introducing the concept of external reviews of individual courses and institutions for the first time. In line with the guidelines set down in the legislation, the Foundation of Portuguese Universities presented its first report in 1997, and the National Council for Assessment of Higher Education Institutions was created in 1998 in order to provide independent evaluation across the whole of system.

This evaluation process was extended through the 1990s as part of a larger effort to take stock of and modernize the higher education system. Two documents are important here, namely the 1996 *Pact on Education for the Future*, and the 1997 government policy document *Autonomy and Quality*. The former document was supported by a consultative process involving the government and key stakeholders and represented something new in the field of higher education policy. There is no evidence that similar consultation processes accompanied previous policy shifts, especially the privatization approach adopted in the mid-1980s. As noted above, The Pact on Education applied to all levels of the education system, including a recurring reference to the need to build capacity for catering for life-long learning into the existing system, the need to involve education “partners” in policy-making and implementation, and the need to

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further “democratize” the education system by further increasing participation. Specific concerns in the field of higher education included increasing attention to the financing of institutions, especially with a view to increasing the degree of social assistance available to students from lower socio-economic backgrounds and to allow students “choice” between the public and private systems; enforcing and deepening the system of quality assurance; carrying out a review of the existing access system to higher education; and a proposal to increase the number of places available in the public education system especially in science and technology courses.

This general set of commitments was then given effect in a number of different reforms, most of which are outlined in *Autonomia e Qualidade*, which was aimed more specifically at outlining government action in the higher education field. The document refers to a “strategic triangle” for government policy, the three corners being the strengthening of institutional autonomy through decentralization of decision-making; changes in the way that institutions are financed; and the promotion of quality throughout the system. With respect to autonomy, Decree Law 170 of 1996 had clarified some specific issues, especially involving the power of institutions to create their own governing bodies. Decentralization of decision-making was also required in the sphere of access to education to give institutions more choice over which students were selected. Since the reintroduction of caps on numbers and following the introduction of a centralized access system in the 1980s, entrance to public education had evolved into one not unlike Ireland’s “points system” in which candidates rank six courses in order of preference after which placement is based on a combination of performance in secondary school and achievement in a standardized national entrance examination. With respect to
quality, the new evaluation system would be extended and better control over the content of course offerings would be regained through the state’s ability to register and deregister courses; the much-needed “rationalization” of higher education, and steering it toward greater offerings in science and technology subjects would be achieved through the accreditation system.

Aside from 1997 changes to the 1986 Framework Law on Education that provided for increased university autonomy, an important example of how some of these proposals and commitments were put into action was the new Framework Law for the Financing of Education that was also introduced in 1997. In the higher education arena, this legislation expanded social assistance to students from lower-income families. There are both parallels and differences with respect to the extent to which “access” issues have been debated and addressed across the Irish and Portuguese cases. Chapter five showed how Irish authorities attempted to address the problem of ensuring equality of access according to income since at least the early 1970s, but how there has been a more recent shift of attention to other disadvantaged groups, such as mature students or ethnic minorities. This has been largely driven by concerns over labor shortages that have emerged since the mid-1990s. In Portugal, however, the focus on access remains largely confined to access based on parental income or class, and it has proved more an issue of academic concern rather than public debate.337

Academic concern translated into government action, however, under the 1997 law. Fees for public sector institutions have suffered a “tumultuous history”, staying stable since the late 1960s before being raised in 1992, lowered in 1996, and then raised again under the 1997 Financing Law to equal the minimum wage for all public undergraduate courses regardless of family income.\(^{338}\) A social aid system, however, had been introduced in 1993 to help financially disadvantaged students cover fees in the public system to be administered at the institutional level. Eventually this was expanded to cover fees in the private system (although fee structures here vary widely they are overall obviously higher than in the public system), and in 1997 a living expenses grant in addition to the government fee subsidy was introduced, as was the establishment of the National Council for Social Action.\(^{339}\) At the same, as part of the other side of the effort to address quality concerns apart from elevating the quality of teacher training and establishing an external assessment system, access was tightened through the introduction of minimum pass marks in national examinations for gaining access to tertiary education.

In late 2005 when the field research for this dissertation was conducted, the main topic of debate in Portugal, aside from ongoing clashes between student organizations and the state over course fees, was the country’s commitment to the Bologna Declaration. The 1999 Declaration set off a process aimed at creating a higher education “European space” to provide the continent with the basis for building a “knowledge society”. In practical terms this means, most importantly, creating a system in which students can


transfer credits more easily between different institutions across different European
countries. This also entails some harmonization of national degree structures, meaning
significant changes in the Portuguese case chiefly because undergraduate courses
(counting both the *bachalerato* and the *licenciatura*) are comparatively long by European
standards.

Although the Bologna process might seem to lie a little out of the scope of this
dissertation, it is important in Portugal because it has acted as catalyst for deepening the
commitment to quality assurance in particular, leading to several changes in the law in
2003. Increasingly it is recognized that in the new “European space” of higher education,
Portugal will have to compete for students and thus prove that its course offerings are
internationally competitive. At the time of writing, the existing quality assurance system
of external reviews had just been dismantled, with a view to reconstructing it for the
purpose of bringing institutions and those review system itself in line with international
standards.340 This has helped to deepen the debate, still largely between the state and the
academic community at this point, about the need to tie the higher education system in
more tightly to the needs of a high-skill, higher-wage economy. There is recognition that
in focusing largely on increasing the number of students enrolled in higher education,
there has not been enough concentration of investment in specific areas of
specialization.341

Education in Portugal: An Assessment of the Existing System and Recommendations for a Future System.*

341 Interview with former Minister of Education, Lisbon, 12 October 2005. See also Conselho
Nacional de Educação [Portugal], *As Bases da Educação.* Notes from a seminar held 16th and 30th of
October 2003, Lisbon: Conselho Nacional de Educação, 2004 which has an extended debate on Portugal’s
A couple of additional ongoing problems related to increasing the quality of higher education in Portugal are also worth mentioning, in part because of the attention they are currently receiving in the country. Apart from the troubles associated with attempting to rein in the private system so that it fills the sorts of gaps that it was originally designed to fill, the private system itself is in trouble. Portugal, like all OECD countries, is experiencing a declining birthrate, which is beginning to be reflected in the number of students entering tertiary education. The population bubble that fuelled the growth of the private sector in the early 1990s is over, and it is likely that a number of institutions will not survive as a result. Some attention is also being paid to the “quality” of students entering education. Portugal has a particularly high drop-out rate in higher education, suggesting that students are ill-equipped for tertiary studies. This should perhaps direct the attention of policy-makers toward the secondary level, but also to the way that courses are taught at the third level. That latter issue is also important for addressing the needs of mature and returning students, since the long-term legacy of Portuguese under-investment in education is still reflected in the low skill level of Portugal’s older working population.


Summary

Portugal’s main priority in the field of higher education in the post-revolutionary era has been to increase participation from an extremely depleted base—but with as little cost as possible to the state. Because the expansion of overall participation has been achieved, however, through the stimulation of a private sector that was out of control by the mid-1990s, quality and course content has tended to suffer. Above all, the privatization approach failed to address regional and technical education needs, although the public polytechnic system was able to go some way toward meeting these. While it cannot really be “proven” that greater consultation and incorporation of interest groups would have significantly improved these outcomes, there is certainly a correlation between a lack of consultative policy-making and the implementation of policies that did not achieve their desired results in this earlier period. Greater consultation is found in the latter period, built around attempts to improve quality in the education system in the late 1990s. Yet since this relied heavily on the personal interests of the Minister of Education at the time, the Pact of Education in particular was relatively short-lived and provided no feedback loops to allow groups to assess the extent to which commitments had been implemented at a later date.
Immigration

As discussed in previous chapters, Greece, Ireland and Portugal are all traditional countries of migration that have more recently had to come to terms with their new status as nations of immigration. As in the other two national case studies, getting to grips with the new situation has not been easy and in Portugal, as in Greece as the next chapter details, the problem has been complicated by a high degree of illegal migration, at least since the 1980s. In this context, a comparatively restrictive immigration policy has had to give way to a more realistic approach, first reflected in a series of one-off mass regularization programs during the early 1990s. However, shifting to a more comprehensive legislative framework for regular legal migration has been slower and more difficult to achieve. Though greater attention has been paid to matching labor market requirements to migratory inflows, there is still a trend toward large influxes of unskilled and semi-skilled labor, both legal and illegal, with little attention in the political debate paid to the possibilities of attracting skilled labor in order to stimulate new sectors of the economy. In this respect, Portugal lags behind Ireland in conceptualizing immigration policy as part of a high-wage, high-skill development strategy.

However, what makes the immigration issue in Portugal most interesting is the attention the state has paid to issues of migrant integration since the mid-1990s, and what this reveals about the relationship between interest groups and the state. While a lack of formal policy consultation and interest group incorporation may not have served Portugal particularly well when it comes to the consideration of strictly labor market issues, the
informal and incorporative nature of policy consultation with migrant groups has played some role in allowing the country to address the secondary aspect of a “Europeanized” approach to immigration policy that was outlined in the chapter two. This secondary aspect relates to Europeanized values of promoting social peace and integration, a series of values that has been incorporated into Portuguese immigration policy as a second and separate strand. While the repressive and regulatory aspects of immigration policy are administered through the *Serviço de Estrangeiros e Fronteiras* (Foreigners’ and Borders Service or SEF), migrant integration is dealt with by ACIME (the *Alto Comissariado para a Imigração e Minorias Étnicas* or High Commission for Immigration and Ethnic Minorities). ACIME was not only the product of the gradual and relatively informal incorporation of leaders of migrant communities and migrants’ rights organizations into the political process, but performs an ongoing role in bringing in such groups in civil society close to the state.

*The policy problem: New migration patterns*

Portuguese and Irish popular cultures are both clearly imprinted by histories of mass migration, reflected as readily in Portuguese *fado* as in Irish folk music. Migration in both cases was forced due to a combination of political oppression but more often simply dire poverty. Added to this in the Portuguese case was a desire by many to avoid military service, which might have included many years fighting in the African colonies during the 1960s. There is thus no real history of immigration in Portugal until the end of the colonial wars and the return to democracy in 1974. Policy until this time and especially under Salazar was dominated by the regulation of emigration. Although
freedom to emigrate when one chooses has long been considered a hallmark of democracy and a basic individual right, the *Estado Novo* retained some control over this as it did over so many other aspects of its citizens' lives. Controls regulating sea passage to Europe, the United States, and the Portuguese colonies had existed throughout the twentieth century, yet seemed incapable of stopping the hemorrhage of Portuguese citizens that occurred up until the 1970s. The first national emigration department was the *Comissarido Geral dos Servicos de Emigração*, responsible to Ministry of Interior, which was succeeded by the *Junta de Emigração* in 1947 and turned into the *Secretariado Nacional de Emigração* in 1970. During the first half of the twentieth century, migrants overwhelmingly left for Brazil, but significant numbers settled either permanently or temporarily throughout Europe, the United States, and across other Portuguese colonies. From the mid-1960s, European countries became the preferred choice, with Portuguese settling temporarily, seasonally, or permanently in France, Germany, Luxembourg, and the Netherlands.

A sharp break with the past occurred in 1974 with the return to democracy. On one hand the right to emigrate was strengthened, with Article 44 of the 1976 Constitution guaranteeing freedom to both migrate and return. The pattern of Portuguese workers seeking work in Europe established during the 1960s was intensified during the economic crises of the 1970s that accompanied the country’s rocky road to democracy, but this slowed during the 1980s as unemployment in Western Europe became a permanent part

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of the economic landscape.345 On the other hand, and much more significantly, the seeds of Portuguese immigration policy for the next four decades were sewn by the massive influx of *retornados* or “returned ones”, in effect refugees from the newly liberated African colonies of especially Cape Verde, Mozambique, Angola and Guinea-Bissau. Since no official data pertaining to the “return” of such migrants was ever collected, only estimates of the number of returning migrants are available. Based usually on census figures, these range between five hundred thousand to over one million.346

This development is important for at least two different reasons. First, the *retornados* required both jobs and much in the need of welfare and services, since many of them arrived with very little in terms of material possessions. This meant that local communities and the authorities needed to find ways to integrate the returned migrants in very practical ways, slotting them into niches in the labor market and the broader society. Second, mass immigration and integration, especially by those who were actually considered Portuguese citizens even if born overseas and if often racially and culturally different from the inhabitants of the Portuguese nation-state, in the long-run bred tolerance for immigration that is today measured in very little anti-immigration sentiment, if not always racial harmony.347 This is in contrast to Greece, as will be fully discussed in the following chapter, as well as neighboring Spain.


Immigration statistics reveal a slowed but steady trickle of migrants from the lusophone or Portuguese-speaking countries through the 1980s with the return of political stability to Portugal, which carried through the 1990s. Added to that, the collapse of communism in Eastern Europe set off a new wave of immigration after 1989, this time from clearly non-Portuguese speaking countries and representing an entirely new phenomenon. The reporting of official immigration figures for Portugal is notoriously difficult because the data are complicated not only by the large number of illegal migrants who arrived during the 1980s and 1990s, but also by the policy response favored by Portuguese governments up until very recently. Regularization schemes, discussed in more detail very shortly, aim to legalize migrants already settled in the country and thus contribute to sudden jumps in numbers that do not necessarily reflect the sudden increase in the arrival of migrants. Added to that is the gray-area status of many individuals and families from Portuguese-speaking Africa who were not originally counted as foreigners resident in Portugal because they were officially considered Portuguese citizens until the break with the colonies occurred. This means that the increases in African immigration sometimes identified in the 1970s and early 1980s is thus also attributable to some African-born residents already living in Portugal losing their citizen status.\footnote{This complication in the data was helpfully pointed out to the author by officials at ACIME during a visit in October 2005.}

Despite these difficulties, it is worth reviewing the data in order to highlight Portugal’s transformation from a country of migration to a country of immigration. Between 1975 and 2001, the number of foreigners (legally) resident in the country had
increased by an average of seven percent per year, fueled not only by intensification of migration from Africa, but also but the diversification of the migrant community to include Europeans, Brazilians, and eventually but noticeably Indians and Chinese. In 1986 there were 86,791 foreign residents legally residing in Portugal, doubling to 190,896 in 1999, with major legalization efforts occurring between 1992 and 1996. More detailed breakdown of immigration data is available after 1998, following not only increased oversight but also greater interest in the subject on the part of government and academia, which is measured in the increased research output on the subject after this time and especially that commissioned by the semi-autonomous Observatório da Imigração. Between 1998 and 2001, the acceleration of immigration from Eastern Europe began to be clearly reflected in the statistics, with an especially high number of resident permits issued to migrants from the Ukraine. Yet census data from 2001 also reveals that African migrants still constitute the majority of the foreign resident population, at 56 percent of the total, followed by migrants from the Americas at 24 percent, compared to only 13 percent from Europe overall.

The policy problem has thus been, on one hand, how to create channels for the arrival of migrants without a pre-existing legal basis for doing so and further, how best to


tie policy into labor market needs. The vast majority of migrants to Portugal take up unskilled or low-skilled jobs at a time when the country is assessing ways to reorient its economy toward knowledge-based industries and its society toward an “information” one. How migration patterns fit into this is not always clear. Although migrants do help fill low-skilled gaps in the labor market, there has been little effort to also recruit high-skilled migrants as Ireland, for instance, is increasingly trying to do. On the other hand, the state has had to find ways to integrate new migrant communities, who are increasingly less likely to speak the language and know the customs of their host country. Portugal has actually achieved better results on the second score than on the first. The following section details how this has come about.

*Consultation and incorporation in the making of immigration policy*

Portugal represents the most interesting and mixed set of approaches to immigration policy out of the three national cases compared in this dissertation. It is “mixed” because it has Europeanized its responses to the challenges of migrant integration much more than it has Europeanized its responses to the on-going problem of better tying immigration policy itself to labor market needs. The disjuncture between migration integration policy and immigration policy itself is detailed fully below, but it is important to note now that patterns of interest group consultation and incorporation also vary across these two different wings of immigration policy, and in a corresponding way. There is much more evidence for ongoing, if not always peak-level consultation with interest groups, especially migrant organizations, in the integration policy arena than in the formation of labor migration policies.
Chapter three identified organized labor, business, and migrant and human rights organizations as potentially important interest groups for the state to consult with in the field of immigration policy. Peak-level policy concertation such as that provided by Ireland’s social partnership process might provide one mechanism for consultation between economic players and the state in this policy area and that began in Ireland, if belatedly, after 2000. Immigration policy, however, has not appeared as a major topic of negotiation in tri-partite negotiations between labor, business and employers, and the state in Portugal. As noted in chapter four, formal tri-partite negotiations have been much more limited to strictly industrial relations issues in Portugal than they have been in Ireland. The lack of formal lobby group pressure on the part of both organized labor and business in Portugal over immigration policy may be in part due to the ambivalent attitude of both sets of groups to the issue. The union movement is naturally wary of the possibility that low-paid illegal migrants may undercut the pay and working conditions of Portuguese workers, but there has also been some resistance of the part of professional organizations to the importation of skilled labor. Employer groups may formally favor the construction of legal channels for the importation of labor where skills gaps exist, but some businesses may also benefit from the exploitation of relatively cheap migrant labor.

Another possible reason for the lack of a robust national-level consultative process surrounding immigration policy is the fact that policy formulation and implementation is so splintered in this case. As will be detailed below, a Report on Unsatisfied Labor Market Needs is regularly produced in Portugal, with primary responsibility for this aspect of immigration policy resting with the labor inspectorate. Yet most of the responsibility for administering immigration law resides with the
Foreigners and Borders Service (SEF), which sees itself in primarily a technical role and is not a policy-making body. Policy-making in the field is housed in the Ministry of Internal Administration (MAI), but there is no special department dedicated to the formulation of immigration policy and it is very unclear how the activities of the MAI are co-ordinated with those of the labor inspectorate. Many other countries with long histories of immigration have created distinctive immigration departments or ministries that combine the functions of these different institutions and provide a potential “home” for coordinated policy consultation. This is something that is also lacking in the Irish case discussed in chapter five.

On the hand, there is a very clear consultative and incorporative tradition being built in the field of migrant integration policy in Portugal, even if this occurs in a fragmented manner and at a low level of the political system. A dialogue between the state and migrant interest groups, chiefly through ACIME, seems to work well for the purposes of (a) distributing resources and information to migrant groups and through those groups, individual migrants, (b) providing feedback to the state on how well certain anti-racist programs or other sorts of integration policies are working, and (c) gaining the co-operation and support of migrant organizations by tying them into the state through both (a) and (b). This latter aspect shows the extent to which incorporation as much as consultation is at work. What the interface with migrant organizations ACIME’s structure does not provide, however, is an opportunity for input on wider aspects of immigration policy, especially that related to labor market needs and the recruitment of specific types of skilled labor from overseas. In fact, such topics would probably fall outside the interests of most of migrant organizations that ACIME deals with,
considering that they tend to be based on cultural interests and concerned with basis integration issues.

The remainder of this discussion further underlines the correlation between the absence of consultative and incorporative policy-making and the lack of coordination that has characterized overall immigration policy on one hand, and the parallel development of migrant integration policy in an increasing consultative and incorporative manner on the other.

*The evolution of Portuguese immigration policy*

Turning now to state responses to Portugal’s new status as a nation of immigration, major changes have occurred in the field of immigration law and policy over the past two decades. These can be characterized as shifting slowly from ad-hoc attempts to deal with the influx of migrants, and especially to the problem of illegality, toward a more comprehensive and coherent approach to labor migration that is still in the process of formation. As mentioned, adjustments to the rules and regulations governing residency and working permits have also been accompanied by the very important parallel development of policies aimed at the integration of migrants, specifically through the establishment of ACIME. Because of the importance and significance of this latter development, it will be discussed separately. Before that, however, it is important to outline earlier attempts to deal with the new challenges of immigration through regularization.

Up until the early 1990s, when the problem of how to adjust immigration law to deal with the new immigration reality became more pressing, the framework for legal
immigration into Portugal was laid out in Decree-Law 264-B of 1981. This laid out the process for applying for Portuguese residency, giving practically all institutional oversight to the *Serviço de Estrangeiros* (Foreigners’ Service), which was soon renamed the *Serviço de Estrangeiros e Fronteiras* (Foreigners’ and Borders Service or SEF). Applications for Portuguese residency could be made outside the country through overseas consulates or within Portugal through the *Serviço de Estrangeiros*. Three types of residency authorization could be granted: type A, which was valid for one year and then renewable for one year after that, type B, which could be given to those who had already been in Portugal for five consecutive years for a renewable five-year period, and type C, which granted permanent residency to migrants who had already been living in Portugal for twenty consecutive years. In order to work legally, migrants were also required to apply for an additional working visa.\(^{353}\)

Factors taken into account when granting residency were to include pre-existing family ties with Portuguese citizens and the ability to support oneself financially, but included a particular emphasis on obeying Portuguese law. Further, grounds for expulsion of migrants and residents included illegal arrival in the country, and the possibility that the individual’s presence might cause a threat to national security or public order. Thus, the 1981 legislation has been critiqued on the grounds that was largely repressive in nature and by putting “national interest”, even political order, at the fore of immigration policy and using the same mechanisms for the control of the migrant population as before, the legal framework was “imbued with the ideological principles of

the previous regime. ³⁵⁴ Probably much more importantly for this analysis, by making immigration largely a security issue, no connections were made between labor market requirements and the migrant population. At the same time and related, legislation failed to take into account the new waves of migration to Portugal, particularly of the irregular variety, which were already beginning take place in the early 1980s. One estimate puts the number of illegal migrants living in Portugal by the early 1990s at around 70,000,³⁵⁵ and another finds that illegal migrants made up at least 25 to 30 percent of migrants entering the country until 1996.³⁵⁶ Simply declaring certain forms of migration illegal and threatening these migrants with expulsion clearly was not working.

Added to the fact that the existing legal framework appeared ill equipped to cope with the new immigration reality, developments at the European level also helped to prompt a review of existing policies. Whereas Ireland did not sign onto the EU’s Schengen Agreement due to its island status as well as the complication of the country’s common travel area agreement with the United Kingdom, Portugal did, and this helped shape changes to immigration policy during the early 1990s. The task of complying with Schengen fell to the center-right Social Democrat (PSD) government that came to power in 1991. The Agreement posed a challenge for the Southern European countries overall, but most notably Portugal and Spain, since many West European nations argued during negotiations that the South represented the “soft underbelly” of Europe when it came to

immigration policy. In other words, these nations had, by tolerating a high level of illegality, created a climate in which they were likely to be viewed by irregular migrants as a back-door route to the rest of Europe. It is also interesting to note that, in this specific context, how the 1990 Schengen Convention and the discussions surrounding it caused some degree of tension between Portugal and the Portuguese-speaking former colonies that had historically extended a policy of “positive discrimination” with regard to immigration matters.357 Policy-makers thus had to negotiate between integration with Europe and the continuation of its relationship with non-European regions from which a proportion of Portugal’s (unskilled) labor force was increasingly drawn.

TABLE 6.4
MAJOR DEVELOPMENTS IN PORTUGUESE IMMIGRATION POLICY

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>Decree-Law 264-B establishes limited framework for immigration into Portugal.</td>
</tr>
<tr>
<td>1993</td>
<td>Decree-Law 59/93 reenacts much of 1981 legislation but tightens security measures and strengthens role of SEF.</td>
</tr>
<tr>
<td>1992-93</td>
<td>First regularization campaign.</td>
</tr>
<tr>
<td>1996</td>
<td>Second regularization campaign.</td>
</tr>
<tr>
<td>1995</td>
<td>Establishment of ACIME.</td>
</tr>
<tr>
<td>1998</td>
<td>244/98 provides for some new forms of labor migration, particularly with respect to temporary/seasonal workers and brings legislation into line with EU commitments.</td>
</tr>
<tr>
<td>1999-2002</td>
<td>Major expansion of ACIME’s functions.</td>
</tr>
</tbody>
</table>

Thus, the general direction of the PSD’s immigration policy between 1991 and 1995 was to tighten up the existing legal framework to try to deal more fully with the problems of illegality and border security. During 1992 and 1993, the SEF was restructured, reflecting a greater focus on border patrol, especially at airports. In addition, the government reviewed asylum and refugee law, since this was seen an area where an apparent lack of tight controls was believed to encourage the arrival of illegal migrants. The 1993 proposed law governing this arena provided only temporary protection for migrants fleeing war and other crisis situations, and in general broke sharply with the existing framework. This was however blocked on humanitarian grounds by a presidential veto, before being watered-down, reintroduced, and made law. Portugal was never in fact a country that received many asylum claims comparative to other European nations, but the most immediate effect was that the number of applications fell by two-thirds between 1993 and 1994 to only 614. The following year just 49 requests were granted out of 457 applications.

At the same time that the legal framework governing border control, security, and asylum seeking was tightened, government policy began a long-term attempt to recognize and control the important role that migrant labor, and especially informal migrant labor, played in the Portuguese economy. The chief mechanism for achieving this was a series of regularization schemes, the first of which took place between October 1992 and March 1993 and aimed to formalize the status of the many migrant workers who had settled in

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358 Santos, O Discurso Oficial do Estado (2004): 112.

Portugal since the 1980s, the main condition being the ability to prove Portuguese residency for a certain period of time. Although around 80,000 applied under this scheme, only 39,166 migrants were legalized, with three-quarters of these originally from Portuguese-speaking Africa. A large number of Brazilians were also granted residency, along with significant but much smaller numbers of Chinese, Senegalese, and Pakistanis. A further 35,000 individuals were legalized under the 1996 campaign, which aimed at covering those already in the country who had missed out on the earlier scheme, or whose permits had expired in the meantime.\textsuperscript{360}

The problem with regularization campaigns, for countries with skills shortages such as Portugal, Greece, and to a lesser extent, Ireland, is that because they constitute a market-driven rather than state-led response to filling gaps in the labor market, they do very little to assist in the shifting of economic development strategies where the market fails to do so. In other words, regularization schemes attract or legitimize the arrival of unskilled migrants when a long-term strategy for economic development, assuming developmental goals are increasingly tied to a high-skill, high-wage strategy, requires the attraction of skilled labor. As the above discussion on education policy showed, Portugal still suffers from an oversupply of social science and humanities graduates and not enough highly skilled technical workers. Most OECD countries outside Asia suffer from skills gaps in the computing industry, for example, and Portugal is no exception here having done little to develop this important sector.

This is not to say that Portugal has not benefited from the importation of unskilled labor or that these migrants do not fill a very important place in the Portuguese economy,\textsuperscript{360} From SEF data cited in Baganha, “Labour Market and Immigration” (2000): 85.
but rather that an immigration policy based mainly on ad-hoc legalization is probably not enough to match policy with development needs. Regularization programs aim to acknowledge migrant workers after they have already arrived, and yet large skills-gaps in the economy might remain. The problem is amplified in Greece, and will be discussed again in the next chapter. Informal labor in the Portuguese case is overwhelmingly utilized in the construction sector, dominated especially by African migrants, and the service sector and more especially the restaurant trade, which is dominated by Brazilians. New migrant groups from Asia tend to engage more in small business ownership, whereas the new Eastern European migrants may arrive with more skills and yet may still drift into the service sector.\textsuperscript{361}

Accompanying the “extraordinary” legalization campaigns were further reviews of the existing framework governing regular or normal migration. While the challenges of European integration, especially the Schengen Convention and later the Treaty of Amsterdam which dealt with the principle of free movement within the EU, had an impact on the policy debate from the early 1990s, these developments did not have a significant impact on actual legislation until 1998. Rather, the 1993 update of the regular process of applying for Portuguese residency substantially carried through the requirements of the previous framework established in 1981. Decree-Law 59/93 again outlined the conditions upon which residency permits were to be granted, allocating key responsibility for overseeing this process to the SEF. While much remained the same in

the new law, some differences can be observed which amount to a gradual extension of rights to foreign residents. The new framework gave greater consideration to issues of family reunification, and established a judicial process for the expulsion of migrants that had not existed before.\textsuperscript{362} It also introduced the concept of a temporary working visa for the first time. These changes underline a growing concern for migrant welfare and integration issues that eventually culminated in the formation of ACIME.

The 1993 framework was then overturned, updated and reenacted by Decree-Law 244/98, prompted mainly by the 1997 Treaty of Amsterdam and related European-level developments. By this time there had been a change in government, with the Socialist Party having been elected in 1995. While the political change this brought was most clearly reflected in the establishment of ACIME, discussed below, the 1998 legislation mostly carried through the provisions of Decree-Law 59/93 when it came to the treatment of non-EU citizens. Again, there was more attention paid to the issue of labor migration than there had been in the past, but very little actually paid to the deliberate attraction of skills and the rules regarding work permits remained cumbersome. A distinction was made between seasonal and non-seasonal work, where seasonal workers were permitted to enter the country for up to six months out of every twelve but were obliged to reside outside of the country for those remaining six months. Other migrants were permitted working visas for a two-year period that could not be renewed from within the country, and a further distinction was made here between salaried workers, whose entry was permitted on the basis of a guaranteed job offer, and independent or self-employed

\footnote{362 Ferreira and Rato, \textit{Economia e Imigrantes} (2000): 38-39.}
workers. These provisions did not substantially alter the 1993 law.\textsuperscript{363} EU nationals, on the other hand, were generally granted five-year renewable work permits, in line with European-level policy commitments.

By far the most significant development to occur under the Socialist government, however, was the establishment of ACIME. This state organ was initially constituted in 1995 under Decree Law 296-A as the High Commissioner for Immigration. It was thus originally limited mainly to the work of one individual, the first Commissioner, José Leitão. Two key interest groups joined forces with Socialist Party representatives in order to lobby for the creation of such a post: leaders of the lusophone African migrant community and left-leaning elements of the Catholic Church.\textsuperscript{364} Commissioner Leitão was aligned with the latter and initially charged with creating a dialogue between various government departments and migrant communities on integration issues. It was widely judged within these circles that increased immigration had been accompanied with increased instances of racism, threatening Portugal’s image as one of the more tolerant European societies. The role and functions of the High Commissioner were gradually expanded, first in 1999-2000 and again in 2002, eventually reconstituting the organization that had been built up around Leitão’s work as the High Commission for Immigrants and Ethnic Minorities (ACIME).\textsuperscript{365}

\begin{footnotes}
\footnotetext[363]{Ferreira and Rato, \textit{Economia e Imigrantes} (2000): 46-48.}
\footnotetext[364]{Much of my understanding of ACIME’s creation and work comes from its own publications in an addition to interview material collected on a visit to the organization with several different mid-ranking ACIME advisors and managers in Lisbon, 7 October 2005.}
\footnotetext[365]{Since the Portuguese state does in general adopt an assimilationist model in migrant integration matters, however, “ethnic minorities” is a euphemism for Portuguese indigenous gypsies rather than new migrant groups or second-generation migrant communities. Thanks are due to an ACIME organizer for pointing this out.}
\end{footnotes}
ACIME represents a completely different face of Portuguese immigration policy to migrants than the SEF. While the SEF’s functions are largely repressive in nature, ACIME presents a softer side of the state. Significantly, the latter is legally bound not to report any of its activities including the identification of any illegal migrants to the SEF. Much of ACIME’s expanded role concerns the provision of advice, through centralized centers, to individual migrants on access to state services, including anything from visa requirements to tax obligations to health and education entitlements. In addition to its relationship with the research organization, the Immigration Observatory, ACIME also oversees a Commission for Equality and against Racial Discrimination (CICDR) and an Advisory Board for Immigration Affairs (COCAI). The latter organization includes broad based representation including from the largest, Portuguese-speaking, migrant communities. ACIME is also responsible for administering a dedicated set of funds to support the work of migrant organizations, with which it has continuous contact. For the purposes of this dissertation, this relationship ACIME cultivates with migrant organizations is the most interesting part of its work, but it should be noted that much of that relationship occurs on a one-to-one basis between individual migrants and the state body. Furthermore, many of the “officially recognized” immigrant associations ACIME deals with, over one hundred in total, are primarily cultural groups. There is no centralized umbrella organization representing migrant interests, and representation is heavily splintered along ethnic lines.

Portugal’s 1998 immigration legislation had continued to place restrictions on labor migration while governments attempted to deal with the problem of illegal migration through one-off, ad-hoc regularization efforts. Soon after the 1998 legislation
was enacted, however, it appeared that this combined strategy was not working since floods of irregular migrants continued to arrive, increasingly from Eastern Europe. Although several more major regularization programs took place, a gradual shift toward developing a comprehensive labor migration framework can be observed after 2000. This represents a policy improvement in the sense that Portugal has begun to think more about how to match labor market requirements to migration policy, and yet there is a continuing absence of debate about the possibility of deliberately incorporating skills-based migration into the policy mix. It is the subject of academic discussion, but not much more.

A major departure occurred in 2001 with the passage of a new Immigration Act, which aimed to make the labor migration system more flexible at the same time that new rules to combat illegal migration were put in place. As the above discussion illustrates, the encouragement of legal migration is relatively new in the Portuguese context, and required substantial legislative review. In addition to the introduction of measures designed to streamline and speed up the application process for work permits, work visas could also be renewed from within Portugal for either a two-year period or an indefinite length of time. Those holding a work visa would also be permitted rights of family reunification, which had previously only been awarded to migrants with full residence permits, though family members were not themselves guaranteed work visas. The main innovation in this area, however, was to introduce a new type of permit that can be thought of as something in between a work visa and a full residency permit, the latter which no longer required an accompanying additional work visa. The new “stay permits” are valid for five years and constitute a more permanent system for dealing with the
problem of illegality, since it may be issued to foreign workers living in Portugal regardless of how they initially entered the country. Eligibility rests on a written job offer from an approved employer and a series of security controls.\textsuperscript{366}

The 2001 Act also pays some attention to the possibility of signing special agreements with non-EU countries in order to facilitate the importation of labor in order to fill gaps in the labor market. This is clearly a strategy long favored by Portugal and its former colonies, since it seeks to maintain links through a shared language and culture at the same time that it meets economic need. It is also a way for the Portuguese state to balance its commitments to European integration at the same time as it satisfies those traditional ties. Further on this theme, a special regularization program was carried out during 2003-04 specifically for Brazilian workers. An additional general legalization scheme was also carried out during this period for migrant workers with proof of income and social security payments made in Portugal for the three months prior to lodging and application.\textsuperscript{367}

The PSD government also intended to deal with illegal migration under the 2001 Act by targeting the employers of irregular labor, with the employment of illegal labor considered a crime for the first time. This again seems to present a new approach in the Portuguese context. However, illegality remained and still remains a significant problem. In 2002 a change of government occurred, resulting in further work in this area and especially in response to the tightening labor market situation. Shortly after ascending to


\textsuperscript{367} Lucinda Fonseca, Jorge Macaísta Malheiros and Sandra Silva, Current Immigration Debates in Europe: Portugal. Brussels/Lisbon: Migration Policy Group, 2005: 2.
power, the PSD-led government’s program for the next term argued that the power of the state had been increasingly weakened in the past few years with respect to illegal migration, and that security was an issue to be dealt with.\textsuperscript{368} Shortly afterward, the 2001 Immigration Act was amended so that it was no longer possible to apply for working visas from within Portugal. This was intended to stop the very common pattern of overseas students and short-term visitors taking up paid employment before attempting to legalize their status through applying for a work visa. Reportedly, much of the push for a crackdown on illegal migration came from the SEF, perhaps left out on the cold during the term of the PS government and its preoccupation with integration issues.\textsuperscript{369}

In general, the beginning of the twenty-first century witnessed a significant turn toward the consideration of labor market needs in the field of immigration policy. Not only was increased attention paid to the work visa system and the discouragement of irregular migration through the introduction of the stay permit, but, in theory, Portugal also maintained a formal quota system for the importation of labor during this period. This quota is set by a two-yearly publication of a government Report on Unsatisfied Labor Market Needs that is supposed to identify labor market gaps by sector. There are a number of problems with this system, however, reflected that in 2004, for example, the

\textsuperscript{368} Cited in Santos, O Discurso Oficial do Estado 2004: 123. The policies of the incoming 2002 government are also discussed in Rui Fiolhais, “Imigração e Mercado de Tabalho em Portugal”, in Departamento de Estudos, Propectiva e Planeamento/Ministério da Segurança Social e o Trabalho [Portugal], Dimensão Social e Imigração. Lisbon: 2003: 105-106. The idea that the Portuguese state is unable to control inward migration is also put forward in João Peixoto, “Strong market, weak state: the case of recent foreign immigration in Portugal”, Journal of Ethnic and Migration Studies. V.28, N.3 (2002): 483-497. But Peixoto also argues that this is a problem increased experienced by all states, rather than the fault of any national policy regime.

\textsuperscript{369} The details of the SEF’s involvement in policy formulation during this period is discussed in Alina Esteves, Maria Lucinda Fonseca and Jorge Malheiros, EU and US approaches to the management of immigration: Portugal. Brussels/Lisbon: Migration Policy Group, 2003: 7.
quota was set at 6,500, and yet by 2005, only 4,500 applicants were accepted. Many of these were already living in Portugal, rather than applying from outside the country. In other words, the system fails to recruit new workers from overseas and by becoming yet another means by which to regularize migrants already working the country illegally, does very little to discourage illegal migration. Possible reasons for the failure of the quota system have been identified include the complexity of negotiating the bureaucracy involved in using the system, especially for business; the ineffectiveness of the recruitment processes established through bilateral agreements with foreign countries; a mismatch between the real and predicted needs of the labor market; and inefficiency and possible corruption when it comes to administering the program in overseas consulates.370

Furthermore, labor migration appears in the main to be limited to the unskilled and semi-skilled variety, with little attempt to reorient the legal framework toward the attraction of foreign skilled workers. This might not be such a problem if the importation of low-skilled workers to work in low paid jobs permitted Portuguese workers to fill skilled positions, but this is not necessarily the case. Young Portuguese graduates, as in other small countries, are obviously likely to be attracted to higher paid positions overseas. As a recent report to an international working group on migration noted, the “brain drain” debate that occupies such a prominent place in the debate over immigration policy in developed countries does not really exist in Portugal “not only due to the insertion of the large majority of non-EU foreigners in the low skilled segments of the labour market, but also due to the recent character of immigration, that contributes to

completely focus the debate on the issues of flow management (actually, more flow control) and integration.”371 The same report also notes an actual resistance to the presence of skilled migrants in the Portuguese economy, for fear of competition with local professionals and young graduates. Similarly, in an article presented as a government-sponsored study on the issue, João Peixoto laments the focus of public attention in the migration debate on low skilled workers and how to avoid their marginalization, and urges the government to reorient policy toward “the deliberate recruitment of qualified professionals for certain sectors of the economy, such as information technology and health.”372

Summary

Portugal has Europeanized its approach to immigration policy in some respects much more than it has others. In sum, issues of migrant integration have been paid more attention that the formulation of a policy to attract highly skilled workers, something that could clearly benefit the future development of the Portuguese economy. Similarly to the cases of policies for the reconciliation of working and family life and higher education policy discussed above, the more Europeanized aspects of public policy have been implemented as the result of top-down “enlightened” state leadership while consultative and incorporative processes help build interest group consensus around or at least


acceptance of the new policy direction. The formation and functioning of ACIME fits this mold very well. Individuals associated with the Socialist government of the time as well as either migrant organizations or the Catholic Church initiated the construction of this state body, while the incorporation of migrants and their representative organizations was built into its day-to-day functions over time.

Conclusions

This chapter has argued that the uneven Europeanization of public policy in Portugal is due, in part, to the fact that it has relied on the initiative of individuals or factions of the government and public administration more than it has on centralized negotiation between interest groups. This means that the extent to which Europeanized policy goals and values is embraced varies not only across time, but also across different aspects of the same policy arena. Does it matter how policies are formed, so long as action is taken? There are at least two reasons why change through enlightened leadership without consultation with key interest groups is problematic.

First, if policy development is dependent on particular individuals or political party factions, it is also vulnerable to change or stagnation once these individuals or factions leave the scene. This has been more clearly a problem for Portugal in the higher education field, where education pact-making as well as active policy development only occurred as long as one particularly enlightened Minister of Education guided the policy area. Second, especially relevant to the case of policies for work-life balance, a lack of insight from street-level policy experts may mean the policy fails to do what it is
supposed to do. The Socialist’s paternity leave legislation detailed above is widely regarded as a particularly progressive move, but it is not clear that it will do very much to reduce tensions of work-life balance faced after the first year or two of parenthood. The problem of unintended consequences that is enhanced by a lack of consultation also appeared in higher education policy. The privatization approach pursued in the 1980s was informed by pro-marked ideologies popular at the time, but not by the consultation and incorporation of the higher education sector, to include private institutions themselves.

There is an additional third reason as to why policy change through enlightened leadership can prove problematic, although this is much more relevant to the Greek case and especially with respect to education policy, discussed in the following chapter: if policy decisions are made by enlightened leaders without the cooperation if not active support of key interest groups required to implement those policies, they can become unworkable. This represents a case of failure to incorporate as much as a failure to consult.
CHAPTER 7: GREECE

This chapter makes two main arguments. The first is that Greece is the country in this sample that has reoriented its economic and social development strategy around Europeanized goals and values the least. Arguably in fact, it is the EU member state that lags furthest behind all those that joined in on the regional integration project before 2004. The failure of Greece to “converge” toward Western European living standards is frequently discussed in the wider economic and social science literature, but the focus here is on the wide gap that still often exists between the way that both government officials and interest groups conceptualize major policy problems, the extent to which they implement solutions to them, and Europeanized ways of doing so. This analysis holds true across all three specific labor market-related challenges discussed in this chapter. Policies for the reconciliation of family and working life remain wedded to a “population policy” framework that has failed to lift fertility rates while the Greek state has more or less ignored EU Lisbon Agenda targets regarding the encouragement of female workforce participation. Higher education policy has been reformed several times since 1974, but the concern for quality assurance, in particular, lags behind that of most West European countries. Meanwhile, the serious long-term problem of illegal
immigration has not been solved by the ad-hoc regularization schemes favored by Greek policy-makers.

The second argument this chapter makes is that at least part of the explanation for these failures lies in the way that politics occurs in Greece, focusing especially on the relationship between state and society as reflected in the construction of intermediary policy institutions and processes, or rather the lack of them in this case. Chapter four explained that there is a very minimal national tradition on which to build policy-making institutions and processes that are both consultative and incorporative. It argued that in the absence of strong, formal links between key interest groups and the state capable of mediating between differing interests, policy can become not much more than a reflection of inter- and intra-political party conflict. This is witnessed in several cases in which changes in government simply result in the reversals of recent legislation, with no ongoing commitment to a specific set of policy goals. Policy evolution tends not to benefit from the expertise that could be provided by important societal interest groups. Parties in Greece not only dominate the state, but they also maintain clientelistic relationships with specific interest groups. This often gives these particular groups undue influence over certain policy areas at the expense of broader participation in policy-making.

In addition and connected to this last point, past policies in some of the areas under discussion have tended to consist of special privileges awarded to specific client or otherwise favored groups. This is clearly the case in the fields of family and higher education policy analyzed here, consisting of large family organizations in the former and students and teacher unions in the latter case. Policy based on awarding special
privileges to certain groups tends to be inefficient at addressing labor market challenges on one hand and extremely difficult to overturn on the other. Naturally, such groups fight hard to retain their special benefits and services and they are organized to do as such. In other national settings, overriding these privileges can be achieved through a process of negotiation with interest groups and as chapter three argued in detail, this is where the incorporative properties of consultative policy-making matters most. In Greece, the absence of such linkages between society and the state, as opposed to the clientelist relationships between political parties and interest groups that do exist, generally makes this kind of negotiation impossible.

**Labor market challenges in Greece**

The development of the Greek economy did not really begin until the 1950s. Modernization since then has been relatively rapid, but belated development has bequeathed contemporary Greece a labor market structure that still exhibits many “non-European” or at least non-Western European features. These include a continued reliance on agriculture despite the shift to industry but more especially services that has occurred since 1950; a very large informal or shadow economy; comparatively low female workforce participation; high unemployment rates amongst the educated; an extremely high rate of workers employed in very small, especially family, businesses and a high level of self-employment; and a high incidence of unregulated home- or piece-working, much of which is considered to be highly exploitative.
Greece emerged from the 1940s, dominated by the upheavals of foreign occupation and Civil War, economically devastated and socially dislocated. The period of occupation not only ensured that industrial production across most sectors of the economy ground to a halt, but also led to widespread starvation and mortality, making this arguably the last “third-world like” famine experienced in Europe. The series of center-right governments that dominated Greece during the postwar period aimed to shift the country away from reliance on agriculture through an industrialization program and state investment in infrastructure. Agriculture itself was singled out for investment in the 1960s, with increased attention paid to modernizing that sector. This resulted in strong growth through much of the recovery period, although it should be noted what a low threshold the country was “growing” from and that much of the growth was state-led.

Although the recovery had started by the early 1950s, initial employment opportunities were scarce. As in both the Irish and Portuguese cases, the potential problem of unemployment that emerged once people began to move away from their family farms and into the cities was resolved through mass emigration. Also like the two other cases, emigration and underemployment in agriculture probably masked the true level of unemployment and under-employment during the 1950s and 1960s. Two other developments that were highly significant for later labor market developments were the concentration of urban growth in and around Athens, and the rise of the service sector as the basis for future economic growth, more so than manufacturing.

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Like the rise of military regimes in Latin America during the 1960s and 1970s, Greece’s military coup of 1967 was preceded by several years of “leftist” government, in this case of George Papandreou’s Center Union. Yet the colonels’ regime did not attempt to implement a structural adjustment project, but instead pursued a much more mixed economic strategy including massive public sector investment that stimulated growth between 1968 and 1974, but at the expense of a ballooning public debt. When a recession hit the country in 1974, the military left behind an economy in trouble that would weigh down many of the developmental efforts of the new democratic regime.

The period between 1974 until at least 1990 is thus often portrayed as one long economic crisis for Greece. Like in other OECD countries, stagflation had set in by the early 1970s, and one major task of the first democratic government, headed by Karamanlis and the newly formed New Democracy party, was to address the problem of inflation.

Stabilization measures were also imposed under the PASOK government during the mid-1980s, but that decade was marked much more decisively by a slow down in economic growth, a decline in GDP, continued inflationary pressures, and an expansion of the public sector.

Although a short-lived New Democracy government was elected on a structural adjustment platform in 1990, the serious task of “modernizing” the economy was left to the post-Papandreou PASOK government of Costas Simitis, who led the party from 1996 to 2004.375 The major motivation for the austerity measures imposed during this period

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was the need to conform to the European Monetary Union criteria, which Greece eventually achieved. Tight monetary and fiscal discipline was accompanied by increasingly strong economic growth, but also greater income inequality and continuously high unemployment.

Greece’s labor market performance has been generally regarded as poor for most of the post-1974 democratic period under discussion. Unemployment has been high, averaging at over ten percent of the working age population between 1995 and 2005 (see table 7.1). Although many European countries have had similar recent experiences of high unemployment, several features of the Greek experience are particularly worth noting. First, the unemployment rate has remained steadily high, especially in comparison to Ireland, which has shown major improvement over time, and to Portugal, which has been able to maintain quite a low rate. Second, the rate of female workforce participation did increase during the late 1970s and early 1980s, but so did female unemployment. Female unemployment grew by an average annual rate of 15.3 percent between 1981 and 1986, compared to a rate of 9.1 for men. That the Greek labor market does not appear to serve women very well is reflected in low contemporary rates of female workforce participation in comparison to many other Western European countries, a problem discussed extensively below. Third, with particular relevance for the analysis of higher education policy that follows, the rate of unemployment among


young people has been and is extremely high, and more so amongst the educated. In 2005, the youth unemployment rate was 26 percent in Greece, 16.1 percent in Portugal, and 8.6 percent in Ireland. Four, long-term unemployment is a particular problem of its own, consistently representing around 50 percent of the unemployed.  

TABLE 7.1

TABLE GREEK LABOR MARKET INDICATORS 1995-2005

<table>
<thead>
<tr>
<th>Year</th>
<th>Employment rate (percentage of population aged 15-64)</th>
<th>Unemployment rate</th>
<th>Total workforce with at least upper-level secondary school education</th>
<th>Part-time employment as percentage of total workforce</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Total</td>
<td>Aged under 25</td>
</tr>
<tr>
<td>1995</td>
<td>72.5</td>
<td>38.1</td>
<td>9.2</td>
<td>28.5</td>
</tr>
<tr>
<td>1996</td>
<td>72.7</td>
<td>38.7</td>
<td>9.6</td>
<td>31.0</td>
</tr>
<tr>
<td>1997</td>
<td>72.1</td>
<td>39.3</td>
<td>9.8</td>
<td>30.8</td>
</tr>
<tr>
<td>1998</td>
<td>71.7</td>
<td>40.5</td>
<td>10.8</td>
<td>29.9</td>
</tr>
<tr>
<td>1999</td>
<td>71.1</td>
<td>41.0</td>
<td>12.0</td>
<td>31.5</td>
</tr>
<tr>
<td>2000</td>
<td>71.5</td>
<td>41.7</td>
<td>11.2</td>
<td>29.1</td>
</tr>
<tr>
<td>2001</td>
<td>71.4</td>
<td>41.5</td>
<td>10.7</td>
<td>28.0</td>
</tr>
<tr>
<td>2002</td>
<td>72.2</td>
<td>42.9</td>
<td>10.3</td>
<td>26.8</td>
</tr>
<tr>
<td>2003</td>
<td>73.4</td>
<td>44.3</td>
<td>9.7</td>
<td>26.8</td>
</tr>
<tr>
<td>2004</td>
<td>73.7</td>
<td>45.2</td>
<td>10.5</td>
<td>26.9</td>
</tr>
<tr>
<td>2005</td>
<td>74.2</td>
<td>46.1</td>
<td>9.8</td>
<td>26.0</td>
</tr>
</tbody>
</table>


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What explains poor labor market performance in Greece? As in the Spanish and occasionally the Portuguese case, labor market “rigidities” in the form of stringent employment protections are often blamed.\(^{378}\) The problem with this explanation is that many of these protections only apply to a fraction of Greece’s labor force, bringing into question the extent to which they really matter. As the discussion of family and welfare policy below will illustrate, rights in Greece at least in the field of labor and social security law, are strongly fragmented along occupational lines. Public sector workers and professionals have more rights than other occupational groups; it was not until 1990 that part-time workers were awarded the set of basic labor protections afforded full-time employees. In addition, there are a number of informal ways in which the labor market is indeed more flexible than formal protections might suggest.\(^{379}\) Greece has a particularly large informal sector, the largest in the OECD in fact, estimated to be at least 28.5 percent of GDP compared to 22.5 percent in Portugal and 15.7 percent in Ireland.\(^{380}\) Other ways in which flexibility is built into the country’s labor market structure include the use of (often) unpaid family labor in agriculture and small businesses. Labor force


survey data suggests that this describes the position of one out of eight workers in Greece, six times the rate found in Portugal. 381

None of this exactly explains poor labor market performance, a question which lies outside the scope of this research. What this set of data does is further highlight how “un-European” Greek economic and social life often seems. It has a very long way to go in terms of reorienting the country’s national development strategy around a high-wage, high-skilled, knowledge-intensive one. Chapter two argued that state intervention, from active labor market strategies to a skills-based immigration policy can help countries catch up in this regard. The rest of this chapter discusses how the problem of state inaction and frequently the wrong kind of action amounts to failed national responses in three specific policy areas, starting with responses to the problem of declining fertility and low female workforce participation.

Reconciling working and family life

The formulation of policies capable of assisting in the reconciliation of work and family responsibilities is mostly a neglected issue in Greece. The debate surrounding this policy area diverges from that occurring at the EU level and increasingly within most Western European countries because it is framed in terms of “population policy” rather than “work-life balance.” The reasons for this are discussed further below, but are clearly connected to the prevalence of conservative social forces in politics, to include the

nominally socialist party, PASOK. Greek policy-makers have at times been concerned with the problems associated with an aging population, but believe the solution to these problems lies in providing incentives to increase the national fertility rate rather than introducing measures to increase the number of women in paid work. Why they do so is a bit of a mystery, since such policies have done nothing to turn around a particularly low fertility rate, but clearly beliefs about the need to preserve Greek ethnicity are involved. This is a subject taken up in the following pages.

This has meant that “family” policy has been mainly limited to a series of benefits and subsidies provided to large families, usually defined as families with three or more children. These policies have not appeared to be effective in driving up the fertility rate, which continues to fall, but has skewed resources away from families in general and toward a specific group of families instead. These policies have since proved extremely difficult to repeal. The following discussion connects this difficulty to the much broader issue of welfare reform in Greece since it is innately connected to it.

The policy problem: Low fertility and low female workforce participation

It can be argued that Greece, not only among the three countries studied here but also within the EU as a whole, has represented one of the biggest failures in terms of recognizing and responding to the problem of formulating policies to, one on hand, encourage female workforce participation, and on the other, combat a declining fertility rate. By the late 1990s Greece not only had one of the lowest birthrates in Europe, 1.32 in 1995 compared to a European Union average of 1.42, but it continued to have the third
lowest female economic participation rate, ranked just above Italy and Spain.\textsuperscript{382} The percentage of children in Greece, measured as a percentage of the population aged under fourteen, decreased quickly from 23.7 percent in 1991 to 15.6 percent in 1998.\textsuperscript{383} While the issue of abortion lies slightly outside the scope of this research, it is worth mentioning for the debate it has sparked in Greece in relationship to these demographic trends: the abortion rate is especially high and ethnographic research suggests that this often reflects a rational choice, often on the part of well-educated and married women, based on the financial circumstances of the family rather than an actual desire on the part of women not to have children at some point in the future.\textsuperscript{384} Although this shows that the problem of the work-family tradeoff is arguably as problematic in Italy and Spain as it is in Greece, barriers to the formulation of policy capable of addressing issues of work-life balance seem particularly high and especially strong in this latter case. Policy responses have been minimalist and where they do exist, aimed mostly at “large families” with three or more children and thus almost completely ineffective for easing the tension between work and family life experienced by most families.

It will shortly be argued that the political system itself, specifically the relationship between state and society, is one of these main barriers and is for the large part responsible for shaping such inadequate policy responses. Before that, however, the

\textsuperscript{382} Eurostat 2003.


\textsuperscript{384} Heather Paxson, \textit{Making Modern Mothers: Ethics and Family Planning in Urban Greece}. Berkeley: California Press, 2004. See also Eugenia Georges, “Abortion Policy and Practice in Greece”, \textit{Social Science and Medicine}. V.42, N.4 (1996): 509-519. The very high abortion rate is in part due to the fact that it is used as a regular form of contraception; there are restrictions on the use of more modern types.
challenge of reforming the Greek welfare state in general needs to be discussed. The analysis of family policies per se cannot be separated from this more general analysis, for at least three reasons. First, the tax and benefit system has been the main mechanism for policies aimed if not at reconciling family and working life and encouraging greater female workforce participation, then at least at achieving a higher fertility rate. While changes have been made to maternity and parental leave rights over recent times, successive governments have not paid nearly as much attention to these, nor to childcare issues or workplace based “family friendly” measures as in Ireland or Portugal. Second, the debate over welfare reform and the struggles over the future of Greece’s pension system specifically has dominated all fields of social policy discussion since 1990. It has occupied the attention of all major interest groups in Greece, including the state, as well as outside academics to the point where other pressing social policy issues have been further neglected. Third, even if this is not fully recognized in Greece, the question of family policy and especially female workforce participation, as chapter two outlined, is intimately connected to the problem of pension reform and sustainability in OECD countries. Providing for an aging population, including maintaining pension systems, requires expansion of the tax base.

In many respects, the Greek welfare state is the most typical of what has been referred to as the “Southern European” model, core features of which include the adoption of social insurance or contributory rather than universal coverage funded from general taxation, except when it comes to health care; a lack of generosity; and the fragmentation of delivery and inequality in benefit levels along occupational lines. The Greek system had its true beginnings during the Metaxas dictatorship of the 1930s,
including the creation of the IKA, the country’s largest social insurance agency, in 1934. The problem has historically been the fact that different sectors of the workforce are covered by different insurance schemes, to the point where at times large groups of workers have not been provided for at all. Public sector workers and professions such as banking have always been more favorably treated. Such a system is not only inefficient and costly to deliver, but it is also inherently unequal.

Compounding the problem of fragmentation in delivery and thus patchiness when it comes to coverage is the fact that spending is heavily skewed toward pensions and away from social risks such as poverty or unemployment that cannot be insured against. While overall spending on welfare has traditionally been low in European terms, at 21.6 percent of GDP in 1991 compared to an EU-15 average of 26.4 in 1991, it has caught up in recent years, climbing to 26.4 percent of GDP in 2000 compared to an EU average of 27.3 percent. Yet at least 90 percent of this spending goes into pensions, leaving other aspects of social policy underfunded. Added to that is the fact that the pension system treats some occupational groups much better than others, leading many analysts to describe the Greek welfare state in harsh terms. According to these analysts, the pension system is not only “bloated and grossly inequitable” but is also often presented as a prime example of interest group capture of the state by the middle classes in a clientelist


It should also be noted, with direct relevance for female workforce participation, that the high threshold of contributions for many pension schemes, twelve continuous years of full-time service for example, can act as a disincentive for women especially to take up paid and particularly part-time work or in fact take time out from the workforce to have children. It can also act as a force pushing women out of work once their minimum period of service is finished, since many schemes do not provide much better pension rates once minimum requirements are filled.389

The issue of pension reform has been firmly on the Greek political agenda since at least 1995, yet reforms of the system aimed at reducing costs and ensuring a more equitable and efficient distribution of resources have been minimal and some of those which were passed were quickly reversed. The most sustained effort was undertaken by the “modernizing” Simitis government that came to power in 1996 following the replacement of Papandreou by Simitis as the leader of PASOK. Several attempts to overhaul the pension scheme and target overall social policy to the poorest members of society, many of whom remained uninsured, were made during this period, but failed due to pressure and protest on the behalf of interest groups, especially unions whose members benefit from inequalities in the system. Several authors have argued that the state revealed itself to be weak in the face of such opposition, belying traditional descriptions of the Greek state and overbearing and civil society as weak.390 This, as the remainder of


this discussion illustrates, has a parallel in family policy itself, in which special benefits targeted toward large families have been fiercely defended by organizations representing those families, even if those policies are wholly ineffective for resolving work and family life across Greek society as a whole.

The challenge of developing policies for the reconciliation of working and family life is thus both similar and quite different from that experienced by policy-makers in the Irish and Portuguese cases. All three countries have had to build policies to help families resolve tensions between working and family life on minimalist and especially in the Southern European cases “familialist” social welfare foundations. Yet the problem itself is actually much worse in the Greek case because the country has both lower fertility rates and lower rates of female workforce participation than found in either Ireland or Portugal. This is then compounded by the ongoing failure to shift away from a social policy framework based on special privileges toward one based on either universal entitlements or effective targeting. This failure is revealed in failed attempts to reform Greece’s welfare state in general but also specifically in the family policy arena.

*The role of interest groups in the making of policies for work-life balance*

There is very little evidence to suggest that family policy in Greece has been or is the product of careful mediation between interest groups on the part of the state, nor of negotiation between the state and such interest groups. There are no major intermediary institutions or processes responsible for formulating policy in this area. The state agency with the closest possible relevance for channeling interests might be the General
Secretariat for Gender Equality, but the role of this organization is mostly confined to enforcing existing policies and overseeing research conducted by the semi-autonomous Research Center on Gender Equality (KETHI). The Secretariat states work-life balance as one of its areas of interest, but it has no formal consultative processes attached to it and any major influence on policy output is yet to be seen. This does not mean, however, that interest groups have not played some role in shaping family policy outcomes in Greece. Rather, it is that the involvement of these interest groups in formal policy-making is limited, and that activity outside formal policy-making channels has not always been helpful.

Two major interest groups of relevance here are trade unions and organizations representing large families. Organized labor, which can often act as a progressive force in the formulation of policies for work-life balance, appears to have confined itself in this case to what it considers strictly industrial relations issues with little room for taking on a broader social activist role in this policy area. This means that during the post-authoritarian period under discussion here, the trade union movement has played some role in negotiating extended maternity and parental leave provisions for its members, for example. Yet it should be noted that the labor movement in Greece, centralized under the umbrella of the General Confederation of Greek Workers (GSEE), is dominated by unions representing professional and public sector workers. The most vulnerable workers who do not enjoy anything like the floor of rights and benefits awarded to public sector and professional workers, women in the service sector for instance, are mostly unorganized and unrepresented. That both explains and reinforces the fragmented and occupationally differentiated basis of labor rights and social welfare policies in Greece, to
include a pension system that actually provides a disincentive to female workforce
participation in many instances. The relationship between the union movement and the
state arguably represents a case of “inegalitarian corporatism”, where the close
relationship between the state and a labor movement that represents some sectors of the
workforce much better than others serves to defend rather than reduce social inequalities.

The other group that appears to have an influence on Greek family policy well out
of proportion to its size is the Supreme Confederation of Large Families (ASPE). The
previous section pointed out that attempts to retarget the series of “many children”
benefits during the late 1990s were defeated mostly through resistance on behalf of this
organization with support from other conservative forces. For foreign researchers, the
apparent weight of this organization in determining family policy outcomes is baffling.
Why should a group that represents a minority of families in Greece, those with at least
three or more children, have any influence at all? I put this question to a former policy
advisor to the Simitis government. This former policy advisor had described the ASPE
as “a real problem”, made up mostly of fathers “which must be because their wives are at
home with all those children”, and as “very, very reactionary, like something out of the
Middle Ages.” He then argued that the source of their political leverage lies in a Greek
myth about racial purity that still shares widespread support amongst policy-makers in

391 The term, applied to the Greek case, belongs to Manos Matsaganis, “Inegalitarian corporatism? Progressive modernization and pension reform in Greece”, Paper presented to the ESPAnet Conference, University of Fribourg, Switzerland, 22-24 September 2005. The relationship between the state and economic interest groups has also been described as “disjointed corporatism”, in which a pre-1974 state corporatist tradition has not yet been replaced by the kind of policy concertation that occurs elsewhere in Europe. See Kostas Lavdas, The Europeanization of Greece: Interest Politics and the Crises of Integration. Macmillan: Basingstoke, 1997.
Greece. The group is also aligned with the Orthodox Church. Although compared to the Catholic Church in Ireland the Orthodox Church has been traditionally comparatively hands-off in policy terms, a recent politicization of its discourse has taken place. The myth of preserving racial purity influences not only the way that family policy is conceptualized, but also general attitudes toward immigration, discussed below.

The commitment the Greek Constitution makes to protecting “large families” specifically, outlined in detail below, adds greater justification to the claims of organizations such as the ASPE. A more general conclusion in relation to that fact is that once special benefits aimed at particular groups become entrenched, they are very difficult to withdraw even when such benefits do not solve the problem they are supposed to address and even where resources could much better spent elsewhere. One way in which states in mature democracies might cope with this problem is to “activate” other interests and build alternative bases of support to dilute the influence of organizations such as the ASPE. This is one of the reasons why dialogue with a broader range of interest groups is so important, rather than allowing one particular group or organization to dominate. Suggestions here would be childcare workers, feminist elements of the union movement, or progressive family organizations. Admittedly, the latter is harder to identify in advance than “defense of the family” type organizations, which although may not be as conservative as the ASPE, are found other mature democracies as well. The influence of such conservative groups, however, is moderated in other countries by such


specific organizations as the cooperative playcentre movement, and Barnados or other welfare-oriented groups. Neither Greek political parties nor the Greek state itself attempts to do this.

It is very much a matter of speculation as to what extent the construction of increasingly formal, ongoing policy-making processes and institutions capable of balancing functions of consultation and incorporation would make in this case. One way in which they might help, however, is by the cultivation of interest groups to act as alternative support bases for policies better aimed at reconciling work and family life. Some of these groups, representing broader women’s interests than the labor movement is capable of, for instance, might not exist in any centralized form as of yet.\textsuperscript{394} However, the literature on interest groups, and corporatism in particular, shows that the state policies and actions play no small role in the centralization and strengthening of interest groups. Dialogue between interest groups and the state requires some centralization if not “monopolization” of interests so that consultation, and incorporation, can take place in some coherent way. The failure to build support around a new policy direction (or even in fact to recognize the need for one) on the part of policy-makers can be traced especially during the 1990s.

\textsuperscript{394} The traditionally fragmented nature of women’s lobby groups is detailed in Eleni Stamiris, “The Women’s Movement in Greece”, \textit{New Left Review}. N.158 (1986): 98-112.
The evolution of policy responses, 1974-2005

Greece is presented in the comparative literature as yet a third national case, like Ireland and Portugal in this respect, in which constitutional commitments to protecting the family are contradicted by the low levels of actual support given. The official commitment to the family is not matched by an explicit policy framework that is capable of adequately supporting families and importantly, reconciling tensions between work and family life. Greece’s constitutional commitments and family policy outcomes, however, are not as contradictory as many analysts assume. Rather, the Constitution, very different from the general commitment to all families made in the Portuguese case, explicitly identifies special types of families that deserve differential treatment. Declaring that the family is “the foundation stone for the preservation and the advancement of the Nation”, the 1975 Constitution then commits the Greek state to the protection of motherhood, the encouragement of home ownership, the protection of large families, and families with certain members such as those serving in military, the disabled, old and sick. The singling out of specific groups for preferential treatment is entirely consistent with Greece’s fragmented welfare state in general, and is reflected in a the development of family policy in particular. Nowhere has this had more of an impact


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in the evolution of the targeting of family benefits to “large families”, a theme that has already been introduced above and which will be detailed below.

Another feature of the way in which this policy issue has been and continues to be framed in Greece is the predominance of “population” over “family” or economic concerns. When national debates over this issue do take place, it is usually within the context of the “demographic crisis” rather than anything to do with promoting work-life balance. Whereas social scientists and policy-makers in Western Europe are concerned with formulating policies to both encourage increased fertility and female workforce participation rates as solutions to the problem of an aging population, the focus in Greece has been almost entirely on the fertility part of the equation. The issue of work-life balance is confined to academic circles, with perhaps some additional support from some trade unions representing a limited number of workers. This puts the political debate in Greece much further away from that occurring at the EU level than is the case in Portugal, and certainly in Ireland. In part, this is because family policy is perceived primarily as population policy, which in turn is colored by concerns about racial “purity.”

The Greek concern over population decline began in the context of mass outward migration in the 1960s, but has reoccurred periodically since. Interview-based research shows that population concerns are shared not only by conservative and frankly xenophobic elements on the Greek right, represented by right-wing political parties and conservative family associations to include the ASPE, but even by the supposed center-left, represented in particular by PASOK parliamentary representatives. Population concerns take on a racial dimension since many of these forces frequently express concerns about the declining fertility rate in Greece in comparison to its archrival,
Turkey, and the “diluting” of Greekness through the immigration of non-Greeks from the Balkans. 397 The focus on solving the “demographic crisis” through encouraging increased fertility further reinforces the preference for family policies targeted to large families. The problem is that such strategies simply do not work, despite their enthusiastic following. Greece does not actually have a large number of large families, and is arguably one of the European countries that has carried on the nuclear family pattern the longest. Many people choose not to marry and have children, but it 1998 it had the highest incidence of two-parent, two-child families in the EU. 398 One reason why such policies continue to be pursued despite being so out of touch with current realities is found in the relationship between a limited number of lobby groups and the state.

During the 1980s, PASOK’s reformist agenda in the family policy arena did not extend much beyond the removal of some forms of gender discrimination from the legal code. Family law until 1983 dated from 1946 and “expressed the social values of a former age.” 399 That is putting it mildly. For a country that had just joined the EU, the laws governing family relationships appeared decidedly anti-modern. PASOK’s reform package included the secularization of marriage and the outlawing of the widespread practice of the dowry, the removal of the legal distinction between legitimate and


398 Although the actual birthrate is 1.3 children per female, data shows that many Greek men and women remain single and do not have children at all, while most that do have children have on average about two per family. See Theodoros N. Papadopoulos, “Greek family policy from a comparative perspective”, in Eileen Drew, Eileen Emerke and Evelyn Mahon (eds.), Women, Work and the Family in Europe. London and New York: Routledge, 1998: 47.

illegitimate children, and a formal guarantee of gender equality. In the realm of employment law, it was not until 1984 that a ban on the firing of pregnant workers was introduced. Beyond that, family policy largely consisted of the maintenance of a small range of family benefits and maternity leave provisions. After 1990, having witnessed an increase in the number of women entering the paid workforce but more significantly the re-emergence of the “demographic crisis”, some increased attention to family policy can be observed.

### TABLE 7.2

MAJOR DEVELOPMENTS IN GREEK FAMILY POLICY

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1958</td>
<td>First family allowance scheme, gradually supplemented and overlapped with additional employment-based benefits.</td>
</tr>
<tr>
<td>1975</td>
<td>Expansion of maternity leave in public sector.</td>
</tr>
<tr>
<td>1984</td>
<td>Family law reform package introduced.</td>
</tr>
<tr>
<td>1984</td>
<td>Expansion of maternity leave in public sector, introduction of limited unpaid parental leave rights.</td>
</tr>
<tr>
<td>1997</td>
<td>Income tests introduced for many children allowances.</td>
</tr>
<tr>
<td>1999</td>
<td>Introduction of paid maternity leave in public sector.</td>
</tr>
<tr>
<td>2002</td>
<td>Income test on many children allowances revoked.</td>
</tr>
</tbody>
</table>

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Family or child benefits were first introduced in the late 1950s, a little later than most of Western Europe to include both Ireland and Portugal, and with little change to their structure until the early 1990s. The overall level of provision remained low and since it was tied into the social insurance-based welfare system, consisted of a series of fragmented, complicated, and sometimes overlapping schemes. For most of this period at least four different types of mostly contributory child benefit schemes were in existence, with much more generous provision available to public sector workers. Fragmentation across occupational lines resulted in some children being covered by more than one benefit scheme while others received nothing.\textsuperscript{401} Higher rates or additional benefits were generally awarded for third, fourth, or subsequent children, but the large family focus of the child benefit system did not become fully entrenched until the 1990s when the concern over population decline peaked. In addition, there are a number of child-related exemptions built into the tax code.

During the 1990 election campaign, after which a decade of government under PASOK was followed by a very brief period of rule by the center-right under New Democracy, Greece’s demographic problems became a topic of national debate. In the context of prolonged economic misfortunes and failings, all major political parties made the perceived special needs of large families central to their welfare policy proposals. While New Democracy proposed additional tax allowances for large families and increased child allowances, populist PASOK’s proposals included preferential access to employment in the public sector for heads of large families, marriage bonuses for public servants, and preferential rates for public services for those families with three or more

\textsuperscript{401} Symeonidou, “Family policy in Greece” (1990): 141-142.
children. These latter suggestions may appear unusual in the European context, but not so in the Greek national setting, where public service employment still shows strong signs of political patronage.

A series of “many children” benefits were thus introduced from 1992, with some modifications and reversals of these modifications since. The crucial legislation here is New Democracy’s Law 1892 of 1990, concerned directly with the issue of fertility decline. The most important of these were the third child benefit, a large family benefit, and a lifetime pension for mothers of large families. All of these were to be paid out of general taxation and were thus non-contributory but delivered through the state’s Agricultural Insurance Organization. The “third child” benefit was originally awarded to families on the birth of the third child until the point when this child reached three years of age. Rates were raised in 1997 and the age of the child increased to six years. “Large family” benefits were targeted at families with four or more children aged under 23, with the level of payment varying according to number of children. The life-time pension, probably the strangest measure to consider with the respect to the issue of work-life balance but supposedly designed to create an incentive for women to have many children and help out with the demographic problem, was to be provided to mothers of four or more children who no longer qualified for the large family benefit since their children had now grown up.

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404 The best summary of this complicated array of benefits is provided in Manos Matsaganis, “Greece—fighting poverty with hands tied behind the back: anti-poverty policy without a minimum income”, in Maurizio Ferrera (ed.), *Welfare State Reform in Southern Europe: Fighting Poverty and Social*
The attempt to “modernize” the welfare state under Prime Minister Simitis during the late 1990s included measures to cut back expenditure on many-children allowances by targeting them toward poorer families. The debate that surrounded the introduction of such proposals in 1996 was described at the time at a “heated” one, and included fierce resistance on behalf of lobby groups working on behalf of the beneficiaries of existing policies. Chief among these was the ASPE. Rather than entering a process of negotiation with the government, however, resistance took the form that it often does in Greece: noisy street protests. The welfare modernizers did manage to impose an income-test on the many-family benefits in 1997, but most of these reforms were overturned in 2002 in the legislature.

Elsewhere in Europe, including Ireland and Portugal, child benefits have become increasingly targeted toward poor families and especially single-parent families that often fall into this category. There has been little to no attention to this latter issue in Greece. One explanation for this is that not only is the proportion of children born out of wedlock still relatively small, but doing so is still “socially unacceptable” in a way that no longer

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*Exclusion in Italy, Spain, Portugal and Greece.* London and New York: Routledge 2005: 54-55, and the discussion in this paragraph is based on this.


406 The conservative-religious orientation of this organization pointed out above is not immediately obvious from the secondary literature, but became a source of conflict during the late 1990s between these forces and the welfare modernizers. I owe much of the untold part of this story to an academic who worked as a non-PASOK affiliated advisor to the Simitis government during the late 1990s. Interview with author, Athens, 11 November 2005.
is true in most Western European countries. Lone parenthood has thus “not been considered a social problem requiring greater state intervention.”

The support of families with many children is thus the primary mechanism for addressing issues of fertility decline, if not work-life balance, in Greece. Other possible measures that more directly address issues of work-life balance deserve some attention, however, since although Greece has a low level of female workforce participation in European terms, almost half of women do work outside the home. Taking maternity leave and benefits first, like much else in Greece, rights in this area vary according to occupational status. In particular, there has always been differential treatment of public and private sector workers with respect to leave entitlements, with maternity benefits varying according to levels and type of social insurance contribution. In a recent monitoring report for the EU, Christos Bagavos describes a “typical” set of maternity leave entitlements as seventeen weeks in the private sector and up to five months in the public sector. Although this brings Greece into line with the other more minimalist maternity leave regimes in Europe, compensation in the form of pay and additional benefits is reportedly the lowest in the EU. Paid maternity leave was introduced in the public sector only in 1999.

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As the previous two chapters illustrate, EU activity in the arena of parental leave has had impact on countries with previously minimalist or non-existent schemes, such as Ireland and Portugal. The 1996 EU Parental Leave Directive, however, did not specify a particular set of entitlements that each member state must adopt, nor did it state that parental leave would necessarily have to be paid leave. It was up to individual states how they would respond to the objectives stated in the Directive, the result being that some countries are still far more generous than others. It thus constituted an “indirect” influence on national policy as much as a direct one. Greece still guarantees one of the least generous sets of leave entitlements, and what is more, legislation did not change much in response to EU developments in this field.

A set of parental leave provisions was introduced into the legal code in 1984, establishing that parents in workplaces with more than one hundred employees are entitled to unpaid childcare leave of up to three months until the child reached two-a-half years. Because this only applied to larger workplaces, this covered approximately 41 percent of men and 38 percent of women at the time it was introduced.411 Working parents are also entitled to six unpaid days per year to take care of sick children. Under the 1993 national collective bargaining agreement, the upper age limit for children to which the main parental leave provision applied was raised to three years and six months.412 Law 2085/92 also extended parental leave to up to two years in the public

sector, although this would affect pension rights for women who took the option up.\textsuperscript{413} Overall, however, because parental leave is generally unpaid, it understandably suffers a low take-up rate and in any case is considered mainly a “women’s thing.”\textsuperscript{414}

Flexi-time, job sharing, and part-time work is often posited in the industrial relations literature as one of the best ways for parents to reconcile family and working life, not the least because it can provide the basis for employment contract negotiations and thus gain the support from employers and well as employees. Unsurprisingly perhaps, given the importance of Greece’s pension system in determining labor market structure, part-time work has generally been discouraged. In fact, it was not until 1990 that most of the basic rights enshrined in labor law were extended to part-time workers, and part-time work tends to be of low pay and confined to the retail sector, thus not designed around family needs as the Nordic vision of high-quality part-time work suggests.\textsuperscript{415} The lack of formal legal provisions and the absence of flexi-time arrangements in patterns of collective bargaining, however, belies the fact that much informal working time flexibility occurs as a result of the fact that Greece has such a high proportion of very small, often family-run businesses, in which flexibility is fundamental.\textsuperscript{416}

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The three national case studies, taken together, however, show that childcare or rather the lack of it is probably the greatest obstacle parents face when entering or re-entering the workforce. Greece is no exception here, with low levels of formal provision especially with respect to children aged under three.\textsuperscript{417} Some serious attention was given to expanding provision for those aged between three and six during the 1990s, with a new network of public nursery schools created in 1997. These would stay open until four o’clock in the afternoon, much later than in the past and although these were envisaged by the government as having more of an education purpose in mind than anything else, survey data shows that parents are increasingly relying on these services for the purpose of work-life balance.\textsuperscript{418} State-led development in this area has however increased relatively recently, from a low base, and in the context of an era of fiscal discipline meaning that the pool of resources available has been limited.\textsuperscript{419}

\textit{Summary}

Greek policies for the reconciliation of family and working life are the least Europeanized and the least extensive or developed out of the three national cases analyzed in this dissertation. Policies consist of limited labor legislation on one hand and mainly large family-oriented benefits on the other, with little connection made between the two. At least part of the explanation for why this is the case lies in the inability of

\textsuperscript{417} Three percent of children aged under three were in formal care in 1993. Papadopoulos, “Greek family policy” (1998): 50.


\textsuperscript{419} Sarikaki, “Institutional reactions to low fertility” (2001): 12.
Greek policy-makers to build a consensus around the required policy shift. When attempts have been made to redirect resources in such a way that more families are assisted through the tax and benefit system, fierce protest on behalf of lobby groups, especially the ASPE on behalf of large families, has prevented a permanent shift from taking place. The ability of such a minority organization to block attempts at reform is explained in part by the absence of a consultative and incorporative tradition that is capable of cultivating relationships between the state and a wider range of interest groups. That in turn might be explained by a lack of interest on the part of political party leaders in doing so.

Greek family policy has not benefited from the type of “enlightened” leadership experienced in Portugal. Part of the reason why a group such as the ASPE is able to have any leverage at all is because of broadly shared ideas concerning racial purity and population policy amongst the political elite. Although I have little evidence for this, it could also be speculated that politicians aligned with the two main political parties (although not the smaller leftist parties) also wish to avoid further confrontations with the Orthodox Church, to which the ASPE in particular is aligned. Conflict in recent years has centered on the removal of religious status on national identity cards, something the Church has opposed. A full analysis of why political leaders in Greece align themselves with such conservative ideologies, and not with gender equality objectives as mainstream political actors do in the Portuguese case is well beyond the scope of this dissertation, but the gulf between Greek policy goals and values and Europeanized ones is clear in this case. In this context, the fact that the state is dominated by political parties and has little room to develop independent relationships with interest groups of its own does not help.
Higher education

Greece’s greatest challenge in the field of higher education policy has been how to reorient a system designed primarily for the teaching of classical, elite subjects around the needs of the modern economy in which the content of higher education must be increasingly work related and participation much more broad based. Reforms of the past three decades have gone some way toward increasing participation and expanding the range of courses offered by institutions of higher learning, but Greece still has much further to go in the implementation of quality control mechanisms and in increasing the relevance of higher education and training to the needs of a high-wage, high-skill, post-industrial economy. More recent attempts to address these concerns have been met with and stalled by fierce resistance, especially on the part of teachers’ unions and the student movement. The lack of a strong consultative and incorporative tradition only adds to this impasse since it leaves few channels open for forging compromise over the future direction of policy content. Parties have not proved capable of filling this gap either.

The policy problem: Quality and labor market relevance

The previous chapter identified Portugal’s key problem in the field of higher education since 1974 as how to increase participation, since the Salazar era had left a legacy of undereducation at all levels, with the least cost to the state. Achieving this while increasing quality has proven to be a difficult task. Greece’s problem has been a little different. It too has been concerned with increasing participation, but from a slightly less depleted base. Despite the dispersion of a good proportion of the country’s
population across islands and isolated mountain areas in the north of the country, educational participation rates in the late 1960s were higher in Greece than in Portugal. An estimated 48.7 percent of young people aged between 14 and 17 were enrolled at school in Greece in 1969, compared to a rate of 21.8 in Portugal. For those aged between 18 and 22, covering at least the initial years of higher education, the participation rate was 15.4 in Greece compared to 9.8 percent in Portugal. Broadening participation in higher levels of the education system over time, however, has still been a challenge given that a lack of resources has continuously placed restrictions on the number of places available, especially in the preferred university sector.

Yet arguably Greece’s greatest problem in the higher education field has been the fact that the system has tended to supply the wrong kind of education and training, especially with respect to labor market needs. The Greeks are very proud of their classical heritage, and until relatively recently, the curricula of upper secondary and third-level education institutions have been biased heavily toward classical studies. It may surprise those unfamiliar with modern Greek history that until at least the mid-1960s, most classes at upper secondary and the third level were not taught in the modern language that most Greeks actually speak, referred to as demotiki. The alternative, katharevousa, is a nineteenth century invention, a modern interpretation of ancient Greek used for official purposes. The “language debate” over which version should be used

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421 The uniqueness of the Greek language debate has been summed up rather succinctly by one Greek commentator: “Other countries, obviously, have bilingual problems, but Greece would appear to be the only nation which has created an artificial language and then forced it on itself”. R. Eletherios Grimm,
in schools and universities became the linchpin of an ideological battle between modernizers and conservatives in the education arena. George Papandreou as leader of the Center Union first passed legislation that the Greek classics be taught in demotiki in 1964. This reform measure was then overturned by the military before being reintroduced with the return to democracy.

This struggle over language has been symbolic of a much broader clash between modernizers and conservatives with respect to the Greek education system, which has had real-world consequences in the underdevelopment of technical and labor-market relevant higher education in Greece. This is not to say that the development of technical higher education has been neglected altogether, and these efforts are discussed in detail below, but rather that this form of education has been regarded as an inferior form of education most clearly in this case. This reflects the great difficulty Greece has had in breaking with the country’s attachment to the classical tradition. The result of a lag in efforts to tie the education system firmly to labor market needs is reflected in the unusually high number of unemployed graduates in Greece. There is an assumption in the literature and in general common sense that a higher level of educational attainment guarantees an individual a better chance at securing a good job. The Greek experience shows this is not always the case. Young Greeks with a third-level education qualification are up to 75 percent more likely to be unemployed than those with no upper secondary school qualification.\footnote{Calculated from George Liagouras, Aimilia Protogerou and Yannis Caloghirou, “Exploring Mismatches Between Higher Education and the Labour Market in Greece”, \textit{European Journal of Education}. V.38, N.4 (2003): 414. On students’ (negative) attitudes to work while they are still studying}

\footnote{“Egalitarianism and Productivity: Rhetoric and Reality in Greek Educational Reform Since the Fall of the Military Junta in 1974”, \textit{Modern Greek Studies}. V.6 (1990): 85.}
outside the scope of this research: the lack of employment opportunities for the highly qualified, especially outside the public sector, suggest that an industrial policy aimed at promoting job growth in highly skilled areas is required. The other half of the solution, however, lies firmly within the frame of analysis employed here: the higher education system needs to provide better training in the skills required for the contemporary labor market. While labor shortages in technology-intensive industries may not be apparent yet, Greece will never be able to develop these type of industries without a differently educated labor force.

Another factor contributing to the high level of unemployed, seemingly over-educated young people in Greece is that many families send their children overseas to be educated. Gaining an overseas education has now been made easier by the new “European Union education space”, but it has long-standing tradition in Greece. Large numbers of degrees have been awarded to Greek students in North America and Europe over the past half-century. In 2001 there were up to 57,000 students studying abroad, representing about 30 percent of those in Greek institutions of higher education. Some of these foreign-trained graduates do not return, leading to concerns over a national “brain drain”, but others do, adding to the pool of Greek-trained students. If they have been trained overseas they are often better qualified than their Greek-trained counterparts, pushing this latter group out of the workforce.


423 Theodore P. Lianos, D. Asteriou and G.M. Agiomirgianakis, “Foreign University Graduates in the Greek Labour Market: Employment, Salaries and Overeducation”, *Foreign Journal of Finance and Economics*. V.9 (2004): 151. This also has the most detailed discussion of the issues this raises.
One of the principle reasons behind this tradition is that the Greek higher education system has never been able to provide anything like enough places to meet demand, something that is decreasingly a problem in both Ireland and Portugal, the latter case having solved that basic the problem through a privatization strategy. Higher education in Greece is constitutionally guaranteed to be free, including textbooks and meals for students. This sounds very generous, but the generosity is undercut by the fact that although there is hardly any private funding for education and research in Greece, the level of public spending is no higher than in most other in other developed countries. In 2003 the state spent 1.5 percent of GDP on higher education, compared to an OECD average of 1.3 percent. More significantly, perhaps, this only translated into total spending, including all books and other generosities from the state, of US $4,924 per student against an OECD average of $11,254.424 The result is that the numbers of students permitted into public institutions, and all institutions are public in this case, are restricted, some sectors of the system are severely underfunded, and quality suffers as a result. The literature on higher education often reflects very serious doubts about the level of quality across both the university and non-university sectors. That issue will be returned to at length shortly. The commitment to free education also actually reproduces social inequality since it tends to be students from wealthier families that gain access to free public, and especially university, education in the first place.425

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Despite efforts over the past three decades to expand participation in higher education and increase the variety of programs offered through the non-university technical sector, Greece stills suffers from a basic set of problems in this field. First, the high number of unemployed graduates suggests either that education is not tied in closely to labor market needs, or that economic development strategies themselves are not tied in closely enough to what the education system can offer in terms of labor power. Second, the free education system costs the state enough in monetary terms, yet it means that it cannot guarantee access to quality higher education for large numbers of young people. Demand outstrips supply and potential solutions to the problem such as permitting the development of private institutions, introducing fees, or forcing the universities to accept more students, have been stridently resisted by key interest groups. That clash of interests and the inability to create policy-making processes capable of bringing those interests on board so that they can play a constructive role in policy-making is discussed next.

*The failure to incorporate interests in the making of higher education policy*

The discussion of the evolution of the Irish and Portuguese higher education systems contained in the previous two chapters showed that the construction of a range of state institutions and organizations in which interest groups are formally represented is highly likely in this particular policy area. The seemingly technical nature of some policy decisions and the fact that the most important interest groups are already part of the social elite increases this likelihood. Interest group participation in such bodies and organizations was a little less broad based and more uneven in Portugal than in Ireland,
but consultation with certain groups, such as the Council of Rectors representing the university sector, is ongoing and comparatively formal in this case. Similar state organizations and consultative processes can also be identified in Greece, but the range of groups represented in them is even more narrow and from the evidence that exists, not particularly robust. In the absence of institutions and processes designed to incorporate interest group opinion, proposed changes are often fiercely resisted by interest groups in an unconstructive manner.

A National Council for Education (ESYP) was established in 1995 and charged with building an education policy consensus. In theory, the ESYP represents the interests of a range of groups across the entire education system, including government ministries; political parties; university rectors and presidents of technical institutes; the Orthodox Church; teaching staff in higher education; the Confederation of Parents; Confederations of Primary and Secondary School Teachers; the National Students’ Union; and the Confederation of Greek Industries. The problem, however, is that there is no evidence that the ESYP has been able to forge the consensus that it has been charged with creating. A current clash over higher education, between teachers unions’ and students on one hand and the New Democracy government on the other is symptomatic of this problem. Not only has there been a failure to forge a policy consensus, but protest against the currently proposed reform package has spilled onto the streets and resulted in the cancellation of classes and many institutions. Application of pressure by interest groups on the state, namely teacher unions and students organizations in this case, thus occurs outside and in lieu of formal and generally accepted channels for the mediation and

aggregation of interests. This current impasse will be returned to and discussed in more detail below.

The evolution of policy responses 1964-2005

Until the late 1950s, the Greek education system consisted of six years of compulsory primary education followed by six years of secondary school (the gymnasium). The latter was, as noted above, heavily skewed toward the study of the humanities, the Greek classics in particular, which carried through into higher education. Third-level studies were generally limited to university and university-level institutions, with the addition of several independent schools for the purposes of teacher training in particular. Economic development concerns led to a series of reforms toward the end of that decade, mainly at the secondary level. Secondary school was divided into two stages of three years each, the first being very general before dividing into vocational training, which effectively prevented these students from entering higher education since they would not be eligible for university entrance, and a traditional classically inclined stream. The latter retained its classical focus and thus “stifled any significant growth in scientific, technical or vocational education.” 427 At the third level, two new engineering schools were established in Athens and Thessaloniki around this time.

## TABLE 7.3

**MAJOR DEVELOPMENTS IN GREEK HIGHER EDUCATION POLICY**

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy development</th>
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<tbody>
<tr>
<td>1967</td>
<td>Repeal of Papandreou reforms to higher education.</td>
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<td>1967-74</td>
<td>First KATEEs or third-level technical institutions established.</td>
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<tr>
<td>1970-84</td>
<td>Opening of seven new universities.</td>
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<tr>
<td>1974</td>
<td>All levels of education declared free under new constitution; <em>demotiki</em> reintroduced as language of instruction.</td>
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<tr>
<td>1978</td>
<td>Legislative strengthening of university autonomy; introduction of national entrance exams.</td>
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<tr>
<td>1982</td>
<td>Law 1268 outlines major changes to university governance (&quot;departmentalization&quot;); gives additional subsidies and benefits to students; regulates postgraduate study.</td>
</tr>
<tr>
<td>1983</td>
<td>KATEEs become Technical Education Institutes (TEIs)</td>
</tr>
<tr>
<td>1992</td>
<td>Law 2083 outlines changes to university governance; removal of student privileges and benefits; strengthening of postgraduate requirements; establishment of Committee for the Evaluation of Higher Education.</td>
</tr>
<tr>
<td>1997</td>
<td>PASOK reform package revokes 1992 changes to student privileges and university governance. Education 2000 Act introduces “open” access to higher education.</td>
</tr>
<tr>
<td>2001</td>
<td>Law 2916 gives TEIs equal status to universities.</td>
</tr>
<tr>
<td>2005</td>
<td>National program for evaluating institutions introduced but not yet fully implemented.</td>
</tr>
<tr>
<td>2006-07</td>
<td>Introduction of major reform proposals to remove state monopoly on higher education, increase university/TEI autonomy and remove a number of student privileges.</td>
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</table>
Secondary school reform continued to be the main source of focus for the first Papandreou government between 1964 and 1966, surrounded by much rhetoric about the need to democratize education. The school leaving age was raised to fifteen, adding three years of compulsory education, “demokratia” was introduced into the classroom with a new requirement that the Greek classics be taught in the modern translation, and the guarantee of free education was extended to the third level. Some of these reforms never had a chance to take full effect, since they were repealed by the military regime after 1967. Yet the junta also carried through less of the symbolic and more of the practical measures in the field of higher education that had been debated during the 1960s, including the establishment of new universities and the creation of a technically oriented higher education sector. This saw a near doubling in the number of students in higher education from 54,261 in 1965 to 92,920 in 1974.

Until 1964 when the University of Patras was established, there had been only three universities and six university-level schools in Greece, all located in the two major cities of Athens and Thessaloniki. Seven more universities were established in response to increasing demand, especially in the regions, both during and after military rule: the University of Ioannina in 1970, the University of Thrace in 1973, University of Crete in 1973, the Technical University of Crete in 1977, the University of the Aegean in 1984, and the Ionian University and the University of Thessaly in 1984. Perhaps the more

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significant development that occurred under military rule, however, was the move to establish a series of non-university technical schools. These centers are referred to in the literature by their Greek acronym, KATEE. Five KATEEs were in operation by 1974, including the two engineering schools that had been opened in 1958, with significant funding from the World Bank.\textsuperscript{431}

After 1974, the national democratic constitution again guaranteed Greek citizens a right to a free education, including higher education. Article 16 also, importantly and recently contentiously, bans private higher education. Under the center-right Karamanlis government that steered public policy until PASOK was elected in 1981, a number of educational reforms were introduced, initially mainly at the primary and secondary level. Katharevousa was again replaced with demotiki as the official language in all aspects of public life to include schools so that the teaching of Greek classics would now be in translation; compulsory schooling was again raised to nine years; a reorganization of secondary teacher training took place; and further attention was paid to technical and vocational training at the secondary level.\textsuperscript{432}

In the field of higher education proper, the return to democracy cemented a commitment to a binary structure. This makes Greece no different from Ireland and Portugal in this respect, but with a qualitative difference. Whereas successive governments in the other two cases have made efforts, especially in the Irish case, to avoid creating a hierarchy between the university and non-university sectors by elevating


the status of scientific and technical education provided by the non-university sector, the Greek state sanctioned and reinforced this hierarchy. Legislation governing higher education in Greece at least until 2001 referred to the two different sectors as “higher” and “highest” education. “Higher” education included all non-university post-secondary schools and centers, including the KATEEs which operated in the immediate post-authoritarian period. “Highest” education referred to those institutions with university status and are referred to by their Greek acronym (AEI).433

The problem is that this elevated the status of university at the expense of non-university education. Students still show a clear preference for gaining access to the (public) universities first, something that is also the case in Portugal. In the initial stages of the development of technical higher education, this lack of prestige had a serious impact on the operation of the KATEEs and is posited as a major source of their demise by 1982. Other reasons included a shortage of full-time staff, infrastructure and equipment; their association with the military regime since their development had begun under it; and that they served less as a good in themselves than as a way to satisfy demands for higher education that could not be met by the university system.434 The end result of these failures was the replacement of the KATEEs with a new system of technical higher education in 1983, referred to as the Technical Education Institutes (TEIs). While attempts have been made to elevate their status, they are still considered by the general public as an inferior form of higher education.

There is an internationally recognized distinction, adopted by both the EU and the OECD, between technical and vocational that operates at the “second level” of the education system and that which operates at the “third level.” Third level technical training is more advanced, often carried out by polytechnic-type institutions, and offers diploma and degree courses. Second-level training offers qualifications equivalent to high school level. Much of the development of technical education after the reconstitution of the KATEEs as TEIs occurred at the post-secondary level but did not form part of the third-level system as such, the discussion of which lies outside the scope of this research. Suffice it to note that a considerable effort was made to develop vocational and apprenticeship training under the direction of Greece’s Manpower Agency (OEEK), during the 1980s and 1990s.\footnote{On the earlier period of second level but post-secondary school development of technical and vocational training see Stamatis N. Paleocrassas, “Technological Education in Greece”, \textit{Journal of Engineering Technology}. V.4, N.1 (1987): 5-11.} Much of the development of the technical and vocational training was initiated by the government of the time but with significant backing and encouragement of international organizations, particularly the OECD and the EU.

As for the TEI’s themselves, no major change occurred to their operation until 2001 when a very significant attempt was made to elevate their status and allow them to conduct higher level research and teaching than they had been permitted in the past. Law 2916/2001 designated TEIs as forming the “Technological Sector of Higher Education” and were given the same constitutional status and accompanying degree of independence as universities. This means that they can now, for example, grant postgraduate
By far the greatest controversies in the higher education field, however, have been carried out with respect to the university sector and on behalf of its administrations, students and teachers.

Turning now to the development of the university sector in the immediate post-authoritarian period, a minor set of reforms to the university or AEI system were made in 1978 involving the introduction of national entrance exams and the reestablishment of university autonomy, which had suffered considerably under military rule, and the role of state oversight. Major reforms, however, did not occur until the early 1980s and even then, did not seem to solve some of the very serious problems associated with the operation of “highest” education in Greece. Descriptions of Greek universities in the late 1970s and early 1980s are extremely unflattering. One contemporary commentator pointed out that very little research was carried out at Greek universities, with 98 percent or so of budgets dedicated to teaching, and mostly undergraduate teaching at that. This lack of research is reflects the “unreasonably high prestige university teaching has both within the university community and socially, and it is reasonable to assume that the authoritarian teaching methods and the harshness of the examination system become an academic alibi for the absence of research.” Presumably the author means here that attempts to appear “strict” can be used as a way to look as if high standards were being enforced even when they were in fact not.

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The rigidity and overly bureaucratized nature of Greek universities during this period was a constant complaint, as was the quality of teaching. Official guidelines for the way in which universities are supposed to operate also often bore no relation to their actual operation, and many of these problems were not entirely solved during the 1980s. Another contemporary observer noted that apart from a few cases in which lecture attendance was obligatory, few Greek university students ever attended classes. “Usually students attend a few lectures at the beginning of the academic year and then drift away to private tutorial colleges” in which they “attend the same lectures delivered by the university teachers.” One reason given for why “some students have never attended a lecture at the institution from which they graduated” is that they could not find a place in the classroom given the problem of very high staff to student ratios. “Lectures may be delivered to a maximum of 1,000 students, many of whom may be standing. In addition, the ability to impart knowledge skillfully has been used very rarely as a criterion for the appointment of teachers.”\(^{439}\) Added to this set of problems was, and still is, the extremely tough competition that exists for getting into higher education in the first place. In 1980, up to 100,000 students competed for 22,000 places available across the entire higher education system, with less than 15,000 of these places in universities.\(^{440}\)

Shortly after coming to power in 1981, PASOK introduced a reform package aimed at fundamentally changing the way in which universities operated. Part of the


reason for the overly hierarchical and bureaucratic nature of Greek universities at least until the early 1980s was located in the “chair” system that had operated since their establishment. This awarded individual chairs within faculties or schools, not departments which at this point did not really exist, near absolute authority over a particular area of teaching within a larger faculty. Policy-makers had recognized this as a problem since at least the 1960s, but earlier efforts to undercut the power of the chairs had been stalled by resistance from the universities themselves. The most recent attempt, under the Karamanlis government in 1978, had resulted in the construction of an alliance between chairs, their “assistants” meaning other professors, and students, culminating in a one hundred day strike of that year.441

PASOK’s reform package, codified in Law 1268/82, was more successful in part because it was couched in the language of “democratization” and included provisions to guarantee student representation equal to that of the teaching staff in electoral bodies responsible for selecting university administrative and academic staff. Up to this point students received no formal representation on such bodies, and is one of the reasons why PASOK’s 1982 legislation is often described as “radical”. The new framework also mandated that old faculties would be divided into departments and that each department would be governed by an accountable collective rather than an individual chair; established a formal system for the award of postgraduate degrees, including new masters’ programs; introduced a new ranking and tenure system for academic staff; and extended a number of benefits to university students including not only free meals and


“Access” issues in the field of education are rarely discussed in relation to achieving equality of access across socio-economic, gender, age, and ethnic lines in Greece, whereas it is common to do so in Ireland and is at least a frequent source of academic discussion in Portugal. Instead, access issues have centered on the very basic problem of expanding the number of places available. The number of university places available to secondary school graduates remained low in comparison to applications until 1981 at around 12,000 places per year. This was doubled to 23,000 by 1985. Expansion of participation in the non-university higher education sector was also encouraged, increasing from 9,300 in 1981 to 21,200 in 1986. This still left an imbalance between supply and demand however, since 150,000 students sat national entrance examinations in 1987, meaning at least two thirds of students missed out on a place in either kind of institution.\footnote{All data from Karmas, Lianos and Kalamatianou, “Greek Universities” (1988): 261-263.}{443} Increasing numbers of students sought degrees abroad during the 1990s. The gradual expansion of access was met in part by the construction of a new series of institutions; the number of universities operating had increased to seventeen by the late 1980s. Looking ahead, the annual acceptance of students to higher education across both university and non-university sectors was not significantly altered until 2000, when a new near open access policy placed new resource pressures on public institutions.
Since PASOK’s reforms of the 1980s, most significantly in relation to the university rather than the technical education system, there have been several pieces of legislation passed that modify or change PASOK’s original framework. However, for the most part no major set of reforms has survived governmental change since 1982. This is despite the fact that the Greek higher education system still suffers some serious defects, especially in the area of quality control. At the time of researching and writing this dissertation, a major new framework to govern higher education was about to be passed by the center-right New Democracy government, proposals for which were met by enormous resistance from the sector. The fact that this resistance turned into a clash of interests that brought the university system to a standstill, rather than a process of negotiation, is highly significant for the analysis of the way in which policy is formulated in Greece. The contours of the contemporary controversy will returned to below, but it is first important to outline New Democracy’s earlier attempts to modify PASOK’s reforms of the 1980s, and the reversal of most of these attempts shortly afterward.

Major alterations to the 1982 reform package were introduced in 1992 under Law 2083/92. As with the reforms of a decade earlier, much of this related to university governance: the representation of students on university governing bodies was reduced to fifty percent of faculty and new systems were introduced for the election of university officials. Several other reforms undercut the privileges previously awarded to university students, including the limiting of the free text program to low-income students, and a time-limit placed on the number of years a student had to complete a program and thus receive financial aid. The system of postgraduate study that had gradually been evolving since the 1980s was formalized and broadening access to higher education was given
some attention through the creation of an Open University for distance learning as well as a new Center for the Greek Language. A Committee for the Evaluation of Higher Education was established in order to explore possibilities of introducing quality control mechanisms. At the time of writing, a national system for the review of higher education institutions had only just been introduced under Law 3374 of 2005, meaning it is too early to assess its effects.

On returning to power in 1994, PASOK modified or reversed all of these changes except those related to the structure of postgraduate degree programs and the establishment of the Open University, the Greek Language Center, and the Committee for the Evaluation of Higher Education. More significantly, however, PASOK replaced the 1982 comprehensive law on higher education with a new framework law in 1997, referred to as the Education 2000 Act (2525/97). This legislation committed the government to providing a better environment for research and postgraduate study and eventual national quality control mechanisms. Most significantly for the purposes of this discussion, however, the Act abolished the national entrance exam system that had regulated and limited the number of students able to access post-secondary education and training since the beginning of the expansion of higher education.444 Providing “open” access is obviously a significant departure in the Greek context, and was brought into effect in 2000. By “open access” it is meant that students have a right to enter higher education so long as they achieve a certain minimum pass mark in the reformulated

national exam. Minimum pass marks for certain types of courses are determined by the state and caps on numbers are placed on some institutions.

The potential problems caused by the sudden introduction of open access to higher education should perhaps be obvious, especially given the budgetary constraints on a system that is funded almost entirely by the state. As the Portuguese case also clearly shows, a sudden explosion in the number of students entering institutions of higher learning can have a detrimental affect on quality, not only because many students might not be prepared well for higher education, but mainly in the Greek case because it overburdened what were already underfunded institutions. Since the system has always permitted the government to set the number of students an institution must take on an annual basis, the rapid expansion has become a major point of contention between individual institutions and the state. This is just one source of tension that surrounds the contemporary battle over higher education in Greece.

In addition, while the introduction of “open” access was supposed to be accompanied by similarly radical efforts in the area of quality control, these have been much slower to reach implementation stage. Closely connected to the quality control issue is the inability to address one of the long-standing problems associated with higher education in Greece that was discussed above: the disconnect between higher education and the operation of the Greek labor market reflected in the high number of unemployed graduates. The quality issue has been further underlined by the increased number of foreign students enrolled in Greek universities, especially as part of EU-based exchange
Constant complaints from European and other foreign students center on continued problems of inefficiency, hierarchy, and over-bureaucratization in Greek universities, which, as the preceding discussion details, have been considered serious problems in the country for the past three decades. One simple issue illustrates the gulf that still exists between the way that higher education courses are conducted in Greece and elsewhere in the developed world: the fact that the “textbook” issue is not only a subject of political debate but also considered an appropriate area of state oversight. University professors still retain a tradition of prescribing one textbook (often their own), which as we have seen, is provided to students by the state. Most institutions do not have proper modern libraries attached, and the reform package currently being debated proposes drawing up a centralized university book list on the basis of advice of institutions but with Ministry of Education approval.

The decision to introduce “open” access, even if in reality numbers are still limited by the various entry criteria pertinent to different courses, institutions and sectors, was taken before issues of quality control and better tying course content in Greece to developing labor market needs were addressed. This has given the New Democracy government elected in 2004 the unenviable task of the further reform of higher education. A reform bill for higher education was introduced in 2006 and debated over the following months. Among the points of contention between university administration, student groups, teacher unions and the state were proposals to alter Article 16 of the Constitution

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445 It might appear strange that students would want to come to Greece from elsewhere in the EU. Exchange students seem to be attracted much more the cultural aspects of a semester or two in the country rather than the quality of the teaching.

to allow the development of private institutions of higher learning, something that has been banned until now. This direction of the reforms was opposed especially by the Panhellenic Federation of University Teachers’ Associations (POSDEP), in alliance with student organizations, guided by the belief that it would undermine the status of the public system. A second major thrust of the proposals aimed at increasing institutional autonomy in various ways, to include changes in the way that universities are financed and administered. Despite past reforms aimed at decentralization, there is an international consensus, shared by many Greek policy-makers, that the administration of higher education in Greece is overly centralized with too much interference from the Ministry of Education.447 Although it might be assumed that institutions would want greater autonomy, this has exploded into an argument between university rectors and the government over to what extent student numbers should be capped.

A third set of proposals threatened to undercut some of the privileges awarded to students. One of these was aimed at preventing the possibility of becoming a “perpetual student”, an expensive phenomenon given the additional benefits awarded to students on the part of the state. The most recent government proposal, watered down from an earlier one, would require full-time students to complete their degrees in double the minimum amount of time usually required to complete. A standard four-year degree would thus have to be completed in eight years. A second point of controversy, which no doubt appears rather obscure outside the specific Greek context, involves the lifting of the “sanctuary” law that was applied to university grounds after 1974. One of the

447 This is the general line of argument pursued in the OECD’s latest national review of education for Greece, conducted in 1997.
precipitating events of the downfall of the military regime in 1974 was a student sit-in at the Athens Polytechnic late the year before, ending in the death of at least twenty students after tanks crashed through the campus gates. As a symbolic gesture, no branches of the state repressive apparatuses, including the regular police, have been permitted to enter university and polytechnic campuses during the democratic period. The accusation is that this has led to a crime-wave, the proliferation of illegal drugs and the like, on campuses across the country.

Taken together, the proposals to alter Article 16 to allow private institutions to operate and the removal of certain student privileges have sparked widespread resistance and outrage on behalf of the teachers’ unions and the student movement in particular. The introduction of the proposals in mid-2006 was accompanied by a wave of protests, especially in Athens and Thessaloniki, at the beginning of the Fall Semester of that year. This resistance only escalated during the winter and spring of 2007, leading eventually to the launching of an indefinite strike called by the POSDEP in February of that year and the cancellation of most winter exams and classes in a number of the larger institutions. Accompanying industrial action on the part of teachers has been a series of violent clashes between students and police in Greece’s two main cities. The use of tear gas, water cannons and Molotov cocktails as tools in the “negotiation” over the future direction of higher education policy in Greece should make it very clear that policy-making is not primarily channeled through incorporative and consultative mechanisms in this case. The problem is enhanced because the struggle appears to be less over ideals, even if POSDEP in particular might have good ideological reasons for defending the current public education system, than over interests. This is particularly the case of
students, who clearly benefit from the array of special benefits accorded to them even if this prevents a more efficient and equitable distribution of resources from taking place.

Summary

The preceding analysis shows that Greece has a particularly weak consultative and incorporative policy-making tradition, even in the field of higher education in which tendencies toward the participation of interest groups in peak-level policy-making is strong in other national cases. The fact that this is a problem is best reflected in the fact that much of the higher education system has been brought to a standstill, on more than one occasion, once policy stakeholders (teachers and students) start to behave as “disloyal” oppositions. This underscores in this case not so much the importance of consultation, since there have been few good ideas offered by teacher and student unions in the arena of higher education reform, but of incorporation. A political system that has stronger incorporative mechanisms built into it has a better chance of guiding an overall policy shift.

Immigration

The formulation of policy to deal with the challenges posed by immigration is a relatively new problem for Greece, although it is one that has been building for some time. Intensifying after 1989, mass illegal migration especially from the former communist states with which the country shares borders, especially but not only Albania,
has meant that the issue of combating illegality has dominated the immigration policy agenda. Yet it has not been effectively dealt with. Government responses have ranged from mass deportations of illegal migrants and denials that Greece is now a country in which a significant proportion of the population is foreign born, to several major regularization programs. These regularization schemes have helped to push immigration more firmly onto the political agenda, but have not necessarily assisted in altering the precarious legal position that most migrants live in. In addition, two other strands of migration policy have been largely neglected so far: better tying immigration into a national economic development plan, and measures to facilitate the social integration of migrants. Throughout, what has been clearly absent is the participation of migrant and human right’s groups from formal participation in government decision-making, with policy being driven instead by inter- and intra-political party rivalries.

The policy problem: From a country of migration to (unofficially) one of immigration

Greece is currently grappling with its new identity as a destination of choice for economic migrants, especially those arriving from north and east of the country’s borders. Over the course of the past quarter century, a pattern of mass outward migration has been replaced with one of large-scale inward migration. While Greece shares much with Ireland and Portugal in this respect, it differs in several other important ones. First, the scale of immigration is immense and has proved almost overwhelming at times; second, the majority of migrants to Greece come from just one country, namely Albania; and third, immigration is by and large illegal, with recent attempts to combat the problem of illegality faltering and incomplete.
While large numbers of Greek citizens had chosen to look for better economic opportunities overseas since at least the late nineteenth century, outward migration peaked during the 1960s. Official figures reveal that about 1.24 million people, or 13 percent of the population, departed Greece more or less permanently between 1955 and 1977 for North America, Australia, and Europe, most especially Germany.\textsuperscript{448} Others still, often in this case political refugees fleeing the anti-communist crackdown that followed the Civil War, settled in Eastern Europe and North Africa. Yet the widespread phenomenon of return migration also ensured that Greece actually became a country of net immigration as early as 1973, much earlier than Ireland but almost coinciding with Portugal’s acceptance of the \textit{retrornados} from the African colonies in the mid to late 1970s.

Although most “migrants” during the 1970s and early 1980s were Greeks returning from abroad, a steady trickle of foreign workers also began to arrive in the country. Concern about labor shortages, despite the fact that so much of the indigenous population had left in search of employment, led to the formal recruitment of around twenty thousand foreign workers, many of whom came from Asia and North Africa, with Pakistanis and Egyptians showing particularly strongly in early immigration data.\textsuperscript{449} That recruitment was based on a legal framework that had been in place since 1929 and last revised in 1948 governing foreigners residing in Greece, which provided for work


permits to be issued but only in the country of a migrant’s origin. The restrictive and limited nature of Greek immigration law however meant that in addition to those formally recruited, the vast majority of foreign workers arrived illegally, setting in motion a tradition of irregular migration. Although official data suggests that the number of legal foreign workers residing in Greece was 28,422 in 1990 and 33,912 in 1992, it is estimated that by the year 2000, around one million migrants actually resided in Greece, making up around ten percent of the population.450

The steady trickle of (mostly illegal) migrants that carried through the 1980s became a river after 1989. While the end of communism in Central and Eastern Europe also gradually had an impact in both Ireland and Portugal, it was greater and more immediate in Greece, in part because the latter country sits in close proximity to several former communist states, but also because of the apparently porous nature of the country’s borders. The new migratory flow included not only returning political refugees, but also groups of ethnic Greeks whose ancestors had settled in the neighboring Balkans or further afield in the former USSR and are treated preferentially under Greek law.451 Yet such cases were in fact a minority and in any case, being “ethnically” Greek

450 Kiprianos, Balias and Passas, “Greek Policy Toward Immigration” (2003): 151-152. Rossetos Fakiolas, “Migration and Unregistered Labour in the Greek Economy”, in Russell King, Gabriella Lazaridis and Charalambos Tsardanidis (eds.), Eldorado or Fortress? Migration in Southern Europe, Basingstoke: Macmillan, 2000: 59, gives a similar number in relation to the labor force, putting the migrant percentage of that between 9 and 11 percent of the labor force and over 25 percent of wage and salary earners. The most complete report, based on incomplete sources, estimates the foreign population in 2004 at around 900,000 excluding EU nationals and ethnic Greeks who are treated differently under the law, and up to 1.15 million including this latter group. See Martin Baldwin-Edwards, Statistical Data on Immigrants in Greece: An Analytic Study of Available Data and Recommendations for Conformity with European Union Standards. Athens: Mediterranean Migration Observatory, Panteion University for the Migration Policy Institute, 2004: 4.

does not guarantee successful integration into Greek society given the language barriers and intolerance toward migrants that still exists.\textsuperscript{452}

Because of the fact that most of Greece’s migrant population arrived through irregular means, the number of foreign workers and residents along with their nation of origin is often difficult to determine. Most studies rely on the data collected during Greece’s first two regularization processes that took place in 1998 and 2001, yet this can only be considered a sample since only part of the migrant population became legal under these schemes. While the details and variable success of these legalization programs will be discussed in the following section, data collected as a result of them is able to give some picture of the character of the migrant population, even if incomplete and likely underestimating the total number of migrants. Above all, the data illustrates that around 86 percent of migrants who arrived illegally during the late 1980s but especially into the 1990s came from former communist countries in Eastern Europe, and this figure does not even count others from Central European countries such as Poland. Most importantly, 65 percent of migrants overall were from one single country source, Albania, which was followed behind by the next single contributors, Bulgaria and Romania.\textsuperscript{453} This only confirmed what had already been a source of tension in Greek society—the sense that Greece was being “invaded” by its neighbors and the perception held by many Greeks that Albanians in particular were responsible for the country’s escalating crime rate.


The tendency of anti-Albanian prejudices to inflame political debate over immigration has made the formulation of policy designed to address the problem of illegality only the more difficult in Greece. This point will be returned to shortly, but for now it is important to note that the image of Albanians as being responsible for ruining Greece through crime and other exercises in social deviance does not entirely match with the reality that most migrants, illegal or not and Albanian or not, arrive in Greece to work. Migrants, as in both Ireland but more especially Portugal, are inserted in the labor market largely as unskilled workers, heavily concentrated in the construction and service sectors in urban areas. What appears to be a uniquely Greek feature, however, is the high concentration of migrants in rural regions, performing seasonal work but providing a year-round source of wage labor as well. More migrants live and work in rural areas than do Greek citizens, with one estimate being that foreigners make up around twenty percent of rural workers.\textsuperscript{454} Given the fact that many workers remain in Greece illegally despite government regularization programs, there are also a large number of migrants working in the informal economy. However, many Greeks also work in the underground economy, with perhaps thirty percent of Greece’s total economic activity generated informally and twenty percent of workers remaining unregistered and not paying taxes.\textsuperscript{455}

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An emerging role for consultative policy-making?

Although both Irish and Portuguese immigration policies are far from perfect, Greece has had even more difficulty adapting to its new role as a labor importer than the other two cases. Not only has it restricted policy innovation largely to regularization schemes that have not solved the problem of widespread illegality, but it also lags behind in terms of migrant integration policy. Some pressures to address integration issues have mounted in the past few years, but these have been outweighed by anti-immigrant stirrings by political leaders. But for now, the question remains as to why Greek immigration policy has been so fragmented and has generally failed to achieve its goals. One possible explanation is that the problem is so much worse in Greece, since this is the country that has been affected most significantly by the outpouring of economic refugees from Eastern Europe. Yet that should have urged Greek policy-makers into formulating a more comprehensive response, rather than a less comprehensive one.

In some countries, politicians in particular are wary of addressing the issue of immigration because of the contentious politics that often surround this policy area. When politicians invoke the issue, it is quite often in order to stir up populist sentiment, preying on the xenophobic elements that appear to exist in all societies, with Greece proving no exception. During the course of this dissertation research, the Greek migration policy activists interviewed were reluctant to paint a picture of Greeks as being

any more anti-immigrant than anyone else, but it is clear that an anti-Albanian backlash has shaped public opinion on the issue. Asked why negative attitudes toward Albanians were apparently so prevalent, one human rights campaigner gave the opinion that it had to do with the fact that Greek society is still highly clientelistic. The country has “a lot of rapid social mobility based on personal connections.” New migrants are not part of that structure, yet enjoy success based on hard work and saving money. The backlash is thus a form of jealousy, revealed in a highly publicized controversy over Albanian children being permitted to “carry the flag” on parade day (a well-entrenched tradition that involves the best child in the school acting as flag-bearer on Greece’s main national holiday, October 28th, which celebrates the country’s refusal to enter World War Two on the side of the Axis powers). Albanians “cause” this problem because they aim to settle permanently in Greece, whereas new migrants such as “Asians and Indians” tend to avoid this problem by making their residency in the country temporary, carrying on a tradition of young men working overseas for several years and sending their money home.

Yet if negative attitudes toward migrants, those from the Balkans in particular, provided an explanation in itself for Greek failures in the immigration policy field, Greek politicians would be known for being particularly responsive to public opinion. But they are not. In addition, evidence from the other cases shows that government activity can

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have a strong impact on public attitudes toward migrants, especially Portugal through the work of ACIME, in promoting tolerance. Part of the explanation in the fact, consistent with the overall premise of this dissertation, lies in the fact that successive governments have made little or no effort to consult interest groups in this case. This analysis is backed up by one participant in efforts by NGOs to influence policy decisions in this field, and is worth quoting at length for the story it tells about immigration policy failures. Despite the important impact that immigration has had in Greece over the past fifteen years, recent efforts to grapple with the issue:

have not, however, led to the development of a ‘large scale’ mainstream immigration policy. Instead, the low-scale and inefficient legislative framework has brought about a situation in which immigrants become integrated into the deregulated, informal economy, in an atmosphere with a weak public discourse and lately about immigrants’ integration in society, while stakeholders and operators (such as migrants’ associations and specialized NGOs) are left out of the dialogue about migration policies and legislation—the public consultation process is almost non-existent… In Greece, laws are often formulated without input from key stakeholders. The Greek political system revolves around the major political parties.459

At least one migration policy activist interviewed for this research project argued that some of responsibility for the inability to create consultative processes lay with the migrant lobby groups themselves, although it could also be argued that the formation and behavior of these interest groups has actually been shaped from above. This research participant described two types of organizations working on behalf of migrant interests in

Greece. On one hand, the “minority groups” occupy a space that is “very crowded”, since they are divided amongst themselves and there are many of them. Another interviewee pointed out the problem with respect to the Albanian community, which is, according to the activist, riddled with internal conflict. On the other hand, the representative from the Hellenic League of Human Rights argued, there are non-governmental organizations which are “typically Greek” in the way that they operate, being highly personalized and dominated by an elite with little mass membership. Each of these groups “has its own agenda”, sometimes guided by the views of a particular academic, and there is “no co-operation” between the groups.

Yet the relationship between overcoming collective action problems such as this, often through the centralization of interest groups through the creation of an umbrella organization, and consultation with the state is a more complicated one than this analysis suggests. Other cases show that the construction of state-initiated consultative and incorporative policy-making can play a role in strengthening and even centralizing interest groups. In a sense, the state can play a role in “activating” interests. Examples discussed in previous chapters include the centralization of the fourth or community and voluntary pillar under the Irish social partnership process; the activation if not centralization of migrant groups through the work of ACIME in Portugal; and the creation of a national student body (FAIRE) to negotiate with both international organizations and the Portuguese state.


461 Interview with coordinator of Greek Migrants’ Forum, Athens, 14 November 2005.
The overwhelmingly negative analysis of the state’s attitude toward migrant advocacy groups in particular should also be moderated by a discussion of very recent attempts to incorporate migrant organizations into policy discussions, albeit in an exceptionally piecemeal manner. In addition, two new institutions created at the government level have been able to provide a check on other parts of the state, especially recently in the sphere of what are widely regarded as human rights abuses carried out in the name of combating illegality. While the media is often used for drumming up anti-immigrant sentiment in Greece, it can be useful for other purposes as well. In October 2005, a number of photographs were published in local newspapers of children and young adults mainly of Albanian descent and mostly in their early teens, detained in very basic conditions in what appeared to be adult prisons. The teenagers had generally crossed over the Greek border alone rather than with legal adults. A not so closed secret was that these photographs had been taken and released by a migrant rights’ activist working in the Ombudsman’s Office.462 The second institution, established in 2002, is the semi-autonomous Hellenic Migration Policy Institute (IMEPO). Charged with researching the impact of government policy in this field, it has produced some of the first actual breakdowns of statistics collected as the result of the regularization processes among other initiatives. It has also been charged with offering policy advice on integration issues, which is fast becoming a heated topic in Greece, even if this has had little impact on actual policy outcomes as yet.

Furthermore, some attempt to provide a platform for consultation between migrant groups and the government has been made, even if that has occurred at the

462 The individual in question revealed this to me himself.
insistence of the migrant groups themselves rather than from within the state. The formation of the non-government Greek Migrant’s Forum constituted the first step in this direction. According to this group, their first main task was to help “organize” the migrant organizations themselves, who, as already noted, are especially disorganized and decentralized. The aim of the new organization was then to start working the immigration issue, and even issues of migrant integration, more centrally onto the political agenda by convincing individual politicians to take an interest. “Changing the perceptions of politicians” would involve working through political parties, and most of the work of the Forum has been carried out through working with more liberal factions of PASOK. Members of the Forum regard it as a major achievement to have had PASOK recently alter its party policy to allow children of migrants born in Greece to gain Greek citizenship. The approach further underscores the importance of political parties in Greece, which are so intertwined with the state that they are often indistinguishable from it, not least from the point of view of activists.

Partly as a result of these efforts and partly in order to parallel a series of Migration Dialogue meetings conducted at the EU level, two rounds of consultation had taken place between the government and migrant groups at the time that this research was carried out. The first consultation process, held in March 2004, almost did not happen given resistance from the government. It appears that pressure from the labor movement helped change officials’ minds, but the government chose to send low-ranking representatives who did not have much influence over policy in any case. A second dialogue was a little more successful in that it included representatives from all the main

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463 Interview with coordinator of Greek Migrants’ Forum, Athens, 14 November 2005.
political parties, but still, very few concrete policy proposals from the migrant organizations were taken up. Given the stage that Greek migration policy still is at, most of the discussion that has taken place within the confines of these dialogue processes centers on the ongoing problems associated with successive government regularization programs. It is thus narrowed to technical problems rather than negotiation over larger issues associated with overhauling the legal framework governing immigration and migrant integration that is so badly needed.464

In terms of the development of policy-making processes or institutions that balance functions of consultation and incorporation, these “dialogues” held between the government and migrant organizations fall far short. Consultation, as far as it exists, is limited to negotiation between interest groups and political parties rather than bridging the gap between interest groups and the state. Given the dominant role that political parties play in Greek policy-making, perhaps it is unreasonable to expect anything else, yet there are additional reasons why the immigration dialogues do not constitute consultative and incorporative policy-making. According to the analytical framework outlined in chapter three, these dialogues have taken the form of one-off exercises in public consultation. Given that there are so short-term in nature, they do not really form part of a “process” at all, and because they are not institutionalized in any real sense, they are unable to provide the feedback loops that makes interest group involvement in policy-making actually work in the long term.

464 This discussion is largely based on an interview with a Senior Researcher for the Greek Ombudsman with expertise in immigration policy, Athens, 9 November 2005.
The evolution of Greek immigration policy 1991-2005

Greece’s first attempt to deal with the new migration reality came in the form of a new Aliens Law in 1991, initiated and enacted by the New Democracy government. Its aim was apparently to control illegal immigration more tightly than it had been in the past, but carried over the provisions from previous legislation stating that the only way to import labor legally was to have potential migrants sign employment contracts in their home country. It made no provisions for dealing with the problem of illegal migrants in Greece, and furthermore placed a number of restrictions on the access of undocumented migrants to public services, a feature that attracted a lot of attention of human rights campaigners both within and outside the country. In fact, law 1975/1991 emphatically states that Greece “is not a country of immigration”,\textsuperscript{465} even though by this stage it clearly was. This disjuncture between reality and policy response illustrates that the nation’s “self-perception as a country of emigration has left it unprepared for its new role as a country of migration.” It has thus “operated the same restrictive policy on immigration for over 60 years, during which time it has been governed by a wide spectrum of political ideology.”\textsuperscript{466} In short, a severely restrictive policy has survived several changes of both government and regime.


\textsuperscript{466} Fakiolas, “Migration and Unregistered Labour” (2000).
TABLE 7.4

MAJOR DEVELOPMENTS IN GREEK IMMIGRATION POLICY

<table>
<thead>
<tr>
<th>Year</th>
<th>Policy development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>New Aliens Law stating that Greece is not a country of immigration.</td>
</tr>
<tr>
<td>1998</td>
<td>First regularization scheme.</td>
</tr>
<tr>
<td>2001</td>
<td>Second major regularization scheme.</td>
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</tbody>
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By the mid-1990s it was at least obvious to some groups that this approach was not working. Chief among these was the General Confederation of Greek Trade Unions (GSEE), one of the few organizations that has regular influence in Greek politics so able to act as a progressive force in this case, in marked contrast to the issue of pension reform discussed above. The task fell to the new PASOK government, which had started work on the idea of a “one-off” regularization program by 1995. This came to a head in 1997 when it was decided by government cabinet meeting that the proposed regularization program would exclude applicants from Albania or any of the other countries sharing borders with Greece, government thinking being that this would only encourage more arrivals from the Balkan area. An uproar from migrant groups and organized labor did eventually cause the government to back down on this provision.467

Law 2434 of 1996 laid the foundations for the first regularization scheme, a two-step process that would be put into effect by two Presidential Decrees in the following year. The first step would involve migrants already in Greece registering for a temporary

residence permit, referred to as the “white card.” A white card was generally granted provided migrants could prove that they had been residing in Greece for some time, had no criminal record, and were clear of infectious diseases. The registration period ran from January to May 1998. White card holders could then apply for “green cards”, given that they had worked legally at least from January that year. The work requirements, chiefly the length of time an applicant could prove that he or she had held down a job, needed to receive green cards varied by sector with more lenient provisions in agriculture for example. Two types of green card could be awarded: type A, valid for 1-3 years and type B, valid for five years. Committees of local labor authorities and other interested parties would be responsible for determining how long a green card would be granted for and how long it might be renewed for, meaning that a great deal of discretion was introduced into the system.468

A separate Ministerial Decree set special procedures in place for Albanian citizens of Greek origin to apply for more generous residency permits. The country’s tradition of special treatment for migrants who can prove Greek ethnicity is a unique and complicating factor in Greek immigration policy. Although Portuguese policy has a preference for migrants from Portuguese-speaking regions and Ireland has a policy of filling labor requirements from European Union countries, Greece is the only country in this set with an explicitly race-based component to its policy. This is driven less by concerns about migrant integration as it is in Portugal, since Pontian Greeks speak

Russian or other languages and Albanian Greeks speak Albanian, than about maintaining racial purity. This harks back to the “Megali” or “Great Idea”, popular in the early twentieth century and partially responsible for leading Greece into armed conflict with its neighbors, based on the concept of uniting all Greeks under a renewed Byzantium Empire. In concrete policy terms, a 1990 piece of legislation permitted ethnic Greeks to stay in Greece without any documentation, making this population indistinguishable from the illegal migrant one and confusing attempts to estimate how large it actually is. A 1993 policy laid down a process for members of this group to apply for citizenship, and later in 2000, a system of special residency permits known as “homogenei” cards for ethnic Greek migrants was established.469

According to official data, 373,000 applications were received for white cards under the 1998 regularization program and out of 228,221 who then applied for the green card, 219,024 were approved. This means that a large number of white card holders did not apply for green cards, thus falling back into a status of illegality, and then a further possibly large number of short-term green card holders let their permits expire and did not renew them.470 Why? For a start, the regularization process was accompanied by a crackdown on illegal migrants and mass deportation, creating a climate of fear not exactly conducive to encouraging good relations between migrants and the authorities. Above all, however, the program was hampered from the beginning by bureaucratic inefficiencies including understaffing which created long lines and delays in processing applications, so much so that deadlines were eventually extended by several months.

Migrants also often had difficulty producing the required documentation and even in some cases understanding the process. In addition, the issue of affordability provided another barrier given that the fees in some cases were quite high and nationals from many countries were required to have documents officially translated into Greek.  

In addition to those who did not apply during the 1998 regularization program and those who lost their legal status shortly afterward given the short-term nature of many of the permits given, the crackdown on illegality did not seem to work, and new migrants continued to arrive. This fact led to the passage of an updated immigration law in 2001 to replace the comprehensive Aliens Law enacted a decade earlier. Some of the most important provisions of the new framework included the announcement of a second major regularization process; further measures to prevent illegal migrants from settling and an effort to strengthen border controls; a slight loosening of the provisions for family reunification; and a shift in responsibility for implementing immigration law from the Ministry of Labor to the Ministry for the Interior.  

Initially, the legalization was due to happen over a short two-month period, but due to a process that appears to have been even more marred by inefficiencies and delays than the 1998 effort, deadlines were again extended.

The 2001 regularization process granted successful applicants an initial six-month permit that would then have to be renewed for one year. This time, however, it was the

471 The best discussion of some of these problems in the first legalization program is probably Baldwin-Edwards and Fakiolas, “Contours of a Fragmented Policy Response” (1999).

472 Details of the new law, especially provisions other than the regularization scheme which have received the most attention elsewhere, are comprehensively discussed in Achilles Skordas, “The New Immigration Law in Greece: Modernization on the Wrong Track”, European Journal of Migration and Law. V.4 (2002): 23-48.
requirements needed to gain that initial permit that attracted the most attention and caused the most problems, the main one being that migrants needed to show evidence that they had been in the country for at least a year prior to submitting their application. This could include an entry stamp on a passport or proof that an immigrant child had been enrolled in a Greek school for a year, and, most problematically, one year’s worth of social insurance stamps as proof of payment into the state pension scheme. This latter provision was muddied by the fact that, because many illegal migrants obviously do not pay social insurance, they were permitted to buy the required amount directly from the government during the legalization period. Since this could then be used as proof of residence, there is good evidence to suggest that it led to a new flood of migrants from neighboring countries during the months that the regularization program was in effect, only for the purposes of gaining legality.473

The fact that stamps could be bought, added to already very high application fees, meant that becoming legal was too expensive for some migrants. The slow pace at which applications were processed also acted as a deterrent to many. To date, no official data from the 2001 regularization scheme has been released, but unofficial statistics suggest that 220,000 permits were granted out of 368,000 applications.474 Because that again meant that many migrants had fallen through the cracks in the system, a third process was carried out over 2004 in addition to the ongoing efforts to renew residency permits. Law 324 of 2004 gave a deadline of June 2004 for undocumented migrants and those with expired permits to apply, but little research on the success of this program has yet to


emerge. Implementation of processes designed for the renewal of residence and working permits continue to suffer. In addition, at the time of research, in 2005, a new immigration law was still in the process of being drafted. Again, this law was expected to include another regularization process with a restrictive labor market-driven recruitment scheme.\textsuperscript{475}

Greek policy responses to the new immigration challenge have thus generally revolved around efforts to regularization a portion of the large illegal migrant population that has grown since the mid 1980s. Most of the criticism of Greek immigration policy has centered on the failures of these efforts, as much in terms of their implementation as in their design. Migrant advocacy groups argue that they would have helped the government avoid many of the bureaucratic inefficiencies associated with the legalization schemes, and they are undoubtedly at least partially correct. Alongside the bureaucratic problems associated with ongoing legalization processes, there is also plenty of evidence that corruption, especially in the police force, has further undermined policy implementation. However, it can also be pointed out that having a system designed almost entirely around ad-hoc and “one off” legalization programs is problematic in itself. In theory, Greece has a system of recruiting migrant workers from overseas in order to suit the fluctuating needs of the labor market. Yet this system, administered by the Greek Manpower Agency, is wholly ineffective. Based on annual breakdowns of sector-by-sector labor shortages, the number of migrants recruited through this system has remained at around 20,000 since it began in the early 1970s, and does not reflect

either the number or character of the migrants who actually arrive by other means. In reality, there is no planning ahead in order to match migration policy to economic requirements, and unlike many other EU countries, the major piece of immigration law passed in 2001 makes no effort to recruit highly skilled workers, especially technically skilled labor that is lacking in some sectors of the Greek economy.476

Summary

Greek immigration policy has been mostly limited to attempts to combat the steady flow of illegal migration into the country, first by tightening border controls and resorting to mass deportation, and second by reluctantly seeking to regularize the large number of economic migrants already in the country. Problems of migrant integration have so far failed to be reflected in concrete policy decisions and overall, immigration legislation is not tied into a clear and comprehensive understanding of Greece’s economic needs. The problem with illegal migration, from the perspective of reorienting development strategies around “Europeanized” goals and values, is that it does not allow the state to plan how it is going to better fit immigration policy with future labor market needs. To be specific, meeting EU objectives of prioritizing “knowledge-based” industries over traditional agriculture and fisheries and the vulnerable tourism industry is not possible if there is no technically trained workforce to fuel that kind of growth. Where the education system fails, other especially small countries turn to immigration to fill this gap. Greece, however, has not. In addition, the overall approach is opposed to

the enhancement of social cohesion since illegal immigrants cannot as easily be fully integrated into society as legal ones.

This set of responses has been shaped by several factors. On one hand, the nature of the immigration “problem” in Greece cannot be ignored: the country’s close proximity to a number of poor and less developed countries has fuelled the problem of illegal migration to a greater extent than in Ireland or Portugal, even though Portugal has had its fair share of illegal migration. Yet government responses to this problem have been so far out of the step with the changing reality, that something much more fundamental to national politics is at play. Greek policy is shaped less by the participation of core societal interest groups than it is by party politics. Because parties also dominate the state, an independent relationship between the state and interest groups is not permitted to emerge.

Conclusions

This chapter has argued that patterns of interest group consultation and incorporation in Greece differ from those typically found in the mature Western European democracies, and that this has profound consequences for policy outcomes. In general, consultation is limited, but this does not mean that in some cases, specific interest groups do not have significant leverage over public policy development. Several instances have been discussed in which necessary policy shifts, when governments actually recognized the need for it, became constrained by specific interest groups. This pattern varies across different policy areas according to the interests involved, but the
relationship between the public sector-dominated union movement and especially PASOK governments is particularly striking. Union resistance to policy innovation has occurred not only in the example of pension reform, but also in the higher education field. Similarly but in a different case, the development of policies for the reconciliation of working and family life has been constrained by the activism of “large family” associations. The weight of these latter organizations is difficult to understand unless we take a broader view of how interest group politics plays out in Greece.

In mature democracies, states often avoid the problem of being obstructed in their goals by constructing relationships that cannot be accused of being reduced to “party politics” and which are also so much more varied and broader based that the state cannot be judged to have been “captured” by certain interests. This provides a strategy for governments when they face particular pockets of resistance to certain new policy directions: they are able to build up alternative bases of support through the cultivation of relationships with other interest groups. Sometimes this entails real policy compromise, but this can only be achieved if there are established channels for doing so. A prime example with respect to the Greek case is New Democracy’s current higher education reform package. This combines several different goals and the government faces two

main sources of resistance, from teachers’ unions and students. If one of these sources of resistance could be bought off, students for instance by dropping moves to directly undercut their privileges in the form of removing the amnesty law for university grounds and placing time-limits on free education, a gradual shift in policy direction might have a better chance of getting off the ground. This is why the prior existence of a consultative, but perhaps even more importantly, incorporative tradition, is so important.

This dissertation has emphasized the importance of particular kinds of consultative and incorporative policy-making that centers mainly on the independent relationship built between interest groups and the state, regardless of which party is in power. But can political parties themselves provide alternative forms of consultative and incorporative policy-making, especially in a case such as Greece where party loyalties dominate so many aspects of political and social life? The problem in this specific case is found in the organization of Greek political parties, discussed in chapter four. Greek parties can be highly mobilizational, PASOK in particular, but they are paradoxically elitist and not particularly democratically organized. In fact, this does not appear all that paradoxical if Greek political parties are likened less to Western European ones, which tend to have branches and other bottom-up elements built into their organization, but to populist parties found in elsewhere in the world. Political parties in these cases are used primarily as vehicles for mobilizing mass support rather than for aggregating societal interests as they are expected to do in mature democracies. The explanation for why party politics has developed in this way in Greece since 1974 might be found somewhere in Greek political culture, but much more importantly for this analysis, can be considered as something of an authoritarian legacy. The particular democratization path taken in this
case was so top-down in nature that the same set of pre-authoritarian political elites, and their associated behaviors, survived to shape post-authoritarian outcomes.
CHAPTER 8:
CONCLUSIONS AND DISCUSSION

This concluding chapter seeks not only to summarize the main findings of this dissertation, but also provide food for further thought. It has three main sections, with the first section reemphasizing what makes this work unique. In particular, it discusses how the research design brings together a set of three rarely compared policy areas in three rarely compared national cases to be analyzed from an unpopular angle, or at least one that is unusual for students of comparative politics as opposed to policy analysts. The focus has been on some of the most understudied political institutions and processes in the sub-discipline, namely bureaucracies and the policy-making traditions administered by them, loosely referred to as “the state,” and especially on the relationship between such political institutions and processes on one hand and societal interest groups on the other.

The second section outlines the research’s main findings, as well as the limitations the empirical evidence places on the explanatory power of the framework that was presented in chapters three and four. The final section raises some questions that could easily form the basis of further research. Chiefly, to what extent is the close relationship between the development of consultative and incorporative policy-making and the Europeanization of policy a strictly causal phenomenon, or are they in fact so
closely bound together that they represent two symptoms of a general Europeanizing or European-oriented syndrome? Furthermore, is this syndrome in fact cultural in nature and is Europeanization thus a form of soft and even benign cultural imperialism? Finally, which lessons learned from the analytic framework can be applied to new EU member states or indeed non-European countries wanting to shift their development strategies toward a high-skill, high-wage, knowledge-based one?

**Main innovations in research design and scope**

Three main sets of innovations were built into the research design of this dissertation. Outlined mainly in chapter two, these concerned (a) the definition of Europeanization adopted; (b) the national-level and policy case studies selected; and (c) the focus on policy-making institutions and processes that bridge the gap between civil society and the state in such a way that is not dependent on political parties and the politics of the legislature. First, the definition of Europeanization adopted in this work is more closely aligned to the one in the literature that focuses on “bottom up”, “positive”, or even “ideational” forms of change, rather than top-down, direct or legalistic ones.\(^{478}\) The latter concentrates its attention on national level compliance with European-level decisions in the form of rules, laws, and directives, which are often accompanied by obvious sanctions if a member state does not comply. From there, analysts concentrate

on pre-existing and usually static features of national politics in order to explain variations in compliance. Chapter two argued that Europeanization works in a much more general way than that, offering a vision of how the European economy and society (or should I say economies and societies) should operate, so that individual countries have a degree of choice about how much to Europeanize. Especially for newer member states, the goals and values connected to this vision may be at odds with those already shared within their own countries, so that adaptation must occur if they are to both fully embrace and take full advantage of European integration.

It is too vague and unspecific however to simply point out that Europeanization occurs in a bottom-up and voluntaristic as much as in a top-down and compulsory manner. In addition, it runs the risks of suggesting that we should study Europeanization for its own sake without regard to the content of what constitutes the European “project.” The discussion thus also attempted to make the definition of Europeanization more specific as well as more general by detailing the developmental goals and values connected to the European project, referred to as “giving content” to the concept of Europeanization. The Europeanized development project can be contrasted with especially North American and Asian developmental models in its combination of emphases on (relatively) free markets, “social inclusion”, and personal freedoms. In much more concrete terms, this currently suggests a high-wage, high-skill development strategy based on technology intensive industry and services guided by a comparatively interventionist state which also acts to ensure that any negative social and environmental consequences of development are offset.
A highly functioning labor market is integral to such a strategy and higher education, immigration policies and policy mechanisms for achieving work-life balance are just three important parts of the “second tier” of ways that states can intervene in order to shape labor market outcomes. The choice of both policy and national case studies constitutes the second key set of innovations in the research design employed here. Importantly, even when political scientists do look at the ways in which state-society relations outside the realm of party politics structure policy outcomes, they focus overwhelmingly on industrial relations or industry policy, the latter referring to the way in which states direct their economies toward certain modes of production. This is reasonable since these two policy areas constitute the first layer of the ways in which the state can influence labor market outcomes, but political scientists rarely extend their analyses to look at the second layer that is of particular interest in this dissertation. The reason why this second layer of responses to labor market challenges is so interesting is that it involves a much broader set of interests, and interest groups. Studies of industrial relations and industry policy focus exclusively on the relationship between organized business, labor, and the state, whereas this dissertation extended its analysis to include the role of university administrations and student unions, women’s and charitable organizations, churches, and migrant rights organizations among others.

The choice to compare the national cases of Ireland, Portugal, and Greece is also unusual. Southern European countries are often grouped together, but both Greece and Portugal are generally understudied in the literature on European politics, and rarely are the two countries compared with non-Southern European ones on the basis of their size. Smallness matters especially when it comes to the study of responses to labor market
challenges because small states cannot produce everything and fill a wide range of industrial niches in the same way that much larger states can. This means that governments need to help make national choices about which niche industries and services to develop and which labor market support structures are needed to support this development strategy. In addition, states with smaller populations also have much smaller pools of talent to draw on, making immigration and education especially important areas of policy attention. Ireland is a good choice of comparison with both Greece and Portugal because it too was comparatively undeveloped, poor and struggling when it joined in on European integration. It also has some important points of difference from the two Southern European cases in terms of national political institutions, traditions, and culture, which serve to better pinpoint the importance of consultative and incorporative policy-making when it comes to the explanatory framework.

The third main innovation of the analytical framework guiding this dissertation is the attention paid to “bringing the state back in” to the explanation of policy outcomes. The main focus is on the independent relationship between the state, defined as the executive branch of government but particularly the ongoing public administration, and interest groups. Policy study analysts look at this layer of institutions and processes that structure this relationship all the time, but it is a subject increasingly neglected by comparative political scientists whose focus is overwhelmingly on political parties and especially party system dynamics as reflected in legislative politics. This dissertation does not argue that parties are somehow irrelevant to politics and even policy outcomes, because of course they do make a difference in both democratic and non-democratic
circumstances. Rather, the argument is that we have to supplement the analysis of parties by looking at the sort of politics that occurs in a less explicitly political arena, since so much decision-making is in fact made in that space and especially when it comes to filling in the technical details of legislation. This may or may not involve the consultation and incorporation of interests, and the consequences of this has provided the main subject of this dissertation.

The findings

At its most basic level of analysis, this dissertation argues that there is at least a correlation between the extent to which policy outcomes in the three national case studies have been Europeanized and the development of consultative and incorporative policy-making institutions and processes in each case. Furthermore, this correlation is relatively robust, explaining not only much of the difference between the national cases, but also between different policy areas or even aspects of policy areas within individual countries.

Taking each of the national cases in turn, Ireland is the country in the sample that has Europeanized its policy outcomes the most as well as being the country that has developed the strongest consultative and incorporative policy-making processes and institutions. Chapters four and five argued that Ireland is advantaged in this respect because it has a longer democratic tradition than the other two cases, inheriting forms of consultative policy-making such as Green and White Paper public submission processes and commissions of enquiry in particular from British rule. Yet there is some variation in Ireland not only most obviously across time, but also between the three policy areas.
studied here. Across time, policy-making processes have become increasingly liberalized, moving away from a political tradition dominated by a single political party and its populist coalition in the form of Fianna Fáil and toward more open, formal, and peak-level types, the social partnership process being the most obvious new institution. At the same time, policy has become increasingly Europeanized, and especially in areas that both old and new forms of consultative and incorporative policy-making pay most attention to. Immigration policy is the least developed and least Europeanized of the three policy areas studied in the Irish case. Correspondingly, it also happens to be the only policy area studied here that has become the subject of peak-level consultation between the state and interest groups only very recently.

Portugal is the country in the sample with the most mixed set of policy outcomes and also in many ways the most complex policy-making tradition. Family policy has been partially Europeanized but interest group consultation and incorporation related to this policy arena has occurred at a very low level of the system or in a fragmented and informal way. There is no consistent tradition of consultative policy-making in the higher education field other than the ongoing relationship especially between the Universities’ Council of Rectors and the state, even if there was a one-off attempt to introduce the idea of policy pact-making into the field in the late 1990s. Policy consultation and formulation is sharply splintered in the case of immigration between policies for the control of immigration itself on one hand and migrant integration policy on the other. There is much more evidence for ongoing policy consultation in the latter case than in the former, even though it can be argued that the forms of interaction between migrant groups and state agencies in this field are as much incorporative as
genuinely consultative. Arguably also, although somewhat speculatively, the tendency of the Portuguese policy-making tradition toward incorporation is a phenomenon that has roots deep in a pattern of state-society relations that can be traced to the Salazar dictatorship if not before.

Greek public policy is the least Europeanized and Greek public policy-making is the least consultative and incorporative out of the three national cases. Despite more than three decades of democratization, politics and policy remains mostly an elite game. The result of this is that policy-making is highly politicized and even personalized, as is the public administration itself, consisting of the introduction of policy content often to satisfy the demands of client groups aligned with elitist political parties that has little or nothing to do with developmental needs or goals. Evidence of this is found in the frequency of complete policy reversals after changes in government or even ministers in charge of a particular policy area, rather than a gradual building of policy around a development strategy that can been witnessed in Ireland and even in Portugal. The tug-of-war over student subsidies and privileges in the case of higher education policy and over “many children” benefits in the case of family policy are good examples.

The correlation between Europeanized policy and the development of consultative and incorporative policy-making is thus reasonably clear. Two questions, however, remain. First, is there good theoretical reason to believe that the relationship is a causal one? Second, given that there are some specific instances identified in the case study analyses in which steps toward the Europeanization of certain public policies have occurred without really strong evidence of interest group consultation and incorporation,
how much can policy-making traditions explain policy outcomes, and are there other factors at play?

Chapter three outlined the main theoretical reasons for believing that the relationship between the development of consultative and incorporative policy-making and the Europeanization of policy is a causal one. On one hand, consultation with policy stakeholders is important because stakeholders are also often experts in their field and highly functioning states rely on this information to fill in policy detail. To give a negative example from the case studies in where policy detail suffers from a lack of consultation, schemes for the regularization of illegal migrants in Greece have suffered badly because even if formulated with good intentions in mind, their implementation has been marred by inefficiencies and even corruption, much of which can in fact be traced to their design. Some requirements of migrant workers have been so unreasonable or impossible to meet that it is more rational for those individuals to remain in Greece illegally than take part in the schemes. Migrant advocacy groups in Greece point out that many of these pitfalls could have been avoided if they had been consulted more and their views incorporated into legislation.

On the other hand, the incorporative aspects of policy-making institutions and processes come into play when there is marked divergence between the interests of different organized societal groups and between these groups and the states, necessitating policy bargaining over either the shorter or longer term. Compromise is more likely to be reached if there is a strong tradition of consultation and incorporation that not only facilitates bargaining but also gives a good reason for groups to voice their interests and concerns within the framework established by the state— rather than taking to the streets.
in protest or otherwise disrupting the overall policy direction pursued on the part of the state. An example of successful compromise in the Irish case is the strategy for promoting “family friendly” measures in workplace, agreed to through the social partnership process. Implementing compulsory measures through legislation was likely to alienate business interests, but a voluntary framework was able to gain support from the key players, organized labor and business in this case, the details of which are continuously thrashed out within the context of social partnership. An example of where incorporative processes are clearly lacking is again provided by Greece, this time and sharply so by recently proposed reforms to higher education. As chapter seven discussed in some detail, protest on the part of both teacher and student unions over these proposals has brought the whole system to a standstill: there is no room for compromise in this system.

The second major question, first introduced as part of the methodological discussion presented in chapter three, concerns how much the presence or absence of incorporative and consultative policy-making can explain. Obviously, this variable or set of variables alone cannot explain everything and one additional factor especially stands out as a facilitator of policy change in a Europeanized direction. The independent role of what has been termed “enlightened leadership” is particularly relevant to the Portuguese case and its importance here likely has much to do with the peculiarities of this national case, traceable to the particular path the country has taken to democracy since 1974. While this dissertation has argued that much in Portuguese politics did not change as a direct consequence of the revolution, especially the legalistic, top-down aspects of the national policy-making tradition, the sharp break with the past in terms of policy content
in 1974 is clearly significant. To be more specific, the imprint of socialist ideology on constitutional and other legal commitments has given certain factions and individuals within political parties but more especially the public administration justification for pushing through particular reforms in a broadly Europeanized or at least progressive direction at particular times.

The best example from the policy case studies analyzed in chapter six is the parental leave legislative package implemented with little interest group consultation but instead strident commitment on the part of several key senior bureaucrats. Not only were these particular state actors committed to pushing this legislation through, but explicit gender equality commitments made in the post-1974 Portuguese constitution and subsequent institutional development in the form of CITE and the CIDM arguably gave the actors something to “hang” the initiative on. Note however how this example and the overall explanatory power of enlightened state leadership is specific to the Portuguese case. It does not appear as a facilitating factor in Greece, even if there is some sign of individuals in the public administration trying to lobby for change in migration policy for example, but neither does it appear to be a strong explanatory factor in Irish public policy Europeanization.

Implications for further research:

Is there such a thing as a Europeanizing syndrome and is it cultural in nature?

One possible criticism of the overall orientation and conclusions of this dissertation is not so much that the relationship between the development of consultative
and incorporative policy-making and the Europeanization of policy outcomes is too loose, but rather than it is to *tight* to be a truly causal relationship. There is a possibility that the two sets of variables are so tightly bound together that the analysis misrepresents what is really a spurious relationship: perhaps they are two aspects of a single phenomenon and something entirely different is causing both of these features to develop? Even if this is the case, the research leading up to this conclusion is still useful because it can point not only to how, why, and to what extent Europeanized policy content and consultative and incorporative policy-making are indeed tied together, but also perhaps what *else* binds these two sets of variables together. It helps raise some hypotheses about what else might be a primary cause of both.

In ordinary language, a “syndrome” is simply a set of characteristics or traits that seem to go together. In medical science, the term refers to a group of abnormalities or defects that are usually experienced or found in an individual at the same time: all “bad things” go together. Assuming Europeanization is a “good thing”, this research suggests that all good things go together — the Europeanization of public policy is found where certain patterns of policy-making are also evident. In a sense, the relationship is so close that not only a Europeanization of policy content can be observed, but also a Europeanization of politics or at least as it refers to policy-making institutions and processes. In fact, chapter three did mention the fact that the EU itself encourages “social partnership” type policy-making arrangements, adding extra impetus for the adoption of such arrangements beyond the fact that they are useful for all especially small state wishing to reorient their national development strategies. Thus we can identify a
generally Europeanizing or European-oriented syndrome especially in the Irish case which is partially developed in the Portuguese but extremely underdeveloped in Greece.

Raising the possibility that all “good things” go together, and that something else might be driving both the Europeanization of public policy and the evolution of policy-making institutions and processes where these two traits are both found, is reminiscent of modernization accounts of political and economic development. This is a theoretical approach in social science that has fallen out of favor in recent decades for some very good reasons related in part to the wish to avoid explanations based on culture, both because culture is notoriously difficult to conceptualize and measure in a seemingly scientific way, and because of a growing sensitivity about blaming “culture” for economic and political underdevelopment. 479 Modernization theory in its most culturally-centered form argued that successful capitalist and stable democratic development is bound together by certain values, including secularism, individualism, and entrepreneurialism. 480 This gave “change culture first” the somewhat uncomfortable answer to the question of underdevelopment. The question here is, what role could culture play in a story that sees the Europeanization of policy and the Europeanization of politics but more specifically state-society relations as reflected in policy-making institutions and process as part of the same syndrome?

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Like most other political scientists working in this general field, I have avoided approaching the issue of “culture” directly by conceptualizing, whether explicitly or not, what could be considered aspects of political culture that act as barriers to Europeanization as legacies of authoritarianism. The concept of authoritarian legacies is extremely important for the study of the long-term consequences of differing paths taken on the road to democracy, but it is also a concept that is surprisingly underdeveloped even in the regime “transitology” literature. The best works on the subject readily admit that the relationship between the concepts of authoritarian legacies and culture is a difficult one to deal with intellectually.\textsuperscript{481}

In this dissertation, the long-term consequences of Greece’s top-down and arguably comparatively shallow process of democratization have been of particular concern. Features that remain part of Greek politics that are more authoritarian than democratic are have consequences especially for the way in which “negotiation” takes place between society and the state over policy issues. Because there is so little room for negotiation within established, clearly defined channels, protest against public policy proposals in Greece is extraordinarily conflictual and even violent—at least by “European” standards. Of course, such behavioral aspects of culture can change and it is most helpful to think of them as in themselves a product of interaction with political institutions, not least the state, over time. This suggests however that sometimes the only way to break a vicious reinforcing cycle between authoritarian-style institutions and authoritarian-minded culture or behavior is to change the institutions first. This is why I

would argue that Greece should construct types of institutions that encourage compromising behavior on the part of both state and non-state actors, if at least it wants to Europeanize policy content.

On one hand, it is much easier and comfortable to view aspects of political culture and behavior such as those discussed in relation to the Greek case as authoritarian legacies that are subject to change through institutional development and redesign. On the other, if some of these characteristics are as difficult to change as it seems, conceptualizing them at least for a moment as permanent aspects of national political culture highlights something important about European integration and about the European project as a whole. It may be a benign or “soft” type of cultural imperialism, but the promotion of not only certain policy goals and values but also certain ways of implementing them may constitute an exercise in cultural imperialism on the part of the EU directed toward the South and the East of its influence all the same.\textsuperscript{482} This is important to underline because of the challenges that lie ahead for the EU as it tries to hold itself together with a greatly expanded membership base in coming decades. Many of the new member states have democratized much more recently than even Portugal or Greece, raising specific questions about the construction of institutions and processes capable of bridging the gap between societal groups and the state in these countries. In the case of many of the new member states, recent histories of communism will have left distinctive marks on both the organization of the state bureaucracy, the formation of interest groups, and the way that the two sides interact.

\textsuperscript{482} I borrow the term “soft imperialism” to describe EU expansion, especially geographically, from Philippe Schmitter. I find no published citation for this, but the term was used during a conference on regional integration held by the Instituto de Estudos Estratégicos e Internacionais, Lisbon, September 2004.
Moving away from the topic of Europeanization specifically, the first level of analysis presented in this dissertation has broader relevance for any democratic or even semi-competitive polity in the process of reorienting its economic and social development strategy in a post-industrial age. In particular, the high-skill, high-wage, knowledge-based route to prosperity appears to be the best and preferred strategy not only for European countries, but also for many other OECD members especially in the first decades of the twenty-first century. Even if other countries and regions will place different emphases on such issues as social cohesion, equality, and individual freedom than the Europeanized version of the strategy does, this dissertation shows that the development of consultative and incorporative policy-making is one important part of implementing it.
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