

Chauvinist Trends in EU Legislation?

– Welfare: Inclusion & Solidarity –

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October 2, 2020

Welfare chauvinism

The systematic restriction of social citizenship rights (e.g. pension entitlements, access to unemployment benefits) to the native born, thereby discriminating against immigrants

(e.g. Andersen and Bjørklund 1990; Careja et al. 2016; Eger 2010)

Has EU legislation become more 'welfare chauvinist' over time

Background

- ▶ Early days of EU: Emphasis on creating common market, Four Freedoms, establishing principle of non-discrimination against EU-nationals

(Majone 1993)

- ▶ More recently: Cases where access to social protection was restricted for EU-nationals in response to perceived 'welfare tourism' (e.g. access to social assistance in DE); stricter interpretation of social rights for EU nationals by ECJ

(Mantu and Minderhoud 2016)

Can we find similar patterns in EU legislation?

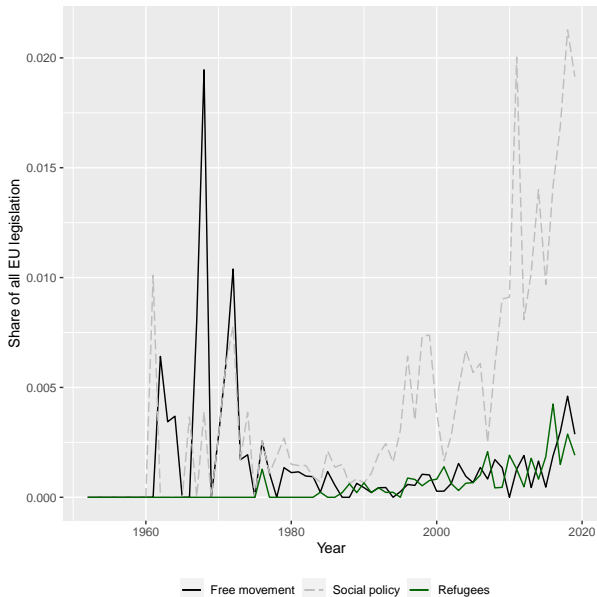
- ▶ If EU legislation has become more chauvinist, we would observe:
 1. Social-rights related EU legislation should emphasize 'non-discrimination'/'free movement' in first decades
 2. More recently greater emphasis on 'national sovereignty'/'budgetary burden' /....

CEPS-EurLex dataset (Borrett and Laurer 2020)

- ▶ 142.036 EU laws – almost the entire corpus of the EU's digitally available legal acts passed between 1952-2019.
- ▶ Encompasses the three types of legally binding acts passed by the EU institutions: 102.304 regulations, 4.070 directives, 35.798 decisions in English
- ▶ Coding of topics/keywords of legislative pieces

(see also: [Harvard Dataverse](#))

First cut through the data: Prominence of key topics



After pre-processing



Next steps

1. Identify legislation with explicit references to key articles of EU Treaties (e.g. TFEU Art. 48, TEC Art. 42,...)
2. Main method: Co-occurrence analysis & topic models

References

- Andersen, Jørgen Goul and Tor Bjørklund. 1990. "Structural changes and new cleavages: The Progress Parties in Denmark and Norway." *Acta Sociologica* 33 (3):195–217.
- Borrett, Camille and Moritz Laurer. 2020. *The CEPS EurLex Dataset*. Brussels: Centre for European Policy Studies (CEPS).
- Careja, Romana, Christian Elmelund-Præstekær, Michael Baggesen Klitgaard, and Erik Gahner Larsen. 2016. "Direct and indirect welfare chauvinism as party strategies: An analysis of the Danish People's Party." *Scandinavian Political Studies* 39 (4):435–457.
- Eger, Maureen A. 2010. "Even in Sweden: the effect of immigration on support for welfare state spending." *European Sociological Review* 26 (2):203–217.
- Majone, Giandomenico. 1993. "The European Community Between Social Policy and Social Regulation." *Journal of Common Market Studies* 31 (2):153–170.
- Mantu, Sandra and Paul Minderhoud. 2016. "Exploring the limits of social solidarity: Welfare tourism and EU citizenship." *EU Law Journal* 2 (2):4–19.