



# RE M I N D E R

ROLE OF EUROPEAN MOBILITY AND ITS IMPACTS  
IN NARRATIVES, DEBATES AND EU REFORMS

Understanding the political conflicts around free movement in the European Union: A conceptual framework for an institutional analysis

## WORKING PAPER

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## REMINDER

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### **Understanding the political conflicts around free movement in the European Union: A conceptual framework for an institutional analysis**

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## Abstract<sup>1</sup>

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EU Member States have in recent years been engaged in highly divisive debates about whether and how to reform the current rules for the ‘free movement’ of workers in the European Union. Under the current rules, EU citizens can move and take up employment in any other EU country *and* – as long as they are “workers” – enjoy full and equal access to the host country’s welfare state. A group of countries including the UK, Denmark, Netherlands and Austria have called for more restricted access for EU workers to welfare benefits. Many other EU member states have opposed these calls for new restrictions. What explains EU Member States’ different policy positions on reforming the current rules for the free movement of workers and their access to welfare benefits? While most existing explanations have focused on the role of actors such as populist political parties and the media, this paper provides a theoretical framework for an institutional analysis of this question. More specifically, we discuss how cross-country differences in the regulation of national labour markets and national welfare state institutions can help explain divergent national policy positions and policy responses to free movement among EU member states. A core feature of our theoretical framework is that national labour markets and welfare state institutions can affect national policy actors and their positions on free movement directly, and/or indirectly via inter-actions with normative attitudes and the characteristics of the inflows of EU workers. We use our framework to develop a series of expectations about the potential links between national institutions and national policy positions on the current rules for free movement.

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<sup>1</sup> This working paper is deliverable D7.3 of Work Package 7 of the Reminder project. The previous title was “Theoretical framework for the analysis of the interactions and potential tensions between national institutions and free movement”.



## Introduction

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'Free movement' for workers is one of the fundamental freedoms of the European Union (EU). In recent years it has been subject to highly divisive political debates. At the centre of the debate are the current rules for this freedom, according to which EU citizens can move and take up employment in any other EU country *and* – as long as they are “workers” – enjoy full and equal access to the host country's welfare state. The debate about introducing restrictions on the free movement (i.e. cross-border mobility) of EU workers itself appears to have been limited to the UK. In an op-ed for the *Financial Times* in late 2013, entitled “Free movement within Europe needs to be less free”, David Cameron, the British Prime Minister at the time, suggested a cap on EU immigration.<sup>2</sup> However, a number of Member States, most notably the UK<sup>3</sup> but also Denmark, Netherlands and Austria, have called for more restricted access for EU workers to welfare benefits. Denmark's Prime Minister Lars Lokke Rasmussen indicated in early February 2016 that he would support UK efforts to reduce EU migrants' access to welfare benefits.<sup>4</sup> The Dutch Deputy Prime Minister, Lodewijk Asscher, recently argued for reform of free movement.<sup>5</sup> In 2016, Austria's Foreign Minister, Sebastian Kurz, suggested that EU migrants' access to (non-contributory) minimum income support should be restricted for a period of five years.<sup>6</sup> Most other EU countries have been opposed to fundamental and permanent reform, insisting that the current policy of unrestricted access to labour markets *and* full and equal access to welfare states for EU workers must continue.

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<sup>2</sup> David Cameron, “Free movement within Europe needs to be less free”, *Financial Times*, November 26, 2013, <http://www.ft.com/cms/s/0/add36222-56be-11e3-ab12-00144feabdc0.html#axzz30NYYrQYX> (accessed January 2017)

<sup>3</sup> David Cameron, “EU speech”, November 28, 2014 <http://www.bbc.co.uk/news/uk-politics-30250299> (accessed February 2017)

<sup>4</sup> BBC, “EU referendum: Cameron receives Danish backing for EU deal”, February 5, 2016, <http://www.bbc.co.uk/news/uk-politics-eu-referendum-35499139> (accessed February 2017)

<sup>5</sup> Kamal Ahmed, “Support for EU freedom of movement rules 'eroding' ”, January 13, 2017, <http://www.bbc.co.uk/news/business-38613027> (accessed February 2017)

<sup>6</sup> Die Presse, “Keine Sozialleistung für EU-Bürger”, March 19, 2017, <http://diepresse.com/home/innenpolitik/5186223/Keine-Sozialleistung-fuer-EUBuerger> (accessed April 2017)



What explains EU Member States' different policy positions on reforming the current rules for the free movement of workers and their access to welfare benefits? There are some obvious material explanations of the policy preferences among the relatively 'recent' Member States in Eastern Europe (i.e. the countries that have joined the EU since 2004) which are primarily "sending countries", defined here as countries of net-emigration. While there might be some concerns about free movement as such due to fears of "brain drain", the political leaders of these countries also have good reasons for trying to maintain their citizens' unrestricted access to the labour markets of richer EU countries in order to boost remittances, and for defending the social rights of their "mobile workers" and family members abroad, who are all potential voters. Among the 'old' Member States (i.e. the fifteen countries that were members of the EU before 2004), calls for reforming free movement have often been attributed, at least in part, to a range of *actors* including populist political parties (e.g. Policy Network 2017; Mortera-Martinez and Odendahl 2017) and "the media" which, it is commonly argued, have been playing on populist emotions and influencing the public's perceptions about the scale and effects of free movement (e.g. Moore and Ramsay 2017; also see the reviews in Eberl et al 2017; and Meltzer et al 2017).

Notwithstanding the relevance and influence of these factors, in this paper we address a much more complicated but potentially important question, namely, the role and effects of differences between the national institutions of EU Member States. Specifically, we investigate the tensions between cross-country variations in national welfare state institutions and the regulation of national *labour markets*, on the one hand, and common EU *regulations for the free movement of EU workers and their access to welfare rights*, on the other hand. By elaborating a conceptual framework for this, we spell out the theoretical expectations about the potential sources for the political dissents and conflicts about free movement. As part of this analysis, we also theorize the relationships between national welfare and labour market institutions and normative attitudes of the population. Our conceptual framework moreover considers how the scale, composition and effects of migration/mobility may interact with the national institutions and spill over to conflictual politics around free movement.



Our analysis proceeds in three steps. We begin with a brief discussion of the key insights, conceptual approaches and implications of existing research on the determinants of national labour immigration and emigration policies. We then present and explain a new theoretical framework for analysing the role of key national institutions in explaining divergent national policy positions and policy responses to free movement among EU member states. The final step is to use our conceptual framework to develop a series of expectations about the potential links between national institutions and national policy positions on current rules for free movement.

## **Analysing labour migration and mobility policies: Conceptualisations and determinants**

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### ***Labour immigration and emigration policies***

The design of national labour immigration policy normally requires a state to decide on three fundamental issues: how to regulate openness, that is, the number of migrant workers to be admitted (e.g. through quotas); how to select migrants (e.g. by skill); and what rights to grant migrants after admission (e.g. temporary or permanent residence; access to the labour market and welfare state). All EU member states need to consider and regulate these issues in their national labour immigration policies for admitting “migrant workers” from outside the EU. Even if these three policy questions do not arise *at the national level* in the case of the “mobility” of EU workers where national governments of member states have to follow EU regulations on free movement, we argue that by analysing them in other settings we can gain insights about the underlying political tensions around “free movement”.

Research on the determinants of national labour immigration policy decisions has identified a range of factors influencing migration policies, including “national interest” (Weiner 1995); interest groups (Freeman 1995); political parties and elites (Bucken-Knapp et al 2014), and coalitions (Cerna 2009); “government institutions” (Calavita 1992); “ideas” (Balch 2009); “policy narratives” (Boswell, Geddes and Scholten 2011); public opinion (Blinder 2012); and the media (Blinder and Allen 2016). This variety of factors has been generated from different and potentially contradictory perspectives on the underlying migration policy-



making processes. For example, ‘statist approaches’ have focused on the *role of the state* in pursuing the “national interest”. A key assumption of this approach is that states are and can be analysed as unitary actors with independent “agency” – that is, with the capability of designing and implementing policies that are aimed at achieving a set of national policy objectives based on assessments of the effects of immigration. In contrast, in the “political economy” model developed by Gary Freeman (1995), where immigration policies are the outcomes of the relative powers of domestic *interest groups*, the role of the state is limited to that of a broker between different organized interests, without any place for national policy objectives. Similarly, most institutional approaches reject the notion of the state as a unitary actor with independent agency and instead call for analyses that “disaggregate the state” by focusing on the effects of specific institutions “inside the state” (e.g. Calavita 1992).

Another example of an important theoretical issue that distinguishes the different conceptualizations of migration policy from each other relates to the role of “facts” and “rationality” vs “ideas” and “policy narratives” in policy-making processes. In the constructivist tradition, ideas (commonly understood as ‘beliefs held by individuals’, based on Goldstein and Keohane 1993) can reconfigure interests and thus become significant factors in policy-making (Wendt 1992; Ruggie 1998; also see Schmidt 2010). Ideational approaches thus explore the role of ideas held by policymakers and other stakeholders in determining policy outcomes. In contrast to statist approaches and political economy models, ideational approaches argue that that policy problems and preferences cannot be analysed and explained by rational interests and objective facts as they are constructed by different actors such as politicians, the media, etc. (e.g. Balch 2009).

Research on the determinants of labour emigration policies faces very similar conceptual challenges and debates. Of course, compared to immigration and the rights of immigrants, states have much less control over emigration and the rights of citizens working abroad. Exit controls were common in the past, but there are now few countries that still use them (see Zolberg 2007). At the same time, many states (especially lower-income countries) can and do implement a wide range of policies that are aimed at influencing the scale and skill composition of labour emigration as well as the rights of their workers abroad (see e.g.



Ostergaard-Nielsen 2003; Green and Weil 2007). To study the variations and determinants of these policies, it is necessary to ask: What is the nature of the “emigration state” and how should it be analysed?

In his analysis of Mexico’s emigration policies, David Fitzgerald (2006, p. 260) argues for a “‘neopluralist’ approach disaggregating ‘the state’ into a multilevel organization of distinct component units in which incumbents and other political actors compete for interests”. Alan Gamlen’s analysis of the rise of diaspora institutions (2014) suggests that this emerging research needs to go beyond both interest-based accounts that invoke the rationalism and unitary nature of the “emigration state” and ideational accounts that focus on the role of transnationalism, and also analyse diaspora institutions as a global governance issue.

From Ruhs’s (2013) largely ‘statist’ analysis we know that many low-income countries are pursuing labour emigration policies that are based on the dual objectives of sending more workers abroad and better protecting them while there. However, few lower-income countries are willing to insist on full and equal rights for fear of reduced access for their citizens to the labour markets of higher-income countries. This is not surprising given that labour emigration can generate large income gains for migrants and their families as well as benefiting the wider development of migrants’ home countries (UNDP 2009). There are also cases of migrant-sending countries that have explicitly rejected equality of rights of their nationals abroad on the grounds that it constitutes a restrictive labour immigration policy measure.

### ***Mobility policies: The case of free movement in the EU***

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





nationals working in another EU country are entitled to reside and work in that country (regardless of their nationality) and their children have the right to be educated there.

In terms of access to the welfare state, the right to equal treatment for EU citizens living in another EU member state depends on whether they are economically active or not, the extent of integration in the host country and the type of the benefit claimed (Costello and Hancox, 2014). For EU citizens who move to another EU country for the purpose of employment – the primary group of interest in this paper – access to the welfare state critically depends on having the legal status of a “worker”. To be considered a worker by EU law, a person must pursue “effective” and “genuine” economic activity. This broad definition leaves some limited room for further specification by member states. EU *workers* are entitled to equal access to all social rights granted to nationals of the host country.

This combination of unrestricted intra-EU migration *and* equal access to national welfare states for EU workers is an important exception to the tension and trade-off between immigration and access to social rights that characterises the labour immigration policies of many high-income countries (Ruhs 2013). Free movement also challenges long-standing theories and claims about the alleged incompatibility of open borders and inclusive welfare states (see, for example, Freeman 1986; Alesina and Glaeser 2004). The perceived failure of the British government to convince the rest of the EU to reform free movement, or to recognize the UK as a “special case” that requires significantly different mobility policies, was a major factor in the UK’s recent referendum vote to leave the EU. In April 2016, a few months before the referendum, David Cameron managed to negotiate an ‘emergency break’ that would have enabled Britain to restrict EU workers’ access to non-contributory in-work benefits for a maximum period of four years<sup>7</sup>, but this concession by the EU was widely perceived in the UK as a relatively small change to the existing rules for free movement.

Analysing the determinants of EU member states’ national policy positions on whether and how to reform free movement requires a conceptualization of the policy- and decision-making processes and a number of epistemological choices. We discuss these issues in the

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<sup>7</sup> European Council, “European Council Conclusions on migration“, February 18, 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/02/19-euco-conclusions/> (accessed March 2017)



next section. In the remainder of this section, we highlight a key difference between the considerations and factors that affect the development of nation states' preferences and policies on labour immigration/emigration on the one hand, and on the labour 'mobility' across a group of countries (such as free movement in the EU) on the other hand.

In principle, states can – and do – design their immigration policies in isolation of their emigration policies. It is not uncommon, for example, for countries to call for greater protection and equality of rights of their nationals working abroad while at the same time not granting these same rights and protections to foreign nationals working on their own territories. Such discrepancies between states' immigration and emigration policy preferences are much less likely under a free movement agreement with common rules governing the cross-border mobility and rights of “mobile citizens” among a group of countries. This is because, from the perspective of individual member states, the common rules link considerations of immigration and emigration. When considering its national policy positions on the rules for free movement, each individual Member State (e.g. Austria) needs to consider its effects both on migrants from other EU countries within its borders (e.g. EU migrants living in Austria) and on its own citizens living and working in other EU countries (e.g. Austrians working in other EU Member States). For example, there may be political pressure in a particular country to reduce immigrants' access to welfare benefits but changing the common rules to reduce welfare benefits of migrants will also affect the welfare rights of that country's citizens abroad.

Whether and to what degree a particular member state will include concerns about immigration (“inward mobility”) and emigration (“outward mobility”) in the development of its national policy position on free movement is likely to depend on at least two key factors. First, the relative scale of inward and outward mobility will matter. If a country hosts a large number of mobile EU citizens from other EU member states but has relatively few citizens working in other member states (scenario C in the illustrative table below), concerns about emigration and the rights of emigrants may be much smaller than in scenarios A or B where outward-mobility of citizens is relatively high. Of course, the scale of inward and outward mobility varies across EU member states and changes over time. So whether and how the



numbers of mobile citizens affect national policy positions on free movement can be expected to vary across member states as well as over time within states.

Table 1: Examples of scenarios of countries with relatively “high” and “low” inward- and/or outward- mobility of EU citizens

|  |        | Inward-mobility of other EU citizens |       |
|--|--------|--------------------------------------|-------|
|  |        | “high”                               | “low” |
| Outward mobility of citizens to other EU countries | “high” | A                                    | B     |
|  | “low”  | C                                    | D     |

Second, in addition to the numbers of mobile citizens in the country and abroad, whether and to what degree a member state considers the effects of any change of the rules for free movement on the interests of its citizens already working abroad depends on how much importance and weight the country puts, in principle, on defending the rights of its citizens abroad compared to those “at home”. There may be a range of ideational factors, including the extent to which emigration and emigrants are perceived as part of the “national identity”, that go beyond pure numbers and instrumental reasons (such as the votes and remittances of mobile citizens abroad). Again, it is likely that these ideational factors vary across countries.

The implication of all this is that any analysis of the determinants of Member States’ national policy positions on reforming free movement needs to take account of the potential role of considerations about opportunities for the out-ward mobility of citizens as well as the rights of citizens already working in other EU member states. Our strategy for dealing with this issue is as follows. We first develop (in section 3) a theoretical framework for studying how national institutions may affect the national policy preferences of an EU country that is primarily concerned about inward mobility and the rights of other EU citizens living and working on its territory. In a second step (discussed in section 4), we then delineate how these national policy preferences could be affected and modified if we take account of outward mobility and the interests of mobile citizens working in other EU member states.



## A conceptual framework for an institutional analysis

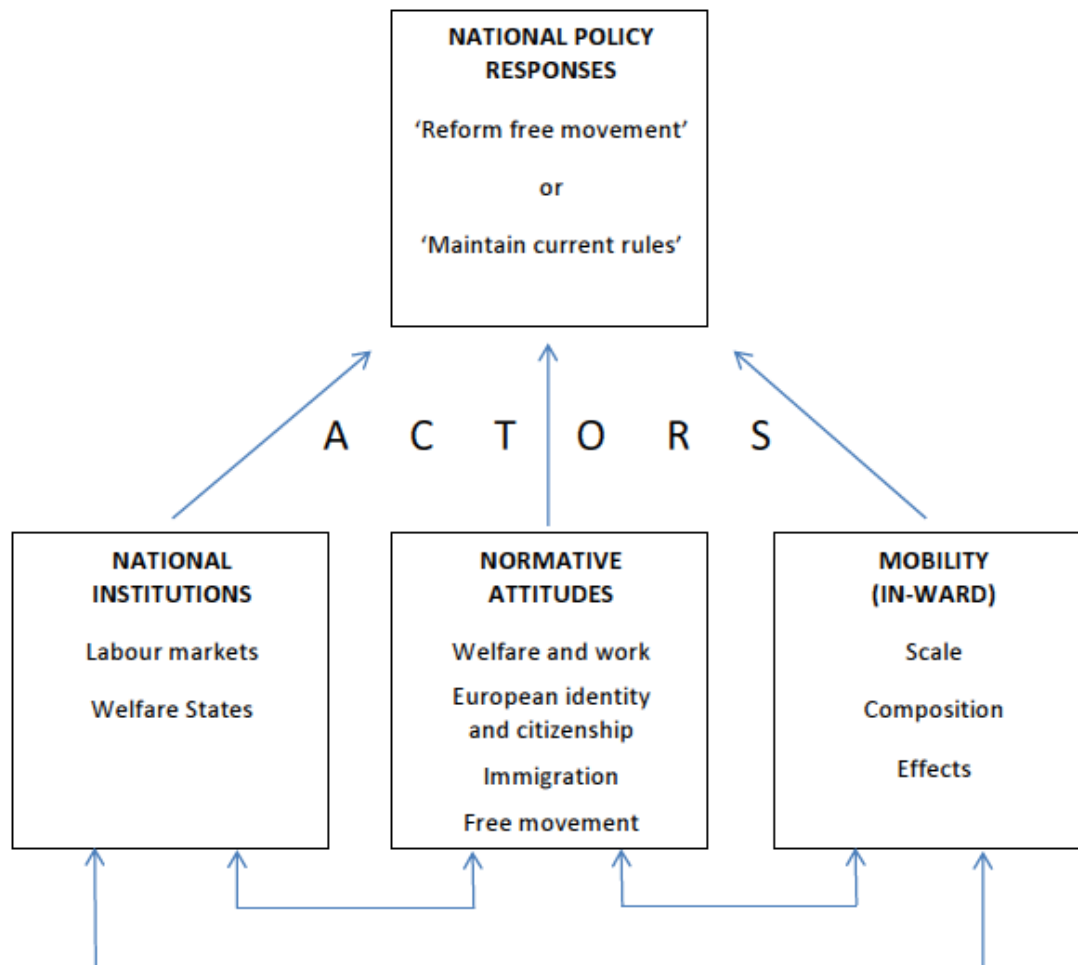
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### *Framework*

This section proposes a theoretical framework for an “institutional analysis” of EU member states’ divergent national policy positions and policy responses to free movement. Our aim is to develop a simple and flexible conceptual framework that provides a relatively parsimonious basis for generating hypotheses and facilitating empirical analysis of the role of national institutions in shaping national policy responses to free movement in different EU countries. Of course, to study the role of institutions we need to develop a framework that considers the potential effects of a range of other relevant factors that have been shown to influence migration and mobility policies (see the discussion earlier in the previous section) including their potential interactions with institutions. As shown in Figure 1 below, our framework for studying the determinants of national policy responses to free movement includes consideration of (formal) institutions, norms (informal institutions), the actual scale and characteristics of inward mobility of EU workers, as well as a range of actors including political parties and interest groups. Our framework thus integrates elements of “institutions”, “interests” and “ideas” as potential explanatory factors. Our starting point is that the processes for developing national policy positions and responses to free movement can be expected to include a degree of “rationality”, in the sense that they are likely to be shaped by the actual interests of different actors and effects of institutions, but we also allow for normative attitudes and ideas to shape interests and institutions in particular ways.

**Figure 1: Conceptual framework**





In our framework, the key “dependent variable”, i.e. what we are trying to explain, is the national policy response to free movement. More specifically we are focusing on whether or not a particular member state has an explicit position and preference for or against reforming the current rules for free movement. Policy preferences for reform could, in principle, include calls to restrict EU workers’ access to the national labour market (i.e. restrict labour mobility itself), the national welfare state or both. As mentioned in the introduction, in practice the UK has been the only country – so far – that suggested restrictions on free labour mobility itself.

While the key dependent variable is the national policy preference for keeping or changing the current rules for free movement, our analysis also considers whether the national policy response to free movement has included a change to national institutions. In theory, if certain national institutions are contributing to political tensions at the domestic level, rather than calling for a reform for the common rules governing free movement, the



national policy response could instead involve changes to these national institutions (such as reducing the flexibility of the national labour market and/or changing the contributory component of the welfare state).

We focus on two key institutions, namely, the regulation and characteristics of the national labour market and the regulation of the national welfare state with a focus on social protection systems. We concentrate on these two institutions because they constitute core aspects of free movement (which regulates the cross-border mobility of *workers*) and have been at the centre of recent debates about policy reform (e.g. the UK's claim that its welfare state is "different" from that of most other EU countries and that it creates special tensions with the current common rules for free movement).

As suggested by the arrows in Figure 1, national labour markets and welfare states can affect policy responses to free movement directly and indirectly via interactions with "normative attitudes" as well as the actual scale, characteristics and effects of mobility. Our consideration of "normative attitudes", which we define as evaluations and views about both how institutions should be organised and how individuals should behave, focuses on four sets of attitudes to: welfare states and labour markets; EU identity and citizenship; immigration in general; and free movement in particular. As indicated by the arrows, some of these normative attitudes may be related to the actual characteristics and effects of mobility.

The ways in which "institutions", "normative attitudes" and "mobility" eventually have an impact on national policy responses to free movement critically depends on a range of actors including, for example, political parties, interest groups and civil society more broadly.

The remainder of this section discusses how each of the main explanatory components of this framework may interact with each other and how they can affect national policy responses to free movement.



## ***Labour markets***

Labour markets, labour market regulations and other institutions surrounding human capital formation, such as education systems, vary considerably across countries (e.g. Palme and Ruhs 2018). The multi-dimensionality and complexity of these institutions make it hard to draw clear analytical lines between different “institutional models” (e.g. Freeman 2005). The “Varieties of Capitalism” (VoC) literature makes a broad distinction between liberal and coordinated market economies (LMEs and CMEs, respectively) based on whether key spheres or production, especially the relations between firms and other actors in the economy, are coordinated primarily by market or non-market mechanisms (see, for example, Hall and Soskice 2001). CMEs are characterized by relatively cooperative industrial relations, regulated labour markets with a high degree of coordinated wage bargaining, and education and skills formation policies that aim to provide industry-specific rather than general skills, partly via a strong emphasis on vocational training systems. In contrast, LMEs are more likely to have weakly regulated and thus more flexible labour markets (with fewer employment rights and protections for workers), less wage bargaining (especially at industry level), and education and training systems that are aimed at providing general rather than industry-specific skills (as reflected in relatively weak vocational training systems, e.g. Menz 2009). Liberal market economies tend to have larger low-wage labour markets than coordinated market economies, with few exceptions (see Gautié and Schmitt 2009; Grimshaw 2011). It is important to add that there can be important variations within these broad categories. For example, there are important variations in the “modes of coordination” across different coordinated market economies. “Nordic coordination” (e.g. in countries in Northern Europe) relies less on legislation and more on trade-union and employer activism than is the case in many other coordinated economies in continental Europe (e.g. Lindgren 2011).

As suggested by our conceptual framework (Figure 1), we can expect important inter-relationships between national labour market and associated socio-economic institutions on the one hand, and the scale, composition and effects of in-ward mobility of EU workers on the other hand. In the absence of restrictive labour immigration policies that regulate the number and types of migrants admitted, one of the key drivers of the scale and composition



of inward-mobility of EU workers is employer demand for mobile (migrant) labour. Employer demand for migrant labour is critically influenced by the institutional and regulatory framework of the labour market as well as wider public policies such as education and training policies, welfare policies, housing policies, etc. (Ruhs and Anderson 2010). Compared to coordinated market economies with relatively regulated labour markets, liberal market economies with flexible labour markets and relatively large low-wage labour markets can be expected to generate greater employer demand for migrants, especially but not only for employment in low-waged jobs (see Afonso and Devitt, 2016; Devitt 2011; Wright 2012; Menz 2009). Employer demands for high- and low-skilled migrant workers may also be driven by variations in skills formation systems and welfare states across LMEs and CMEs. Afonso and Devitt (2016) suggest that LMEs with training systems producing primarily general skills may generate a stronger demand for migrants with specialized skills including in lower-waged jobs.

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

By influencing the scale and skill composition of inward mobility, national labour market institutions also shape the real and perceived *effects* of the employment of EU workers on the domestic economy and society. For example, compared to coordinated economies with regulated labour markets, the relatively larger inflows of lower-skilled mobile (migrant) workers into liberal market economies with flexible labour markets mean that the short-term wage and employment effects of immigration in these economies will be more concentrated toward the low-wage end of the national labour market. The existing research literature on the effects of immigration on the labour market suggests relatively small





effects on average but potentially bigger negative effects for the lowest-paid workers in the economy (see, for example, the review in Migration Advisory Committee 2012). In other words, if they exist at all, any negative wage effects of immigration are more likely at the lower end of the labour market (where inflows are likely to be relatively larger in liberal market economies).

Beyond influencing the number and characteristics of EU workers in the country, national labour market institutions can also affect how a given magnitude and type of inward-mobility impacts on the national labour market, economy and society. For example, flexible labour markets are more likely to adjust to immigration via changes in wages rather than through job losses of competing domestic workers, at least in the short run (e.g. Angrist and Kugler 2003). More generally, in liberal market economies, immigration policy can become a tool of promoting the flexibility of the labour market by providing employers with highly mobile migrant workers who, among other things, can help maintain relatively-low cost productions systems. In contrast, in coordinated market economies there are likely to be strong pressures, partly through the stronger role of unions in shaping employment relations and conditions, to employ migrants at the prevailing (e.g. collectively agreed on) wage. As a result, in coordinated market economies inward mobility of EU workers (and labour immigration more generally) can be expected to play a smaller role in lowering or moderating wage growth (and inflation), at all skill levels.

It is important to add that while labour market and other national institutions can shape the scale, composition and effects of inward mobility and immigration, there can also be important effects that run in the other direction. For example, it is possible that inward mobility and immigration change certain national institutions, or at least aspects of certain institutions, such as the degree of unionisation as well as the coverage and stability of collective bargaining mechanisms. Immigrants can, in principle, undermine or strengthen existing labour market and other institutions.<sup>8</sup>

By shaping the characteristics and labour market effects of inward mobility, national labour market institutions also impact on the fiscal effects of EU workers. For example, institutions

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<sup>8</sup> For a recent study of the impact of immigration on a range of national institutions (mostly to do with economic freedoms), see Clark et al 2015.



that encourage a relatively large inflow of migrants for low-waged employment will naturally also lead to larger numbers of migrants in receipt of means-tested welfare benefits. More generally, the fiscal effects of immigration - i.e. the difference between the taxes migrants pay and the costs of public services and benefits that migrants consume – depend on three sets of factors: (i) the characteristics of migrants, especially their skills and age; (ii) migrants’ labour market participation, performance and impacts (i.e. whether or not migrants are employed, migrants’ earnings and how immigration affects wages and employment of domestic workers); and the nature and design of the welfare state (e.g. OECD 2013; Dustmann and Frattini 2014). As discussed above, national labour market institutions can affect the first two sets of these factors. The third mechanism, linking the design of the welfare state to fiscal effects of migrants, is discussed below.

### ***Welfare states***

As pointed out above, the tensions between welfare states and migration have been researched and debated for decades. “Welfare state chauvinism”, where citizens in a country want to exclude migrants and other non-citizens from getting access to “their” rights (Andersen and Bjorklund 1990; Andersen 2007), can have a number of different sources. Part of the chauvinism might be related to concerns about the costs of immigration and a perception that migrants are a burden on the welfare state. Welfare state chauvinism might also be related to ideas about “fairness” and “deservingness” of welfare recipients. Popular views on these issues seem to be influenced by a common preference for “reciprocity” as a guiding principle in the provision of welfare benefits for immigrants, which suggests that earned or “merit” based entitlements appear to be more “legitimate” than benefits given on the basis of “need” or “rights” (citizenship/residence) (Reeskens and Oorschot 2012). Moreover, since welfare state institutions constitute a nation state project *per se*, any EU-regulations in this area are likely to generate tensions and/or conflicts.

The degree of welfare state chauvinism may also be related to the prevailing welfare state institutions. Due to longstanding historical legacies as well as more recent reforms and retrenchments, contemporary European welfare states differ in a number of important respects (e.g. Palme and Ruhs 2018). The gradual expansion of the number of member



states since the Treaty of Rome has increased the diversity of welfare states organisation in the EU (Palme et al 2009). Considering the various sources of welfare state chauvinism, there are at least four reasons for why this large welfare state variation is potentially a very important factor for explaining the divergent national policy positions on reforming free movement among EU member states:

First, the design of the welfare state is one of the determinants of the fiscal effects of immigration on the host country. If national policy positions are informed, at least in part, by a “rationalist” calculus of the costs and benefits of inward mobility, variations in welfare states across countries may play a role in explaining differences in the fiscal effects and thus also the politics of immigration and in-ward mobility (for an analysis of differences in fiscal effects of intra-EU migration across EU member states, see Nyman and Ahlskog 2018)

Second, different welfare systems are associated with different underlying principles of benefit provision (e.g. “contribution-based”, “needs-based”, and “universal”) with variable degrees of (in)consistency with regards to the idea of “reciprocity”.

Third, the current EU regulations of social rights for mobile workers are modelled on the continental European welfare state regime that, by and large, was applied among the original member states of the European Economic Community. Countries that have welfare states that differ from the Continental European welfare state model may be more likely to want to change the rules on free movement, not least when it comes to giving access to benefits.

Fourth, existing research on the characteristics of labour immigration policies in high-income countries suggests that there are significant policy co-variations across countries with different welfare states. For example, Ruhs (2017) finds that liberal market economies with liberal welfare states are less likely to require “self-sufficiency” as a criterion of admission but more likely to restrict migrants’ social rights after admission than coordinated market economies with other types of welfare states. The same study finds that LMEs are also more likely to be characterised by trade-offs (i.e. a negative relationships) between the “openness” of admission policies and the social rights migrants are granted after admission.



This suggests that the character of the welfare state may have consequences for national policy positions on free movement in some kind of interplay with the labour market regime.

There are, therefore, good reasons to identify key variations of welfare states across EU countries and investigate the implications of these differences for EU Member States' variable policy responses to free movement. We suggest that the key differences between welfare state institutions among EU Member States that have a bearing on "free movement" relate to the characteristics of social insurance programs, family policies, and health care as well as how these systems are financed. When we analyse these policy areas, it is of critical importance to identify the underlying principles for benefit provision in order to correctly define the major "policy-models" in the different areas.

### *Social insurance policies*

When it comes to identifying variations in social insurance systems it is helpful (cf. Korpi and Palme 1998) to clarify if benefits are (1) means tested or not, (2) flat rate or earnings-related, and (3) segmented or universal in administration. In Europe, no country follows the means-tested or *targeted model* that has been so important in Australasia. This does not mean that we cannot find means- or income-tested benefits in Europe but rather that such programs fulfil a complementary or supplementary role. The relative size of expenditures on mean-tested programs varies across models/countries but it is generally smaller than spending on other kinds of social protection programs.

Flat-rate benefits were a key feature of Beveridge's *basic security model* that was established in the UK after World War II. Both the British and the Irish social protection systems follow that model. In the absence of proper earnings-related social insurance benefits, means- or income-tested benefits play an important supplementary role in countries with only basic flat-rate benefits (Palme et al, 2009).

Segmented administration prevails in the *state corporatist model*, where benefits are administered separately for different segments/corporations in the labour market, e.g. pension systems and sickness insurance in countries such as France and Germany (Palme et al, 2009). The fact that benefits provided by these segmented systems tend to be earnings-related implies that they provide adequate income replacement and less need for



supplementary benefits for those who are insured, although there can be needs for means- and income-tested programs for those who are outside the labour market or working in “secondary” labour markets not covered by compulsory insurance typically required by segmented systems.

In contrast, in universal administrative frameworks that provide earnings-related benefits known as the *encompassing model*, the needs for supplementary means- or income-tested benefits are expected to be lower than in all the other models (targeted, basic security and state corporatist), also because the model typically include universal basic components such as universal basic pensions and universal child benefits (Palme et al, 2009).

In order to understand the effects of cross-national welfare state differences for free movement issues, it is of critical importance to recognise the funding and qualifying conditions of the different benefit systems. They are important, not only from a financial point of view but also in terms of “legitimacy”: qualifying conditions in the form of social security contributions represent an effective way of establishing the “deservingness” of benefit claimants (Sjöberg, 2000).

How can this broad characterisation of variations of social insurance systems help us to understand why EU Member States would differ in their views on issues around free movement? Following the principle of “reciprocity”, countries with social protection systems where there is a clear link between contributions and benefits, i.e. a high degree of earnings-relatedness, are less likely to oppose access to rights of mobile workers. The fact that EU-regulations follow the same “institutional logic” as the contributory earnings-related systems can be expected to reinforce this reciprocity effect (cf. Thornton et al, 2012). It follows that countries with low social insurance benefits and hence strong reliance on means-tested benefits are less likely to support equal rights for mobile workers: benefit claimants are expected to be seen as less deserving than in contributory programs and the institutional logic is different.

### *Family policies*

Variations in the organization of family related benefits across EU member states can also contribute to variable degrees of tension between EU-level regulations of benefits for



migrant workers and national welfare states. To understand that, we need to consider the underlying differences and goals behind the major family policy models (cf. Lewis, 1992; Korpi, 2000). While some countries have very modest family-related benefits and hence can be said to apply a *market based model*, other countries have much more ambitious family policies – but with different goals and using different policy instruments. Traditional family policy tends to be based on programs that provide support to families with children in ways that facilitate a gendered division of market and care work between the spouses. This approach is commonly labelled the *male-breadwinner model* of family policy (common in continental Europe). There is an important link in this model between the funding strategy of paying social security contributions and the right for the family members to derive rights from the fact that the worker/breadwinner pays such contributions. This is a very different logic from the *dual-earner* model (common in the Nordic countries), where family benefits and services are designed to provide resources and create incentives for both parents to work and take caring responsibilities. While there are earnings-related contributory benefits also in this model, rights are individual and child benefits have historically been paid directly to mothers irrespective of their labour force attachment, which stands in contrast to the male-breadwinner model where the one paying the contributions also receives the benefit.

The distinction between the derived rights of the male-breadwinner model and the individual rights of the dual earner model can have important implications for the national politics of free movement, especially with regard to the issue of exporting benefits to family members (of mobile workers) residing abroad (Palme, 1997). We can expect countries with a male-breadwinner family policy to be more in favour of the current EU-regulations because they follow the same institutional logic (of derived rights) and are based on a stronger link between contributions and benefits and thus also a stronger degree of reciprocity. Countries with family policies based on an institutional logic of individual rights deviate from the EU-regulations but nevertheless have to follow them, including exporting benefits to family members (of mobile workers) residing in other countries. Countries with “dual earner” family policies that are based on a logic of individual rights are hence more likely to oppose “equal” rights for EU workers because some of the rights are not seen as rights for workers but for residents.



There tends to be a strong resemblance between the social insurance and family support models that individual countries have implemented (Korpi, 2000): the market oriented family policy model is prevalent in “basic security countries”. The dual earner model is generally found among the “encompassing countries”. The male breadwinner model is common among the state corporatist countries. This suggests that effects that are expected from the policy design in one policy area (social insurance) will be reinforced by the same kind of models in other policy areas (family policies).

It is also important to recognise that interactions between social insurance and family policies on the one hand, and labour market institutions on the other hand, are likely to be generated. For example, liberal market economies that generate more mobility will also generate greater costs for the public finances due to the fact that wages are so low that the typical low-wage worker will have entitlements to supplementary means- or income-tested benefits. The market-oriented family policies prevalent in these economies may have relatively strong effects on the politics of free movement, because equal rights for workers will generate substantial payments to family members living in the host country as well as in the countries of origin.

### *Health care*

The organisation of the provision of health care is a third dimension of social policy that can be expected to affect national policy responses to free movement. Comprehensive health care is an important component of all European welfare states but, in the context of the present paper, it is important to point out that they differ in both the underlying model of financing and how benefits are delivered. A basic distinction is commonly made between the *health insurance model* and the *national health services model* (cf. Wendt et al, 2009). The insurance model for health care follows the same logic as the social insurance model for cash benefits discussed above, i.e. insured persons pay contributions and then are insured in separate corporations. In contrast, universal health care systems are typically tax funded without the specific link between the financing mechanism and how and where you are insured found in health insurance systems (where contributions more clearly establish such a link). In universal health care systems, residents are not “contributors” by default, which



might be a source for concerns about “legitimacy” given the wide-spread value and expectation of “reciprocity”.

In relation to EU regulations around free movement, we expect countries with insurance based health care models to be less likely to oppose access to equal rights of mobile workers (and their families). This follows from the deservingness argument as well as the institutional logic argument. Again, since countries tend to apply the same kind of models in different policy areas, we can expect health care models to reinforce the logics and normative attitudes associated with other parts of the social protection system.

### ***Normative attitudes***

The literature on norms has provided various different conceptual frameworks that could help us to understand how norms emerge and are sustained or changed (e.g. Brennan, et al 2014). A somewhat parallel discussion has evolved around institutions, and how formal and informal institutions emerge, prevail and change (Streeck and Thelen, 2005). In this section we draw on the insights from these two strands of research to define concepts that can be used to address the research question of this paper. We are interested in both formal and informal institutions in the same vein as Streeck and Thelen (2005). Formal institutions refer to rules and regulations that have been decided at either the national or EU level. Informal institutions are not anchored in legislation but in people’s norms. We can expect formal institutions (e.g. welfare states) to affect informal institutions (e.g. views about the deservingness of welfare recipients) but they are not the same. Norms may also influence the emergence of institutions as well as their persistence and change.

In this paper we focus on “normative attitudes”. By putting “normative” in front of “attitude” we indicate that the attitude is anchored in values and ideas about how things ought to be. In our understanding and approach, normative attitudes are different from “social norms” which may pre-date the formal institutions we are interested in analysing, an issue we are trying to avoid in our analysis. While we expect normative attitudes to vary across countries, and to be influenced by the existing national institutions, we recognise that normative attitudes can also be different between groups of people within countries. Consequently, in this paper we are not primarily interested in “social norms” that have also





been called “thick culture”, which is about deeply rooted values and beliefs that are difficult to influence, at least in the short term. Our interests are more related to what has been called “thin culture”, i.e. norms that are less deeply rooted and can be more easily influenced by, for example, the design and change of formal institutions. We follow the convention and refer to such norms as “normative attitudes”.

We are particularly interested in normative attitudes that relate to how welfare state and labour market institutions as well as EU regulations, should be organised (i.e. attitudes to the design of formal institutions). The assumption is that populations in the different member states will be influenced by their national welfare state and labour market institutions, so that they will be inclined to support institutions that follow the same logic. This is anchored in the observation that welfare state and labour market institutions exhibit strong path dependency, which suggests that the logics of formal institutions have become embedded also in informal institutions (norms).

This stance in our analytical approach is informed by Lepsius’ (2017) work on democratization, which we argue can be fruitfully applied to institutional analysis more broadly, including the analysis of welfare state institutions. Lepsius observed that institutions may embody both (rational) interests and value based elements, and that different interests and ideas may have made imprints on the same set of institutions. It is often the case that people do not immediately share the norms that are embedded in a new institution but that the formal institutions over time foster what in our conceptual framework would be called “normative attitudes” that are in accordance with the formal institutions. This dynamic element, what Lepsius called “institutionalization”, helps us to understand how formal institutions may influence normative attitudes and it is an important mechanism for sustaining institutions of all kinds. “Deinstitutionalisation” may appear when the normative attitudes start to diverge from the formal rules and threaten to undermine them. Such changes may be triggered by external changes and/or shocks. Hence, we can think of the strong increase of labour migration following the enlargement of EU in 2004 and 2007, as well as the Global Financial Crisis as external factors, with consequences for the normative attitudes about free movement that may have eventually spilled over to the national policy positions and preferences.



It is plausible that welfare state and labour market institutions have consequences for how identities are formed among the European populations and we are likely to find important differences depending on the institutional designs. Following Esping-Andersen (1990) and Korpi and Palme (1998), we can expect that state corporatist institutions reinforce separate identities for different corporations in society. Following Titmuss (1955), we can expect that means-tested and basic security models not only impose divisions of welfare via private insurance but also create “two nations” of welfare within the same country. In this perspective, we can expect universal benefits to carry the clearest unifying potential on the national level. It is not entirely clear, however, how this translates into normative attitudes about free movement, especially if there is strong welfare chauvinism that draws narrow (i.e. national) boundaries around “universal” benefits that in reality are residence based.

Beyond normative attitudes to welfare and work, we argue that perceptions about national and European identities are likely to affect the politics of free movement, specifically whether and to what extent the intended beneficiaries of national social policies include EU workers from other member states (Ruhs 2017). While it is unclear how attitudes to Europe and perceived “European-ness” are related to welfare states and labour markets, it is well known from Eurobarometer data that there are important differences among Member States in terms of the extent to which citizens “see themselves” as Europeans or not (see e.g. Ruhs 2017; Martensson and Uba 2018). There are a host of factors that may have contributed to this variation across countries including, for example: how long a country has been a Member State of the EU; the perceived gains of EU membership over time; and the actual inward and outward labour mobility that a country has experienced.

It is important to underline that our conceptual framework, illustrated in Figure 1, points to the critical importance of actors for translating differences in popular normative attitudes into explicit policy positions and/or expressed policy preferences on free movement. Our approach also highlights the importance of studying the normative attitudes of different groups in society including the attitudes of political elites.



## Conclusion: National institutions and policy positions on free movement – what can we expect?

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To understand the ongoing disagreements between EU member states about the rules for free movement in the European Union, it is necessary to go beyond an analysis of actors, such as populist political parties and “the media” in different countries, and consider the role of national institutions in setting the stage for the domestic politics of, and policy responses to the cross-border mobility of EU workers. More specifically, we argue that it is important to ask whether and how cross-country differences in the regulation of national labour markets and national welfare state institutions contribute to political conflicts between EU member states about the need to reform the current rules for free movement. This paper is a theoretical contribution to this new research agenda.

The paper has provided a theoretical discussion and framework for studying the links between key national institutions and the domestic politics of free movement. A core feature of our framework is that national labour markets and welfare state institutions can affect the development of policy positions on free movement directly and/or indirectly via inter-relationships with normative attitudes as well as the scale, composition and effects of mobility of EU workers. This implies that empirical research needs to interrogate both direct and indirect effects.

Another critical feature of our approach is that whether and how institutions affect national policy responses to free movement is likely to critically depend on a range of actors. We expect institutions to impact on the national politics of free movement in addition to, and most likely *in interaction with*, a range of actors. We are not suggesting or assuming that institutions are more important than actors in explanations of the divergent national policy positions on free movement among EU member states – but simply that institutions, especially labour market regulations and welfare state institutions, should be seen as an important part of the contexts that actors are conditioned by.

The interplay between institutions and actors in the national politics of free movement makes it difficult to develop strong expectations and hypotheses about how different labour markets and welfare states affect national policy positions on free movement. Nevertheless,



it is possible to formulate some general expectations about how specific institutional variations may impact on national policy preferences, *everything else being equal*. As the paper has discussed, countries with the following types of welfare state institutions are more likely to *demand restrictions* on the social rights of mobile EU workers: social protections systems without a clear link between contributions and benefits, i.e. a low degree of earnings-relatedness; family policies that are based on individual rights; and a health care system that is based on a health care model funded by general taxes. We argue that these institutional variations can be expected to affect the national politics of free movement via a range of factors including perceptions of “fairness” and “deservingness” of welfare recipients, which are commonly characterised by welfare chauvinism, as well as consistency of the national welfare model with EU regulations of free movement and EU workers’ access to social rights.

We can moreover expect important interactions between the effects of welfare state institutions and labour market regulations on the politics of free movement. Our analysis suggests that coordinated market economies (CMEs) where labour markets are coordinated via legislation are least prone to oppose EU workers’ access to equal rights since there is a better control over cross-border mobility and migration flows. Nordic CMEs that depend on trade union activism rather than legislation – a weaker system of coordinating labour markets – may be more likely to demand restrictions of EU workers’ social rights. In liberal market economies (LMEs), where inward-mobility and immigration, especially for employment in low-waged jobs, are likely to be higher than in CMEs, we can expect particularly important interaction effects because the relatively larger number of low-waged mobile workers is likely to exacerbate any concerns about free movement based on particular welfare state institutions (e.g. those with heavy reliance on means-testing).

We have developed our analysis and the expectations above from the perspective of countries that are primarily concerned about in-ward mobility and the rights of other EU workers employed in its labour market. As a final step in this conceptual paper, we ask how the impact of national institutions can be expected to change if we consider a country with considerable outward mobility and a relatively large number of citizens working in other EU countries, as it is the case for most of the recent EU member states in Eastern Europe.



Clearly, in countries with large numbers of citizens working in other EU countries and much smaller numbers of EU workers employed in their own countries, the tensions that a particular set of institutions may create in the domestic politics of inward-mobility will likely be outweighed by the economic advantages generated by unrestricted access to the labour markets of higher-income countries (e.g. through remittances whose beneficial effects are likely to outweigh any negative impacts of “brain drain”<sup>9</sup>). So these countries are likely to support maintaining unrestricted access of their citizens to the labour markets of other EU countries, regardless of national labour market and welfare institutions “at home”.

Some national institutions may, however, play a role in net-emigration countries’ preferences with regard to the social and other rights of their citizens working in other EU member states. If equality of social rights is not contested and clearly unrelated to opportunities to access labour markets, we would of course expect net-emigration countries to support equal rights. However, if the issue becomes politically contested and potentially linked with the question of continued unrestricted access to labour markets of other member states – as it arguably has been the case in recent debates about the future of free movement – emigration countries may hold more nuanced policy preferences that could be influenced by some national institutions. Countries with strong non-discrimination norms may be less likely to allow restrictions of rights of their nationals abroad than countries with weaker discrimination norms.

Clearly, the potential role of the “politics of outward-mobility” is another factor that needs to be considered in the analysis of the sources of the current political conflicts between EU member states about free movement in the European Union. It is another reason why, in the end, whether and how national institutions affect the domestic politics of free movement in different member states is theoretically ambiguous and, therefore, open and important question for empirical analysis.

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<sup>9</sup> The findings of the research literature on the effects of highly-skilled emigration are much more mixed and ambiguous than commonly assumed (See, e.g. Collier 2013 vs Clemens 2011).



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# REMINDER

ROLE OF EUROPEAN MOBILITY AND ITS IMPACTS  
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