

Kollonay, Csilla*

Review of Sára Hungler's "Social Justice, Welfare and EU Law: Integration in the Visegrád Countries"

The main goal of the book is to examine the state of the welfare systems and social justice in (a part of) Europe and to analyse the functioning and results of European social protection and integration, including its failures and achievements. The growing inequalities in Europe and the visible deficiencies of European welfare models were the main sources of motivation underlying the author's engagement with these issues, coupled with the aim of identifying answers and ways of coping with the challenges to social justice and advancing it in the course of European integration.

To discover the reasons for the weaknesses and the potential means of improvement, the author has created an original, highly specific, and complex methodological framework.

After a general introduction to EU social laws and policies, she narrows down the focus of the book to the comparative study of four countries and two vulnerable groups and compares them in three dimensions. The compared countries are the members of the Visegrád Group, Poland, Slovakia, Hungary and the Czech Republic, chosen for their similarities that derive from their common historical backgrounds, the cooperative partnership aimed at their EU integration, and cultural and religious traditions coupled with the current differences in their socioeconomic development and orientation. The combined analysis of the four countries leads to relevant conclusions for the whole EU.

The two social groups selected for comparison are mothers of small children and the unemployed. The common feature of their high level of vulnerability is coupled with the sharp difference in their legal protection in EU and national law, deriving from their position at two opposite poles of EU regulatory competence. Mothers of small children, covered by mandatory EU norms, can be seen as a regulatory "success story", while adequate protection for the unemployed is still a mere "aspirational goal". The analysis of the social treatment of the two groups confirms the starting premise of the author: EU regulatory competence in social matters – manifested in voting rights – is a decisive element of social integration.

* Lehoczky Kollonay, Csilla, professor emerita, Central European University, kollonay@ceu.edu

** Sára Hungler, *Social Justice, Welfare and EU Law: Integration in the Visegrad Countries*, (Elgar, 2024, Cheltenham) 272 p.

Last but not least, the comparison is carried out in three dimensions: redistribution, recognition and representation – the core dimensions of social integration – drawing on Nancy Fraser’s¹ theory of social justice, a cornerstone of the research and the book. The focus is on the impact of recognition on redistribution and representation – or, more specifically, the negative impact of a lower level of recognition on the other two dimensions and their regulation.

In this complex analysis, the influence of the three Fraserian dimensions on national legal and policy solutions that impact the situation of the compared groups are considered separately as well as in correlation. For the multi-factor comparison, the author uses the fuzzy-set qualitative comparative analysis (fsQCA) method associated with sociological and political research, combining qualitative (case analysis) and quantitative data. (In the Annexe, the author provides a detailed explanation of this method.) Primarily, the effectiveness of social transfers and employment policies in poverty reduction is assessed. The method results in revealing correlations that support the initial assumptions of the author: without mandatory minimum criteria for labour and social policies, including income transfers defined in enforceable norms, social justice for the unemployed cannot be achieved, and such transfers to working mothers are also fundamental for avoiding child poverty and social exclusion.

The analysis confirms the starting hypothesis that while the negative impact of the weaker recognition of a given group on the distributional and representational dimensions may reduce welfare state measures at the national level, the presence of EU hard law can counterbalance this. This is the case for working mothers: enforceable provisions on gender equality and social protection prevent national regulation from ‘going below’ the mandatory level of rights and benefits. In contrast, in the case of unemployed persons, the recognition dimension of social justice is predominantly dependent on the “deservingness” criteria and impacts the benefits provided to these people, who may be stigmatised as lazy or incompetent for losing their jobs and seen by many policymakers as potential abusers. The book underlines that if redistribution is subject to national discretion, besides insufficient replacement rates, eligibility criteria might “squeeze out” members of this vulnerable group from social benefits – or direct them through a (not very efficient) “active labour market policy” (ALMP) to re-enter the labour market without delay. However, the urge to find employment may prevent them from finding a job that is suitable in the long term.

For both groups, the fsQCA analysis across countries reveals that current trends are leading to a greater emphasis on labour market integration and employability, while the income-replacement function of such schemes is receiving decreasing attention.

¹ Nancy Fraser is a prominent exponent of Critical Legal Theory and feminist known worldwide for her philosophical works on, among other issues, the concept of truth and social justice.

The findings reveal similar important challenges in the representation dimension as well. The lack of EU competence to legislate in areas related to the right to association and collective bargaining leaves regulation relating to matters of social dialogue in the national domain.

As a result of the research, the author comes to the conclusion that the main reason behind the insufficient progress with social integration is the still dominant role of market integration in the EU that enjoys constitutional protection, while the social dimension of integration is not given similar status (including in how the jurisprudence of the CJEU gives preference to economic freedoms over social rights). The author mentions with criticism this "constitutional asymmetry" that dates back to the historic origins of the EU and still preserves the unequal distribution of competences. While defined as "shared competences" in the TFEU, the social dimension is primarily left to national competences.

The final conclusion of the book – based on the results of the analysis – is that social integration in the European Union is associated with considerable difficulty, which raises doubts about the achievable level of integration. If the EU intends to have a significant impact on social integration, especially via its implementation through binding legal regulations, substantial reforms of the EU are needed, including to the current voting system. Referring to the Single European Act, which brought about transformative changes through the revolutionary extension of qualified majority voting, the author concludes that a similar approach that leads to a shift from unanimity to qualified majority voting in the social area is needed to promote substantial reforms that foster social justice and progress in social integration.