

Abstract:
Reflexive Coordination: Thoughts on the European Social Model
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The paper argues that at the heart of the Social Model of the European Union (ESM) lies not a substantive concept but a desire to coordinate the social and employment policies of its member states. In order to understand the true nature of the ESM it is thus necessary to develop a legal theory that is capable of depicting the soft law character, the focus on procedure and the policy orientation of coordination. It is suggested that the theory of reflexive law can be of assistance in this respect.

The paper reconstructs the evolution of soft law instruments in social and employment policies of the European Union as a move from open to reflexive coordination. It develops the argument in three steps. In a first part it outlines the expansion of the use of the open method of coordination (OMC) in the European Union from economic policy to employment policy and to various areas of social policy. It then assesses the OMC as reflexive coordination, thereby interpreting the current emphasis on streamlining of policies as a reflexive process of “coordination of coordination”. In the third part the ESM of the EU is characterized in functional terms by highlighting its multi-layered structure, its decentred and plural nature and its reflexive style of policy making, in which the OMC as reflexive coordination plays a central role.