Participatory Processes as Unreliable Narrators: Political Legitimacy and Governance Narratives in the Social OMC Peer Review Process

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This paper explores the development of governance narratives focused on governing processes as a way of determining political legitimacy. It aims to explore the following questions: theoretically, how does the idea of decentred governance square with legitimating political processes? How do EU-level coordinating governance processes affect conceptions of political legitimacy? Does interpreting governance through a legitimating lens enhance our understanding of these EU-level processes? The paper develops a new 'decentred' analytical framework for understanding governance that positions it as a legitimating force that affects and is affected by relationships between actors (policy inputs), institutional structures (policy throughputs) and policy outputs. It uses this framework to analyse the peer review process of the Social Open Method of Coordination, a non-binding, coordinating instrument used by the EU and its Member States in the area of social policy.

The research draws on a participant and text analysis of 65 Social OMC peer reviews held from 2008 to present. It uses the goals and summaries of these reviews to assess whether they focus on improving inputs (participation), throughputs (process) or outputs (policy outcomes) and how this focus then affects the shape of the peer reviews as a governance process. It finds that, as a governance process, the peer reviews lack a clearly defined governance narrative. While it does show a clear shift from focusing overwhelmingly on policy outputs to including participatory rhetoric, this is not always indicative of a widening of focus to include input legitimacy. Instead, there are clearer linkages between narratives of the peer reviews as output-focussed processes and the inclusion of throughput mechanisms into the narrative. This illustrates a potential disconnect between the stated goals of the process as an inclusive, participative one and what it accomplishes in narrative and practice, creating a potential governance mismatch and decoupling between governance inputs and outputs.

Governance is a contested concept within both the broader politics literature and specific sub-disciplines of political studies, and various attempts have been made to reconcile the horizontal and vertical pulls of modern governance arrangements. However, it is unclear where this academic debate can be placed in regard to practical discussions of new modes of governance, legitimacy, accountability, transparency and openness. This points to a need to examine governance as not just a process, but also a social construct that evolves over time and use. Looking at governance from this decentred perspective (Bevir, 2002; Bevir and Rhodes, 2006; Bevir, 2013) allows for a greater understanding of the underlying perceptions that both shape and are shaped by governance processes. Viewing governance narratives not only in terms of external perceptions but internal, actor-centric views of governance, allows for an understanding of what governance is aiming to achieve and whether those goals are realised in practice. This paper will focus on analytical ways that the debate around governance can be decentred and how internal perceptions of governance affect policy. It presents a nuanced conception of governance that will then be used to examine how it shapes political processes at the EU level, namely through the Social Open Method of Coordination's (Social OMC) peer review process.

The paper aims to answer several questions: theoretically, how does the idea of decentred governance square with legitimating political processes? How do EU-level coordinating governance processes affect conceptions of political legitimacy? Does interpreting governance through a legitimating lens enhance our understanding of these EU-level processes?

The paper brings together various types of analysis to contextualise governance in terms of both academic research and political and policy usage. First, the paper will examine the theoretical implications of governance in legitimating political decisions, using this to develop a new framework for understanding governance that takes into account the legitimating inputs, throughputs and outputs that shape governance processes. The paper will then apply this understanding and analytical framework to the case of the Social OMC peer review process, textually analysing and interpreting these processes to determine how elites discuss governance in this context. That analysis will provide some empirical heft to this reconstructed view of governance as a legitimating process.

The paper is highly relevant to understanding academic and practical applications of decentred governance. First, it provides theoretical insight into the relationship between governance and legitimacy, as well as the effects of the increased complexity created by new governance arrangements on legitimacy. Second, it provides an empirical application of this decentred approach to governance by analysing the narratives around governance in an EU level process. The Social OMC case provides an ideal case for understanding this link between governance and legitimation, as it is a relatively new and flexible governance process that involves multiple actors over multiple levels in a highly contested policy area.

These contributions are necessary for understanding how governance can legitimate – or not – political decisions at an EU level. Reform of EU governance has been one of the main areas driving reform in the 2000s, and the EU has recognised that 'its legitimacy today depends on involvement and participation. This means that the linear model of dispensing policies from above must be replaced by a virtuous circle, based on feedback, networks and involvement from policy creation to implementation at all levels' (Commission of the European Communities, 2001). As such, it designs its new governance mechanisms, such as the Social OMC, to better reflect both the widening nature of governance (in terms of policy actors, structures and outcomes) and its linkage to legitimating EU-level decisions. Exploring this linkage through the lens of the actors taking part in these processes contributes to a better understanding of the theory and rationale driving new governance mechanisms in the EU, as

well as a deeper comprehension of what forms of legitimacy underpin these governance mechanisms.

Governance as a Decentred, Disjoined, Decoupled…but Legitimating Concept

The literature on governance is varied and diverse, with almost 10,000 articles written on the topic according to a simple topic search on Web of Science. As such, this research focuses on a specific subset of governance literature – multi-level governance. This focus was chosen for several reasons. First, this refinement of the governance literature has a secure place in understanding EU-level processes, as it developed specifically as a way of understanding the new governance processes being developed in that institution (Marks, 1993). Related to this, it provides fertile ground for assessing the Social Open Method of Coordination, which was expressly created as a conduit for involving both governmental and non-governmental actors over multiple levels. Finally, from a theoretical perspective, the complexity of multi-level governance arrangements has brought into question traditional conceptions of political accountability and legitimacy, as power is dispersed upwards, downwards and outwards from traditionally accountable and legitimate political actors.

Multi-level governance as a concept wades into an already crowded pool of related but distinct concepts of governance (such as network governance) over multiple levels (such as federalism). Originally, MLG aimed to provide an alternative and somewhat middle-ground theory to European integration that avoided both the state-centric nature of intergovernmentalism and the federalism (or federalism light) espoused by supranationalism and neofunctionalism (Marks, 1993). The initial ideas underpinning this new conception of governance evolved into a more nuanced picture of two distinct types of multi-level governance. Type I MLG systems resemble federal-type structures, with non-intersecting, general purpose jurisdictions, clear spheres of authority and well-defined levels. In contrast, Type II MLG, a somewhat 'newer' governance form, is distinguished by overlapping, policy-focussed jurisdictions operating at shifting numbers of levels that are more flexible and inevitably messier than traditional federal-type multi-level structures (Hooghe and Marks, 2003).

While MLG was initially used as a way of analysing EU-level processes, it has since broadened out to include regional (e.g. Bache and Andreou, 2011) and state-level analyses both within and outside the EU (e.g. Horak and Young, 2012) as well as bottom-up examinations of the roles of local governments (Grisel and van de Waart, 2011). This includes expansion into functional uses, where the concept was applied in new policy areas or country studies (Stephenson, 2013, p. 822) and even development of the concept as a way of identifying a normative 'good' form of governance (European Commission, 2001; Committee of the Regions, 2009). This creates the danger of conceptual stretching (Sartori, 1970) or the creation of a 'container concept' that tries to be everything to everyone (Van Geertsom, 2011, p. 169). Practically, it also confuses the types of governance narratives that can developed, necessitating a decentred approach to understanding its implications. New questions arise about the scope of MLG (can it be applied outside of Europe, or to international relations?), academic rigour (is MLG a theory or just an organising framework?) and legitimacy and accountability (who is ultimately responsible when multiple elected and unelected actors at different levels are involved in crafting and delivering a policy?).

One criticism of the move to MLG in practice is that we have entered a 'Faustian bargain' whereby informal negotiations between sometimes unelected or democratically accountable actors exist in the absence of formal legal frameworks (Peters and Pierre, 2005, pp. 76). This need has become more pronounced at all levels, due to perceived legitimacy gaps (for instance, at the EU level), declining voter turnout and a stronger focus within politics and administration

on improving engagement and public trust in institutions (Hammerschmid, et al., 2013). Therefore, governance needs to be considered in terms of how it legitimates the political processes around it.

Legitimacy

At its base, legitimacy is concerned with the relationship between and endorsement of the governing by the governed, as well as the processes, tools and approaches used by the governing to shape and gain endorsement by the governed. This may be derived from such sources as tradition, legal-rational or charismatic sources, and much of the discourse on legitimacy can be traced back to Weberian ideas (1922), although this list has expanded with more recent studies (Beetham, 2013). Several types that can be identified include normative legitimacy, which refers to basic principles that define a regime as 'good'; procedural legitimacy, based on rule and institutional bases for decision-making; role-based legitimacy, which is derived from specific institutional roles and actors in those roles; charismatic legitimacy, which is derived from personal traits; value based legitimacy, based on preference ordering of policy issues; and content-based legitimacy, based on material issues and performance (von Haldenwang, 2016).

Despite extensive study and 'the acknowledged importance of legitimacy, political science remains divided about its meaning and sources' (Gilley, 2006b, p. 500). It is seen as both a 'mushy concept that political analysts do well to avoid' and essential to understanding democratisation (Huntington, 1991, p. 46 in Gilley, 2006b, p. 500). Numerous attempts have been made to conceptualise, refine and develop measures for legitimacy. Legitimacy can be perceived as being built on views of legality (systemic/institutional ideals), views of justification (moral ideals) and views of consent (action) (Gilley, 2006b), all of which come together to legitimate a political system. These correspond to structural, relational and policy factors that governance aims to address, and issues such as good governance, democratic rights and welfare gains are all causally linked to legitimacy (Gilley, 2006a).

The application of legitimacy in both practical and academic settings is not without controversy. Marquez (2016) argues that the way in which legitimacy is popularly and academically framed is not capable of being utilised in a rigorous way that can explain obedience to being governed. How legitimacy has been applied in fact obscures and muddles numerous (sometimes contradictory) mechanisms that lead to obedience but in different ways not always clearly related to legitimation. In addition, much of the literature on legitimacy has focussed on a top-down 'supply' idea of the concept (von Haldenwang, 2017) or on an attitudinal demand view often based on imprecise proxy indicators. Proxy measures for legitimacy often include attitudinal measures such as interest in political processes, interpersonal and political trust and identification of citizens with their political and societal systems. Performance measures may focus on legitimacy-related outcomes such as public service delivery, material well-being and institutional efficacy (von Haldenwang, 2017, p. 278). Many measures have focussed on the former attitudinal dimension, as behavioural and (relatedly) performance indicators of legitimacy have problems of both measurement and causation. While examining legitimacy in terms of governance narratives does not remove these difficulties of measurement, it does provide context for understanding how legitimacy is developed.

Legitimation may spring from different aspects of the political process and can take three different forms: input, output and throughput, which refer broadly to participation, performance and process, respectively (Schmidt, 2013; Scharpf, 2009). It should be stressed that this typology does not take into account the nature or 'success' of the inputs, outputs or throughputs.

Rather, they focus on whether these inputs, outputs and throughputs are perceived to be legitimate.

1. **Input legitimacy**, where more actors take part in political decision-making, opens up participation to make policy accountable to more stakeholders (including citizens). However, if this opening up of the process is without democratic justification (e.g. giving too much power to unelected or unrepresentative stakeholders) it can have a negative effect on overall legitimacy (Scharpf, 1999).
2. **Throughput legitimacy** looks at the efficacy, accountability and transparency of the governance and policy processes themselves.
3. **Output legitimacy** is improved if the interests or goals of more stakeholders are met by a certain policy outcome. However, output legitimacy can be exclusionary or limit the role of stakeholders in identifying issues and developing policy approaches.

Although trade-offs and complementarities exist between input- and output-based processes (increasing one may hamper the other, or limitations in one may be offset by strengths in the other), both types of legitimacy are often necessary in some form (Skogstad, 2003). Throughput legitimacy operates somewhat parallel to these processes, where increasing throughput legitimacy does not offset limitations in input or output legitimacy, but reductions can undermine other types of legitimacy (Schmidt, 2013). However, other studies have shown that perceptions of procedural, throughput fairness can in fact enhance legitimacy (as measured by trust in the governing and acceptance of outcomes), and can actually replace or make up for shortcomings in inputs to the decision-making process (Grimes, 2006). This study will add further depth of understanding to the role of throughputs in legitimation and governance.

These conceptions of legitimacy have traction in an EU context. At the EU level, constraints exist on inputs, due to the distance from citizens and other regional and nation-state-level actors and outputs and the high requirements for consensus in decision-making (Scharpf, 2009, p. 178). Additionally, in an EU context, institutions such as the European Parliament are indirectly legitimate insofar as they enable EU member states to meet their own democratic obligations (Lord, 2017). Eriksen and Fossum (2004) argue that many governance approaches to legitimation of EU decisions have proven problematic. Proactive EU attempts to improve legitimacy have been hampered as ambitions of decision-making at the EU level have been scaled down due to Member State reluctance to cede authority. At the same time, more organic attempts at legitimation have been equally unsuccessful, as they rely on a deeper sense of European identity and collective understanding that has not yet developed. However, their proposed solution, which relies on a deeper constitutionalisation and federalisation of the EU, is firmly rooted in an early 2000s view of Europeanisation that holds little traction after the failure of constitution-building at an EU level, as well as the increase in Euroscepticism and the vote for Brexit. The state building (institutional) and nation building (socio-political cohesion) that are seen as necessary in establishing deep-seated conceptions of legitimacy (Lemay-Hébert, 2009) are lacking in an EU context. This has led the EU to develop creative, 'softer' governance approaches to address the problems of legitimacy, often using more technocratic/utilitarian lines or indirect democratic means that are deeply reliant on Member State involvement (Horeth, 1999), where the Social OMC arguably fits.

The multi-levelness of the EU also undermines a normative and analytical aspect of legitimacy – that it is a function of the public good (rather than an individual one) (Gilley, 2006b, p. 502) – as multi-level systems also create multiple permutations of what the public actually is. While more traditional ideas of legitimacy may apply at the nation state level, EU legitimacy replaces the traditional governed-governing nexus with a 'government of governments' (Scharpf, 2009,

p. 181) that is an additional step removed from the governed. Most of the focus on EU and related literature in legitimacy has focused on the multi-level nature of its uniqueness, with less focus on the multi-actor or governance angle that go hand in hand with MLG (Scharpf, 2009; Bolleyer and Reh, 2012). The multi-levelness has somewhat insulated the EU level from direct exposure to the responses of the governed (Scharpf, 2007), but at the same time, a legitimacy crisis can develop if that EU level is seen to be challenging the nation state's legitimacy (Bolleyer and Reh, 2012, p. 479). Legitimacy must then be considered in this multi-level context, taking into account the effects on policy of both the structures that shape legitimacy and the new actors involved in the process at various levels.

Towards a Refined Conception of MLG

The growth of EU powers through treaty and policy changes, coupled with a stronger focus on regionalism through the principle of subsidiarity and the priorities of national- and EU-levels, has resulted in more levels having more competence in many policy areas. The need to adapt to an increasingly multi-level world of governance has resulted in the development of new governance processes as a way to both preserve autonomy in an increasingly crowded playing field and as a way to maintain ties to democratic ideas of legitimacy of participation, process and outcome. These new initiatives, in turn, must be perceived as legitimate, and may actually be created as an attempt to improve legitimacy. This relationship between governance and legitimacy can operate in both directions - governance processes may lead to changes in perceptions of legitimacy, and attempts to improve legitimacy may lead to changing governance processes. Taken together, this leaves the connection between governance and legitimacy as one that is ripe for exploration and currently relatively undeveloped.

Governance processes can act to address legitimacy in several ways. They may remove or at least minimise the role of hierarchy in decision-making, and by allowing more actors into the process, more people and groups gain a voice in the decision-making process, thus (theoretically) improving input legitimacy. In addition, horizontal links between actors help to improve their influence over the process, and deliberation and transparency (throughput legitimacy) can be increased in networks. Finally, MLG can provide a supplementary form of engagement through the entirety of the policy process, which in turn should improve policy output (Sørensen and Torfing, 2009, pp. 244).

However, MLG raises questions of what actors are considered legitimate, and whether 'too many cooks' or overly influential actors (through resources, political clout or other means) can crowd out other voices. At the same time, the 'multi-levelness' of the process may hamper democratic legitimacy of all types by clouding visibility and moving the policy process further away from representative institutions (Papadopoulos, 2010), producing 'a complex structure of interlocking institutions and procedures, designed to generate consensus and obscure asymmetries in power and influence' (Brzezinski, 1997, pp. 27). The disconnect between levels and legitimacy can create gaps, as legitimacy at one level may not be transferred to other levels (Lindseth, 2010).

Because of these perceived gaps, increasing legitimacy has been a significant driving force behind innovation in EU governance processes. These governance mechanisms are drawn out of complex approaches and balances to formal, informal and institutional factors at all stages of the policy cycle (Kumar, Rangan and Rufin, 2005), which has uncoupled ground-level policy outcomes from legitimacy processes that operate at higher levels (Bache and Olsson, 2001; Pina and Torres, 2001). However, efficacy of these governance mechanisms as legitimating tools is debatable, as earnest attempts to improve legitimacy may also serve to obscure processes or be used as a way to legitimate pre-determined power and positions of dominant actors in the process (Motion, 2005). This leaves the connections between different

types of governance and different types of legitimacy as an area that needs to be further developed, and one that the EU continues to prioritise. The Lisbon Treaty enshrines 'enhancing the efficiency and democratic legitimacy of the Union and to improving the coherence of its action' as an EU principle (European Union, 2007) and an issue that has been reiterated in further documents on the future of Europe (European Commission, 2017).

Given the EU's push for increasing legitimation through governance, a new framework can be developed that incorporates this legitimation role. The discourse around legitimating political decisions through new governance mechanisms makes it ideal for decentring its study and examining the constituent parts that create the governance narratives underplaying this multi-levelness. As outlined above, legitimation through governance processes can occur through policy throughputs, inputs and outputs, respectively (Scharpf, 1997, 1999; Schmidt, 2013). Institutional structures (throughputs) affect the rules – and thus the cohesiveness or fragmentation - of policy responses. Relationally (inputs), actors compete for power over policy-making, which in turn affects coordination. Finally, different actors may have competing, conflicting or shifting interests and goals (outputs) that affect policy responses (Taşan-Kok and Vranken, 2011, pp. 16-17). Under different names, these also form a part of the EU's goals in governance, which pushes for better involvement and more openness (input), better policies, regulation and delivery (outputs) and refocused institutions (throughputs) (Commission of the European Communities, 2001). These aims draw a clear through line connecting input, output and throughput legitimacy to the EU's approach to governance: 1) relational inputs – as defined by the participation of actors in the process; 2) structural throughputs, defined by the institutions that shape those processes; and 3) policy outputs, the results of these governance processes. This refines Hooghe and Marks' two types of MLG by not only defining the *shape* of governance (e.g. Type I or Type II) but also the *intents and implications* of these shapes on legitimating governance – a refinement that allows us to understand not just the *what* but the *why* of governance.

Type of Governance Process	Manifestation	Effect
Relational Inputs	Defines number and configuration of actors involved in the policy process (inputs)	Increases/decreases number of actors involved in governance processes
Structural Throughputs	Defines institutional effects on the policy process (throughputs)	Increases/decreases structural complexity of governance processes
Policy Outputs	Defines outcomes and specific results from the policy process (outputs)	Increases/decreases net beneficiaries from policy outcomes of governance processes

The three categories of processes can be mutually reinforcing, contradictory or separate. Institutional structures and actor relations will have an impact on what policy options are open to political decision-makers. The realities of policy-making and specific policy areas will, in turn, affect how actors work together and use institutional structures to develop policy. If these three factors are mutually reinforcing, structures that are supportive of MLG-type processes will develop. This will give actors more room to manoeuvre in shaping policy outcomes in a multi-level manner, actors may utilise structures in a way that supports multi-level solutions, and/or policies may lend themselves to solutions that make use of structures and relations in a multi-level way. If these processes are not mutually reinforcing, they can result in governance mismatch, which can take two forms. When these processes operate in contradictory fashion, disjointed governance can result, where actors, institutions and policies operate at cross

purposes (Curry, 2015). Finally, when these processes operate separately, you find cases of decoupled governance, where there is little coordination between actors, institutions and processes (Scholten, 2013). This mismatch may occur granularly – that is, in terms of mismatch within the structural, relational or policy factors, or at a higher level, where there is mismatch between the processes and their intended outcomes.

The paper will now look at the methodology behind this study before turning its attention to how this framework for understanding governance on structural, relational and policy processes can be applied in practice, using governance processes in peer reviews in the Social OMC as a case study.

Methodology

A total of 65 peer reviews held from 2008 to 2018 were analysed for content. As text analysis was employed, in order to ensure relatively uniform presentations and lengths of text outlining each peer review, the work only analysed the brief synopses presented on each peer review at the Social OMC peer review website (http://ec.europa.eu/social/main.jsp?catId=1024&langId=en), instead of delving into the reporting itself. The participant lists of all 65 were analysed, along with analysis of text content. As lists of non-governmental participants were not always available, the analysis focuses on state level participants, but acknowledges the key role played by non-governmental actors in the process.

Peer review objectives were enumerated as much as possible. While later peer reviews tended to much more clearly listed goals, earlier peer reviews were not always explicit with these goals. In those cases, the full text was analysed and goals were extrapolated from that. In cases where the goals were clearly enumerated, the peer reviews ranged from a minimum of 3 goals to a maximum of 14. These goals were then coded as either focussed on inputs, throughputs or outputs. While many of these goals clearly focused on one category or another, in some cases the coder's judgment was required. In order to maintain consistency across a wide variation of number of goals, the percentage of goals that fell under each category was calculated.

Single words, along with two- and three-word phrases were analysed, with a cut-off of at least five mentions throughout the peer review synopses. 636 words and terms identified, which were then hand-coded as either input-, throughput- or output-orientated terms. As full context of the use of these terms is not available in such an analysis, only broad conclusions were drawn and exact quantitative measures of terminological use were not employed. Instead, more focus was placed on trends and relative frequencies of terms. Several methods were employed to analyse governance in term of inputs, throughputs and outputs.

Level of Analysis	Measures
Relational Inputs	State-level participation in peer reviews Text analysis of input-orientated goals Text analysis of peer review synopses
Structural Throughputs	Text analysis of throughput-orientated goals Analysis of peer review general documents Text analysis of peer review synopses
Policy Outputs	Text analysis of output-orientated goals Analysis of primary focus of peer reviews Text analysis of peer review synopses

Governance inputs were operationalised in terms of relationships – participation and interaction between different actors in the process. Three measures were used for this: first, state-level participation was drawn from participant lists for the peer reviews. Second, input-orientated

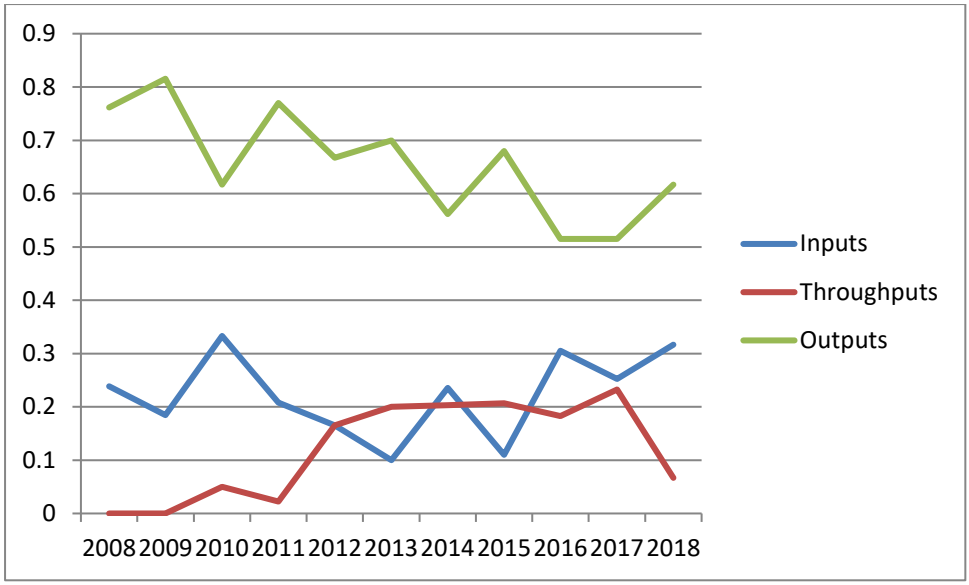
goals of each peer review were assessed and third, and related to this, the full text of the peer review synopses was analysed to identify use of input-focussed terms. Governance throughputs were operationalised in terms of institutional and structural aspects – a focus on the actual institutions, rules and procedures that shape governance. Again, three measures were developed to assess this. In addition to text analysis of the goals and the full peer review synopses, the general EU documents, including legislation, guides and other supporting material, were analysed to identify the structural means by which the peer reviews are meant to operate. Finally, governance outputs were operationalised in terms of policy outputs – focussing on the policies and outcomes that the relational inputs and structural throughputs actually look to produce. Text analysis of the synopses and goals of the peer reviews were again used as measures, along with an analysis of the primary focus of the peer reviews to assess whether there has been an increased focus on policy-specific (rather than procedural or information gathering) peer reviews. Together, this provides a robust way of assessing the narratives around the Social OMC peer review process and how it frames discussion of governance inputs, throughputs and outputs.

The Social OMC Peer Review Process

The peer review process is explicitly designed to include both governmental and non-governmental actors from different political levels. The Social OMC as a whole acts as a coordinating, 'soft law' EU process that operates in an area – social policy – that remains under member state control. As such, it aims to provide non-binding benchmarking, sharing of best practices and other coordinating tools to member states in order to improve policy in areas such as pensions, health, long-term care, poverty reduction and social inclusion. However, whether these processes are used remains completely up to the member states themselves, who, along with other governmental levels and non-governmental actors, also play a significant role in shaping and directing the process. There is an extensive academic literature on the Social OMC in general (de la Porte, 2007, 2011; Zeitlin and Pochet, 2005; Borrás and Jacobsson, 2004; Borrás and Radaelli, 2010; Tholoniat, 2010), its legitimacy (Kröger, 2007; Büchs, 2008; Duina and Raunio, 2007) and the legitimacy of the peer review process (Curry, 2016). However, this literature has not explicitly connected this governance process to performing a legitimating function, or examined the role of output legitimacy, which this chapter intends to do.

The OMC as a whole came into being at the Lisbon Council in 2000, created as a way for the EU and member states to work together to promote 'the most effective social issues' (European Union, 2009). The peer review process followed in 2004 under the EU Social Inclusion Programme as a way of sharing best practice between member states, how policies contribute to wider EU goals and whether they can be applied in different contexts. It aims to be a governance process that enables accountability and coordination between different levels in developing policy (Sabel and Zeitlin, 2008), and it affects policy inputs (through the involvement of a multiplicity of actors), throughputs (by institutionalising a process by which these actors can coordinate) and outputs (by attempting to affect policy outcomes through sharing of best practice). Each peer review is attended by representatives of member states (usually between 5-8), as well as other government representatives, NGOs, EU officials and independent experts.

The Social OMC process as a whole does have aspects that aim at improving all three types of legitimacy, highlighting the benefits of the process in making governance more visible and creating more dialogue between actors (input) and support in implementing policies (output), and one of the three main objectives of the Social OMC is to promote 'good governance, transparency and the involvement of stakeholders in the design, implementation and monitoring of policy' (throughputs) (European Commission, 2008).



Over the ten year period studied in this paper, the frequency of peer reviews have declined over time, from a high of 10 in 2010 to a low of 3 in 2015 (and only 4 in 2016 and 2017). Overall, the peer review process takes a multi-faceted approach to governance that draws on ideas of governance as inputs, throughputs and outputs. Perhaps unsurprisingly, most of the goals related to the peer reviews focused on policy outputs, with those making up a majority of the goals throughout the process. Overall, nearly 70% of peer review objectives focused on outputs, followed by 23% focused on policy inputs and 8% on policy throughputs. That being said, the percentage of goals focusing on outputs has fallen over time,[1] with goals centred on throughputs especially increasing over time. Interestingly, peer review goals also became more clearly outlined as time went on. This may simply be a result of how the peer reviews are synopsised, or it may indicate an entrenching and formalisation of the process.

Words relating to all three types of governance processes were used extensively in the peer review synopses and will be analysed in more detail below. Due to the nature and difficulty of categorising terms, firm conclusions cannot be drawn about whether the peer reviews focused mainly on inputs, throughputs or outputs in terms of discourses used. However, the terms that roughly corresponded to these three categories reveal that certain peer reviews were clearly focused on governance as either input, output or throughput, whereas others incorporated elements of all three types of governance mechanisms. Indeed, there was a more even focus on all three than the goals would indicate. In fact, terms related to throughputs, which were the least focused on in terms of goals, were the most common to be found in the synopses, with outputs (the most common in goals) actually the least used in the discourse. This indicates that throughputs were embedded throughout the goals (even if they were not a focus) and the synopses as a whole, whereas discussion of outputs was more concentrated and more narrowly confined to the goals directly related to them. Inputs, which were the focus of the discourse more than outputs but less than throughputs, were also somewhat embedded throughout the goals. In general, it points to a more varied approach to peer reviews that has a widened focus in how it frames governance issues.

Governance as Inputs: Relational Aspects of Social OMC Peer Reviews

A true increase in legitimacy brought about by governance processes must be one that 'allows traditional political actors, new ones emerging from civil society, and coalitions among these

[1] There is an uptick in 2018, but as the year is incomplete and the results only draw on three peer reviews, this is not conclusive.

to contest official proposals against the backdrop of much richer information about the range of arguably feasible choices, and better understanding of the argument about their merits, than traditionally available in domestic debate' (Sabel and Zeitlin, 2010, pp. 8). This clearly points towards a need to increase input legitimacy, and the EU's rhetoric of 'democratic legitimacy' points to increasing participatory inputs as the key form of legitimation prioritised by new governance mechanisms. Given the perceived democratic deficit (Zweifel, 2002; Sorace, 2017), the EU has been exploring ways of increasing inputs and participation in governance, and the Social OMC peer review process offers an example of that, aiming to allow both state and non-state actors (mainly third-sector organisations) to take part in these reviews. Two aspects of governance inputs can be noted in relation to the peer reviews: participation in the peer reviews themselves, and calls in the peer reviews for policy goals related to inputs. The former examines the inclusivity of the process itself and thus also relates to the throughputs of the peer review, while the latter looks at how inputs are embedded in policy. This research will consider both, but the focus is on how policies related to the peer review focus on governance as inputs.

In terms of participation in the peer reviews themselves, on average each member state (plus Norway and Serbia) attended 19.3 of the 63 peer reviews (30.6%), ranging from a high of 32 (Belgium) to a low of 5 (Serbia and Slovakia). Each peer review was attended by an average of 9.2 participants, ranging from a high of 13 to a low of 5 state-level participants. There were no clear trends in participation over time, but a few subtle trends by country. Serbia was active earlier in the process but has since stopped attending peer reviews. The UK, unsurprisingly, has also mainly withdrawn from the peer review process since 2015. Sweden has also engaged somewhat less in the peer review process in recent years. In contrast, Croatia was less involved in the peer review process in the beginning but has since become more involved, likely due to its accession to the EU in 2013, although this participation has lessened since 2015.

While the goals of the Social OMC process as a whole focus more on governance throughputs and outputs, the guidelines for the peer review process explicitly note the push to involve officials at local and regional (as well as national) levels in the process (European Union, 2008). This is evident in the peer review process, where there is a significant focus on input-focused goals, with 22.5% of the stated goals of the peer reviews focused on input-orientated ideas of governance. While the percentage of goals focused on inputs dipped between 2011-16, in recent years, it has recovered and remained relatively stable at roughly ¼ of the goals.

The discourse and narrative around input forms of governance takes two forms in the peer review synopses: first and foremost a focus on the types of actors that can and should be involved in the process, and second a focus on how these groups can be involved. In terms of who should be involved, the discourse is a mix of general and specific mentions of different actors. 'Stakeholders', 'users', 'participants' and 'organisations' were all among the most mentioned input-orientated terms used in the synopses. Many of these focused on the citizenry as a whole, with 'the people', 'the public', 'society', 'community', 'citizens' and 'individuals' all being mentioned five or more times. More specific groups were mentioned as well, but with less frequency, such as 'disadvantaged groups', 'vulnerable people', 'social partners' and 'social entrepreneurs', along with groups such as political actors, policy makers, private actors, authorities, providers and professionals. A second lesser focus was on what governance level these participants should come from, with regional and local levels getting mentioned the most often, followed by central levels, and federal systems of governance were also discussed with relative frequency.

Secondly, how these actors could be included was discussed, albeit rather generally. Terms such as 'inclusion', 'exchange', 'participation' and 'coordination' were used relatively

frequently, with ‘involvement’, ‘sharing’, ‘cooperation’ and ‘consultation’ also being discussed. ‘Networks’ and ‘platforms’ were both mentioned as generic tools to be used to increase inputs. Somewhat more specific forms of involvement were also mentioned, such as active inclusion (a term used frequently in the Social OMC that aims to ‘facilitate the integration into sustainable, quality employment of those who can work and provide resources which are sufficient to live in dignity, together with support for social participation, for those who cannot’ [European Commission, 2008]).

These findings point to a clear rhetoric of participation and inclusion in governance processes at the EU level, albeit a rhetoric that often lacks specificity. Consideration is paid to both the types of actors that can and should be involved in the process, and what levels these actors should be drawn from. However, the broad nature of participation implied by the vague terms used points to a lack of clear mandate or strategy in improving participation in governance processes; this is reflected in the peer reviews themselves, which often rely on a small group of repeat non-governmental participants, which often consist of large umbrella organisations that deal with issues (Curry, 2016, 174-175). In addition, participation does not necessarily equal influence. The fact that the peer reviews (and the broader Social OMC) draw on actors from across governmental – as well as non-governmental – levels does mean that network relationships can form that may not otherwise be part of the governance process (Agostini et al., 2013, pp. 20). Any networks formed through the peer reviews were often short-lived and did not result in longer-term interactions between these different groups of actors (Public Policy and Management Institute, 2012). All of this points to a participatory narrative that does not fully equate with reality.

Governance as Throughputs: Structural Aspects of Social OMC Peer Reviews

The Social OMC, as well as the peer reviews, clearly outline the structural aspects of the governance process. The Social OMC aims to set common objectives, agree to common indicators, prepare joint and national strategic reports, evaluate policy and set key priorities (Curry, 2016, 173), all of which aim to institutionalise these soft-law processes at both EU and member state levels. While it is important to note that these remain on the non-binding end of structural processes, they are still structural, with the Social OMC pushing mechanisms such as shared objectives, joint reporting, policy indicators and sharing of good practice. In fact, the Social OMC can be seen as a ‘transformational’ form of government that allows for interaction between harder and softer forms of governance mechanisms (Dawson, 2011).

In terms of narratives, while the lowest number of goals focus on throughput processes, this percentage has been increasing over time. Initially, few if any goals focused on structural throughput processes, but in 2017 nearly ¼ of the goals focused on throughputs. This is also reflected in the discourse of the peer review synopses, which actually focus a great deal of attention on throughput-orientated terms. However, it should be noted that these do tend to be very general ideas of governance structures and processes, such as ‘support’, ‘services’, ‘strategies’, ‘programmes’, ‘systems’, and ‘practices’. Several terms referred to specific, albeit still generic, governance tools, such as targets, information, measures data, indicators, evaluations, standards, learning, evidence and evidence-based policy, monitoring, training, (social) impact assessments, quantitative methods, guidelines, models and sharing of good practice. In addition to this rather generic focus on tools, there was also some emphasis on holistic approaches to governance, including integration and integrated approaches to policy and the need for innovative approaches to addressing problems.

Given the low number of goals focussed specifically on structural governance throughputs, but the relatively high prevalence of terms that address these structural approaches, this indicates that governance throughputs are embedded throughout the peer review process, less an explicit

focus than an underlying factor to consider. Many of the terms considered show a continued emphasis on New Public Management-type assessment and evaluation tools. Not only does this emphasise the need to 'measure' governance, it also ties many of the structural aspects of the peer review process with assessment of outcomes, leaving a somewhat blurry area of connection between throughputs and outputs. This increased focus on throughput legitimacy is backed up previous research done on the topic (Curry, 2016).

Governance as Outputs: Policy Outcomes of Social OMC Peer Reviews

Perhaps unsurprisingly, the majority of peer review goals focus on policy outputs, but this percentage has been dropping over time as more goals focus on structural throughputs. While 82% of goals in 2009 focused on policy outputs, in 2017 this number had dropped to slightly over half. This is also true of the explicit focuses of the peer reviews, where an evaluation of specific policies or interventions has dropped slightly over time in favour of ones that emphasise process.

Rather than a focus on the outputs themselves, discourse on outputs can be divided into discourse on evaluation, quality and achievement of outputs. Discussion about the evaluation of outputs in the synopses was most predominant, looking at (social) impact, success, results and performance. These tie in with some of the narratives around governance throughputs as well, with structural measures and tools aligning with a focus on evaluating outcomes. Discourse on the quality of outputs focused on ideas such as improving outputs, innovation, comprehensiveness, access and flexibility. Finally, achievement of outputs focused on issues of implementation, service provision, concerns about needs and exclusion, as well as generic emphasis on effects, goals and outcomes. This points to a continued focus on outputs, but one that has diverse meanings and deals with different sub-issues within that output-orientated discourse.

There were also interesting findings in terms of how these outputs were presented. It was the most active discourse, with specific output-focussed peer review goals emphasising action nouns such as management, establishment and prevention. Peer review goals would take several different forms. Some are presented as actions ('establishment of a holistic housing allocation system', Belgium 2018), others as interrogatives ('how to define long-term care needs and how to assess individual care needs', Germany 2018) or as post-hoc statements ('Measures targeting (poor) single parents result in the most effective poverty reduction as long as adequate levels of redistribution are ensured', Belgium 2017). This supports other research that points to a multitude of reasons for countries holding peer reviews – from presenting results to soliciting opinions on future policy options (Public Policy and Management Institute, 2012). In a sense, the multiple ways in which outputs are presented and assessed makes it the richest form of governance narrative, as clear patterns emerge with distinct views on how outputs should be presented – either as ex-post active processes or ex ante interrogatives looking for solutions – and how they should be realised – either focused on quality, evaluation or achievement.

This variance within the output-orientated governance narrative may be a result of the simple emphasis on policy outputs in the peer review process. Again, it is important to recognise that debate and discourse on policy outputs does not equate with changes in outputs in practice. While peer reviews have been shown to have some effect in policy learning and sharing of information and best practices, this did not often filter down to policy change at the national level (Public Policy and Management Institute, 2012; Song, 2011; Kröger, 2009; Radulova, 2007).

Discussion

After presenting a conception of governance that separates out input, output and throughput factors that shape governance processes, this data sheds some light on how the Social OMC peer review process creates governance narratives around these conceptions of legitimacy, as well as how those fit with broader EU narratives about governance and legitimacy. It presents textual analysis of peer reviews over 11 years, shows the shaping and development of governance narratives in the process and how the focus on governance inputs, throughputs and outputs changed over time, as well as specific focuses of discourse within these three conceptions of governance. It shows some clear differences between how the Social OMC peer reviews conceptualise governance in terms of inputs, outputs and throughputs. The paper will now examine those differences and present some possible implications for these findings.

Inputs largely drive the legitimation function of new governance processes in the EU, with the view that the EU's 'legitimacy today depends on involvement and participation' (Commission of the European Communities, 2001). Inputs were mentioned both explicitly in the goals (albeit less so than outputs) and implicitly in the full synopses of the peer reviews. While there was significant rhetoric about inclusiveness and participation, both in the peer review process itself and in the policy interventions under discussion, there was less indication that these processes in fact led to a widening of participation, which is supported by earlier research (Curry, 2016). Changes in networks or participation in the policy process as a result of the peer review process were not evident (Public Policy and Management Institute, 2012) and participation in the peer review process did not widen over the course of the period in question. This supports the first finding: that governance narratives do not necessarily affect governance in practice. The narrative and practice around inputs most clearly shows this, where a rhetoric of participation and inclusiveness did not clearly link to long-lasting improvements in participation at the policy level or within the peer reviews themselves. Given the dominant participation narrative at the EU level, this focus is not reflected as clearly in the peer review process or the Social OMC as a whole.

Policy outputs were the most explicitly discussed narrative frame for the peer reviews, which is reasonable considering the main focus of the peer reviews on specific policy interventions. Outputs were also the most varied discourse, with distinct emphases on ex ante and ex post analyses of outputs in terms of evaluation, quality and implementation and achievement of outcomes. In contrast, structural throughputs were the least explicitly discussed governance focus for the peer reviews, but terms related to throughputs were among those most often used. This indicates that policy throughputs are embedded throughout the peer review process even if they are not an explicit focus of many peer reviews and in fact form the backbone of many of the goals and discussions within the process.

The difference between explicitly-stated goals and subtler rhetoric in the synopses points to an increasing, but often embedded, focus on throughput conceptions of legitimacy, and a decreasing focus on outputs. However, the ways in which these two processes are discussed are often interlinked, with a clear connection between throughputs and outputs: goals were clearly linked to policy actions, and outputs often focused on throughput-type processes as a way to assess the effectiveness of policy interventions. However, there was less evidence of a connection with input-orientated narratives, which also tended to be broader and less clearly formed.

This has two possible implications. First, by not linking input legitimacy with the causal chain of policy interventions, the focus of the peer review process risks remaining focused on types of legitimation that do not actually address the EU's perceived democratic deficit, nor the explicit legitimation goals espoused by the EU. Scholars point to the necessity of input forms of legitimacy in ensuring overall perceptions of legitimacy in general and within the EU

(Sorace, 2017; Bellamy, 2010; Dahl, 1989), but without the causal linkage between the input narrative of governance and other forms, it runs the risk of decoupling input legitimacy from the process and not addressing broader concerns of participation and the democratic deficit. Second, analytically it indicates that there is a deeper connection between throughput legitimacy and output legitimacy than is typically acknowledged. Other authors have noted the connection between governance throughputs and inputs, with enhanced throughput legitimacy making up for shortcomings in policy inputs (Grimes 2006). This study indicates that, in fact, a focus on throughputs can also enhance and add to output legitimacy by developing clear structural processes for assessing policy effectiveness and outcomes. Clearly, more work needs to be done on assessing the connections between the three types of legitimacy and, by extension, how governance is perceived in terms of inputs, throughputs and outputs.

Conclusions

As always, there are some shortcomings to this research. While the research focused on the peer review synopses, this ignores a wealth of data included in the peer review reports themselves. However, the synopses present easy points of comparison between peer reviews, and minimise problems of comparison between peer reviews, where different reporting lengths, styles and focuses could obscure trends over time between peer reviews. Coding between governance inputs, outputs and throughputs can also be debated. However, a majority of cases revealed clear focuses on one of the three categories, and those that did not were split between the two categories and noted. In fact, this occasional blurriness informs the findings, as it indicates the overlap between throughput and output narratives. Finally, the peer review process itself represents only a small aspect of the Social OMC, which itself is only a small governance process within the much larger EU machine. However, this research is not intended to be definitive and is simply a theory-testing example that points the way for similar research to be done in other areas. It clearly demonstrates the usefulness of viewing governance narratives through a legitimating lens, which can then be applied in other contexts.

The paper aimed to answer several questions: theoretically, how does the idea of decentred governance square with legitimating political processes? How do EU-level coordinating governance processes affect conceptions of political legitimacy? Does interpreting governance through a legitimating lens enhance our understanding of these EU-level processes?

The paper shows the value of presenting a decentred view of governance through a legitimising lens. It illustrated the benefits of unpicking conceptions of governance as input, throughput and output legitimating processes, which then feeds into an assessment of the nature of governance itself and how this squares with the effects of these processes in practice. It also illustrates potential disconnections between dominant governance narratives – that of democratic legitimacy in the EU – with their applications in practice – illustrated by the lack of focus on participation in governance narratives within the Social OMC's peer reviews. This connects with the second question in a slightly complex or parodoxical way. While the case of the Social OMC peer review process illustrates that EU-level coordinating governance processes clearly link with conceptions of political legitimacy, these processes actually *fail* to link most strongly with the conception of political legitimacy that the EU is actually prioritising. While the EU emphasises the need for democratic input legitimacy, the peer reviews instead focus on process (throughputs) and outputs.

Answering this question has enhanced understanding of these governance processes in two distinct ways. Practically, it has shown the benefit of viewing governance through a legitimating lens, by unravelling the different ways in which governance is discussed and manifested in terms of the legitimating function it aims to perform. The peer reviews show governance decoupling between policy inputs and policy throughputs/outputs, which can then

inform ways of improving the process to address concerns in democratic participation. Academically, it has highlighted the connection between governance throughputs and outputs, a connection that is typically overlook in analyses that focus solely on inputs and outputs, and those that more clearly link throughputs with input-level processes. The research presented here provides a new framework that can also be applied to understanding governance narratives in other settings where changes in governance can be linked to crises in political legitimacy, as well as providing deeper understanding of whether existing stable governance settings can influence political legitimacy. As a theory-testing case, the Social OMC peer reviews show the value of this approach, and further research on the connection between governance and legitimacy will provide additional analytical heft to this framework.

This contribution helps us to both understand the legitimating function underpinning EU governance processes, and the success these governance processes have in meeting those legitimating functions. It also points to the need for the EU to either rethink how it tackles its perceived lack of democratic legitimacy, or to rethink the goals of its governance processes. For the former, there is a need for a greater focus on linking peer review goals more clearly with their democratic function, instead of their current focus on process and outcome. The latter requires a more fundamental rethink of how the EU should be legitimated, an uphill battle considering the dominance of inputs in increasing overall perceptions of legitimacy (Dahl, 1989). While increasing throughput legitimacy can bolster positive overall perceptions of legitimacy (Grimes, 2006), ultimately the EU's focus on 'democratic' forms of legitimacy is likely right; however, its execution, at least in the case of the peer reviews, appears to be lacking. The disconnect evident between broader EU discourse on legitimacy and the actual focus in the peer reviews points to the importance of assessing the legitimation function of governance processes, in the EU and potentially beyond, and provides insight into why governance processes like the Social OMC have failed to address the perceived democratic deficit at the EU level.

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