More Uncertainties:
West German Unions facing 1992

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Abstract

German unions share the German national interest in European integration. While they may publicly protest the risks and uncertainties wrought by the Internal Market, the likely payoffs for German workers from European unity are such that they rule out serious union resistance against 1992. At the same time, German unions' support for trans- and supra-nationalism does not reflect a trans- or supra-nationalization of their interests. Like national governments, interest organizations tend to use supra-national politics as an additional arena for the pursuit of interests that continue to be fundamentally informed by national specificity and diversity.

Moreover, given present political constellations, the economic benefits of market integration can be had only at the expense of a substantial de-institutionalization of the European economy, including its constituent national economies. The principle of mutual recognition, broadly applied, not only bypasses the creation of regulatory mechanisms at the European level, but may also preempt national interventionist policy regimes. In this sense, the European integration process amounts to a devaluation of political resources based and vested in the nation-state. Having traditionally been particularly successful at political bargaining, German unions have clearly more to lose in this respect than, for example, British unions.

While German unions support European integration out of nationally based interests, the repercussions of the integration process on their national power position force them to place their hopes on a supra-national re-regulation of the European economy. Federalism, however, among European states as well as among European organized labor, runs up against both the continuing diversity of national interests and the powerful resistance of European business against a re-building of the mixed economy at the European level. Furthermore, any future institutional regime for European industrial relations will in important respects be incompatible with core elements of the domestic German system — in particular those on which the strong position of German unions as quasi-public organizations depends. The problem is that the economic benefits of integration are so indispensable for German workers that their unions will have no choice but suffer the institutional consequences.

Neue Ungewissheiten: Die deutschen Gewerkschaften und 1992

Zusammenfassung


Probleme ergeben sich dabei unter anderem aus der Tatsache, dass unter den gegenwärtigen Bedingungen die Vorteile des Binnenmarktes nur um den Preis einer weitgehenden De-Institutionalisierung der europäischen Wirtschaft, einschließlich der zu ihr gehörenden nationalen Wirtschaften, zu
haben sind. Das Prinzip der "gegenseitigen Anerkennung" umgeht nicht nur die Notwendigkeit zur Bildung gesamteuropäischer Regulierungsmechanismen, sondern kann auch nationale interventionistische Politikregime leerlaufen lassen. In diesem Sinne läuft die europäische Integration auf eine formelle Abwertung von im Nationalstaat begründeten politischen Ressourcen hinaus. Hierbei haben die deutschen Gewerkschaften zweifellos mehr zu verlieren als politisch weniger erfolgreiche Gewerkschaftsbewegungen wie etwa die britische.

INTRODUCTION

Nobody knows for certain how the impending unification of the two German states will affect the structure of German industrial relations and the status of German trade unions. When the Berlin wall fell in late 1989, another, equally momentous process, the completion of the West European Internal Market, was only beginning to enter into the strategic calculations of the West German Left. Now, with the more urgent internal business at hand, this may well again recede in the background for some extended time.

It will not, however, go away. In fact, while several years of political confusion and institutional dislocations may lie ahead, eventually most West German institutions are likely to be extended more or less intact to the territory and society of the former GDR. When that job will be done, and probably a lot earlier, European integration will forcefully return to the agenda. German unity is a dramatic event, laden with historical symbolism and rife with all kinds of excitement. But it will not forever be able to divert attention from the larger and ultimately more serious circumstances of international interdependence and the loss of effective sovereignty (Hoffmann 1989) that is experienced by even the largest modern nation-states. Whether covering West Germany alone or Germany as a whole, the institutions that have come to make up the West German political economy after the second world war will finally, and rather sooner than later, have to face up to the realities of, and the needs for, international integration, transnational politics, and supra-national governance of regional and global markets and production systems.

And here their prospects are far less auspicious. Expansion into the institutional wasteland of East Germany will require large organizational efforts and resources. But since there will be little resistance, and since -- not least, and perhaps especially, in the area of industrial relations -- it may even be possible

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2 The latest estimates that are presently (summer 1990) being peddled in Germany are that the incorporation of the former GDR, both economically and institutionally, will be completed in about four to five years.
to draw on collective memories of the common institutional history before 1933, in the end unification with East Germany is unlikely to undermine the stability, and will by and large simply extend the territorial jurisdiction, of the West German capital-labor settlement. But this may no more than offer a breathing space beyond which the growing frictions between national modes of regulation and an internationalized economy, and the inherent incompatibilities between German and non-German, and German and European, institutions, will again become as apparent as they were about to before the fall of the GDR. While a united Germany can well be governed on the West German pattern, a united Europe cannot. Nor, as will be seen, can a united Germany inside a united Europe continue to be governed as West Germany was before the twofold unification, German and European.

ORGANIZED LABOR AS A PARA-GOVERNMENTAL INSTITUTION:
THE NATIONAL POWER BASE OF WEST GERMAN UNIONS

West German unions are an established part of their country's political and economic power structure. To the surprise of many, they have mastered the crises of the 1970s and 1980s far better than their counterparts in countries like Italy or the United Kingdom (Visser forthcoming). Twenty years ago it was common among the Left -- not least inside West German unions themselves -- to compare the policies of the DGB and its affiliated industrial unions unfavorably to the more aggressive ideologies and more mobilizational tactics of other European union movements. Today it is widely recognized that their less flamboyant approach helped West German unions build a foundation for union power strong enough to outlast the institutional dislocations and structural breaks in Western political economies after the first "oil shock". Not only did West German unions maintain, and in fact even increase, their membership and

For example, the first West German unions did early 1990, i.e. long before formal unification, was to set up works councils in East German factories, as nuclei for new workplace-based organizational structures. And in early July 1990, shortly after monetary and economic union, a newly formed metal workers union in the GDR, working closely with the West German IG Metall, negotiated a wage increase of about 25 per cent, with all the typical elements of West German wage bargaining present: negotiations at the level of regional districts, under strong central coordination; a "warning strike"; and a "pilot agreement" in the economically leading district that was then extended to the others.
organizational density between 1972 and now. More importantly, as indicated in particular by the long strike of 1984 in the metalworking industry for a 35-hours work week -- whose at least partial success stood in stark contrast to the simultaneous destruction of the British mineworkers union by the Thatcher government -- they were have been able to preserve a capacity for conflict through the crisis years that would appear difficult to reconcile with their longstanding image of a compliant, "cooperative", and strategically unambitious movement hopelessly dominated by its adversaries (Streeck forthcoming).

Today there is general agreement that the continued strength of West German unions in their domestic environment rests above all on three institutional peculiarities that together have over time become the core of what can be called a, partly written and partly unwritten, industrial constitution:

(1) Legally institutionalized rights of workers and unions to participation and co-determination on the shop floor and in large enterprises. West German industrial democracy -- its so-called "works constitution" -- is now the main mechanism for unions to represent their members vis-a-vis employers (Streeck 1984a). Since works council and enterprise-level co-determination are based in law, employers cannot hope to govern workplaces and firms unilaterally. As unions have effectively taken the co-determination system over, de-unionization and the creation of a non-union sector are not a viable option for West German employers. As a result, employers had to accommodate themselves to unions in much the same way as the "reformist" and "cooperative" West German unions have accommodated themselves to employers. The "constitutionally" ensured presence of workforce representatives with legally based rights to consultation and co-decision-making -- rights that are independent of the good will of the employer or the economic condition of the firm -- has not only forced employers to seek consensus with their workforces, but has also enabled unions and workers to forego short-term opportunism and take a long-term view of their economic interests. Moreover, with the onset of structural change and the increasing importance of "qualitative" bargaining matter in the 1970s, the workplace and enterprise-based co-determination system was available to unions as a ready-made receptacle for controlled decentralization of collective bargaining, with the legal restrictions on the parties to co-determination preventing a rush towards enterprise bargaining as, for example, in the United Kingdom (Brown 1986).
(2) A territorially based system of interconnected sectoral agreements (Flaechentarife) that sets identical minimum conditions for workers in different firms of the same sector, and similar conditions for workers in different sectors. For purposes of collective bargaining, the West German economy is divided between no more than about ten industrial unions with autonomous bargaining power. While most of these negotiate separate agreements for different regions, regional settlements are centrally controlled, and inter-regional wage differences are relatively low (Streeck 1984b). Moreover, industrial unions' collective bargaining strategies are informally coordinated between unions, with the metalworkers playing the role of informal "wage leader". As a result, wage differentials by industry, firm size, region and skill categories are relatively low in comparison to other non-Scandinavian countries, and especially the United States. Through delegation of "qualitative" subjects to the co-determination system, industry-wide collective bargaining has acquired considerable flexibility in a period of rapid economic and institutional change. Since the legal framework of industrial relations effectively protects the "strike monopoly" of West German industrial unions, decentralization does not in principle have to entail a loss of central control and, subsequently, a dramatic increase in differentials.

(3) The extension of quasi-public status to trade unions. After 1945 West German unions reorganized themselves as Einheitsgewerkschaften not officially linked to any one political party. This made it possible for them to acquire a status in the West German political economy that in many respects compares to that of a para-governmental -- or, as the British call it, a quasi-nongovernmental -- institution. For example, industrial agreements in Germany can be made generally binding by the government, so that the union and the employers association that have negotiated them can effectively speak for their non-members as well as for their members. Moreover, unions are now formally recognized as indispensable elements of the legally based co-determination system (the "works constitution"). In a number of ways, co-determination law protects the comprehensiveness and encompassingness, as well as the organizing capacity, of industrial unions, shielding them from sectional competition (Streeck 1984a).

* For example, the German system allows unions and employer associations to circumscribe, in an industry-wide agreement, the discretion of the parties at the workplace in regulating specific subject matters.
In addition, above the level of the individual firm unions are by law involved in a number of policy arenas. The most important of these is probably the vocational training system, participation in which enables unions to ensure the certifiability and transportability of qualifications -- which in turn helps them preserve their cohesion as industrial, i.e., not enterprise-based unions.

The considerable resilience of West German unions during the economic and political turmoil of the 1970s and 1980s is in large part explained by their "constitutionalized" control over power resources generated and maintained in the sphere of public policy and public law. In West Germany as in all other countries, that sphere is intimately associated with the nation-state. For instance, labor legislation passed at the national level has protected the presence of unions at the workplace and inside the decision-making structure of large enterprises, making unions more independent than elsewhere from the conjunctural willingness of employers to deal with them. Likewise, the law on collective bargaining has helped unions keep large and encompassing bargaining units intact even in periods of economic distress. Together with the legally enshrined participation of unions in a wide array of public policies, and with the willingness of the state to extend negotiated settlements to non-participating firms, these national institutional arrangements have provided West German unions with numerous forms of organizational security even in the absence of a legalized closed shop. It is from this, fundamentally national, power base that West German unions develop their perspectives on supra-national European integration.

NATIONAL INTERESTS AND TRANSNATIONAL POLITICS:
A REALIST VIEW ON LABOR INTERNATIONALISM

As para-governmental institutions of the West German state -- as "organs of the constitution" (Verfassungsorgan) firmly nested in the interstices between state and civil society -- West German unions view their international environment fundamentally from a "national" perspective. This does not at all stand in the way of them supporting European integration. Like all West German governments, they have from their inception been strongly pro-European. Here, the contrast to the labor movements in other large
European countries – France, the United Kingdom and even Italy – is stark and striking. From Monnet's "action committee" (Barnouin 1986, 6) to the first directly elected European Parliament, the presence of prominent West German union leaders at the European level was as conspicuous as the absence of their counterparts from most of the rest of Europe.

To understand West German unions' commitment to European integration and to the 1992 project, it is not necessary to assume a historical shift of their interests from a national to a supra-national basis; a merger of class interests across national borders; or, following Haas (1958), a rational appreciation that the collective interests of German workers are easier or more effective to pursue in Brussels instead of in Bonn. Explanations like these would fail to account for the unique, nationally specific continuity and unambiguity of the support given by German unions to European unification. In fact, the differences to other countries strongly suggest that the interests pursued by German unions at the European level continue to be constitutively informed by what Hoffmann (1968) has aptly called a "logic of national diversity". It was above all Germany's dismal record as a nation-state that after the war made both the Federal Republic and its labor movement place their hopes for national recovery on a European union that would once and for all settle the "German question" in a way that was, unlike the Europe after Versailles, acceptable to everybody. Later, low general confidence in the merits of national boundaries

5 The British TUC opposed British membership in the EC well into the 1970s. Unions in France and Italy were long anti-integrationist due to Communist strength. The DGB, by contrast, as early as the 1950s used its influence in the Social-Democratic Party to convince the leadership to support European integration. It also strongly supported limiting membership in the European union confederation, the ETUC, to unions from European Community countries, opposing the anti-integrationist British TUC and the Danish LO which would have preferred a less EC-focussed form of European organization (Barnouin 1986, 4 ff.).

6 See the election of the president of the DGB and the ETUC, Heinz Oskar Vetter, to the first directly elected European Parliament in 1978 (Barnouin 1986, 74 ff.).

7 One must not forget, furthermore, that the European Community for Coal and Steel – with which European integration began – satisfied important interests of German labor. Just like foreign governments, German unions would have perceived a return to the pre-war structure of ownership and control at the Ruhr as a resurrection of a core element of the Nazi power machine that, before it attacked neighboring countries, had crushed the German labor movement. The acceptance by the Adenauer government of far-reaching co-determination rights for workers and unions in the coal and steel sector and its support for supra-national governance of that sector thus followed the same logic and responded to similar political imperatives. Moreover, if the Ruhr had remained a German rather
in Europe was reinforced by the high and growing export share of the West German economy, especially in its core manufacturing sectors where union interests were primarily based. With time, the enormous economic success of West German industry made the country and the rising wages of its workers more and more dependent on open world markets, effectively ruling out whatever protectionist temptations a union like the metalworkers may sometimes have felt in the face of declining individual subsectors or firms. Free trade, in Europe and beyond, became as deeply ingrained in the interest perceptions of West German unionists as in the policies of the Federal Government's Economics Ministry or, for that matter, the world view of the Federation of German Industry (Streeck 1989a). Given West Germany's small size, it was inevitable that free trade soon became inseparable from European integration.

In the neo-realist paradigm of international politics, supra-national institutions are treated as extended playing fields for national governments pursuing exclusively nationally defined interests (Moravcsik 1989). It seems that the behavior of quasi-public interest organizations like West German trade unions in international arenas can be accounted for by the same logic. This is not to detract from West German, and in future German, unions' commitment to the European Community since this is itself grounded in fundamental national interests. In fact, this paper will argue that although the Internal Market will confront West German unions with growing difficulties and uncertainties, they will, for economic and political reasons, continue to be pro-European, and will find themselves effectively unable to oppose the integration project in other than, at most, symbolic ways. This holds in spite of the fact that the 1992 process will finally and formally ratify a longstanding, de facto devaluation of national political resources - resources in which especially labor has invested heavily for more than a century - and that hopes for a reconstruction of such resources at the supra-national, European Community level will only partly be redeemed. Moreover, to the extent that there will be an institutionalized "Social Dimension" to the Internal

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than a European industrial center, German capital and German conservative parties would probably have found it more difficult to accept the coal-and-steel type of co-determination. Vice versa, with the special role of the labor movement in the sector, direct and unilateral Allied rule at the Ruhr was probably less vital for foreign governments. Europeanization and co-determination seem to have reinforced each other although not much is known about this connection, and certainly Haas (1958), in his seminal book in the Coal and Steel Community, never even mentions co-determination.
Market, this will fit ill with existing German institutions and will in the longer term require a rebuilding of very domestic institutional arrangements on which German unions' status and influence as para-governmental organizations depends.


West Germany, with half the population of Japan and a quarter of the population of the United States, accounts for a larger share in world exports of manufactures than either of the two. Whatever else the Internal Market may bring to West German labor, first and foremost it promises secure access to West European customers which in 1986 absorbed 49 per cent of West German exports. No disagreement exists on the need for such access between business and labor in the Federal Republic. This does not preclude that West German unions may at some stage discover and publicly protest risks in the Internal Market project for themselves and their members; indeed such risks have been increasingly noted when 1992 was not yet driven off the public agenda by German unity. It appears, however, that the economic fundamentals and the national interest in unobstructed access to export markets are so strong that all uncertainties created by 1992, when compared to the certainties of export-dependent prosperity, can do no more than give rise to mixed feelings. This applies to all dimensions of the 1992 process, to the integration of product markets as well as of markets for capital and labor.

(1) Product Markets. Compared to countries like Italy and France, the core sectors of the West German economy enjoy relatively little national protection. German competition policy was historically much more rigorous than its French or Italian equivalents, and external trade barriers are absent or low. For example, the abolition of national import quotas for Japanese automobiles is likely to pose a major problem for French and Italian producers who, unlike their German competitors, have yet to experience significant Japanese penetration of their domestic markets (Streeck 1989a). Especially but not exclusively

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in manufacturing^, many German firms are already "lean and mean" enough to be confident that they will get their share in the post-1992 cake. While the opening up of public procurement markets may do some harm to a firm like Siemens which has for long enjoyed a cozy supplier relationship with the German telecommunications bureaucracy, it should on the whole more benefit than hurt a country that has long been the world's most successful exporter. For industrial unions not strongly attached to the interests of any individual firm, what must count in the end is the overall balance, and in the German case this is more likely to be positive than negative.

How many jobs the "short, sharp shock" of the Internal Market's supply-side effect will "initially" cost, the Cecchini report on the effects of 1992 was unable to determine -- in spite of a gigantic research exercise and unlike the "costs of non-Europe" that were calculated with truly amazing precision (Cecchini 1988). West German unions, like their counterparts in other European countries, do not know for sure where they will be hit and how hard. On the other hand, they have reason to believe that others will be hit harder, and that German firms, having been exposed for decades to the ruthless supply-side policies of the Bundesbank and the Ministry for Economic Affairs, will recover faster. For unions in the German manufacturing sector, such policies, when for a change applied to others in a market to which German businesses have guaranteed access, have an almost irresistible "secret charm". The prospect of product market de-regulation in their export countries will certainly not make West German unions stray from their traditional free-trade convictions.

(2) Labor Markets. In a variety of ways -- through their wage and training policies, the use of their co-determination rights at shopfloor and enterprise level, their impact on the organization of work and the implementation of new technology etc. -- West German unions have contributed to the transformation of the German economy towards a high-wage, high-skill, and high-value-added production pattern. In the process, they themselves have become dependent on the widespread and generalized presence of that pattern. For example, the relatively low differentials in wages and conditions between regions, industries

* In services, there is reason to believe that British banking and insurance concerns have counted out their German competition prematurely; Deutsche Bank and Allianz, to mention only two, seem to be far from afraid of the Internal Market.
and occupations that industrial unions need to preserve their internal cohesion, require on a broad technological and skill base that permits as many firms as possible to compete in quality- rather than price-competitive markets.

Today West German unions see their influence on the structure of their country's economy as depending largely on their ability to foreclose low-wage employment options for employers. Availability of such options might encourage employers in significant numbers to try to restore price competitiveness, and in the process train less, return to a more rigid organization of work, rely more on the external labor market for both numerical and functional flexibility, and become more resistant to co-determination and participation. The "dualism" in the employment system, the labor market, and ultimately in the society as a whole that would result from greater "flexibility" of wages and employment conditions, might then set free a "Gresham's Law" dynamic under which substandard conditions at the margins might eat into the core of high-wage and high-skill employment, enabling more and more employers to make a profit without at the same time having to make an inevitably difficult and investment-intensive commitment to high-value-added production 10.

The prospects for West German unions influencing production patterns through tight regulation of labor markets critically depend on the absence of large pools of unskilled or unskillable labor. In particular large-scale immigration from foreign countries, bringing in workers with a low level of education, a foreign language that largely bars them from access to advanced training, and a high willingness to accept low-skill and low-wage employment might present a permanent temptation for employers to revert to older, less demanding modes of utilizing industrial labor. Since bringing a large immigrant workforce

10 It is this fear that explains why, when confronted with high unemployment in the 1980s, West German unions responded with demands for an "active labor market policy" aimed at upskilling the unemployed -- so as to move workers' marginal productivity upwards to the given, collectively bargained and relatively high and even wage level, instead of permitting wages to move downward to the unemployed's given, low level of productivity. As the German unemployment figures show, this was only partly successful. At the same time, while the total labor input of the West German economy declined between the mid-1970s and the late 1980s -- due to unemployment, a declining participation rate especially among younger people and men over 55, and reductions in average working hours -- the economy's total output grew at approximately the same rate as that of the United States, where labor input vastly increased as a result of growing workforce participation and constant working hours (cf. Appelbaum and Schettkat 1989).
up to high skill and productivity levels would likely be prohibitively expensive, unions would be faced with
growing pressures to allow for a greater spread in wages and conditions, so as to open up lower-quality
and lower-wage employment opportunities for such workers. In fact, insistence on high general standards
of employment, although initially motivated precisely by egalitarian concerns, could in such a situation
easily be construed -- and already frequently is -- as sexist or xenophobic, with employers presenting
themselves as advocates of equal opportunity and full employment for women and migrant workers from
foreign countries. Traditional German union strategies for industrial upgrading, aimed at making high labor
and social standards compatible with free trade in product markets, could thus be made appear as
protectionism in labor markets, sabotaging full employment, equality, and the complete realization of
European citizenship.

The integrated European labor market envisioned by the 1992 project has a potential of creating
exactly this situation. After 1992, Europeans will have the right to live and stay wherever they want in the
twelve Member countries of the Community, regardless of whether or not they have work or are seeking
it. This raises the possibility that Northern European countries, and in particular West Germany, may again
experience a condition of unlimited supply of unskilled labor, with unions coming under pressure to allow
"market clearing" through more "flexibility". It is true that the report of the Commission's internal working
group on the Social Dimension -- half of which is interestingly devoted to presenting Europe-wide
liberalization of labor markets and its potential contribution to a reduction of unemployment as being a
major part of that Social Dimension -- rules out large-scale South-North migration resulting from the
Internal Market, noting correctly that unlike in the 'Fordist' 1960s, very few unskilled jobs are presently on
offer in Northern Europe. The report explains this by the technological and economic changes of the
intervening two decades, which are said to have decreased the demand for unskilled manual labor and
increased the proportion of "knowledge workers" in advanced economies (Commission of the European
Communities 1988). The question remains unanswered, however, and is not even addressed, whether
these changes were not also brought about by institutional factors like strong unions making low-skill
production unprofitable; industrial democracy and worker participation arrangements; or government
social or industrial policy. To the extent that such factors were important, employers in Northern Europe and workers in potentially labor-exporting countries may together discover that full utilization of the new rights to international mobility may eventually force a deregulation of Northern European labor markets that may then give rise to the kind of employment opportunities that might eventually justify large-scale international mobility of unskilled labor.

It is uncertain whether this will actually happen, and for some time at least the more important danger of "social dumping" in West Germany may come from the former GDR or Eastern Europe (although in East Germany unionization may soon reach West German levels). But even if West German unions had reasons to fear for inward migration from the European Community undermining their influence on industrial development, they would find it hard, and probably impossible, to act on that fear. Demanding limitations on the free movement of labor inside the Community would violate the underlying *quid-pro-quo* of the Internal Market, under which German access to foreign product markets is linked, *de facto* if not formally, to foreign access to German labor markets. Given the strong interest of German unions in the former, they seem to have little choice but accept the latter. Moreover, almost any demand for restrictions on immigration, even from a country like Poland, would divorce the union movement from the liberal centrism of West German politics, and it would certainly give rise to a severe cleavage between the unions and the left-liberal milieu on which they have to rely for indispensable political support.

(3) Capital Markets. There are two opposite and mutually exclusive expectations with regard to the effect of increased capital mobility under the completed Internal Market. One is that the end of capital controls and other impediments to cross-border investment may result in further agglomeration of industrial activities in the already prosperous North of Europe, increasing the difference in living standards between center and periphery. The other is that investors will use the opportunities offered by capital market liberalization to escape from the high wage regimes of the North and move southward where wages are lower and unions, weaker -- just as American industry in the 1970s and 1980s moved from the unionized "rust belt" to the "right to work" environment of the "sun belt". The result would be growth in the South and corresponding decline in the North.
Nobody knows with certainty which of the two possible effects of the Internal Market on investment will prevail (and what the additional effects will be of the opening of Eastern Europe). Fears and expectations, and the resulting policy responses, are polarized sharply along national lines. Southern governments, business groups, and trade unions hope for on the competitive advantage of low wages overriding the attraction of the high skills and the developed infrastructure of the North. To protect or increase that advantage, they have successfully demanded, as a condition of their accession to the Single European Act and of their cooperation in the Internal Market program, that Northern countries help them build up their own infrastructure in anticipation of 1992. This is the purpose of the Community's regional policy program under which the rich countries of Northern Europe have agreed to transfer to Southern member states funds roughly equivalent to the post-war Marshall plan, to be used for public investment in physical infrastructure and manpower training (Emerson 1988).

Northern countries, on the other hand, hope to benefit from an agglomeration effect generated by their developed infrastructure, offering productivity advantages that exceed, or at least neutralize, the cost disadvantages of a high wage level. As insurance, they are interested in narrowing wage differentials between center and periphery as much as possible. While this could be accomplished by lowering wages in the North -- which would be the preferred approach of employers -- raising labor costs in the South is clearly more palatable to most governments and, certainly, to unions. The European policy corresponding to this is that of the "Social Dimension" of the Internal Market, which in an important sense is an equivalent to the Community's regional aid program. While the latter is to allay the fears and buy out the resistance to market liberalization of the periphery, the former, by promising to raise labor standards in the South, is to do the same with respect to the center. It is important to note that the two programs, which in European Community jargon are commonly lumped together as serving to protect

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11 While outward migration of low-productivity, low-skill, and low-wage jobs would as such appear compatible with the interests of Northern labor, the problem is that the extent to which the attractions of the European sunbelt may dry up investment in high-productivity, high-skill, and high-wage production in the North is unpredictable. Moreover, in a time of highly uncertain product markets, nobody can be sure to what extent low-wage production may be able to invade or curtail markets that are presently served by high-wage and high-skill industries.
Europe’s "social cohesion" (Emerson 1988), actually are concessions to two largely opposing interests and may in their effects cancel each other out – with either infrastructural investment in the South resulting in capital migration regardless of rising labor standards under the Social Dimension, or with declining wage differentials enhancing agglomeration in spite of improvements in Southern infrastructure as a result of regional aid. Remarkably, the European Commission seems to have placed its bets on both horses at the same time.

West German unions have not failed to draw attention to the possible dangers of "social dumping". But their rhetoric was and is on the whole remarkably moderate. Although most of German manufacturing has long ceased to be price-competitive, and although West Germany has for decades had no controls on capital outflows, it has continued to receive a fair share of European productive investment. Unlike other countries, the opening of capital markets does not come as a shock to the West German economy, and German unions have long learned to live with the possibility of their employers moving production abroad. Recently the DGB has placed great emphasis on the advantages of Standort Deutschland (Hans-Boeckler-Stiftung 1988; Volkmann 1989), where admittedly high labor costs are claimed to be more than compensated by high skills, high productivity, a developed public infrastructure, and cooperative relations between capital and labor. While part of this is to counter employer demands for givebacks in preparation for 1992, it also expresses a genuine confidence that the German social and industrial system does not have much to fear from low-wage competition.

Nevertheless, as successful unions in a high-wage economy, the DGB and its affiliates realize that some form of institutional insurance against wage competition from abroad might be necessary. Their longstanding European commitment reflects that insight. West German unions have from early on played a leading role in organizing the ETUC and its sectoral affiliates (Barnouin 1986: 12-40), in part clearly because of their sheer organizational capacity. In addition, however, their European involvement reflects the fact that, precisely because they are from a rich country, they have a particularly high stake in a

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12 See, for example, the interview with Ernst Breit, president of DGB, in Die Mitbestimmung 35 (1989), pp. 287-9.
strong European social policy — although they and their members will only indirectly benefit from it. For German unions, like for the well-to-do everywhere, European social policy is essentially to protect their prosperity through redistributive concessions that make the continued operation of the — "Internal" — market acceptable also to those who are less advantaged by it.

German union officials may or may not have moved into leading positions in European union confederations because of a particular intense identification with the common interests of European labor. But they may also have done so simply out of nationally specific, German concerns. Using the European political circuit as an extended arena for the pursuit of the interests of their overwhelmingly German members, they have soon become familiar with the paradoxes and balancing acts that make up European policy. Having a strong self-interest in containing anti-European sentiment among workers in other, and especially peripheral, countries, they found themselves siding with other unions' demands for international transfers from the richer to the poorer member nations. At the same time, striving to protect their own domestic labor markets, they are hoping for high Community-wide labor standards, although they know that the direct beneficiaries of a strong European social policy will rapidly lose interest as a rising European floor in labor costs will begin to exceed their countries' low productivity and thereby reduce their competitiveness in the market for industrial investment.

SUPRANATIONAL POLITICS AND PARA-GOVERNMENTAL POLICY INNOVATION

There are many ways in which supra-national institutions can be used to strategic advantage by national actors — governments or para-governmental organizations — or by factions inside national political establishments. One is that they may offer support for policy innovations that are, for whatever reason, blocked in national systems but can be unblocked if they are (re-) imported from supra-national circuits. An often-cited example is the reform of Italian public administration which, while widely perceived as essential for the modernization of the country, always proved too much of a task for the precarious coalitions with their clientelistic basis that ruled post-war Italy. Italian governments therefore appear to
have sometimes relied on rulings of the European Court of Justice to force their own bureaucracies to implement national policy. Now, in the wake of the Single European Act and the Internal Market, the Italian government has embarked on an unprecedented campaign for general administrative reform, for which it has mobilized domestic support by claiming that without it Italy would be unable to compete in the united Europe.

Unlike the political systems of its member nations, *Europe's would-be polity* (Lindberg and Scheingold 1970) began to form in the late phase of industrial development. For the definition of its domain and jurisdiction, this created both constraints and opportunities. When the European Community came into existence, many of the classical political issues of industrial societies -- like social insurance or macro-economic stabilization -- were already firmly lodged under the roof of the nation-state, with a host of powerful interests vested in their continued treatment at that level. This made it difficult for newly emerging supra-national institutions to extricate them from their national entanglements, even where there would have been good *functional* reasons for this. Similarly, established nation-states seem to find it hard to accommodate a number of *post-industrial* concerns that, since they have emerged much after the nation-state's formative period, either find no political space in its institutional framework or, in one way or another, conflict with its substantive interests or operational logics. Issues of this kind seem to offer an important opportunity to supra-national institutions to enlarge their role and thereby gain legitimacy -- not least since they neither have to be expropriated from, nor are strongly claimed by, the existing nation-states. At the same time, as such issues begin to assume prominence in supra-national settings, political entrepreneurs in national systems may use this to draw attention to them, or may even enlist the support of supra-national forces to place them on the national agenda.

What is true for states seems to be no less true for para-state institutions like trade unions. There are at least two areas where the emerging European polity seems to be having an impact on the policies of West German unions, by strengthening the hands of factions pursuing a modernization of unions' programmatic agenda to make it more compatible with the concerns of an increasingly white-collar, middle-class workforce and overcome unions' presumably old-fashioned blue-collar appearance:
(1) Feminism: Unions everywhere find it hard to deal with distributive conflicts among their members; they clearly prefer conflicts with employers. Being organized in an industry-wide basis, West German unions incorporate at least two dimensions of internal distributive cleavage, the divisions between unskilled and skilled and between blue and white-collar workers. With regard to both, they have tried to defuse centrifugal pressures by a policy of slowly reducing or, as a minimum, freezing differentials in wages and conditions.

Increasing employment of women as long-term members of the workforce has added a further cleavage to German unions' internal politics that is much more difficult to attend to. Unlike older group conflicts, the demand here is for elimination rather than merely reduction of differentials. Moreover, unlike unskilled or blue collar workers, women as a group are typically less numerous in the union and the workplace, and less well organized, than those whose higher pay and better conditions they wish to attain. In addition, since women, constituting one half of the population, have considerable political and legal support, they can rely on legislation or court rulings as an alternative to, or as a means to strengthen, their potential voice in the union. For these and other reasons, unions tend to find it difficult to incorporate women's interests, even though they are usually quite aware that they need to do so to secure their organizational legitimacy and survival in the face of a changing workforce.

A majority of the social policy initiatives of the European Community in the 1970s and 1980s was concerned with equal pay and equal employment opportunity for women. As national industrial relations systems found the subject difficult to address, the Commission, for that very reason, discovered it as an ideal tool for getting a foothold in European social policy-making. Its activities reflected back into national systems in that the various Community directives on equal treatment for women increased the influence and legitimacy of women's advocates in, among other things, national union movements. As Community directives were turned into national law and began to affect collective agreements, unions had to take a stand on them even if on their own they would not have placed the issue high in their agenda.

13 Of the eight Community directives related to work and employment in this period, five involved the equal treatment of women (Commission of the European Communities 1988: 103).
In fact, they often began to insert themselves in the process as guardians of the full implementation of Community regulations, thereby conquering for themselves a political space that they had before been unable to enter.

(2) Environmentalism: Different European nations are differently positioned in the politics of environmental protection. For reasons of physical and social geography — in a nutshell, prevailing westerly winds and dense industrial agglomerations — concern over the environment is stronger in West Germany than in most other European countries. At the same time, it so happens that German manufacturing firms, with their experience in foreign markets, their dominance in most investment goods industries, their strong engineering capacity, and the long-term orientation of their managements, stand a good chance to benefit economically from strong, common environmental standards in Europe. Rigorous environmental protection would force industries everywhere to modernize their existing capital stock. The more demanding the regulations would be, the more likely German firms would be the preferred suppliers of modernized equipment. This holds in spite of the fact, and is far from incompatible with it, that German firms, just as firms elsewhere, strongly oppose environmental regulation at the national level.14

German unions, especially in the metal manufacturing sector, would together with industry benefit from higher environmental standards. Moreover, if they could find a way to identify themselves publicly with environmental policies, they might become attractive among white-collar workers; shed the smoke-stack image that is said to hurt them among potential new members; extend their traditional concerns over health and safety at work into the brave new world of leisure and recreation; close the growing gap to the Social Democrats and the shrinking gap to the Greens, as well as perhaps the gap between the two; and define a successor theme to that of shorter working hours, with which it would share its emphasis on "quality of life". This is exactly what the largest German union, that of the metal workers (IG Metall), seems

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14 Although they should by now have learned that even that may in fact add to their competitive advantage. An example is the introduction, against the vociferous opposition of the entire German automobile industry, of higher exhaust standards in the mid-1980s. The resulting need for the industry to fit catalytic converters to the small high-performance engines that are characteristic of German automobiles increased companies' technological knowhow and put them for a number of years ahead of their European and Japanese competition with respect to converter technology (Streeck 1989a).
to be trying right now (Steinkuehler 1989a; 1989b).^15

From the beginning of its tenure, the present Commission has tried to exploit the cross-border externalities of industrial pollution for strengthening supra-national institutions and extending their jurisdiction (cf. Task Force on the Environment an the Internal Market 1989; for a more general treatment see Rehbinder and Stewart 1985). For the leadership of a union like IG Metall, environmental activism at the Community level offers at least two major benefits. The more the Commission succeeds in drawing attention to the issue, the easier it becomes to convince resisting union factions that environmentalism will not go away, and that the union has to respond positively to it. Moreover, to the extent that the leadership can point to European initiatives for environmental regulation, or direct demands for such to European rather than national institutions, members will more easily be convinced that environmental protection will not move their jobs out of the country.\footnote{In an article summarizing the union’s new programmatic orientation, its president, Franz Steinkuehler, put ‘environmental protection’ at the top of his list of social reforms, ahead of ‘social justice’. The article points out that in the long run, the only secure jobs are those that do not damage the environment (Steinkuehler 1989a).}

In addition to non-discrimination and environmental policies, there are many other opportunities for union leaders shuttling between European and national policy circuits to supply themselves in the former with themes and ammunition for the latter. An example is a German union official who, in addition to his role in his national union, served as secretary of a European working group of the transnational federation to which his union is affiliated. In that group, he was able to pass a resolution on new forms of work organization that took a more positive position than had the German union. At home, he used that resolution to change his union’s position.\footnote{In fact, high European standards for environmental protection could reduce the cost advantage of manufacturers in less developed Member states, thus protecting jobs in the North (with their already comparatively stringent domestic environmental policies) against capital migration. In this respect, environmental policy may offer Northern unions the same benefits as a strong ‘Social Dimension’. (This relationship has been pointed out to me by Peter Lange.)} Similarly, the support of the DGB for a European central bank can in part be explained by the expectation that Europeanization of monetary policy would make it easier

\footnote{Author's personal observation.}
for German unions to deal with the ferocious Bundesbank. This, of course, is not unlike the newly discovered enthusiasm of the British TUC for European integration – which is undoubtedly primarily driven by a domestic need to find allies, and be it French-speaking "Brussels bureaucrats", against a Prime Minister bent on wiping out completely what little has remained of the British labor movement (Teague 1989).

INTEGRATION AND THE DEVALUATION OF NATIONAL POLITICAL RESOURCES

However, while the formation of a new, supra-national political arena may in some respects increase the strategic capacity of actors at the national level, it may at the same time and in a longer perspective devalue the national institutional and political resources on which such actors also, and in fact originally and primarily, depend. Unlike in mainstream regional integration theory where national institutions are dismantled for integration, examination of the likely effects of the 1992 process leads to the suspicion that they may also be undermined by integration. Moreover, in contradiction to the usually implied assumption that national institutions and regulations that are rendered obsolete through integration will be rebuilt and replaced at the supra-national level, 1992 shows that this need not necessarily be the case, and that to that extent integration may coincide with de-regulation (Hoffmann 1989; Streeck 1989b).

Essentially, the renewed momentum of European integration since the mid-1980s seems to be the result of an alignment between two broad interests: that of large European firms struggling to overcome economic stagnation ("Eurosclerosis"), and that of state elites seeking to regain at least part of the political sovereignty they had gradually lost at the national level as a result of changes in the international system (Sandholtz and Zysman 1989). While for business the crucial experience seems to have been the perceived positive effects of deregulation in the 1970s and 1980s on their American competitors, apparently the turning point for political-administrative elites were the French events between 1981 and 1983 when a determined national effort at reflation failed due to capital flight, declining value of the national currency, and the crippling external effects of both the tight-fistedness of the Bundesbank.
as well as the high profitability of financial investment in US Treasury bonds.

The compromise between the two interests that shaped 1992 created a political settlement on which labor had little if any influence. At some point in the early 1980s, European business seems to have resolved that using its clout in national political arenas to get protection from foreign competition -- through subsidies, non-tariff trade barriers dressed up as technical standards, or privileged access to public procurement contracts -- had become counterproductive given the increased size of production runs and investments required for world market competitiveness. Abandoning the economic nationalism that had made European integration grind to a halt in the 1970s, business throughout Europe became willing in the 1980s to join forces with political elites which, under the impact of their economies’ poor performance and with cooperative economic policy coordination on a worldwide basis out of reach, found themselves pressed to seek a regionally based, supra-national reconstitution of eroded national economic sovereignty. The concession governments seem to have made in return was that the future European political economy was to be significantly less subject to institutional regulation - national or supra-national - than it would have been had European integration continued along its traditional, “mixed economy”, lines. In the 1992 compromise the project of European integration thus became bound up with a deregulation project. Assurance that supra-national sovereignty would be used primarily for the external reassertion of, and not for internal intervention in the European economy was provided by the adoption of a novel method of defining and governing the Internal Market known under the label of "mutual recognition". Inspired by various rulings of the European Court of Justice, it is mainly this political innovation that is credited with having made the new impetus towards European integration possible.

On the surface, mutual recognition means no more than a binding obligation for each member country of the European Community to admit into its domestic market any product that may legally circulate in any one other member country (cf. on the following Dehousse 1988). Broadly applied, however, it constitutes a novel approach to economic and social de-regulation through what has in the past been called negative integration. In its traditional meaning, negative integration refers to the removal

18 Lines that were taken for granted by authors from Haas (1958) to, say, Pelkmans (1985).
of trade barriers between countries – as distinguished from, e.g., the introduction of a common industrial policy. In the form of mutual recognition, however, negative integration amounts to a de-institutionalization of the political economy through a formal devaluation of national political resources without their reconstitution at the supra-national level. Mutual recognition, in other words, accomplishes integration through a simultaneous withdrawal of participating nation-states from their former responsibilities in the "mixed economy", with a revision of the relationship between markets and institutions in favor of the former making redundant the creation of supra-national Institutions which, under older modes of integration, would have taken the place of national ones.

At the national level, mutual recognition preempts the efficacy of regulatory bodies and rules and, ultimately, the sovereignty of democratic institutions. In areas governed by mutual recognition, any rule passed by a national parliament, for protectionist reasons or not, and any collective agreement negotiated by a union runs dry if only one other country adopts a rule that is less demanding or costly for producers to follow. Regulations passed in one jurisdiction can thus be practically voided by actors outside that jurisdiction that are democratically unaccountable to its constituency. Mutual recognition thus gives rise to regime competition -- especially in the 1992 case where it coincides with a general removal of capital controls. Firms subject to regulations they find objectionable may then "vote with their feet" by moving to another national jurisdiction with a more favorable regime, without losing access to their original market. Anticipation of this is likely to put a chill on all kinds of regulatory initiatives at national level. A Gresham's Law effect becomes conceivable under which regimes with weak regulations crowd out regimes that impose standards that are more difficult to meet.

For unions organized on a national basis, economic integration through mutual recognition amounts to an extension of the boundaries of the market beyond those of their organizational jurisdiction. As already John R. Commons has observed, unions can hope to modify market outcomes only if their organizational domain is coextensive with the market. Unions that organize only one part of a market are

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19 "Regulation" is here used in a generic, not in the technical American sense. It covers any form of obligatory rule-making and rule-enforcement, as applied to agents in otherwise free markets.
subject to economic competition from market participants beyond their reach. Unless they conform to the dictates of the "market", the rules they impose on actors in their domain may be rendered "unrealistic" by regime interdependence and inter-regime competition.

While German unions have long lived with relatively open borders -- and done reasonably well -- 1992 and mutual recognition represent a qualitative leap in European market integration. Moreover, because of the way in which such integration is achieved, it renders useless a large part of the political resources, vested in the nation-state, that German unions have in the past relied on. Even if 1992 does not cause a "sunbelt effect" or lead to large-scale South-North migration, the potential uselessness under mutual recognition of unions' power positions in national political circuits is likely to become a growing concern -- especially in West Germany where unions have always been strongly "political" and where, since they have been able in the 1980s to prevent a neo-liberal turnaround, they have a lot to lose. Mutual recognition raises the possibility that deregulation might occur in spite of unions' successful defense of domestic rules and institutions. The potential effects on West German unions and social policy of unmitigated interdependence, of regime competition, and of the opportunities it offers for regime shopping, can be illustrated by a number of arbitrarily selected examples:

(1) Co-determination represents perhaps the most important gain of German unions from political bargaining. Among other things, it serves to give workers and unions advance warning on management restructuring initiatives. Under the Works Constitution Act of 1972 enterprises have to provide information and allow for participation even if decisions on, for example, local plant closings are made at corporate headquarters. However, being German law, this does not apply to foreign parent companies based outside West German jurisdiction. In the 1970s the European Community attempted to establish uniform obligations for information and consultation for all multi-national companies operating in the Community;

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20 Strictly speaking, mutual recognition applies only to products and, to some extent, to professional and vocational certificates. It also, however, epitomizes a general "style" of integration policy that is intimately linked to the resurgence of integration since the Single European Act and the Internal Market -- which is a tendency not to "harmonize" at the central level and instead expose national regulatory regimes to competition in the unified market. The promise, often heard, is that the "best" regime will prevail without central intervention.
this project was defeated by heavy employer resistance led by large US multinationals (Bamouin 1986: 1126-32). Presently anticipation of the Internal Market has given rise to an unprecedented wave of cross-border mergers among European firms. Since information and participation rights are more advanced in Germany than elsewhere in the Community, concern over being cut out of major economic decisions by foreign-based multinational companies is particularly strong among German unions. Having successfully established co-determination as part of the post-war national consensus, and having defended it against all attacks by conservative parties and employers, they may now see internationalization of ownership undo their accomplishments without a single letter of the law being rewritten.

(2) The Internal Market will allow full mobility across national boundaries. One of the many questions this has raised is whether a construction firm from a low-wage country that uses its domestic workforce on a construction site in a high-wage country like Germany has to pay its workers according to its own or the host country's standards. While German unions hope for what they call the principle of territoriality -- meaning that firms have to abide by the regime of the territory where they operate -- this could be construed as a barrier to cross-boundary trade. Similar problems may arise with respect to the subletting of temporary workers across national boundaries. If a liberal view prevailed on this subject, advanced social policy regimes like that in the West German construction industry -- which was created on the basis of special provisions in the German Law on Collective Agreements, drawing on the capacity of the government to make agreements generally binding -- will place those that are subject to them at such a competitive disadvantage that they are unlikely to survive for long.

(3) In the 1950s and 1960s, West German trade unions have been able to impose highly inflexible working time regimes on most of the German manufacturing and service sector. While German workers are willing to accept high intensity of work during hours, they overwhelmingly expect their unions and

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21 Under the system all German construction firms have to pay a kind of payroll tax, in the order of no less than 25 per cent, to a joint fund administered by the union and the employers associations. The fund is used to finance vocational training and a number of fringe benefits, like holiday pay, that workers in casual employment cannot normally get. In effect, its purpose is to make the social situation of construction workers as similar as possible to that of workers in stationary manufacturing industries.
works councils to defend vigorously their preference for predictable, regular and, increasingly, short working schedules, as well as a strict separation between work and leisure. Recently, growing capital intensity has placed a premium for employers on continuous use of equipment, by night and, most importantly, on weekends. 1992 will certainly not curtail, and very likely increase, the capacity of employers to move production to countries with working time regimes that, due to cultural factors or trade unions weakness, are less rigid than in Germany. Already today, multinational firms seem increasingly inclined to use the threat of production relocation to pressure German unions and works councils not to employ their legal and political resources to defend existing working time arrangements. Joint European working time regulations along German lines are, of course, entirely out of the question.

(4) German unemployment benefits are not very high. There is, however, a form of benefit, Arbeitslosenhilfe, that takes over when unemployment insurance proper runs out after two years; this, while it is lower than unemployment benefit, may be paid indefinitely, until a person retires, provided he or she remains "available for employment in the German labor market". Under present law, foreign workers who receive Arbeitslosenhilfe may return to their country of origin for three months while continuing to collect the benefit. If they do not then come back to Germany, it is assumed that they are no longer available for employment in Germany, and their benefit is terminated. This provision will not survive the completion of the Internal Market. After the introduction of full mobility of labor, the German unemployment insurance system can no longer make payment of benefits conditional on a person having a particular place of residence or seeking work in a particular part of Europe. Since German Arbeitslosenhilfe, while it is low, is still higher than the average wage in many parts of Southern Europe, it would then in principle be possible for a Portuguese worker, having once become unemployed in Germany, to retire to Portugal on his or her Arbeitslosenhilfe. Regardless of the number of cases in which this would actually happen, the German system is likely to be changed one way or other to take this possibility into account. Since Germans and other Europeans will have to be treated equally, it is doubtful whether the result will be more

22 A case in point is General Motors (Opel) which can easily shift work from Ruesselsheim or Bochum to its plants in Belgium or Spain to evade German working time regulations.
generous benefits than today. In this way, market integration after 1992 and regime interdependence resulting from increased cross-national mobility may force unions to accept a reduction in welfare state provisions which they would not have had to accept on the strength of their domestic political resources.

Seen from a national perspective, 1992 amounts to the formal ratification of a longstanding, creeping devaluation of vast political resources that have come to be organized in and around the nation-state. Declining effective sovereignty has long been chopping away at the value of investments in national political power that had been cultivated, especially by labor, for more than a century. The introduction of the 1992 principle of mutual recognition may well be understood in analogy to the cut of a collapsed currency - a painful but inevitable adjustment to reality, with significant distributional side-effects in that holders of currency are more severely hit than owners of real assets. In present-day European nation-states, with the successive layers of political, industrial and social rights that have been built into them in the domestic struggles of the nineteenth and twentieth centuries, it is clearly labor that is in the former, and capital that is in the latter position.

German unions, having early in their history embarked on a strategy of political unionism, are densely intertwined with the legal and power structure of the nation-state. Still, they will know better than fight against 1992 in the name of national sovereignty. Germany was one of the European countries where the decline of the modern state's Keynesian capacity was most dramatically felt when during the implementation of the reflationary "locomotive" program of the Bonn summit the second oil shock coincided with a dramatic, monetarist turnaround of American economic policy. Perhaps better than others German trade unionists, having come of age in what Peter Katzenstein (1987) has appropriately called a "semi-sovereign state", are aware that the sovereignty of individual European nation-states is limited, not by their own volition, but by international interdependence. Like for European political elites, the recovery of external sovereignty for Europe as a whole through a "pooling" of national sovereignties (Keohane and Hoffmann 1989) has important attractions for German unions, even if this implies sacrifices of domestic

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23 For a more detailed account, see Der Spiegel, January 2, 1989, 30-2.
sovereignty. European competitiveness vis-a-vis Japan and the United States — countries that each in its way have eliminated their labor movements as important domestic forces — is not a trivial matter for unions that have a high stake in preserving a European model of society. Seeing the value of their traditional power base progressively decline, there is no way German unions could come to its defense.

THE GERMAN SYSTEM OF INDUSTRIAL RELATIONS
AND THE "SOCIAL DIMENSION" OF EUROPE

Unable to oppose the creeping preemption through European integration, formal and de facto, of their national power base, West German unions are left with the vague hope for an eventual reconstitution of institutional control over Internationalized markets at the supra-national level. This prospect is closely linked to the so-called "Social Dimension of the Internal Market", as propagated especially by the Commission. It is difficult to see, however, how the Commission should in the foreseeable future be able to deliver on its promise.

A strong Social Dimension of Europe would imply no less than a fundamental revision of the constitutional bargain that underlay the renewed movement towards integration in the 1980s. In particular, it would require a significant return from mutual recognition to harmonization as a method of integration. The enhanced role for supra-national institutions that this would require would clash with the strong influence that the nation-states have reserved for themselves in the political system of the Community. It would also and at the same time violate the quid-pro-quo of the Internal Market, under which the cooperation of business with unification was conditional on progress towards a more laissez-faire type of economic order. The relationship between residual national sovereignty on the one hand and the supra-national Ordnungspolitik of the European Community on the other is epitomized in the provision on the Single European Act under which Community regulations concerning the rights of workers require unanimous consent on the Council.

Politically, a more than symbolic Social Dimension appears impossible without organized labor
wielding strong influence at the European level. This it has never in the history of the Community been able to do. Union demands for a "Social Europe", which were raised especially in the 1970s when both West Germany and the United Kingdom were governed by Social-Democratic parties, have come to nothing. Typical in this respect is the lackluster performance of the Community's Economic and Social Committee (Lodge and Hermann 1980; Nugent 1989) which was supposed to serve as an institutionalized forum for labor negotiating with business and the supra-national European state over Community policies. West German unions, having for long held leading positions in European trade union confederations, know only too well that this was not just due to European employers refusing to respond to union initiatives, in a successful strategy to keep the jurisdiction of European institutions as narrow as possible. Another, equally crippling difficulty was the wide heterogeneity of interests inside European union confederations themselves, which had to develop common policies in the face of regional differences in living standards that far exceeded, and exceed, those in the United States\textsuperscript{24}. In spite of persistent attempts by the European Commission to help unions get organized at the Community level -- efforts that were as much motivated by self-interest as by a sense of political balance and distributional symmetry -- European labor remained essentially nationally divided, with union interests and policies being shaped by a logic of diversity much more than communality. How strong and effective that logic is, is illustrated by the incompatible hopes of Northern and Southern European unions on the impact of the Internal Market on investment, and the resulting differences of interest with respect to common European labor standards.

Even if the European Social Dimension were indeed to become more than Commission rhetoric, it would create as many problems for West German unions as it would solve. This is because the institutional structure of any possible Social Dimension would be quite different from, and largely incompatible with, the existing structure of German industrial relations. Ironically, this applies in particular to the three pillars of West German union strength that have been introduced at the outset to explain the resilience of German unions in the face of rapid political and economic change.

\textsuperscript{24} For in-depth analyses, see for example Barnouin (1986, esp. 4-40) and Piehl (1974: 209-48).
Since the failure of the famous Fifth Directive on European company law in the social-democratic 1970s, it is clear that the German system of co-determination will not become the norm for firms incorporating as European companies. In line with the new reliance on inter-regime competition as a way of resolving decision deadlocks, present drafts for a sequel directive seem to envisage a menu of three alternative models of participation from which European firms, i.e., their owners and managers, will be permitted to choose. It appears that the models will differ considerably in the extent to which they permit labor to interfere with managerial prerogative, with only one of the three being equivalent to German co-determination. Regime competition under such auspices is likely to result in the weakest form of participation being adopted. At the pressure of both German unions and the German government, the draft directive, under the principle of "territoriality", stipulates that companies doing business in a given country have to adhere to that country's legislation. But this, of course, would not apply to companies' European headquarters. Moreover, should a menu-style directive on worker participation fail to pass, it seems that European-incorporated companies will have the freedom to select the national company law of their choice.

For German unions, this may mean that they will in the future have to concentrate on defending "co-determination in one country" against the interdependencies created by the internationalization of the European economy. That will be far from easy. Under a menu directive as well as under mutual recognition of company law, labor's position in more advanced national participation systems is likely to be progressively weakened by the threat of management switching to less demanding systems if unions and works councils become "unreasonable". Not that this will bring German co-determination to an immediate end. There is no reason to expect that German companies will in large numbers to incorporate in another country or in European law, so as to take advantage of a softer participation scheme. But it will be enough that after 1992, they will have the possibility to do so, without jeopardizing their legal

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25 The result could be a "Delawarization" of European company law (Aretz 1989), with Luxemburg likely to play the role in Europe that is played by the State of Delaware in the United States. Due to the State's company law being highly favorable to managements (as distinct from shareholders), all major U.S. companies are incorporated in Delaware.
standing and market access in Germany. The effect will be a significant increase in the bargaining power of management inside the institutions of co-determination, and certainly a freeze on any initiative by German unions to extend the reach and substance of co-determination.

(2) A German-style system of centrally coordinated, sectoral-territorial collective bargaining at the European level is out of the question. For a long time if not forever, collective bargaining in Europe will remain decentralized. This is not just because of the absence of European employers associations -- although the historical record in European nation-states strongly suggests that centralization of trade unions and collective bargaining requires the assistance of centralized associations of employers. The growth of a European industrial relations system, if it will come at all, will be both impeded and conditioned by the already existing national systems. Not only are these extremely diverse. It also appears that enterprise-level bargaining, while it has great disadvantages for unions like the German ones that are committed to wage leveling, is much easier to extend beyond national boundaries, if required by economic internationalization. This is because unlike supra-national sectoral bargaining, unions seeking a supra-national enterprise agreement always have, at least in principle, a counterpart which they can try to talk to -- the management at headquarters. Moreover, enterprise industrial relations can be phased in gradually, firm by firm, and unlike a sectoral approach may have the support not just of the workforce but also of management. Indeed indications are that more and more large European firms, in trying to build a loyal multinational workforce through a Europe-wide human resource strategy, and in pursuit of the image of a modern, cosmopolitan employer, are beginning to introduce supra-national, enterprise-based systems of joint consultation and voluntary participation (Campbell 1989). The way from here to joint

26 When the West German Constitutional Court in 1979 rejected the complaint of the national employer associations against the Co-determination Act of 1976, it explicitly stated that the Grundgesetz did not preclude the legislator from further extending co-determination if it saw fit. This significant union victory now looks increasingly hollow given the inevitable interdependencies between institutional regimes in an integrated Internal Market.

27 Such assistance seems to be conditional on labor markets growing coterminous with an industry's territorial base, and labor mobility approaching or exceeding the mobility of capital and production processes (Swenson 1989). Neither of this is and will for a long time be the case in the European Internal Market.
regulation through some form of enterprise-level collective bargaining is certainly shorter than that to
Europe-wide introduction of the German system.

Not only will the likely European pattern of industrial relations be different from the German one,
but it may also be structurally incompatible with it and in the long run undermine it. There are at least
three reasons for this:

(a) Enterprise bargaining in a European multinational would tend to take its German subsidiaries
out of German sectoral and territorial bargaining units. Since European multinationals are likely to be
among the more potent employers, this should result in an increase in the spread of wages and
conditions. Moreover, since the German \textit{Flaechentarif} will then effectively determine wages and conditions
only in the smaller and less prosperous firms, industry-wide strikes would be more difficult to call as
workers in international firms with a high ability to pay will be less interested in their outcome. Even a
gradual transfer of joint regulation to European enterprise-level bargaining will likely erode the
organizational solidarity essential for sectoral-territorial bargaining.

(b) Any growth of enterprise-based industrial relations at the European level will strengthen the
internal union -- i.e., the representatives of workers employed with a given employer -- over the external,
sectoral or national union. In the German case, it will inevitably add further to the power and autonomy
of works councillors, upsetting the delicate balance between (unionized) works councils and industrial
unions on which the German system depends. As internal workforce representatives will increasingly form
or elect multinational representative bodies consulting or bargaining with a firm's European headquarters,
national unions will more and more become outside observers. This may not a big problem in countries
where unions have long accepted the enterprise as the principal site of industrial relations. For German
unions, however, it means a loss of very important levers of control over workplace autonomy, and thus
a formidable threat to their continued functioning as industrial unions.

(c) Enterprise-based industrial relations at the European level, as they may emerge in coming
years, will be based on a degree of voluntarism that is quite unknown to German trade unions. Being
committed to the idea of a written, legally institutionalized "constitution at work", German unions have
always viewed unilateral concessions by employers and forms of representation not secured by legal norms with great suspicion. Voluntary consultation, participation and negotiation arrangements inside large European firms, as they will extend into Germany, will confront German unions with a host of organizational problems that they never had to address before. Very likely, other union movements that are better used to operating with weak legal support and under stronger constraints to accommodate individual employers and independent workforce representatives, will find the emerging European system more congenial.

(3) Whatever that system will be like, it will not in the way of national-level neo-corporatism bestow quasi-public and para-governmental status on trade unions. The European state, or quasi-state, will lack any power to make collective agreements generally binding. While it will offer unions an unending number of consultations with Commission officials, hearings before Parliament, and participation in expert committees, this will be strictly in the mould of political pluralism. There is no question of the Commission becoming a source of representational monopoly, comparable to the way in which German labor law helped stabilize the Einheitsgewerkschaft. Decisions at the European level will not be delegated to centralized, monopolistic organizations of capital and labor; they will as a rule be enacted by decree, in a statist rather than corporatist mode, upon extensive consultation of experts and far from the industrial arena and the milieu of collective bargaining. Or they will, even more likely, produce *soft* standards -- codes of good practice and voluntary guidelines -- whose adoption will depend on the good will of the respective firms, their visibility, the successful mobilization of *public opinion*, consumer pressure etc.

The emerging European polity will not, like the nation-states of the Social-Democratic era, be organized primarily around the capital-labor cleavage, giving the two large producer groups privileged access to the state and control over an important part of the public domain. In post-1992 Europe, organized labor will be reduced to the status of one pressure group among many others, struggling with national and subnational governments, environmentalists, women's groups, Catalans, consumers, doctors, farmers and others for access and attention. Here like in other respects, the European Community may foreshadow developments that are already under way in its member states but take longer to unfold. In
fact, the growth of a "post-industrial" polity at supra-national level may well accelerate trends at national level towards greater pluralism, institutional fragmentation, deregulation, and voluntarism. From a union perspective, this may look conspicuously similar to neo-liberalism with a human face.

CONCLUSION

Having grown into the status of para-governmental organizations firmly established in their national state, West German unions share the German national interest in European integration. While they may publicly protest the risks and uncertainties wrought by the Internal Market on them and their members, the likely payoffs for German workers from European unity -- as workers and as Germans -- are such that they rule out serious union resistance against 1992. Opposition, where it will show at all, will be mainly symbolic; will stop short of seriously impeding the progress of market integration; and will not dilute unions' fundamental commitment to European unification.

The institutional politics of integration, however, are more complex than its economics. West German unions' support for trans-national action and supra-national institutions does not reflect a trans- or supra-nationalization of the interests they represent. Like national governments, para-governmental organizations use supra-national politics as an additional arena for the pursuit of interests that continue to be fundamentally informed by national specificity and diversity, and they accept supra-nationalism and trans-national cooperation if and insofar they add to their capacities as national actors. To this extent, the behavior of unions in supra-national settings can comfortably be modelled in a neo-realist framework.

However, although the European political circuit does offer certain strategic opportunities to German unions, under the constitutional bargain that made the 1992 process possible, the economic benefits of market integration can be had only at the expense of a substantial de-institutionalization of the European economy, including its constituent national economies. In particular, the principle of mutual recognition, broadly applied, not only bypasses the creation of regulatory mechanisms at the European level, but also and at the same time preempts national interventionist policy regimes. In this sense, the
European integration process of the 1980s and 1990s amounts to a devaluation of political resources based and vested in the nation-state. Being particularly apt at political bargaining and having successfully prevented the neo-liberal dismantling of its domestic mixed economy, German unions as institutions stand to lose greatly from a mutual recognition-type completion of the Internal Market.

While German unions support European integration out of nationally based interests, the repercussions of the integration process on their national power position force them to place their hopes on a supra-national re-regulation of the European economy. Federalism, however, among European states as well as among European organized labor, runs up against both the continuing diversity of national interests and the powerful resistance of European business against a re-building of the mixed economy at the European level. Moreover, as far as German unions are concerned, any future institutional regime for European industrial relations will in important respects be structurally incompatible with their domestic German system — in particular with those of its elements on which the strong position of West German unions as para-governmental organizations depends. In addition to the functional attrition of domestic German institutions, their lack of transportability to the European level and their likely incompatibility with it will in all likelihood subject them to slow but effective structural erosion. In coming years, German unions may have to spend more and more of their efforts on an ultimately futile defense of co-determination, sectoral collective bargaining, and public status of trade unions in one country, against the creeping intrusion of a more voluntary and ‘flexible’ industrial relations regime that is weaker than what German unions could get if left alone. The problem is that the economic benefits of integration are so indispensable for German unions that they will have no choice but suffer the institutional consequences.

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