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The legitimacy of collective actors and trade union renewal

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Summary

Over the last three decades, during a period of deep and far-reaching change, European trade unions have lost both regulatory power and membership. Nevertheless, though their strength may have been impaired, trade unions continue to fulfil their customary roles. This is because the legitimacy of European trade unions as social actors is both rooted in history and consolidated in institutions. In this article we argue that the crisis of trade unionism is not one of external legitimacy but rather the loss of internal legitimacy. An understanding of this phenomenon requires close consideration of the nature of representation itself, and of the way in which the relationship between representatives and those they represent is continually constructed and reconstructed. The hypothesis developed in this article is that the construction of relations of representation – a matter to which studies of trade union systems frequently pay scant attention – is fundamental to trade union legitimacy. Union actors' understanding of and action on their own representative capacity is therefore decisive for their transformation in a globalized world.

Résumé

Au cours des trente dernières années, durant une période de changements profonds et d'une grande portée, les syndicats européens ont subi des pertes tant de pouvoir normatif que de capacité d'attraction au niveau de l'affiliation. Néanmoins, même si leur force a pu être ébranlée, les syndicats continuent à jouer leur rôle habituel. Cela tient à la fois à l'enracinement dans l'histoire et à la consolidation dans des institutions de la légitimité des syndicats européens en tant qu'acteurs sociaux. Dans le présent article, les auteurs soutiennent que la crise du syndicalisme n'est pas une crise de légitimité externe mais plutôt une perte de légitimité interne des acteurs syndicaux. Pour mieux la cerner, il faut s'intéresser à la nature de la représentation elle-même à travers laquelle se construit et se reconstruit en permanence la relation entre les représentants

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et les représentés. Les auteurs avancent également l'hypothèse que la construction des relations de représentation – souvent occultées dans l'étude des systèmes syndicaux – est au fondement de la légitimité syndicale. La façon dont les acteurs syndicaux comprennent leur capacité représentative et envisagent leur action est donc décisive pour la transformation des syndicats dans la mondialisation.

Zusammenfassung

In den letzten dreißig Jahren, einem Zeitraum tiefgreifender und weit reichender Veränderungen, haben die europäischen Gewerkschaften nicht nur ihre Regelungsmacht, sondern auch viele Mitglieder verloren. Aber obgleich sie möglicherweise an Stärke eingebüßt haben, erfüllen die Gewerkschaften weiterhin ihre herkömmliche Rolle. Dies liegt daran, dass die Legitimität der europäischen Gewerkschaften als soziale Akteure in der Geschichte verankert und durch Institutionen gefestigt ist. Wir behaupten, dass die Krise der Gewerkschaftsbewegung keine Krise der externen Legitimität darstellt, sondern vielmehr auf den Verlust der internen Legitimität zurückzuführen ist. Um dieses Phänomen zu verstehen, ist es notwendig, das Wesen der Interessenvertretung bzw. Repräsentation selbst und die Art und Weise, wie die Beziehung zwischen Repräsentanten und den von ihnen Repräsentierten fortlaufend konstruiert und rekonstruiert wird, genau zu untersuchen. Wir gehen von der Hypothese aus, dass der Aufbau von Repräsentationsbeziehungen, dem in Studien über gewerkschaftliche Systeme häufig zu wenig Aufmerksamkeit geschenkt wird, für die Legitimität der Gewerkschaften von grundlegender Bedeutung ist. Für die Umgestaltung der Gewerkschaften in einer globalisierten Welt ist es daher von entscheidender Bedeutung, dass sie ihre eigene Repräsentationskapazität erkennen und darauf einwirken.

The crisis of trade unionism, observed from the beginning of the 1980s, was initially regarded as transient, the result of a particular phase in the economic cycle combined with specific national circumstances. Yet 30 years later, trade unions and countries unaffected by this crisis remain the exceptions.

Analyses of this crisis have been numerous and have evolved over time; so too for the unions that were the objects of these analyses. Trade union organizations have embarked, with varying degrees of success, on a series of rather diverse changes that, when taken together, can be referred to in terms of a search to achieve 'union renewal'. Drawing on findings from studies of unions conducted over a long period, this article seeks to contribute to this debate by identifying some of the conditions that could be used to foster such renewal. It assesses the scale of the trade union crisis and the interpretations to which it has given rise. It suggests focusing on the actors and their characteristic features as a means of envisaging feasible prospects for renewal. Trade unions set themselves up as actors by taking on the role of representation. The legitimacy of this representation is a crucial, albeit frequently masked, moment in the processes of change currently underway. And yet the reconstitution of legitimacy is a prerequisite in any strategy aimed at trade union renewal.

In this contribution we draw attention to the paradoxical situation of many trade unions in Europe. Without being subject to any overt questioning of their role in society and while enjoying the support, in most cases, of institutional resources that remain intact and often powerful, these unions are suffering from a decline in their ability to attract and recruit wide-ranging groups of

waged and salaried workers (part 1). Our core hypothesis is that an apparently intact institutional legitimacy serves to mask a loss of sociological legitimacy on the part of unions as representative social actors. We believe that this factor is a central element of the current crisis and an explanation of unions' loss of regulatory power and ability to maintain and expand their membership. It is also a possible nodal point for their reconstitution as a vital force. We seek to show how the legitimacy of the collective actor can be measured in terms of representative capacity and, thus, of the capacity not only to aggregate and hierarchically differentiate sets of multiple and contradictory interests but also, and above all, to influence the cohesiveness of the social group which this collective actor purports to represent (part 2). Unlike an analysis that links representative efficacy to the status of institutions that may be losing their strength and relevance in a changing world, this legitimacy-based approach opens up a space for the strategic choices of trade unions, placing them in a position to act upon their own transformation (part 3).

Our analysis refers to several European countries – notably France, Germany, Italy, the UK, Belgium and Austria. The union movements in these countries are characterized by a high degree of institutional diversity as regards their relative union density, the existence of union pluralism, and the presence of single- or two-tier bargaining structures. From a starting point of case studies conducted at company and workplace levels (Dufour and Hege, 2002), this article also draws on our analysis of changes over time in these countries' industrial relations systems (*Chronique internationale de l'IRES*, since 1989; IRES, 1992).

Legitimacy of institutions – or legitimacy of the actors

An acquired social status

The countries of Europe offer a rich terrain for the observation of the sociology of industrial relations. In these countries, trade unionism has strong roots and their different national histories have yielded highly diverse forms of social compromise, as expressed in both actors and structures (Berger, 1981; IRES, 1992; Ferner and Hyman, 1998; Traxler, 2000). The debate concerning this diversity is conducted in a European arena that has, for several decades, been subject to thoroughgoing economic and political reorganization. The much debated notion of a 'European social model' (ETUC, 2005; Hyman, 2005; Keune, 2008) is based on the idea that common foundations may be found to exist in spite of major institutional variations between countries.

At the end of World War II, after a long period of political exclusion, trade unions acquired a centrality of social status in the countries that were to form the nucleus of a united Europe. This marked the beginning of a new phase in which unions became institutionally incorporated into the economic and political life of European countries. Numerous forms of a alliance with political parties, and agreements concluded at state level, gave rise to recognition of the collectivity of organized wage- and salary-earners as an integral part of democratic representation. Different forms of neo-corporatism were set up in various European countries, such as Austria and the Scandinavian countries (Schmitter, 1981), and seemed to constitute, with their related variants in Germany and Belgium, a standard that could reasonably be extended throughout the unified Europe that was taking shape.

The 'European social model' regards trade unions as the strong and legitimate interlocutors of the state and of employer organizations in the exercise of collective bargaining. Unions have a permanent responsibility, both formal and implicit, with regard to their representative role in matters entrusted to them (Hege, 2000). They thus become the natural 'vessels' for workers insofar as it is in the 'interest'

of the workforce that these systems of representation that produce social compromises that benefit workers should continue to develop and consolidate their permanent institutional role.

These systems are presumed to be sufficiently functional so that any analysis invariably focuses on the rationality of their structures and performance. 'Poor achievements' – such as the French record in terms of numbers of union members and relative density – are interpreted in terms of inhibiting factors arising from ideological affiliations and inter-union competition that cause the social system and organizational behaviour to become dysfunctional because of these internal divisions. An adequate institutional configuration would be expected to produce strong actors; conversely, the weakness of the actors in these systems of representation is attributed to the 'irrational' or 'incoherent' nature of their structures (Ebbinghaus and Visser, 1997). The inherent equilibrium of mature systems of representation is that the actors will be continually reproduced, perhaps not always in an identical form but always reflecting prevailing institutional patterns.

Resistance and adaptability of the structures

The major changes that have affected economies over several decades (the end of Fordism, economic integration, globalization, etc.) give rise to the question of how these systems of representation are to be adjusted at both central and decentralized levels. The mechanisms that link together the different levels of representation and their functional specializations, which are the outcome of significant past compromises among the social actors, need to be adapted to this changed environment. This requires major efforts at coordination in the more complex multi-level modes of governance (Marginson and Sisson, 2004).

The institutions of collective representation do however appear to be in a position to take up these challenges. In most European countries during the two decades from 1980 to 2000, these institutions remained in place and in some cases were even improved in an effort to adapt to new economic circumstances (Leisink et al., 1996). The United Kingdom, where institutional changes were hostile to trade unionism, remains an isolated case. The 1982 Auroux laws in France brought improvements in terms of bargaining levels and company-level representation. Similar changes were adopted in Italy in 1993. In Germany the effect of a reform introduced in 2001 was to give more power to the structures of workplace representation within companies. Experimentation also took place with new forms of compromise between the social partners through mechanisms such as social pacts (Fajertag and Pochet, 2001). Trade unions also sought to rationalize and adapt their structures through mergers (Waddington *et al*., 2005; Kahmann, 2009).

European integration calls for a transposition to the supranational level of the capacities for intervention acquired at the national level (Streeck, 2000). 'Functional equivalents'[1] are meant to compensate for heterogeneity in national 'home-grown' social models, thereby promoting the extent to which they may interact. European works councils, for example, have come into existence to complement their national counterparts and to provide an additional level of relevant representation in the context of globalization. Similarly, the coordination of wage bargaining at European level seeks to limit wage competition (Platzer and Keller, 2003; Traxler and Mermet, 2003) and to promote, if at all possible, a solidaristic wage policy (Schulten, 2003).

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1 This essentially law-based approach aims to manage the 'interoperability of systems ... originating within different types of context ... Comparison seeks to establish a functional equivalent of institutions, over and above their formal configuration.' See Marc Fallon *L'utilisation de la méthode comparative en droit privé et en droit européen.* UCL http://www.ecoledoctoraledroit.be/documents/fallon0604.pdf

A shared trade union crisis

Despite these efforts at institutional adaptation, the crisis of European trade unionism is now openly acknowledged. National and European (ETUC) union actors express concern about their seriously impaired capacity for action, the most obvious manifestations of which are the reduced effectiveness of the institutions of employee representation and membership losses affecting trade unions in most countries.

Even in the countries representing the neo-corporatist model, once stable sets of arrangements appear under serious threat. As ties with political parties are increasingly loosened, unions are less able to make their voice heard in the process of achieving social compromise. Major social reforms, in areas such as pensions, health and unemployment benefits, have been endorsed by political parties historically close to trade union movements. These political parties are now freed from the past constraint whereby 'exchange' agreements with the trade unions (Pizzorno, 1978) was a necessary prerequisite for the building of social consensus (*Chronique internationale de l'IRES*, 2004, 2007, 2008). The role and salience of bargaining levels that were formerly of key importance, including the industry level, are dwindling. Attempts to extend well developed structures fail to produce the expected results, as evidenced by the rather modest impact of European works councils whose obvious shortcomings can hardly be explained by their still relatively recent vintage (Waddington, 2007; Hege and Dufour, 2007). Twenty years after the transplantation of the west German social structures in the former GDR, the ambition of unifying the social system has also proved a disappointment (Artus, 1999; Hinke, 2008). The recently acceded EU Member States (which we do not discuss here) have not yet granted their trade union movements any central role in socio-economic life.

The vast majority of European countries have seen a drop in trade union membership numbers. Belgium alone seems able to maintain and even improve its level of recruitment among active workers. In the very few countries that are not losing members, the overall composition of union membership is not a source for optimism. In Italy, for example, the trade union ranks consist of large numbers of retired and older workers. Membership numbers are also falling in the Nordic countries. While reforms that have entailed modification of the operating rationale of the Ghent system offer a plausible explanation of this change (Böckerman and Uusitalo, 2005), it remains to be understood why this system and the social compromises on which it was based have collapsed after having appeared entirely functional and even exemplary over such a long period.

These recent developments mark a significant transition in European trade unionism. At its Seville Congress in 2007 the European Trade Union Confederation (ETUC) admitted that not since the 1950s had trade union membership levels in Europe been so low (ETUC, 2007). Strategies to boost recruitment were implemented even in those countries which, like Germany, had long counted on the established belief in negotiated agreements to maintain their status in society. In France, the state found it necessary to redefine, by means of a law adopted in 2008, the 'representativeness' of the trade unions on which the exceedingly low level of union density cast some doubt.

The consequences of trade union decline have been mainly analysed from a quantitative standpoint, in particular in terms of the practical implications of diminishing resources associated with fewer members. Yet the qualitative aspects of this decline deserve more attention because sociologically significant segments of the workforce remain outside the trade unions. Such is the case for private service workers and those employed in small businesses, young people, women, workers employed on atypical contracts, immigrants, etc. (Dølvik and Waddington, 2004; Dufour and

Hege, 2005). The campaigns launched under the banner of gender mainstreaming (ETUI, 2003) seem to have done little to reduce the heavy trade union deficits in terms of working women, whether in Europe or beyond (Forrest, 2001; Yates, 2005, 2006). Recruitment campaigns have also failed to deliver convincing results. Changes in the trade union rank-and-file in recent decades are simultaneously marked by these ever greater gaps in union representativeness and by the increasing concentration of union membership within restricted segments of the workforce and the population, most obviously the public services, the older generations and manufacturing industries. This phenomenon, which is equally characteristic of a majority of the most industrialized countries, tends to suggest that trade unionism is faced with a serious crisis of 'reproduction' (Bourdieu, 1980: 88), even while the institutions in which it plays a central role remain intact.

The heterogeneous nature of the groups that maintain their distance from the trade unions, the extent of the disaffection, and the inexorable trend towards membership erosion, suggest that more may be at stake than the need to boost recruitment and that we are dealing with a phenomenon deriving from changes in the societal status of these collective organizations. Neither the paradigm of exit and voice (Hirschman, 1970; Hoffmann, 2007) nor that of the free-rider (Olson, 1971) offer an adequate explanation of the relationship between trade unions and the non-unionized segments of the workforce. The case is not so much that members are leaving the trade unions as that workers are choosing *not* to join them (Bryson and Gomez, 2005; Pollert, 2009) or that they simply lack any interest in their existence (Dufour and Hege, 2008). Although the groups in question are located within the institutional field to which trade unionism relates, they do not regard it as worth their while to manifest their presence as active stakeholders in that particular arena.

Crisis of coherence of the actors

The longevity of the institutions of collective representation deserves to be analysed in the light of this disaffection. An approach focused on the institutions of collective representation regards changes in the economy as the proximate cause of the weakening sway of industrial relations institutions. It suggests that the solutions are to be found in adaptation of the institutions, so that trade unions may be enabled to regain their relevance and credibility. According to this reading, the causes of the imbalance are exogenous to the organizations; so too are the solutions. The crisis is institutional and the actors are carried along with this crisis, leaving them little scope for reaction.

Our hypothesis is that the institutions, without reference to the identity of the actors and what is happening to them, do not offer a sufficient basis to comprehend the changes affecting European trade unions. A seemingly enduring system of industry-level bargaining that excludes a significant proportion of the workforce undergoes a change of meaning and alters the status of the actors participating in the bargaining process. The same is true of establishment- and company-level employee representation mechanisms that de facto exclude the most precarious workers. The membership losses are no longer to be analysed as resulting from the dysfunctional aspects of the systems but come instead to be understood as the cause and consequence of the actors' decreasing significance. This failure to make sense, this loss of meaning, thus comes to constitute the paramount challenge for European unions.[2] Paradoxically, this analytical approach also opens up new space for unions to act.

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2   Here we transpose to the level of national industrial relations systems the conclusions drawn from local systems in the context of our case studies of workplace representation (Dufour and Hege, 2002).

Representation and legitimacy

For many industrial relations theories, the founding principle of trade unionism resides in the existence of objective interests shared by members of the workforce. The emergence and longevity of collective organizations flows from the strength and significance of these interests. The task of union organizations therefore is first to identify and interpret these collective interests and then to organize, in accordance with the circumstances, the appropriate forms of mediation in the relation to the common interest. These must take into account differences within the workforce (for example, by occupation and industry) as well as levels of representation. They must also come to terms with relationships between the common interest of the groups being represented and other collateral or antagonistic interests (such those of the state and employers). Viewed from this perspective, trade union membership is one element of rational behaviour on the part of *homo economicus* (the economic actor) who will necessarily have to evaluate the costs (membership) and benefits (representation of his or her specific interests) (Olson, 1971). The Ghent model offers a particularly apt example of this, insofar as it establishes a relationship of maximal proximity between the services provided and the trade unions as providers of these services.

This theory of objective interests appears significantly at odds with the problem of chronic disaffection. Is the weakening of collective organizations to be interpreted as the weakening of such pre-constituted collective interest? Given the radical nature of this conclusion, the explanation is typically diverted towards the behaviour of potential members, with allusions to the growing 'individualism' of employees in the attempt to explain their reluctance to join unions (see Peetz, 2010). But why does this individualism particularly affect the most vulnerable categories of workers, those who, 'objectively' perceived, would appear to be in a position to derive the most benefit from the defence of their interests?

The formation of a subjective interest: identity as an objective

Does the fact that a certain number of individuals share the same interest necessarily lead to their cooperation? Very early in the development of sociological thought, Durkheim pointed out that an identical interest may just as easily become a factor of division and competition (Durkheim, 1893/1991: 180-181). For the behaviour of individuals to evolve in the direction of a solidaristic defence of this interest requires the emergence of a common good that is new and not identical to the initial interests. It is a question, then, of promoting a collective interest that remains to be constructed.

To the interests that are mistakenly supposed to prompt individuals to form united groups, Durkheim opposes the shared or 'collective consciousness'. This phenomenon is born of relations within social groups and comes to be taken for granted by their members just like a set of 'shared beliefs or feelings' (Durkheim, 1893/1991: 46). In the process of constructing this common good, a number of changes take place, entailing the selection of certain manifest or latent identities and interests within the group to the detriment of other identities and interests. This process of selecting and establishing hierarchies is frequently implicit, for example, the fact that the principle of seniority is generally taken for granted, the preference accorded to nationals when workers are being recruited, or the existence of particular forms of protection reserved for male breadwinners, are instances of entrenched beliefs that can be interpreted in the light of this theory.

The group finds its identity in this process of establishing hierarchies (see below), with all of the conflicts that this process entails. In this way, the interests that are the product of the group's own construction are objectified in the way that they are externalized vis-à-vis the group.[3] The unity and identity of the group are then all the more effectively stated because the selection that has to take place is not really explicit. These 'hidden' choices make up a kind of unconsciousness, which plays a powerful role in the formation of the collectivity.[4] Ensuring its acceptance as an obvious and natural interest contributes to the consolidation of this common good, endowing it with a certain permanency. The more solid its construction, the more it will be assumed to constitute a spontaneous and irrefragable interest. The more firmly it is anchored in the subjective world, the more it will be experienced as objective. In this process, the marginalization – if not the exclusion – of competing or contradictory identities/interests will come to be seen as quite natural. The priority accorded to any given interest does not meet with the consensus of the group because it is legitimate; rather, the interest becomes legitimate because the group recognizes itself in it.

This proposition is very far from a theoretical postulate that sees trade unions as the managers of clearly established interests of which they are portrayed as mere mediators. As Hall and Heckscher (2007: 11) have pointed out, the industrial relations actors cannot 'analyse themselves as players endowed with a stable and autonomous identity and pursuing clearly identifiable interests'. Viewed from this perspective, an approach to collective bargaining that accords exclusivity, even priority, to standpoint of interests would seem reductive: 'The rational approach to bargaining – that found in most theories – claims that one can set aside these problems (of identity) and make do with reasoning that is based purely and simply on interests' (Hall and Heckscher, 2007: 28). There is a need to focus once more on the sociology of social groups and the ways in which they construct their identity.

The role of representative groups: the construction of a common good

According to Simmel, the unified social group (*einheitliche Gruppe*) comes to be regarded by its individual members as an external fact, an 'objective and autonomous' agent, 'dissociated from the conditions of individual life' (Simmel, 1898/1992: 314). This objectification of the social group conceals that its energy is in fact the result of human intervention. From where does the solidarity found in groups derive if, following the claims of both Durkheim and Simmel, one fails to recognize its origin in objective interests? What forms of mediation ensure the appearance of groups possessed of unity or a sense of identity?

Simmel locates this mediation in the active processes of representation within social groups, whether it be in collective labour organizations representing the workforce or political parties or churches (Simmel, 1898/1992). Representation plays an essential role in the construction of a unified whole and, hence, in the strength and duration of a group's existence. From within the groups there emerge 'partial groups [which] condense (. . .) the ideas or the strength that cause the group

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3 Through the production of a 'common good' the group holds its own against the centrifugal tendencies that are a permanent feature of its existence. This common good is a selection of identities and interests so closely intermeshed that they may come to be taken for social constructions proper to the group. In the rest of this article we maintain this twofold reference to identities and interests. With Gramsci, however, (see Footnote 6), we recognize that identities will tend to take priority over interests in the formation of a group whose aim is to achieve social change.

4 'Groups are created out of what they fail to state', says Benoîte Michel-Graziani (http://www.psycho-ressources.com/bibli/psycha-groupe.html). Transition to conscious awareness might, according to this interpretative logic, signify a weakening of the group's cohesion.

to cohere' (Simmel, 1898/1992: 335). By proposing, and gaining acceptance of, the identities that found the group, the 'partial groups' become the manifest bearers of the representative combination. In this way they establish their leadership and forge a transformation from a potential group to a group with well defined contours. These partial groups are then responsible for ensuring that the constitutive compromise that defines the group – the common good – endures as well as maintaining its visibility.

In focusing on the relations between these two groups, namely, the group of representatives and those they represent, Simmel stresses that the sub-group of representatives lives neither at the same pace nor is it subject to the same status as the other members. The role played by such representative partial or sub-groups constitutes a veritable blind spot in many theories of trade unionism and collective representation. Another aspect that tends to be ignored is the selective nature of the interests/identities chosen.

This dual concealment is consistent with an interpretation of the crisis of trade unionism as being located in institutional inadequacy. It also explains the resistance displayed by these partial groups of representatives, consolidated as they are in their own histories, in relation to current developments that appear to threaten the very existence of their group.

Offe and Wiesenthal (1985: 183) point out that the power of trade unions is closely linked to their capacity for identity building. These authors raise questions about the factors that allow workers, on occasion, to invert the relationship of domination imposed upon them by the capitalist balance of power. They are not in a position to do this unless they have developed 'a form of collective strategy of conflict which not only aggregates the individual resources of the members of the association in order to meet the common interests of these individuals, but which overcomes the individuality of these resources and interests as well as the obstacles of effective organization, by defining a collective identity on the basis of which the chance to change existing power relations is no longer exclusively determined by these power relations themselves'. In this process, the interests of the less powerful groups in the capitalist confrontation cannot win out unless they have been 'partially redefined' in a manner which endows their representative organization with the challenge of having to 'simultaneously express and define the interests of their members' (Offe and Wiesenthal, 1985: 184). The role of redefinition and hierarchical ordering of 'interests' falls to these leadership or partial groups, as described by Simmel. One can see in them what Segrestin (1980: 176) has described as 'significant communities for collective action' which represent 'the more or less obligatory mode of participation in collective consciousness'.

The historic contribution of such leadership groups within trade unions can be seen as having established the existence of a wage-earning class as a social fact and as having initiated the claim for 'legitimate' standards. The leadership groups were able to launch these achievements by securing the backing of occupational groups which, far from regarding themselves as turned in on themselves, affirmed, on the contrary, the universal nature of their representation. Not all the different groups of wage-earners have benefited equally from this magnetic effect, since it depends on their degree of proximity to the core identity. But the standards affirmed as universal – wage levels, safety in the workplace, job security, etc. – have nonetheless acquired the status of a collective good, of social standards already achieved for some whereas for others, they are 'standards that are achievable and desirable' (Dufour and Hege, 2005: 5).

As trade unions' capacity to attract and recruit members shows increasingly visible signs of severe wear and tear, the identities that originally set in motion these representative combinations become much more visible. Occupation, gender, age, family status, ethnicity, etc. have become established and accepted as just so many poles of identity. It is within these confines that distinctions are made as to what is pertinent and what is less or not at all pertinent. Pay scales and certain

employment standards bear the marks of these selections of identity which, in the minds of many, are still left unstated. For example: 'A young manual worker is worth less than an experienced manual worker; a woman is worth less than a man; a part-time worker is worth less than a full-time worker; one ethnic origin or religious conviction is worth less than another; one occupation is worth less than another' (Dufour and Hege, 2005: 17).

The consent of the represented

The leader groups cannot impose themselves in any lasting fashion or act effectively unless they obtain, from their target groups, some signs of consent in relation to their efforts. Thus, the trade unions cannot 'simply count on the support of politicians, legislators and employers to ensure continuing renewal of the societal compromise concerning their representative capacity. They are not immune to the fundamental law of representation: the representative body does not exist in the absence of the will and consent of the social group of which it is (and remains) the emanation' (Hege, 2000: 120). The relationship of representation is built on a back-and-forth movement of granting legitimacy. By means of their transformative mediation, the representatives found the legitimacy of the wage-earning group within society. Yet their power remains itself subordinated to the recognition of their legitimacy by the group they represent, and this recognition is reiterated implicitly rather than formally. Legitimacy designates this two-way process, where the potential group signifies to a specific part of itself that it endows it with the capacity to represent it, and accepts as its own the principles of group formation supported by the group entrusted with its representation (Weber, 1922/1985).[5] The different channels through which this validation can be obtained give rise to debates on democracy that take place in both trade unions (see Voss, 2010) and in the political arena (Manin, 1995).

One of the central challenges facing the leader group is to persuade the represented group to adhere to its proposed hierarchy of priorities. As was argued above, the affirmation of such a hierarchy, the result of an aggregation and selection of interests and identities, is an essential prerequisite for making the voice of wage-earners heard. This means that even the groups on the periphery, those who are the furthest from the core identities, must accept the 'universal nature' of these identities. Even if one is only a secondary beneficiary of negotiated standards and social gains, it can nonetheless be a factor in joining the group. More fundamentally, such joining entails, on the one hand, the 'voluntary' relinquishment of certain interests and identities whose lesser or non-pertinence is thereby validated in the process. This process also transcends the merely occupational sphere. While the strength of the identities on offer are certainly grounded in the workplace, they are by no means limited to it. The history of trade unionism reflects the composite nature of identities at play. Political, ethnic, religious, generational and sexual affiliations mingle with features that are more occupational in nature, such as status and level of skill. It is the combination of these factors that endow the occupational sphere with its identity and its autonomy. The internal principles governing these processes are founded on compromises between the interests and identities that interact within them (the varying status of men and women, young persons, immigrants, the skilled, the unskilled, etc.). Moreover, they are frequently implicit or unstated. The history of the relationship between women and trade unions – in all countries – is the best illustration of what

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5 According to Weber (1922/1985: 171) 'the action of certain members designated by the group (representatives) is imputed to others' who regard it vis-à-vis themselves as "legitimate", binding and effectively committing them'.

happens when an identity denied seeks to gain access to a group that has in fact been constituted through the negation of this identity.

An external legitimacy may emerge when third parties – the state, the employers, etc. – come to recognize the validity of the group's social claim. In other words, this can happen where a restricted group acts on behalf of a broader group and its internal standards of legitimacy, as well as the social identities deriving from them, are accepted by these third parties. Such recognition is not simply a matter of the recognition of the existence of trade union representation by third parties. It is more likely to be the subject of accommodation among competing representative claims, for example between political representation and trade union representation or between the collective representation of employers and of wage-earners.

Maintaining and transforming legitimacy: a strategic dilemma

Any combination of identities and interests established for the purpose of representation is inherently unstable. It requires validation by the represented and adjustment by the representatives according to an ongoing process of accommodation entailing a reciprocal granting of legitimacy. The fact that certain groups have become increasingly distant from trade unions does not represent an a priori threat. Insofar as they reject the hierarchical arrangement proposed by the trade unions, centrifugal groups are regarded as being subject to the influence of contending hierarchical arrangements. Workers in small businesses adhere to the community vision and principles defended by the employer. Women, as a result of their socialization, find it difficult to identify with their status as wage-earners and to join trade unions (Armingeon, 1988: 105). But such occurrences do not necessarily result in a loss of cohesion or unity. The very existence of groups who are not members can stimulate a better definition of the social group and the requisite defence of its common good.

Breaking the legitimacy-granting cycle

The virtuous circle is broken however when refusal to join the group isolates the formerly relevant communities and their leader groups. When the granting of legitimacy by the represented to their representatives suffers a loss of momentum, the claim of the leader group to universality, formerly a factor of cohesion and representative efficacy, will appear to be usurped. The leadership groups, formerly the agents of the common good, then become defenders of forms of protection from which they themselves benefit without others having any hope of gaining access to them.

In such cases, the very process of the reproduction of collective representation is threatened. This is the challenge to the prevailing analyses of the chronic disaffection with the European trade union movement as a whole. As ever wider circles of wage-earners increasingly mark their distance from trade union representatives, this crisis more starkly reveals this dialectic of representation. Young persons, nominally the intended future members, hesitate to develop anything other than instrumental relations with trade unions. Precarious workers similarly express this identity gap when they indicate that trade unions, whose importance they do not deny, are not really for them (Dufour et al., 2007). This increasing distancing of certain groups from unions highlights the weakening capacity of the leader groups to negotiate identities. The groups that reject representation tend to deny the legitimacy of the proposed hierarchical order. This denial is reinforced by the fact that it emanates from particularly vulnerable classes of workers who would otherwise seem to be the most likely beneficiaries of the trade union representation on offer. This further underscores

the difficulties encountered by unions in adopting new positions that might integrate these contradictory forces at play.

This legitimacy crisis affecting the actors of collective representation does not automatically lead to the emergence of new pertinent groups that might succeed in establishing a new set of referential identities and interests that have hitherto been regarded as inferior or as only of minor importance but that could be transformed into an alternative encompassing project. The former hierarchical order remains apparently intact, supported by a network of institutions and actors capable of arguing in favour of the objective and ancient nature of the interests that they serve. The inability to renew the prioritized identities and the processes of internal negotiation is accompanied by a loss of cohesion within the actual body of representatives, over and above the disaffection of the target groups (the represented). Without calling into question their trade union membership, representatives, particularly in the workplace, refuse to identify with the common good but confine themselves to their role of representing local and partial interests (Kotthoff, 1998; Dufour and Hege, 2008). Confrontation of hitherto solidly constituted national trade union structures in the new pan-European union consultative bodies further jeopardizes the capacity of unions to define new avenues for joint and solidaristic action (Meardi et al., 2009).

A strategic dilemma

This overview of theories of collective representation and the legitimacy of such representation highlights the considerable historic achievements of European trade unions. They firmly consolidated their right of place in their respective societies and, in so doing, established the credibility and legitimacy of the social status of the group they represented, namely, the workforce (Castel, 1995), as well as of their own representative leadership. Within civil society they succeeded in exercising a certain degree of hegemony (Gramsci, 1971).[6] A series of factors contributed to this trend. These were linked to history (national history and intra-European conflicts), to capitalist modes of development (class oppositions), to the forms taken by particular states, and also to the relationships developed with other modes of social representation, for instance, political parties, employers and churches. Neo-corporatist theories gave expression to this conceptualization just as such arrangements were at a zenith in the 1970s.

By the turn of the 21st century, European unions were straining to maintain the social status they had acquired over a long period of time. Adherence to national identities no longer appeared to be paramount in the eyes of their constituents; class oppositions were mediated by numerous social and political shock absorbers; relations between trade unions and political parties had everywhere been weakened. The condition of wage- or salary-earner, while of critical importance as a social reference, had surrendered its unifying character in two ways. First, in terms of the act of labour, it currently spans numerous and fragmented forms of status. The inequalities between core workers and those subject to precarious forms of labour are deepening, to the extent that these groups are effectively in competition with each other. Second, beyond the act of labour, the wage-earning class has to conduct relationships with an ever wider array of forms of sociability, some of which may also end up in competition with one another. The loss of sway formerly enjoyed by dominant identities within the wage-earning class, such as seniority and masculinity, has in all likelihood not

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6 Gramsci saw the attempt to conquer hegemony as the step taken by any group inclined to move some distance from its own immediate ('corporative') interests in order to play a directing role in the social and political arena of civil society. Hegemony is to be distinguished from domination in that it appeals to consent on the part of the population rallied.

yet released all the potential centrifugal energies. At the same time, and despite these pressures, the institutions of collective representation about work built up over the preceding decades display a remarkable formal stability in most of the countries of Europe.

This gap between institutional stability and transformation of the processes of individual and collective socialization which mark the workforce creates a strategic dilemma for the trade unions. Two responses to this crisis can be observed. While not in themselves mutually exclusive, they stem from contradictory underlying rationales.

A first response to the crisis consists in rationalizing the trade union role on the basis of existing orientations and strengths. Trade unions devote a significant portion of their energies to ensuring the operation and defence of the institutions that serve the current processes of interest mediation. That these institutions were so difficult to set up in the first place, and that they have subsequently proved so efficient, provides the incentive for their preservation and even their further development. Trade union representatives should therefore, according to this view, adapt to corporate developments, in particular those related to globalization. They should make every effort to acquire the technical and knowledge-based expertise required for the performance of increasingly complex tasks. They will need to gain specialized knowledge about the contemporary world of labour. Unions will also have to respond to often increasing demands from other actors such as the state and employers, whose projects rely on union intermediary capacity. At the same time, new organizing efforts are proof that the question of union representativeness is not entirely forgotten. According to this rationale, the core challenge for unions is to manage their interface with their core membership and with those other actors who guarantee their external recognition. Union representatives can thus continue to regard their role as the pursuit and defence of the common good. However, this understanding of the range of demands placed upon union representatives neglects – or regards as only of secondary importance – the challenge of reconstructing their internal legitimacy.

A second response to the crisis focuses first and foremost on the need to reconstitute the trade union rank–and-file. According to this view, unions must perceive as a major challenge the fragmentation of labour markets and the resulting divide – hardly likely to prove ephemeral – in the developed societies of Europe. This view emphasizes the limits of past institutional gains and their internal modes of debate in the light of the chasm that separates them from large sections of the labour force. The diversity of demands emanating from a highly differentiated workforce displaying wide-ranging social references then becomes a necessary stimulus for change. It is less a question of seeking to bring these refractory groups closer to the core membership than of rethinking the mode of cohabitation of the differing groups in question within union organizations. The access of formerly peripheral groups to the very centre of representative functions calls for a deconstruction of earlier organizational compromises and trade union expertise (Hyman, 2007). The locations where these compromises are traditionally established (industrial and sectoral federations, for example), the processes whereby elites are selected (trade union education, allocation of representative mandates), the priorities in lists of claims, are analysed through the filter of their capacity to incorporate diversity. To this demand for change within the trade unions themselves is added a demand for a transformation of their relations with other groups within the community. Old links are recognized as having weakened; new alliances must then be put to the test (see Lévesque and Murray, 2010).

The first of these two responses is reassuring in that it basically entails continuing along well trodden paths. But it is not without risk. On the one hand, unions are relying on an ever shrinking base: the leadership groups, given their diminishing sociological relevance (protected public sectors or manufacturing industry, generations approaching the end of their working lives), cannot

provide impetus for bargaining in relation to the prioritization of identities; nor can they ensure the renewal of these identities. The efforts to recruit frequently run out of steam in the face of internal resistance and lack of interest on the part of target groups. On the other hand, the external legitimacy of the trade unions – their recognition by the state and by employers – cannot remain indefinitely semi-divorced from their true representative capacity. In counting on the 'managerial' roles deriving from this recognition, unions can end up entrusting their fate to external partners who can choose to point a finger, or not, at their representative shortcomings. The result is that unions cannot but recognize the pre-eminence of state initiatives in areas where they previously constituted a driving force (minimum wage, anti-poverty measures, etc.).

The second response also entails risks and uncertainties. It requires that the actors freely choose to stand back and reconsider exactly what they are there for. It presupposes release from the expectations of many of their fellow trade unionists, sometimes those most firmly committed to previous definitions of trade union struggle. It gives rise, inevitably, to internal conflicts that will be overt in some cases, more latent and perhaps more fundamental in others. Whatever form these conflicts may take, they entail competition between different forms of legitimacy, whether already acquired or potential. The organizations are not at this stage, by definition, in possession of the tools that can enable them to resolve these conflicts inherent in the need to reinvent themselves (Dufour et al., 2009). It is a question of finding new forms of internal democracy (see Voss, 2010), of prompting the emergence of new forms of leadership, of constructing new forms of synthesis between initially disparate and even contradictory identities. This effort at renewal also requires a redefinition of the links with the outside. It is a question of constructing a new external legitimacy that may necessitate a severing of links with the habitual and established partners.

This is not the first time in history that the trade union movement has been faced with demands for change. The originality of the current period is attributable, to some extent, to the long phase – almost half a century – during which a particular trade union paradigm prevailed and was able to flourish. We have attempted to show that trade unionism cannot be reduced to the institutionalized gains which exist as a result of its struggles to achieve them. In an ever present competition between different loci of representation, trade unions derive their strength from their status as voluntary organizations. It is for this reason that they must seek within themselves the sources of their own renewal. This necessarily presupposes that the trade union movement should present itself as a strong central locus, one with which potential members feel able to identify.

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