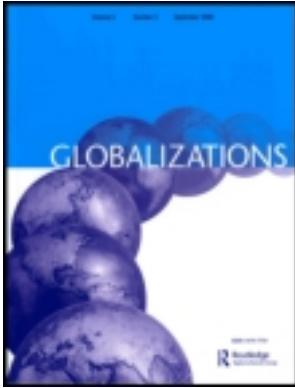


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Anatomy of a ‘Critical Friendship’: Organized Labour and the European State Formation

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ABSTRACT *Drawing on a critical political economy perspective on European integration, this article argues that organized labour at the European level, mainly through the form of the ETUC (European Trade Union Confederation), has been over-reliant on the institutional structures of the European state formation, and concomitant hopes for a European social model, rather than questioning the social basis of the hegemonic project of neoliberal integration that has fundamentally engendered the current form of the EU. This argument is then revisited in the light of recent developments; even before the current crisis fault lines in this strategy have emerged, and have subsequently become more pronounced. The analysis examines the role and strategies of organized labour in the process of European integration, focusing on the shifts and continuities in its position from broad support for the Single Market project to an increasingly critical relationship with the European state formation in the context of financial and economic crisis.*

Keywords: European integration, trade unions, labour, financial crisis, European state formation

If it looks like class struggle and acts like class war, then we have to name it unashamedly for what it is. (Harvey, 2005, p. 202)

Introduction

Following extraordinary state intervention in the financial and banking sector in the form of stimulus packages and bailouts, fiscal deficits across the Eurozone have soared, with an average fiscal deficit (as percentage of GDP) of 6.4% in 2009, from 2.1% in 2008. And yet despite the wavering and muddling through of governments in the current political crisis of

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the Eurozone, the overall fiscal deficit in the Eurozone is actually expected to *fall* sharply (IMF, 2011, pp. 3–5). This is a remarkable development, even more so because growth remains sluggish—the current employment growth rate of just 1% across the G20 is indicative here. As the ILO cautions (2011), at this rate it won't even be possible to recover the estimated 20 million jobs lost in the G20 since the crisis began in 2008. So who is paying for these government policies across the advanced economies? Based on far-ranging austerity measures and wage depression, it seems that the solutions to the Eurozone crisis will ultimately come at the expense of the employment and living conditions of the European working class.

The political process through which these austerity programmes are formulated at the European level, most notoriously the Fiscal Compact that has been agreed on in March 2012, is of an increasingly disciplinary nature. The neoliberal restructuring of the European integration project from the re-launch of the Single Market to Lisbon had evolved with the inclusion of a wide group of social forces through a strategy based on concessions and compromises. In contrast to this, the implementation of structural adjustment and austerity policies in the European periphery, as well as the strict rules for monetary stability in the Eurozone, point towards an increasingly *coercive* dimension of EU governance. This constitutes a significant shift in the nature of European integration. As the editors of this special issue on the 'Rebound of the State' argue, the current crisis arguably represents a transformation in the existing capital–state nexus. The point of departure for this article is that in order to come to a comprehensive understanding of the changes in the balance of class forces and the state–capital nexus, we should also look at the relations between the state and labour. In particular, the aim of this article is to examine the role of trade unions within the European form of state in processes of class struggle over the socio-economic order in the EU.

The crisis has clearly aggravated structural problems of trade unions. Just as none of the bailout plans have been initiated in cooperation with trade unions, the austerity packages that are currently implemented have been constructed mainly outside the reach of the 'social partners'. Rather, trade unions are increasingly coming under attack on two fronts. In the initial phase of crisis response trade unions might have been seen as important co-managers of the crisis by state actors and business alike. As welfare cuts and austerity policies have set in, however, trade unions, in particular public sector unions with highly institutionalized power, are now seen as part of the problem, or even 'enemies of progress' (*Economist*, 2011). In the context of socio-economic restructuring, trade union rights are increasingly curtailed, giving rise to a veritable onslaught on established trade union institutions such as autonomous wage bargaining. At the same time, to many observers on the (progressive) left, trade unions are more and more delegitimized by their acquiescence to crisis management, and their—at best—defensive programmes.

As a regional manifestation of broader structural developments in the global political economy (van Apeldoorn, 2002), the EU here serves as particularly interesting illustration of the challenges and possibilities for trade union agency. The EU level allows for a (geographically delineated) focus on the possibilities and problems of transnational labour solidarity in times of crisis, and concomitantly the increased competition between labour in different contexts; the increasingly uneven development within the European Union constitutes a critical case for trade union solidarity. At the same time, while trade union institutionalization is still mainly located at the national level, the supranational representation of organized labour as a 'strategic level to enforce political alternatives' (Bieler and Schulten, 2008, p. 243) allows for an upscaling of social conflicts.

The article proceeds as follows. The analysis examines the role of labour in the process of European integration, focusing on the shifts and continuities in its position from a 'yes, but' position (Dølvik, 1997) to a 'critical friendship on the road from austerity to prosperity' (ETUC, 2011a). Drawing on critical political economy perspectives on European integration, it is argued that organized labour at the European level, mainly through the form of the ETUC, has been over-reliant on the institutional structures of the European Union, and concomitant hopes for a European social model, rather than questioning the social basis of the hegemonic project of neoliberal integration that has fundamentally engendered the social form of the EU. This argument is then revisited in the light of recent developments; even before the current crisis fault lines in the relation between organized labour and the EU state formation have emerged, and have subsequently become more pronounced. The concluding section provides an outlook on what these findings mean for a broader understanding of European integration against a background of intensifying social struggles in the shadow of the 'rebound of the state'.

Labour and the State: Trade Unions Between Class Struggle and Managing Dissent

In the context of global neoliberal restructuring and the concomitant crisis of over-accumulation, trade unions are confronted with formidable challenges (ILO, 2011). Increasing transnationalization and fragmentation of production, and the shift towards financialization has forced unions into retreat; due to the loss of industrial jobs, declining unionization, and the adoption of concession-style bargaining, unions were little able to improve their bargaining position (Peters, 2011). Perspectives on the role and possible strategies of trade unions in the global political economy range from optimism about transnational labour solidarity (Bieler et al., 2008) to an 'uncompromising pessimism' (Burawoy, 2010, p. 311) about the potential of labour as transnational class actor. The financial and economic crisis has put the tensions of labour internationalism into sharp relief. In order to understand trade union strategies, the interdependent and antagonistic power relations between labour and the state, which set the limits on possible strategies and pathways for agency, have to be taken into account (ibid., p. 304).

A Historical Materialist Point of Departure

It is only through a thorough engagement with class, and hence the deeper structures of exploitation, consent, and contestation that constitute social struggles, that we can understand the role of trade unions, as primary form of organized labour, in the current manifestation of the inherent contradictions of contemporary capitalism. Class is neither a deterministic concept, nor an institutional container that can be attached to arbitrary social actors. Rather, it is a fundamentally *relational* concept that has its point of departure in the social relations of production (Cox, 1981; Morton, 2006).¹ Social forces are engendered, but not determined by, exploitative social structures; their agency manifests through the 'necessary reciprocity' between structural junctures, that is the social relations of production and the political and ideological superstructures that they shape and are shaped by at the same time; in short, 'the real dialectical process' (Gramsci, 1971, p. 366). A fundamental antagonism arises through structural inequalities in the production process between labour and capital, although neither labour nor capital in their historically specific forms constitute homogeneous social classes (Bieler, 2007; van Apeldoorn, 2002). The essentially unequal social relations of production are obscured by the seemingly voluntary nature of the exchange of labour as a commodity on the market (cf. Woods, 2002).

The historically specific constitution of strategies and interests of social forces however cannot be explained through a deterministic focus on the structural power of capital over labour. Rather, it is through concrete, and historically specific agency expressed in the construction, articulation and contestation of hegemony in a Gramscian sense that social struggle and processes become manifest. Gramsci's emphasis on the 'ethical-political' dimension highlights the ideological and ideational aspects of hegemony, that is the need to transcend particularistic 'economic-corporate' interests, and hence the dialectical relation between economic and political class struggle (Gramsci, 1971, p. 161). Class here constitutes 'the mediating factor between production on the one hand and the state at the other' (Cox, 1987, p. 356).

State formation is set in the context of historically specific configurations of social forces. 'The state' is thus not a transhistorical category, or an autonomous institutional actor in a Weberian sense, but rather understood as a 'form-determined condensation of the balance of political forces', as *social relation* that reflects the changing balance of forces in a determinate conjuncture (Jessop, 1990; Poulantzas, 1978). The 'formation and superseding of unstable equilibria' (Gramsci, 1971, p. 182) between hegemonic classes and subordinate social groups lies at the heart of social struggles over hegemony, with the state as a site of strategy 'upon which different political forces attempt to impart a specific strategic direction to the individual or collective activities of its different branches' (Jessop, 1990, p. 268). Hence the changing forms of state—as outlined in several of the other contributions to this special issue—shape, and at the same time are shaped by, concrete social forces. It is this relational, or more fundamentally still, dialectical, relationship that needs to be at the heart of an analysis of the agency of organized labour. The state however is a system of *strategic selectivity*, in that its structures are more open to some types of political strategy than others. As Jessop points out (1990, pp. 147–148), 'the state is not a neutral instrument equally accessible to all social forces and equally adaptable to all ends . . . it has an in-built, form-determined bias that makes it more open to capitalist influences and more readily mobilized for capitalist policies'.

Labour–State Relations

It is thus crucial to focus on the ambivalent relationship between organized labour and the state (cf. Dunn, 2006). Trade unions need to be analysed not as merely *reactive* to changing forms of state, which would in effect come down to analytically reducing labour to an object, rather than a subject of social struggles, but rather as attributed with agency, and complicit in structuring these social relations. Trade unions should not be conflated with organized labour as a broader category of social forces; yet while there are many and diverse forms of worker organization, trade unions, at least in the current conjuncture of capitalism, constitute their primary institutionalized manifestation. In his early writing, Gramsci captured this well by arguing that for capitalism, 'it is necessary that the working class should be deprived of its historical function as leader of the other oppressed classes . . . But the capitalists, for industrial reasons, cannot want all forms of organization to be destroyed. In the factory, discipline and the smooth flow of production is only possible if there exists at least a minimum degree of . . . consent on the part of the workers' (Gramsci, 1978, p. 167). Trade unions have to negotiate this position between 'leading the oppressed classes' and 'managing dissent' (Mills, 1948). State structures here have a crucial role to play in providing the broader terrain on which these strategies and antagonisms play out, as for instance illustrated by the class compromise at the state level in the form of corporatism in the post-war period.

Labour power is structured along two dimensions, structural as well as associational (Silver, 2003, pp. 13–14; Wright, 2000); that is, on the one hand through its position in the production process, and on the other through 'the various forms of power that result from the formation of collective organization of workers' (Wright, 2000, p. 962). Trade union strategies have, in conjunction with the broader institutional and ideological setting, given rise to a variety of state–labour relations. Political inclusion of organized labour has more often than not involved a trade-off in structural power, for instance in corporatist arrangements. This leads to a situation where, as Silver argues, 'if the significance of associational bargaining power is growing, then the future trajectory of labour movements will be strongly conditioned by the broader political context of which they are a part' (2003, p. 173). However, if the manifestation of trade unions' associational power is premised upon the formulation of projects within specific political-institutional structures, there is an inherent risk of perpetuating the distinction between the economic and the political. Gramsci challenged this economism often implicit in trade unionism by arguing that here 'the trade-union movement is nothing but a political movement' (Gramsci, 1978, p. 77).

Social Struggles in the EU State Formation

In order to capture the nature of the EU as social form, the point of departure of this article is a perspective that focuses on the social power struggles at European level (cf. Bieler and Morton, 2001; Cafruny and Ryner, 2003; van Apeldoorn et al., 2009). Rather than taking policies, and indeed the European polity as given, the question of how and *why*, as well as to whose benefit they came about, is central for understanding the political nature of European integration. The emergence of transnational political institutions such as the EU here constitutes a particularly interesting challenge for conceptualizing the transformation of labour-state relations in the context of the 'rebound of the state'.² A state-theoretical focus on the social struggles at the heart of European integration is fruitful for an analysis of concrete political projects, in particular through emphasizing the existing structural asymmetries within the emerging European state formation. At the same time, such a perspective highlights that the neoliberal restructuring of the European Union, that is the concrete manifestation of a hegemonic project of European integration in the last decades, is indeed a *contested* project, rather than a linear, inevitable, and unchangeable trajectory. The concept of hegemony as a form of class rule based on a combination of consent and coercion, with the former being the primary mechanism and the latter 'always looming in the background' (Gramsci, 1971, pp. 169–170), renders it possible to perceive of social struggles as spaces of negotiation, intervention, discontinuities, and marginalization. The coercive dimension of hegemony in the European Union is mainly manifest in the structural power of capital vis-à-vis subaltern classes, but arguably also finds its expression in what Gill has identified as 'new constitutionalism' (Gill, 1998), that is the politico-judicial lock in of commitments to disciplinary neoliberalism, such as the isolation of European Central Bank governance during the establishment of Monetary and Economic Union, or the role of the European Court of Justice in giving precedence to the market freedoms over the right to strike. With the 'authoritarian constitutionalism' that is now emerging at the EU level (Oberndorfer, 2012), this coercive dimension has become much more pronounced, and constitutes a significant development for the relationship between organized labour and the European state formation. Before discussing these recent developments, the next section now turns to the concrete social struggles over European integration, and examines the role trade unions have been playing in the emerging European state formation.

Organized Labour and European Integration

Industrial relations regimes differ greatly across the EU, reflecting the diversity of socio-economic institutional structures in EU Member States (Hyman, 2001). These differences are also apparent in the percentage of trade union membership within the overall labour force; however an overall picture reveals a clear downward trend in trade union density across Europe.³ Most of these national unions are members of the ETUC. Next to the ETUC, EU-level industrial relations are also constituted at sectoral and firm levels. At the sectoral level, the European industry federations constitute a cross-national representation of sectoral/industry-specific unions (e.g. the European Metalworker Federation (EMF), Service Sector (UNI), Public Services (EPSU)). Industry federations have an important role in wage coordination, as most federations have by now developed collective bargaining committees (Hoffmann et al., 2009, p. 407). At the firm level, European works councils (EWCs) have emerged as platforms for negotiation and employee information/consultation. For the following empirical analysis, the main focus will be on the ETUC, as it is here that social struggles within and through the *institutional terrain* of the European state formation are most apparent. Such a focus admittedly does not allow for distinguishing between, for example, public or private sector unions, nor a clear distinction between national or transnational labour forces. Where the changing nature of the European state formation is concerned, however, and the question in how far the European level might provide a social space for the formulation of alternatives to austerity, it is through examining the ambiguities of the role and agency of the ETUC that the changing power relations between labour and the European state formation, and the concomitant dimension of class struggle over political projects can be discussed.

The European Trade Union Confederation

At the time of writing, the ETUC has a membership of 83 national trade union confederations from 36 countries; in total it claims to represent around 60 million workers. It is recognized as ‘the only representative cross-sectoral trade union organization at European level’.⁴ Rather than being a homogeneous organization, within the structures of the ETUC there are strong internal interest cleavages between different union members. These differences are to great extent defined by national economic profiles and levels of prosperity, next to the underlying ideological and political orientation of national trade unions (Gajewska, 2008, pp. 108–109). While trade unions from Northern Member States, for instance, have a strong preference for expanding the social dimension to protect employment, trade unions from Southern Europe and the new member states prefer a strategy of economic nationalism to a harmonization of labour standards at EU level. What is more, ‘distinctive geographies or national identities make the framing of common interests especially difficult for a potential labour coalition’ (ibid., p. 109). This also pertains to the production structures in which trade unions are based (Bieler, 2005). With regard to the institutional structure of EU-level trade union representation, Hyman highlights the emergence of a distinct ‘European trade union elite’ (2005) distanced from the rank and file in the Member States. Mirroring debates about ‘labour aristocracies’ in international trade union bureaucracies, he argues that there is indeed a fundamental contradiction between, as well as increasing conflicts about, EU-level trade union support for the broader project of European integration, and national level strategies against economic and welfare restructuring.

Trade union strategies at the European level mainly take place within the institutional framework of the European level. This, however, means that initiatives and policy objectives also

remain *within* the broader political context of neoliberal restructuring, rather than pose a fundamental alternative to it (Taylor and Mathers, 2002, 2004). Organized labour within the institutional configuration of the European Union has indeed been perceived as 'co-opted' into the project of neoliberal restructuring. In particular, under the promises of Delors' vision for a 'European social model', trade unions entered into a tacit agreement that intensified market competition and deregulation were unavoidable (Bieling and Schulten, 2003). Set up as lobby organizations for worker interests at the European level in 1973, the ETUC has been firmly embedded into the emerging system of European industrial relations, characterized by the Social Dialogue.⁵ Due to the asymmetrical nature of European governance (Scharpf, 1999), the results of Social Dialogue have been limited to specific areas,⁶ and have mainly taken place at a particular juncture in the 1980s/1990s, when the discourse of the 'social dimension' of European integration had gained traction. The institutionalization of the Social Dialogue in the Maastricht Social Chapter in 1991 has led to what Bieling and Schulten (2003) have called 'symbolic Eurocorporatism', that is the incorporation of trade union associations into the hegemonic bloc, while all the same 'keeping alive their functionalist hopes of a slow but steady expansion of European social regulation'. Social Dialogue channels conflicts between capital and labour into a non-binding social partnership forum, effectively blurring the antagonistic relations resulting from neoliberal restructuring. The question then is in how far the institutional terrain of the European level offers a space for trade unions to resist neoliberal restructuring.

Room for Manoeuvre? Organized Labour and the EU Institutional Terrain

Within the institutional configuration of the EU, the Commission and the European Parliament constitute the main points of reference for strategies and cooperation for trade union representation (Bieler, 2005, pp. 466–467). The interaction between ETUC and the European Parliament, for instance in the trade union intergroup setting, has become an increasingly important institutional avenue (Kovacs, 2008). In particular the Socialist group in the Parliament has strong levels of dialogue and cooperation with the ETUC, both at the institutional as well as at the personnel level. At the same time, the ETUC in effect remains a lobby organization among many others. As Taylor et al. point out (2011), the close ties between trade unions and social-democratic parties that have been emerging in national contexts since the post-war period are not present at the European level. As the 'dominant party-union nexus' seems to be disappearing at the national level, the EU-level situation is too fragmented for the emergence of stable coalitions with the parliament.⁷

Cooperation with the European Commission constitutes the other core dimension of the ETUC's institutional strategy. The Commission's position as central actor in EU governance, most importantly with regard to the initiation of legislation, renders it an important strategic node for trade unions. It is important here to acknowledge the differences in institutional power and influence of the different Directorate Generals (DG). It is mainly DG Employment and Social Affairs and DG Enterprise that are dealing with issue of worker rights, although of course a whole range of issues such as education, competition, and trade also pertain directly to workers. Trade union affiliation (in terms of consultation, dialogue, and access) has been much more pronounced with regard to DG Employment, which is generally considered 'weaker' in terms of institutional standing than for instance DG Internal Market. As Bieler points out (2005, p. 469), 'trade unions have been too reliant on the DG for Employment and Social Affairs without receiving enough in return'.⁸ While there have been important achievements such as the European Works Council Directive, the framework agreements under Social

Dialogue and the complementary Directive to the European Company Statute, relative to for instance the strength of the Single Market Programme, concessions to labour at the EU-level have been mostly symbolic. On a discursive level, the technocratic character of policy-making in EU governance here often serves to obscure the fundamentally political character of neoliberal restructuring, reinforcing the appearance of having ‘universal’ appeal also to sub-altern social forces. By highlighting this political dimension, the contestation of such ‘neutral’ policies by trade union representatives or academics is then more often than not portrayed as ‘biased’, which in turn weakens the legitimacy of policy alternatives.

The role of the European Court of Justice (ECJ) has also become of increasing importance for worker rights and the position of trade unions in recent years. A series of recent ECJ rulings has highlighted the tension within the politico-legal framework of the European Union between the ‘capitalist’ freedoms of movement and establishment, and the fundamental right to industrial action that could potentially limit those freedoms (see e.g. Bercusson, 2007; Höpner, 2008). A strategic-relational understanding here adds an important analytical dimension in that it stresses the strategic selectivities at play in the EU framework. Organized labour is hence constrained by the tendency to seek to work within institutional architectures which are increasingly neoliberal and therefore hostile (Bruff and Horn, 2012, pp. 165). Crucially, this pre-structured social terrain, and in particular the commitment to the broader project of European integration, which is a necessary dimension of inclusion in the institutional architecture, also constitutes a strong limitation for developing a clear position on fundamental class interests.

Even though the room for agency for organized labour within the institutional space is limited, there remain alternative and new avenues for trade unions. Unions are not passive victims of the EU integration process, but rather agents that are also capable of politicizing its contradictions (Erne, 2008, p 199; see also Gajewska, 2008). While in the absence of strong uniform representation at the EU level and framed in the soft model of the ‘Social Dialogue’, labour had previously acquiesced to restructuring under the promise of competitiveness and job growth, there is now increasing disillusionment with the flanking measures of the European social model. In contrast to Scharpf’s assessment (2008, p. 16) that ‘hoping for a Social Europe actually prevents politicians from taking the action that is still possible at the national level’, this does not necessarily mean that trade unions have no option but to revert to mainly national strategies. Rather, it indicates that EU-level trade union representation has indeed been too reliant on, and overly optimistic about, the institutional terrain of the European Union. To some extent, this is certainly due to the remnant social-democratic trade union background and the strong corporatist tradition that are still ingrained in the ETUC. At the same time, the enthusiastic calibration of ETUC strategies towards the existing European institutional structures indeed reflects a latent consent with the overall objectives of European governance, in particular in the 1990s and the early 2000s.

There are strong signs that this is changing now, though. While trade unions at the European level have, in Beverly Silver’s framework, only very limited *structural* power, it seems that they are increasingly turning to their *associational* power within the social terrain of the European Union. As John Monks, then secretary general of the ETUC declared at the emergence of the economic crisis, ‘the conditions are there for a trade union counter attack’ (Monks, 2008). In this context, Gajewska (2008, p. 111) provides an overview and cautiously optimistic assessment of mass mobilizations by the ETUC, which have been mainly targeting the EU decision-making process. The struggle over the Services (aka ‘Bolkestein’) Directive in 2004–2006 here constitutes a key episode in mass mobilization across a great range of trade union members and social movements (Bieler, 2007). In the same vein, Bieler and Morton have pointed towards the

increased cooperation between trade unions and social movements at the European level, in particular in the form of the European Social Forum; while they acknowledge the potential tensions and contradictions in the interaction between organized labour and other civil society organizations, they find much potential for progressive alliances (Bieler and Morton, 2004). The question remains, however, how far this rising contestation of neoliberal restructuring, paired with residual EU optimism, can indeed be translated into a platform for opposition to the far-reaching austerity and economic governance programme currently implemented at EU level. The EU's increasingly 'authoritarian constitutionalism' (Oberndorfer, 2012) is set to further constrain the room for manoeuvre for subaltern actors.

European Labour in the Crisis

The financial and economic crisis that has become manifest from 2008 onwards, in particular the current sovereign debt situation in many EU Member States, has accentuated the class tensions in the EU and acted as catalyst for a repositioning of organized labour at the EU level. Trade unions at the EU level are caught between austerity programmes and the restructuring of EU economic governance, and the imperative to represent worker and broader societal interests. In the following, the dimensions of their associational and institutional power are examined along the interrelated lines of mobilization, opposition to substantial policies, as well as contestation of EU governance.

Mobilization

While from the emergence of the economic crisis from 2008 onwards there have been mass protests, jointly organized by civil societies organizations and trade unions, against the crisis management at EU and Member State levels, the crisis has not led to a significant rise in strike activity in 2009 across EU Member States.⁹ Strike activity actually declined in 2009 compared to the average of the five preceding years (Vandaele, 2011, p. 35). Unemployment levels had already been rising then of course, but it was only with the announcement of the far-ranging austerity measures that mass mobilization of workers really took off with demonstrations and mass strikes, in particular in the public sector. There have since been general strikes across the European Union, e.g. in Greece, France, Italy, Portugal, and Spain, and sectoral strikes in Ireland, the Netherlands, Romania, Slovakia, and the UK (ibid., p. 36).¹⁰ While the organization of a coordinated European general strike still seems far outside the picture at the moment,¹¹ these developments point towards the need to reconsider the role and potential of trade union mobilization and campaigning, in particular with regard to trade union experience and organizational capacity.¹² In this context, Bieler and Schulten (2008) argue that trade unions at the EU level should change their strategic policy from being 'primarily an EU lobby organization working within EU institutions, towards becoming a more European social campaigning and movement organization'. Recent developments and initiatives indeed indicate that there is a significant intensification of ETUC mobilization. With the organization of several European Action Days since the onset of the crisis, it seems that the ETUC is indeed concentrating its efforts on the potential of politicization at the European level. Mass demonstrations—up to 100,000 participants, as in Brussels in September 2010, and around 50,000 in Wroclaw in September 2011—indicate that there is indeed a substantial level of response among European trade union members. While ETUC mobilizations in the early 2000s have been under positive slogans for 'more Europe', the level of discourse has since then become gradually more

antagonistic (Kowalsky, 2011, p. 27). Already before the crisis, the ETUC had, at the 2007 Seville congress, adopted a more assertive stance by declaring itself to be 'on the offensive' (ETUC 2007). Even though, as one observer cautioned, this might at that time have merely caused mild amusement by the European institutions that were the primary target of ETUC demands (Schmidt-Hullmann, 2009), the overarching perspective of 'mobilizing for social Europe' at the 2011 Athens Congress, and the intensification of interaction with civil society organizations is testimony to the growing awareness of the importance of broader mobilization at the EU level. While the ETUC is unlikely to move substantially to a full-blown social movement unionist strategy, the increasingly *political* framing of demands and strategies rather than a predominant focus on workplace issues points towards changes in strategy to establish a broader coalition focusing on exploitation beyond the workplace.

Responses to EU Policy Programmes

In its Paris Declaration in May 2009, the ETUC responded to the initial EU crisis management by reinforcing its demands for 'more and better jobs' through increased investment, strengthening of welfare systems to prevent social exclusion, stronger collective bargaining systems as well as worker rights, and effective regulation of the financial industry (ETUC, 2009). Apart from addressing the Commission, the Parliament, and the Council, the declaration notably also expressed a call 'upon the business community to engage in a social dialogue' to help resolve the crisis. At that time, the main target was indeed perceived to be financialized 'casino' capitalism, and business associations and European institutions were seen as potential partners in a corporatist effort to prevent even more fallout from the financial crisis. The subsequent Europe2020 agenda by the European Commission, and the planned restructuring of EU economic governance under the Fiscal Compact, however, have severely dampened any hopes that an EU-level solution might be working for, or at least with, workers rather than against them, as the recent trajectory is increasingly at odds with core trade unions objectives of job creation and job security.

While increased EU-level macroeconomic coordination had originally been considered a necessary step by trade unions, and indeed most observers on the left, the emerging coordination through the 'European semester' and the Fiscal Compact is now being interpreted as 'an attack on workers, substituting the mechanism of currency depreciation through wage depreciation' (Kowalsky, 2011, p. 76). The European Commission's follow-up programme to the Lisbon strategy as laid out in the Europe2020 agenda does not provide sufficient measures to make the costs of restructuring less burdensome, and has indeed received sharp criticism from trade union perspectives (see e.g. Pochet, 2010). In contrast to the Commission's pledge for 'a strategy for smart, sustainable and inclusive growth' (European Commission, 2010), the effects of EU-level initiatives might in fact bring about developments quite contrary to this objective.

At its congress in Athens in May 2011, the ETUC has strongly asserted its opposition to austerity policies and reaffirmed its call for a 'new social and green deal'. In the context of the intensification of the Eurozone crisis, it has also spoken out in favour of Eurobonds and low-interest policies from the European Central Bank. Moreover, it has considerably increased its efforts to examine possibilities for the coordination and negotiation of collective bargaining, even though actual coherent proposals seem out of the picture at the moment (Glassner and Pochet, 2011). Wage formation is a particular point of contention in the context of the restructuring of EU economic governance; as Pedrina points out (2011), the 'wage straitjackets' in the Euro Plus Pact and enlarged bailout plans call into question 'the autonomy of social partners', which after all constitutes one of the pillars of the EU social model. The ETUC strongly criticized the adoption of

the 'six-pack' legislation on economic governance by the European Parliament in September 2011, calling it a 'flawed package' and warning that these rules 'could trigger Europe-wide downwards wage competition, impose brutal and unbalanced fiscal austerity, depress economic activity'.¹³

Overall, the EU-level debates about responses to the financial and economic, and now the sovereign debt crisis show an increasing disillusionment of the ETUC with the prospects of progressive policies in the European Union. The ETUC has not only *not* seen its demands being taken into consideration, but under the current situation core trade union achievements are being revoked, without even the usual dialogue, consultation, and concessions that have characterized previous periods of EU governance. The policy space in which trade unions operate in their areas of core competence, such as wage formation, is increasingly defined by regulatory developments in other areas in which trade unions have little institutional power and 'have a hard time mobilizing members around those issues' (Hoffer, 2010). At the same time, in particular at the European level trade unions are increasingly and systematically building up expertise on financial market and banking regulation, often in cooperation with civil society organizations and academics. In the context of the crisis, *epistemic contestation* of neoliberal restructuring has become an important cornerstone of the ETUC's strategy, and a crucial expression of an increasing associational power strategy. The increased antagonism engendered by this frustration has also been noticeable in the growing contestation not only of the content, but also the form and mode of governance.

Contestation of Governance

The institutional configuration of the European Union offers limited possibilities for trade unions to expand their influence. In conjunction with the broader legitimacy crisis of European Union, however, trade unions have been increasingly challenging the *form* of European governance. As Erne has shown (2008), organized labour can successfully repoliticize EU technocratic governance and policy-making. Several recent initiatives illustrate the increasing contestation of the strategic selectivities of the European state formation. The ETUC has become more and more critical of the European Commission, in particular with its role in promoting Social Dialogue; as Hoffman et al. argue (2009, p. 404), the Commission has 'displayed a high degree of abstinence in regard to legislative measures, coupled with considerable regard for voluntarism'. In a pronounced break with the established routine of Social Dialogue, in the case of the revision of the European Works Council Directive the ETUC decided to decline the official negotiation process with the social partners under Art. 138 (Jagodzinski, 2008, pp. 118–126). While the final recast directive has been subject to important negotiations between the trade unions and employers at EU level, this constitutes a notable adjustment in the ETUC's strategy, which had so far been characterized by wholesale commitment to Social Dialogue. The ETUC is also exploring new avenues to put pressure on the European Commission, for instance with regard to the instrument of the 'European citizen's initiative', where it is currently exploring possibilities to use this instrument to mobilize among rank and file membership against wage depression in the context of the Commission's economic governance programme (Pedrina, 2011). At the time of writing, the debates about the so-called Monti II regulation aimed at reconciling economic freedoms and social rights indicate how sceptical trade unions have become about prospects for a European social model.¹⁴ The role of the ECJ with regard to the decisions on Laval, Viking, Luxembourg, and Ruffert has led to an increased and systematic engagement of the ETUC with the politico-juridical structures of European integration. The ETUC insisted

that ‘fundamental social rights take precedence over economic freedoms’ and consequently argued for enshrining this principle in a ‘social progress clause’ in the treaties; moreover it presses the demand for a specific labour chamber in the ECJ (ETUC, 2011b). The debate about the ECJ decisions has opened up space for fundamental discussions of the governance architecture of the European Union.

As these illustrations show, concomitant to a strengthening and deepening of neoliberal European integration, the ETUC is indeed changing its position vis-à-vis the EU institutional configuration. To facilitate these efforts, institutional changes within the ETUC are necessary to promote the Europeanization of trade union cadres and increase capacities and competences (Hoffmann, 2011, p. 150). This is a strategic choice inherently related to the broader relationship between the European state formation and organized labour, and hence raises the question in how far the social terrain of European Union indeed provides opportunity structures for trade unions in the context of increasing class antagonism.

Strategic Options at EU Level

How then can trade unions strategically use the EU institutions and the European level more broadly? With regard to the ‘rebound of the state’, the European Union here constitutes a specific instance of regional integration, which illustrates the challenges and opportunities for trade union agency beyond the national level. Trade union engagement at the European level is subject to a range of tensions and contradictions, not least the social form of the European Union. The European trade union secretariat is uniquely positioned between national trade unions and the international trade union secretariats, and has a crucial coordinating function in the region and beyond. At the same time, due to the fragmentation of interests among the great variety of its trade union members, the ETUC has come under increasing criticism from national level unions, in particular with regard to its lukewarm opposition to neoliberal restructuring (e.g. Schmidt Hullemann 2009, p. 250). While a ‘retreat from the battlefield Europe’ (Kowalsky, 2011, p. 122) seems an unlikely scenario, almost unconditional support for the European project is clearly not a strategy the ETUC can continue, either. Kowalsky (ibid., p. 123) here sketches a range of options, ranging from maintaining the status quo, in which trade unions remain mainly reactively entangled in the European institutions, to a ‘selective opposition’ with punctual coalitions with NGOs and other (subaltern) social forces, or even a fundamentally opposed position (although he does not offer any answers on how to structure such a relationship with the European institutions). The question also is whether the response by organized labour should be predominantly regional, i.e. through the structures of European trade union representation, or inter/transnational in this regard. Labour regionalism is potentially fraught with tensions and might actually be an impediment to trade union solidarity, as it drains resources from, and can have a demobilizing effect on mass mobilizations (Hyman, 2005). The question of transnational solidarity looms large in this regard, as has become clear in recent developments in EU governance. The competitiveness strategy implicit in the Europe2020 agenda, despite the current focus on making growth ‘smart, inclusive and sustainable’, seeks to promote increasing competition of workers within the European Union, as well as with other regions of the world. Trade union responses at the European level will have to tread carefully to prevent corroborating this regional competitiveness agenda with labour regionalism that would reinforce parochial perspectives with regard to migrant workers and transnational solidarity. Social struggles that can address the class conflicts at the heart of the current austerity programmes would need to establish organizational coalitions that can transcend these schisms.

However, where the structural power of organized labour is weak, and increasingly undermined through the constitutionalization of disciplinary neoliberalism, associational power is likely not sufficient to rally different social groups around these fundamental but possibly divisive class issues.

Interestingly, at the Athens Congress the ETUC reaffirmed its commitment to 'promote the European Social Model as positive and sustainable model for world development' (ETUC, 2011b). This was before the introduction of the new programme for economic governance in autumn 2011, however, and it remains to be seen whether this remnant optimism for the European social model will indeed be sustainable, or will turn out 'a delusion', as Scharpf (2008) has argued already in the aftermath of the Viking and Laval judgements. In this regard, Europeanization as 'central direction for trade unions' (Hoffmann et al., 2009) does indeed take on a whole new meaning, as strict budget discipline and hence austerity have become centrally coordinated at the European level. At the same time, as Pedrina (2011) points out, there is now a serious risk that these austerity measures might cause such an imbalance between and within countries that this might lead to a 'catastrophic paralysis of the labour movement'. To overcome these challenges, the European labour movement will not only have to recalibrate its own position vis-à-vis the European institutions, but articulate a strategy that can overcome the narrow interests of its core constituency and bind a broader coalition of social forces into a class-based, counter-hegemonic project for European integration.

Concluding Reflections

This article has explored the changing position and agency of organized labour at the European level in the context of the transformation of socio-economic governance of the European state formation. It has become clear that while the European Union as terrain of social struggles is limited with regard to the social space it offers for trade union strategies in its institutional setting, it also offers crucial avenues for contestation and formulation of alternative strategies, based on labour's associational rather than structural-institutional power. At the same time, returning to Gramsci's argument that 'it is absurd and puerile to maintain that [the] trade union in itself possesses the capability to overthrow capitalism' (1978, p. 76), a crucial question is whether organized labour at the European level will be able to transcend mobilization primarily based on the workplace and reassert class struggle at the European level to address fundamental exploitation not only in productive but also reproductive spheres, as well as the depletion of natural resources. What is more, even in a period where, it seems, capital has renounced many dimensions of the class compromises that have underpinned European integration, there is no historic necessity for a European labour movement to transcend the institutional boundaries of the European architecture (Burawoy, 2010). Acknowledging the agency and strategic options of labour at the European level also means recognizing that European trade unions might very well remain within the broader coalition of social forces underwriting the European project of neoliberal restructuring, even in the current crisis. Trade unions should not a priori be attributed with expectations of alternative strategies and emancipatory potential. Rather, as this article has shown, their agency has to be investigated in the specific context of a terrain of social struggles. In the fallout of the financial, economic, and social crisis, the relationship between the ETUC and the EU institutions might have matured into a 'critical friendship' (ETUC, 2011a) indeed, but it remains to be seen whether organized labour can mobilize social forces into sustained political struggles to emancipate itself from the ties of this profoundly asymmetrical friendship.

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Notes

- 1 This focus on the production process does not preclude a concomitant attention to issues of gender, race, or ethnicity, which also engender social relations in idiosyncratic but interrelated forms (Cox, 1981).
- 2 I would like to thank an anonymous reviewer for reminding me that there is still much work to be done for a thorough theorization of labour–state relations at the EU level.
- 3 In 2008, weighted for the size of national workforces, overall trade union density had decreased to 35–36% in the EU 15 and Norway, and 23% in the new Member States. Around 58 million workers were members of a trade union in the EU Member States (Eurofound, 2009, p. 23).
- 4 For more information about ETUC structures, see the factsheet on <http://www.etuc.org/tr/5>.
- 5 The EU-level system of social partnership is structured along the lines of a bi/tripartite corporatist configuration. The ETUC has its counterpart in EU-level employer organizations (mainly BusinessEurope, complemented by CEEP and UEAPME). These, however, are institutionally much weaker than their respective members at the national level.
- 6 Framework agreements under the Social Dialogue include parental leave (1996/2009), part-time work (1997), fixed-term contracts (1999), telework (2002), work-related stress (2004), harassment and violence at work (2007), and inclusive labour markets (2010).
- 7 The change in party composition in the 2009 EP elections has not exactly improved the trade unions' position in this regard either.
- 8 The policy domain of corporate governance regulation illustrates this issue rather well: while company law and labour law have been traditionally perceived as overlapping, to the extent that issues of workers' rights to information, consultation and even participation have relevance in both legal areas, under the Commission's initiative to introduce a shareholder-value oriented corporate governance framework to the Single Market, corporate governance regulation now increasingly integrates company law with capital market law, while labour law has mainly been severed from company law. This shift in legal paradigm has been underwritten by the institutional bifurcation of the strong position of DG Internal Market focusing on corporate control and ownership, and DG Employment (and now DG Enterprise) dealing with the 'social' dimension of corporate activities (Horn, 2011).
- 9 With the exception of Ireland.
- 10 At the time of writing, more recent and systematic strike data are not yet available. As Vandaele writes (2011, p. 35), 'assuming that strike action, as a first step, can be a necessary precondition for developing solidarity and workers' awareness of the vulnerability of neoliberalism, it might be worth examining the extent to which strike action and other forms of collective action by workers have developed since the current socio-economic crisis when the financial crisis hit Europe at the end of 2008.
- 11 As Pedrina reports (2011), the ETUC did adopt a proposal from the Spanish confederations CCOO and UGT calling for serious examination of the feasibility of coordinated strikes or a European general strike, but it did so 'without convictions'.
- 12 In the context of the trade union revitalization literature, union mobilization is increasingly becoming a central concern.
- 13 ETUC press release, 28 September 2011, available at <http://www.etuc.org/a/9053>.
- 14 For an overview of the Monti II discussions, see e.g. Brün and Bücker (2012).

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