Chapter 3. Conceptual Framework: Union Formative Processes in the FSU

This chapter introduces conceptual points that frame the discussion of union representation in the FSU. The chapter begins with the normative assumption of conflict of interests between owners of capital and workers. Not only does this assumption distinguish the field of IR from the other fields of research, but it is also key to understanding 'worker representation' and union development. The second assumption of this conceptual approach is that the institutional structure of worker representation is not only comprised of formal rules but also actors' 'institutionalised practices'. Next, the chapter discusses union development and worker representation in the FSU using the theoretical approach of path dependence.

Based on these conceptual considerations, the concept of union formative processes is elaborated in the chapter. Engagement with union formation provides an opportunity to investigate how unions have been (re)constituted and to explore the possible patterns of union-based worker representation that were established at different points in time and during different political moments. The chapter concludes with a discussion of possible interdependent and reciprocal effects of different union formative processes and their implications for worker representation.

3.1. Conflict of interest as a distinguishing feature of IR

A central distinguishing feature of the field of IR from others has been "[…] an enduring conflict of interest [that] exists between workers and employers in employment relationships" (Kochan 1998: 37) and "[…] underlies everything that occurs in industrial relations" (Hyman 1975: 23). There is no consensus as to the source and scope of this conflict of interests itself. In the pluralist school of thought conflict is viewed as embedded in the structure of authority relations. Parties to the employment relationship are therefore tied together in an enduring web of partially conflicting and common interests (Blyton et al. 2008, Edwards 2003, Kochan 1998). Thus conflict of interests is inevitable, but collective bargaining and legal regulation help to institutionalise the conflict. In Marxist[18] and neo-Marxist schools of thought (e.g. Hyman 1975, 1989, Hyman and Ferner 1994, Kelly 2000) the source of conflict is the separation of workers from the ownership of the means of production. Thus, the conflict of interests is all-encompassing, with differences between interests running deeper than those conflicts

[18] Although there are different schools of Marxist thought, I refer here to the general overarching understanding of the assumption of conflict that is common to different Marxist schools.

that could be institutionalised. Being embedded in the class struggle in Marxist terms, elaboration of this conflict of interests could lead to the eventual overthrow of the capitalist system (Blyton et al. 2008, Edwards 2003, Kochan 1998, Müller-Jentsch 2004).

Common to both approaches is the premise that some of the employers' and workers' interests contradict each other. The existence of both legitimate sets of interests has acquired a strong normative recognition in IR scholarship (Blyton et al. 2008); on the one hand, there are those who work in various occupations and whose contribution to production is not adequately reflected in their pay ('hired workers'). On the other hand, there are those who can live from the labour of others by owning property ('owners of capital'). Between these two social groupings a conflict of interests exists which materialises as a constant and dynamic struggle between workers and employers over work-related issues (ibid). In view of this, "[…] there is broad social and political acceptance that labour possesses distinctive collective interests which (whether or not defined as antagonistic to those of the employer) need independent representation" (Hyman 2005: 11). IR thus involves "[…] co-operation, adaptation, and accommodation as well as conflict" (Edwards 1986: 5).

This normative assumption of a conflict of interests has been central to the revision of the definition of IR that had traditionally been perceived in terms of 'institutions of job regulation' (Dunlop 1958). The merits and weaknesses of Dunlop's approach become evident, as both rules and actors are in transition. Several objections were stressed in this regard (e.g. Hyman 1975, 1989, Kaufman 2004, Müller-Jentsch 2004), with three being particularly important for understanding IR in the FSU context. First, the system approach of Dunlop promoted 'norms and rules' to a position of central analytical importance. As stability appeared to be a structural imperative and outcome of IR, the dimensions of conflict and change were understated in this framework. Second, Dunlop's approach addresses employers, trade unions and the state as pre-formed unitary parties, taking no notice of the constitution of actors or their plurality. Finally, overemphasising the formal institutions, the system approach ignores 'the informal relationships' within institutions, in other words the 'the real men and women' and their activities (Hyman 1975) that can never be frozen in formal rules effectively. According to Hyman, (ibid: 12) IR therefore constitutes, "the processes of control over work relations," driven by workers and employers. 'The processes of control' implies that collective organisations and actions are included in addition to the law and regulatory procedures that are commonly analysed in IR. Hyman's definition of IR is also applied as part of this dissertation's approach.

The conflict of interests apparent during the early capitalism of western societies served as a foundation for the structuring and consolidation of western countries' IR and provided a basis for IR actors' formation and operations (e.g. Müller-Jentsch 1996, 2004). In this way, the dynamic process of collective organisation of workers' interests into trade unions led the state to allocate legal rights and set up state welfare institutions. These institutions provided new governance mechanisms of IR including: social classes, as workers acted via their organisations; 'management of interests', as unions formed, aggregated and intermediated members' interests; bilateral regulations that overarched conflict strategies; and the emerging arenas, institutional systems, and the provision of specific instruments for interest representation and conflict resolution. Given the concurrent evolution of collective actors and institutions, conflict of interests has had historical, political and cultural roots in society.

This construction and evolution of socialist systems of IR stood in stark contrast to the development of IR systems under capitalism. Socialist IR was built on the assumption of a confluence of interests between workers, enterprise administrators and the Party-State, so that any conflict of interest between workers and enterprise administrations was not recognised in a formal framework of IR. Consequently, socialist IR did not have room for collective social conflicts, conflicting interests or any expression of 'voice' by any of the existing social groupings, including workers. Also, socialist trade unions did not evolve as workers' self-run organisations which managed workers' interests but were imposed from above and thus had different functions. In this context, Clarke (1993) has made the point that Soviet socialism was characterised by 'conflict displacement'; the only potential conflict was the enterprise administrations' interests conflicting with those of the state planning authorities in the run up for the allocation of resources to enterprises.

By re-modelling post-socialist IR infrastructure on pluralistic principles that were based on conflict of interests, 'conflict of interests' between 'hired workers' and 'the owners of capital' was fundamentally installed in institutional terms from above. Terms such as 'hired workers', 'employers', 'collective disputes' and 'strikes' were introduced and respective rights were allocated to actors in the legal regulation and within different newly created arenas of IR. At the same time, the abrupt installation of formal rules did not leave sufficient time to allow the conditions and ingredients necessary for the natural evolution and realisation of the conflict of interests to materialise (thus, it did not leave sufficient time to allow classes and management of interests through the organisations to form, if we stick to Müller-Jentsch's argument). Neither was a

diversified structure of capital nor 'a capitalist employer' developed (e.g. Eyal, Szelényi and Townsley 1998, Gerchikov 1995, Morrison 2008). Nor did the institutional changes provoke trade unions to develop the respective representational capacities that are needed in order to generate and articulate the interests of the workers as opposed to those of enterprise management (e.g. Ashwin 2007, Ashwin and Clarke 2003, Crowley 2004, Kubicek 2004, 2007, Mandel 2004, Ost 2006, Pollert 1999b). Finally, after several decades of socialism, workers' interests might not necessarily be conceptualised on the premise of conflict of interests, as shown by the analyses of workers' collectivity for instance (e.g. Ashwin 1999b).

Interest representation based on the assumption of the potential conflict of interests is connected with a Marxist understanding of social actors as belonging to classes. However, basic assumptions about the sociological definition of class (such as, workers' consciousness, coherent language and ideology) are lacking in post-socialist societies (Clarke 1993, Crowley 2001, Ost 2005, Pollert 1999a). The very differentiation between 'hired workers' and 'employers' upon which a definition of 'class' would be constructed is weakly developed in the FSU (e.g. Aguilera and Dabu 2005). In many situations workers do not look to a trade union, but rather, to a strong manager for solutions to their work-related problems (Ashwin 1999b). Meanwhile, post-socialist trade unions and employers act in the 'producers' interests' (Sandschneider 1999) by participating in union-management alliances in similar attempts to keep enterprises alive (MacShane 1994). When compared to the institutional framework for the emergence of pluralistic IR interests based on conflict, the reproduction of the unions' previously constructed forms of worker representation have had the effect of producing 'chronically underdeveloped interest pluralism' (Kurtan 1999) or even reinforcing the 'conflict displacement' approach. As workers' interests are not perceived as conflicting with those of management, from the class-oriented perspective, such 'displacement' of conflict of interests inhibits the formation of 'independent class consciousnesses' (Clarke 1993). This observation implies that the existing path of worker representation has not had the expected effects in terms of the development of the representation of distinctive interests of workers.

The situation of underdeveloped interest pluralism, however, does not imply that the contradictions between workers' and employers' interests, or even between the distinctive interests of workers, are not present at all. Albeit a social grouping of workers might not necessarily explicitly demonstrate the classical characteristics of a class, the institutional structure allowed some previously unarticulated actors' interests

and practices to converge in the formation of organisations. Hence, its most important effect was in enabling the constitution of new union agents alongside the path of the adaptation being pursued by the previously existing trade unions. First and foremost, it enabled the organisation of 'alternative' trade unions. This positive effect, which the new institutional infrastructure had on the development of distinctive interests, is clearly shown by the development of trade union movements in almost all FSU countries into so- called reformed, successor trade unions and newly emerging unions. Consequently, these two processes of union development have applied different approaches to the enactment of that institutional infrastructure.

The notion of conflict of interests is thus important for the discussion of post-socialist worker representation because the institutional changes enabled the expression and articulation of a plurality of interests that had not previously been explicitly articulated. The emergence of worker strike committees and independent trade unions are clear examples, where the plurality of interests has become concrete. A growing plurality of interests and, essentially, conflicts requires approaches that reintroduce 'the unfashionable notion of class' (Pollert 1999b: 228-9) and explore, in the first place, which interest representation groups and conflicts were emerging within the IR framework and how they were potentially solved.

As the IR structure that grew out of the conflict of interests (in completely different political and historical contexts) was not underpinned by the respective practices of pluralistic interest representation, countries' IR systems were turned into systems that, in fact, contrasted dramatically with historically pre-dating socialist IR systems. Central to this contrast is the basic assumption of the interest confluence, which is in contradiction with the basic premise of the conflict of interests. Given that "[…] the constitution of agents and structures are not two independently given sets of phenomena, a dualism, but represent a duality" (Giddens 1984: 19, 25), the constitution of actors, and the reproduction of the structure through their institutionalised practices comes into focus alongside the rules that were installed through the new institutional infrastructure. Two further analytical points need to be integrated into the conceptual framework. On the one hand, the interactions between those institutions and endogenous pre-conditions of agency need to be addressed, while, on the other, the discussion of the institutional changes in terms of continuities, or path dependency and path changes, in the development of those same structures and actors is also necessary in order to reflect on the formation of worker representation.

3.2. Institutional Change as Interaction of Structure and Agency

In the analysis based on the premise of the duality of structure, institutional change is understood as the reciprocal relationship between institutions and institutionalised action, the structural and cultural dimensions of the institutions as well as the historical dimension of institution building (Eisen 1996). Core to these approaches to institutional change is the recursive duality of structure and agency, which is in line with the theoretical approach of Giddens. From Giddens' perspective of the duality of structure,[19] the new institutional structure cannot be understood without unions' 'institutionalised practices' of representation that are both constrained and enabled by structure.

Notably, 'formulated rules' (codified interpretations of rules) were embedded in the FSU 'by design' (e.g. Stark 1995), based on their interpretation as promoted under western capitalist systems of IR. At the same time, this new institutional infrastructure of IR was installed on top of the previously existing structure of 'institutionalised practices' - the patterns people follow in their social life, "generalisable procedures applied in the enactment or reproduction of social practices" (Giddens 1993: 21-22). From this perspective, installation of specific institutions alone is not sufficient for effective institutional change (Eisen 1996). The stabilisation of the institutional system (institutionalisation) of post-socialist worker representation required the adaptation of those institutional structures and practices.

Once installed in given contexts, 'imitated institutions' are expected to interact with endogenous ones embedded into specific local contexts (e.g. actors, their interests, and frames of reference) (e.g. Bafoil 1995, Czada 1996, Eisen 1996, Eisen and Wollmann 1996, Wollmann 1991, 1996a, b, 1997). Actors' perceptions, norms and beliefs, which have formed historically (Elster, Offe, Preuss et al. 1998, Franzen, Haarland and Niessen 2005, Grabher and Stark 1997, Hausner, Jessop and Nielsen 1995, Lane 2002, Merkel 2008, Offe 1995, Raiser 2002, Shershneva and Feldhoff 1998, Stark 1995, 1998, Wollmann 1997) necessarily play a key role in this interaction. Thereby, actors' individual, collective and institutional learning and adaptation processes are necessary in order to bridge the differences between imposed institutions and inherent cultural

[19] Giddens (1984, 1993, 2005) employs a recursive notion of action and structure. Structure is understood by Giddens as the conjunction of rules and resources. Rules are the patterns people follow in their social life, "generalisable procedures applied in the enactment or reproduction of social practices", of which actors are aware (hence, actors are 'knowledgeable' agents) (ibid: 21-22). The most significant rules are, "locked into the reproduction of institutionalised practices [...]" (ibid: 21-22) and are complemented by 'formulated rules' (codified interpretations of rules, not rules as such). Resources are created by human action and include allocative (material) and authoritative (non-material resources enabling the domination of some actors over others) sources of power.

patterns (Eisen 1996, Eisen and Wollmann 1996). The outcome of such institutional developments is, ideally, the mutual adaptation of transferred institutions and action patterns (ibid). Applied to worker representation, the effect of unions' learning to deal with a growing number of conflicts of interests would lead them to enact the institutional infrastructure in relation to conflict-based worker representation.

In order to facilitate collective learning processes and the formation of new actors and identities, exogenous institutions have to open a space for actors' knowledge (Bafoil 1995). Given the variety of actor interpretations of situations, the success of institutional imitation and learning is contingent on the readiness of actors to coordinate and cooperate in the production of new solutions (Czada 1996). If these preconditions are lacking, the simultaneous constitution of actors and institutions can result in the reaffirmation of previous actor constellations and behavioural patterns (ibid). This proposition gives a hint at the nature of the co-development of trade unions. Within the institutional arenas of worker representation, union learning processes would advance as trade unions co-ordinate and cooperate in order to produce new forms of worker representation. If independent trade unions go ahead with the articulation of collective conflicts, this would likely spur learning effects within reformed trade unions. The pre-condition for this is the inclusion of both trade unions into the arenas.

Meyer's argument about 'informal politics' in CEE helps to better capture this co-development of formulated rules and institutionalised practices in post-socialist contexts within one and the same structure. In 'informal politics' Meyer (2006) emphasises that instead of the readiness to co-ordinate and co-operate, instrumental use of those same institutions influences the distribution of political power and the decision-making process. When compared with the structure of 'formulated' rules, as Meyer (ibid) and Zimmer (2006) have observed, political actors might thus act 'within' but also 'beyond' the formulated rules by not, in some cases, drawing exclusively on laws, but on their personal relationships with other actors for the bypassing of those same laws[20]

Thus, there exist efficient, unwritten, often customary 'rules' (Meyer 2006) beyond the formulated rules, which are not 'institutionalised', as in the case of a formal (or in Giddens' terms, 'formulated') rule, but which are still characterised by their effective

[20] For instance, the significance of personal relationships in the post-socialist period is made clear in the analysis of worker representation within their labour collectives. Ashwin (1999a, b) has noted that workers prefer to look for a strong enterprise director to protect them instead of use existing institutionalised channels and trade unions, precisely because this director used to represent workers before and because he possesses the networks required and relationships to facilitate a more effective solution than workers' self-organised processes would.

usage and actors' agency (ibid: 20).[21] These 'informal practices' have important implications for the development of the plurality of actors, including unions, as they can be easily used as tools of control and exclusion. Also, they can generate advantages and power for some actors over others. Raiser (2002) has argued that such advantages were indeed distributed unequally; the access of the previously existing actors to policy-makers helped them to gain the enactment of legislation that favoured them, thus making it difficult for emerging agents to even enter the policy-making process. In essence, precisely at the moment of the creation of the new structure of 'formulated' rules, which enabled new actors to organise themselves (in this case, independent trade unions), the actual instrumental use of the institutional infrastructure entailed a 'blocking' of the emerging competition by 'old' actors through institutional realms (ibid). Such an approach, which stresses the patterns of actors' interaction (personalised relationships and instrumentalisation of formal rules), can be combined with Hyman's perspective on IR as processes of control that integrate the informal relationships (when compared to the structure of regulation) and with Giddens' perspective of the duality of structure, in which 'institutionalised practices' and previously formed 'knowledge' of actors constitute integral parts of the structure.

3.3. Institutional Change as a Path Dependent Process

Within a perspective of 'path dependency', presently observed phenomena are understood to be historically conditioned (Thirkel, Scase and Vickerstaff 1995); the focus on the timing, order and sequences of events prior to the outcome has explanatory power for the analysis of this same outcome (Thelen 1999). The diverse effects of the socialist past on post-socialist IR are broadly recognised in the IR literature (e.g. Adamski 1999, Arandarenko 2001, Crowley 2004, Ost 2006, Thirkell, Petkov and Vickerstaff 1998). The impact of the past is particularly palpable in unions' and workers' values and perceptions that have continued to shape actors' behaviour and worker representation. In light of the dual understanding of institutions and agency it is important to recognise that these 'legacies' can, "narrow down the potential alternatives for actions," (Beyer 2006: 12) but may also provide liabilities, assets and resources of action (Stark 1995: 69).

[21] Soviet practice, for instance, was rich with such informal relationships, which helped to compensate for deficiencies in the formal rules (Alasheev 1995a). Lampert (1986: 273) has noted that "[t]he importance of the informal understandings means that, on the one hand, [...] the management acts indulgently towards formal violations of labour discipline. On the other hand, people [...] are highly dependent on the good-will or ill-will of the boss. One can break the written rules and get away with it. But in the event of a breakdown in personal relationships, an employee who has fallen out of favour cannot expect indulgence".

Extensive overviews of path dependency have been repeatedly developed in the literature (Beyer 2005, 2006, Garud and Karnoe 2001). In a narrow conceptualisation of path dependence, it was argued that events develop along a certain path once triggered by an event (or events) during 'a critical juncture'. Their development is reproduced with the help of self-enforcing mechanisms along this same path until a new critical juncture dislodges it. As Deeg (2001) correctly notes, the analyses lack a strong definition of 'path' as well as a clear conceptualisation, which explaines for instances when a certain path is taken, ended or replaced. He offers "[…] a concept of 'path' that rests on the notion of an institutional logic, i.e., that a path is defined by the logic (predictable strategies, routines and share decision rules) generated through the operation of a given institution or institutional system" (ibid: 36).

Of further interest for the conceptual approach of this dissertation is the criticism that the earlier path-dependency analysis overemphasised the stability of the path taken and left little space for exogenous influences, actors' choices and learning processes, and moments of instability (e.g. Avdagic 2006, Beyer 2005, 2006, Bohle 1999, Pollert 1999b). Therefore, later analyses of path dependencies look for instances and conditions of institutional change within and alongside those same paths and include the forms and types of those changes (e.g. Streeck and Thelen 2005); the mechanisms ensuring the reproduction, adjustment or even a departure from those paths; and the factors forging path creation (Beyer 2005, Deeg 2001, Ebbinghaus 2005, Garud and Karnoe 2001, Stark 2006, Stark and Bruszt 1998). In these analyses, it is recognised that actors' agency (including strategic interventions and learning processes) affects the subsequent development because actors keep adjusting their strategies during subsequent developments (e.g. Avdagic 2006, Beyer 2006). This point is more explicitly emphasised in historical institutionalism.[22] Contrary to the early path dependency analyses, the proponents of historical institutionalism (e.g. Pierson and Skocpol 2002, Steinmo 2008, Steinmo, Thelen and Longstreth 1994, Thelen 1999, 2002) do not look at the stability of the path taken, but at the selective reproduction of paths. Thelen (ibid) points out that, under the conditions of path-dependency, actors have the capacity to reflect and decide

[22] Steinmo (2008), for example, defines the focus of historical institutionalism as taking an historical orientation of real world empirical questions and the ways in which institutions structure and shape political behaviour and outcomes. Importantly, the definition of institutions included in historical institutionalism includes both formal organisations and informal rules and procedures that structure conduct (Steinmo, Thelen and Longstreth 1994: 2) and so, can be combined with the general perspective on the duality of institutions. More specifically, as Pierson and Skocpol (2008) have noted, historical institutionalism is characterized by three features: a focus on big, substantive questions; an emphasis on time and sequences; and an analytical focus on macro contexts and combined effects of institutions and processes rather than on just one institution or process at a time. In short, these three characteristics include substantive agendas; temporal arguments; and attention to contexts and configurations.

what to reproduce: the actors can, hence, find the key to 'unlock' the subsequent development from the previous path (Beyer 2006). Such actor-relevant interventions serve as 'feedback' and 'reproduction' mechanisms (Pierson 2000 and Mahoney 2000 in Beyer 2006). These same mechanisms characterise not only 'critical junctures' but also subsequent 'paths of development'. Consequently, actors can adjust the path by providing or withdrawing feedback mechanisms, and so, lead to the preservation, adjustment or development of a completely new path. From this perspective, the possibility to make choices and impact development thus exists at moments of 'critical juncture' and afterwards.

Some of these analyses (e.g. Beyer 2006, Deeg 2001, Ebbinghaus 2005) turn down self-reinforcing (positive feedback) mechanisms in order to explain the patterns of institutional innovation or even creation. Deeg (2001) uses, for instance, six different mechanisms in order to analyse institutional changes: large set-up costs, learning effects, coordination effects, adaptive expectations, political power and legitimacy. Depending on the school and approach, there are a variety of mechanisms, however, these mechanisms and the conditions leading to their different forms have not yet been clearly delineated (Ebbinghaus 2005).

Combining historical institutionalism with a rational choice perspective (e.g. Thelen 1999, 2002, Hausner, Jessop and Nielsen 1995: 8) sheds, 'new light on the dialectic of structure and strategic action,' and echoes Giddens' concept of 'the duality of structure'. This 'path-dependent path-shaping' perspective (Hausner, Jessop and Nielsen 1995: 8) is helpful in order to reflect on mechanisms affecting institutional changes in worker representation as related to the agency of unions. Within their path-dependent development, trade unions make strategic choices (Huzzard, Gregory and Scott 2005) and so, choose their paths (Hausner, Jessop and Nielsen 1995, Thelen 1999). This possibility enables a 'path-enforcing', evolutionary development of worker representation based on earlier union choices and practices, such as previously existing trade union representation. Inversely, this also enables 'path-breaking' development, which includes new forms of worker representation, as expressed in the representation of patterns of independent trade unions.

This co-development of successor and newly emerging trade unions is particularly important as it demonstrates that path-enforcing and path-breaking co-developments in worker representation are taking place alongside one another. This constellation has not been extensively discussed in the path dependence approaches. Deeg (2001: 14 ff.), for

instance, differentiates between on-path and off-path developments: actors may resort to their previously used strategies, routines, and decision rules. When these elements of the paths' preexisting logic are preserved in the course of adaptations (and institutional change), this constitutes on-path development. Inversely, when a new logic is created through adaptations of formal and informal institutions, off-path institutional change, or a departure to a new path is set in motion. In addition, a new institutional path can even acquire a form of a hybrid. Similarly, it is possible to reject the mechanisms of institutional stabilisation that were observed by Alexander (2001) in relation to homogeneous or heterogeneous actors. The former assumes that everyone makes roughly the same cost and benefit analysis, favouring the status quo. The latter highlights that costs and benefits may not necessarily be distributed equally, but the actors who prefer change are relatively weak, while actors who favor the status quo are powerful enough to determine the political outcomes. Beyond these proposals, the analyses based on the concept of path dependence stop short of fully exploring path development under the conditions of heterogeneous actors.

At first glance, the plurality of trade unions initially provides some institutional change, as workers are no longer exclusively represented by one trade union organisation. In the sense of mechanisms proposed by Deeg set-up costs and legitimacy would likely be of central importance here in order to understand the mechanisms of change in this initial phase. Additionally, union plurality is likely to result in a possible re-distribution of political influence as well as in learning processes of different trade unions, affecting the enactment of the institutions and subsequent development on a certain path. During this phase, problems of coordination, learning and adaptation of expectations as well as political influence may become more important for understanding the paths than for understanding the first set-up phase. However, the issue of the co-existence of trade unions has hardly been discussed in the literature on union developments. For this reason, it is not clear to what extent the characteristic differences between trade unions, each emerging at a different point in time and a different political moment, made the coordination, cooperation and learning between trade unions possible. Therefore, it is also unclear what changes are possible in terms of bridging the distance between the institutional framework, actors' agency and institutional change, as emphasised by Czada (1996), and in terms of path-shaping path-dependent development, as emphasised in more open path dependence conceptions. In order to develop this point further, the concept of union formative process is addressed below.

3.4. Formative Processes of Trade Unions

Given that pluralism[23] of interests is recognised in institutional terms, unions must have had to move from the transmission-belt union model towards the classical model of worker representation more common under capitalist social relations. Under socialism, the establishment of trade unions was ideological: trade unions were installed in order to serve as 'a school of communism' and as the 'transmission belts' of the Communist Party (Lenin 1920). Socialist trade unions maintained no autonomous functions[24] in their capacity as an independent actor in social and labour relations (Thirkell, Petkov and Vickerstaff 1998). Also, they"[...] did not possess the traditions and experience of activity in the conditions of pluralism of the trade union structures and employers [...]" (UCEPS 2001: 29). Involvement in interest-related conflicts and pluralistic bargaining has not been a common practice of socialist trade unions either. From the perspective of pluralistic, conflict-based IR, this path of union formation as common under socialism has precluded the development of what Kelly (1996) calls the 'attributes' necessary for the independent articulation of workers' interests. Given the historical development of trade unions, "[...] a fundamental reorganisation of the trade union movement," (Buketov 1999: 97) was expected in the FSU. In the FSU context the 'reorganisation' of trade unions refers to the need to develop the 'attributes' of union capability to provide conflict-based worker representation.

This dissertation argues that, as trade unions start to develop new representative roles, they embark on formative processes. Croucher (2004: 106), for example, finds that union-inherent changes are necessary in terms of (1) interests which should reflect "[...] the balance between direct assistance to members, campaigning, and bargaining"; (2) new structures and forms of union internal democracy; (3) the coherence of unions' agendas with members' concerns; (4) unions' internal powers and operations; and (5) unions' new roles. Similarly, Huzzard, Gregory and Scott (2005) point out that under the new conditions trade unions are challenged to make strategic choices about their identity and ideology, activities and relationships with employers, members, other unions and civil society. These arguments show that the process of union reorganisation requires deep changes that go beyond simple, superficial changes to unions' organisational structures and reach the underlying logic of union representation of

[23] Interest pluralism refers here to potential conflict of interests of workers and employers as well as the potential representation of workers' interests by several trade unions as envisaged by the institutional framework of IR.
[24] Many former Party functionaries were appointed to positions in trade unions while also being responsible for implementing the directives of the Party. Hence, trade unions had no autonomous functions, as the Party had direct control over union decisions and activities.

workers' interest. Given this historical background to post-socialist trade unions, the discussion of the formation of trade unions should start with more fundamental issues related to member organisations and assumptions taken for granted in the sociological literature.

As the normative model of member-based organisations envisages, on the primary level of union activities, rank-and-file members unite in order to protect their interests, for members' union involvement provides the major source of power for such an organisation (Ilyin 2001 in Kozina 2002). From this perspective, the challenge of post-socialist unions under the new conditions is to become member-based interest organisations, thus, to provide independent worker representation as related to the owners of capital. This would mean a break from the formerly used lived practices of worker representation, which were based on the representation of 'a commonwealth' of an enterprise, including both workers and employers (Gerchikov 1995). As union-specific characteristics and services are still formulated in particular historical ways, the scholars questioned whether the path-enforcing development of the majority of trade unions could lead to the establishment of unions as member organisations, with members' interests playing a determining role (Kozina 2002).

By contrast, significant changes in the forms of worker representation present were observable in the analysis of the independent trade unions that grew out of the strikes (Bizyukov 1996, Borisov, Bizyukova and Burnyshev 1996, Borisov and Clarke 1996, Clarke and Fairbrother 1993, Clarke, Fairbrother and Borisov 1995, Crowley 2000, Fairbrother and Ilyin 1996, Vasi 2004). The emerging 'independent' trade unions expressed their opposition to the idea of representing the unity of labour collectives by excluding the representatives of enterprise management from union membership. This clearly indicates these unions' attempts to develop more conflict-oriented worker representation, as such worker representation is based on the differentiation of and separation between workers' and employers' interests, and thus, demonstrates a departure from the path. Against the background of the adaptation of the successor trade unions, these "[...] new forms of unionism," (Fairbrother and Ilyin1996: 304) signal the 'path-breaking' development in worker representation. Given that these two paths have emerged alongside each other and within one and the same institutional structure of IR, the simultaneous development of both of these paths has clearly influenced emerging worker representation.

The concept of 'union formative processes' is an analytically useful category for exploring the possible interactions between the paths of union development in the FSU and for reflecting on these union changes, challenges and choices. First, in line with the phases of path development (critical juncture, stabilisation and replacement), 'formative processes' is useful for developing analytical distinctions between the 'logics' of worker representation, as represented by reformed and independent unions and their specific characteristics, that have been established at different points in time and at different political moments.

Importantly, such differences are less visible at the primary phase of union formation, because all union roles and functions were formulated in the same abstract, imprecisely defined terms of 'worker representation'. Therefore, the first phase in which a path-breaking union formation is emerging needs to be differentiated from the subsequent phases of union development and, possibly, consolidation of one or even two paths alongside. Given the specific historical backgrounds of former official and newly established trade unions, the ordering and sequencing of their development thus helps explore the development of worker representation in a more comprehensive manner. Below, I proceed with the concept of union formation first, including the phases of such formation. Next, the dimensions on which the logics of worker representation are based are depicted and their internal interactions explored.

3.4.1. The Phases of the Union Formative Process

Changes and transformations of union roles and practices are long and dynamic processes. In order to account for these dynamics, a distinction must be drawn between different phases of a formative process. The approaches of path dependence define three such phases: critical juncture as a formative moment at which a path is set up; a subsequent stabilisation phase; and finally, a lock-in or a dislodgement of the path (e.g. Ebbinghaus 2005). Similarly, three different phases of union formation in the FSU context are suggested: organisation, operation and consolidation.

The first phase of union formation is associated with the moment of institutional formation identified in the path dependency literature as a 'critical juncture' (e.g. Beyer 2005, 2006, Ikkenberry 1994 in Thelen 1999). At a moment of critical juncture countries are sent along a specific developmental path. Actors' agency is particularly important here as the very outcome of the path depends upon the actors' agency at this formative point in time (e.g. Grabher and Stark 1997, Stark 1995, Stark and Bruszt 1998).

Similarly, at the initial phase of union development – the organisation phase - unions are challenged with formulating their initial role and position. This has implications for a specific logic of worker representation as well as subsequent (concurrent) union development. Importantly, the organisational structuring of unions at this point of development does not refer to their physical establishment, but to the (re)formulation of union activities and further course of action, even if its fundamental organisational form has existed in a certain form for some time already. This depiction of the organisational phase of union development allows for the inclusion of both newly established trade unions and pre-existing unions. Although the common declaration of the representation of workers and their rights and interests in the union organisational phase appears to indicate a break from the previous path of union development (reformed trade unions declare themselves to be defenders of workers' interests just as the independent unions do), the analysis of this phase does not yet permit observation of how trade unions prioritise the potential conflict of interests in their activities and actions. Thus, the distance travelled from the starting point remains unclear.

Secondly, complementary to the re-definition of union roles, the organisation phase of trade unions is particularly important for exploring the concurrent (re)organisation of successor and newly established trade unions alongside each other. Yet, the differences between reformed and independent trade unions, originating in the formation of their logic of representation, are likely to have a different influence at this point, when compared to subsequent phases in terms of set-up costs, co-ordination, learning, adaptive expectations and even the distribution of legitimacy and political influence.

In analyses based on path dependence (e.g. Thelen 1999) a critique was raised that developments on the path, especially after such 'critical junctures', are taken for granted, as actors' agency is expected to be guided by the institutions that were set at the moment of critical juncture. In post-socialist contexts, the newly established institutions may not be strong enough to shape actors' strategies (Avdagic 2006). As Avdagic (ibid) and Thelen (1999) stress, actors' agency is important for the enactment of institutions during the periods of subsequent institutional development beyond the periods of critical junctures. More specifically, the installation of new institutions across post-socialist countries does not automatically result in a definite path of development but rather, in a set of possible paths (Avdagic 2006). The choice of the path to follow ultimately depends on feedback and reproduction mechanisms embedded in actors' institutionalised practices.

These ‘feedback’ and ‘reproduction’ mechanisms characterising the post-formation periods become more explicit, if one looks at the subsequent, operation phase of union formation. The operation phase of trade unions reflects how trade unions routinise their choices into their everyday practices and operations and how they collect actual experiences and knowledge. Through drawing attention to the concrete activities of unions, an analysis of the operation phase helps to first identify which union attributes and activities have been developed by trade unions in order to later identify the progress travelled from the organisation phase.[25]

In addition, an analysis of the union operation phase helps to identify possible forms of inter-union interactions. Although multi-unionism may undermine labour movement solidarity and union effectiveness (Harcourt and Lammark 2010), especially by diverting attention from their core business (Rokhani 2008), multi-unionism itself does not necessarily involve inter-union conflicts or inter-union rivalry (Cohen 1975 cited in Harcourt and Lammark 2010). Inter-union competition may lead to greater union efficiency and effectiveness, as unions are challenged to develop a greater responsiveness to the needs of their members and to improve their performance. However, as two or more unrelated labour organisations actively compete, “[…] for the control of the workers employed or the work habitually performed within a particular trade or occupation” (Freeman 1989 cited in Pawlenko 2006: 651), inter-union rivalry emerges. The exploration of this operation phase of trade unions allows the effects of union set-up, learning, coordination, adaptive expectations and legitimacy and political influence to be included through the exploration of possible union cooperation or rivalry.

A vital question that arises in relation to union choices and operation is whether they lead to the consolidation of one or more paths and, in addition, how consolidation can be understood in the context of post-socialist transformation. The meaning of ‘consolidation’ in the conceptual approach of this dissertation is based on the normative assumption of conflict of interests. Whereas workers and employers do have common interests in certain areas, many negative implications for workers, including drastic wage cuts and longer wage delays, provide the basis for a conflict-based conception of workers’ interests and representation. Trade unions which independently represent

[25] For example, some trade unions saw their alignment with management (e.g. Ashwin 2007) as a means to realise workers’ protection, for in some cases, union-management alliances might have inhibited the development of unions’ independent organisational strength (Ashwin 1999a, b, Crowley 2000, 2004, Crowley and Ost 2001). At the same time, this observation shows that the changes in the declared role and functions were not underpinned in the respective union actions and activities, showing, thus, that no substantive changes to worker representation can be observed.

workers' interests must develop strategies and activities that address this conflict-based conception of workers' interests. Otherwise trade unions would be unlikely to receive support from workers, thus becoming vulnerable actors. Consolidated trade unions are therefore those whose activities are developed and realised on the basis of a potential conflict of interests.

A consequence of this depiction of consolidation is that although both paths may continue to exist alongside one another, not all learning processes are likely to contribute to the consolidation of all union organisations. In particular, the possibility to ensure further existence of reformed trade unions by reproducing the previous logic of worker representation indicates that conflict-based worker representation is not an ultimate outcome of union formative processes. Secondly, depending on the interactions between successor and independent trade unions during their organisational and operational phases, the concurrent development of different unions may undermine the formation of a strong union movement and thus may not lead to the consolidation of unions at all.

On the basis of this understanding of the phases of union formation, the chapter proceeds further with the discussion of the different dimensions of union formation that help to differentiate between these two trade unions in terms of their logic of representation. To recall, the logic is defined by Deeg (2001) as predictable strategies, routines and shared-decision rules generated through the operation of actors, which provide the foundations for the understanding of the 'path' concept. Albeit that some propositions concerning the dimensions of union formation are taken-for-granted, particular attention needs to be drawn to them in reference to the legacies of post-socialist IR.

3.4.2. Dimensions of Union Formation

Identity and Mission

Trade unions are essentially organisations which represent hired workers. With this common understanding pervading western sociology, debates on union identity address a triangle of union identities in terms of market, class and society. In reference to the first part of the debate (Hyman 1994, 2001), market identity refers to the prioritisation of unions' economic tasks, such as bargaining and wage increases. Class identity refers to the union mission to build workers' awareness and class consciousness. Finally, social identity of trade unions refers to unions' social role. The second part of the debate refers

to the question of whether the model of business or social movement unionism offers a better future for the union movement. More specifically, the central question with regard to the model of unionism is whether union activities should be focused on bread-and-butter issues, such as organising and bargaining (e.g. Bronfenbrenner and Yuravich 1998, Bronfenbrenner and Hickey 2004, Ost 2002 in Hyman 2002), or on building broader alliances with civil society in an attempt to achieve broader social goals (Hamann and Kelly 2006, Meardi 2002 in Hyman 2002, Waterman 1999).

The broader context of post-socialist transformation brings into question whether the identities of post-socialist trade unions can be discussed in terms of market, class, society or even business and social movement unionism. The roles of the unions in terms of class, market or society are problematic under the conditions of emerging markets, the ideologically tarnished language of class, and a weak civil society. The background of the identity debate in the FSU was shaped by the roles trade unions played in the past and problems that workers currently confront. Trade unions in the FSU historically identified themselves with a broad workers' mass, structured as labour collectives that included both workers and enterprise administration. The absence of differences in the interests of both workers and enterprise administrations was taken for granted within labour collectives. As a structurally integral component of the labour collective, trade unions represented both workers *and* management.

Given this history, "[...] a concomitant ideological vacuum for building workers' movement with its own project," (Pollert 1999a: 212) became evident, when trade unions were challenged, "[...] to carve out a new identity which was not tarnished with the past, find a language untainted with excessive favour and discredited terms […]" (ibid). This legacy of the socialist system of IR provokes the question of whether simply declaring themselves 'pro-worker' ultimately indicates that trade unions have actually adapted to the representation of hired workers in opposition to employers. Importantly, even directors of enterprises were historically classified as 'employees' in a similar way as other workers and consequently they remained union members (e.g. UCEPS 2001). Some trade unions have continued to simultaneously serve workers' and managers' interests in the post-socialist period (e.g. Ashwin 2007). In the case of one of the unions in Russia, Gerchikov (1995: 157) observes that,

> *"[n]obody at the enterprise, including the union leaders themselves, sees the union as an organization that defines, expresses and protects the employees' interests in opposition to employers. On the contrary, [...] the unions' highest value is the interest not of its members, but that of the enterprise itself, or of a certain "commonwealth".*

This shows that in spite of their 'pro-worker' identity, trade unions might have continued to identify themselves with all who belong to the enterprise. Given that union membership may include both hired workers and managers, the potential difference in workers' and employers' interests can no longer be articulated within an enterprise because the managers of trade unions could intervene to inhibit the process of building independent pro-worker identities within the union context.

In the context of post-socialist transformation, it is impossible to take for granted that the new role of trade unions in terms of worker protection will automatically cause trade unions to identify with hired workers and their potentially conflicting interests. The question of union identity in the post-socialist context thus concerns a tension between the representation of both workers and managers as parts of a labour collective and a move towards adapting the approach to exclusively represent hired workers.

Union Agendas

Union activities and services should be coherent with hired workers' interests because unions are, in essence, member organisations. The classic formulation of the trade union's agenda includes the identification, aggregation and articulation of workers' interests (Offe and Wiesenthal 1980). In this sense, unions are confronted with:

> *"[...] the entire spectrum of needs that people have when they are employed as wage workers. This multitude of needs of "living" labour is not only comparatively more difficult to organise for quantitative reasons, but also for the reason that there is no common denominator to which all these heterogeneous and often conflicting needs can be reduced so as to "optimise" demands and tactics"* (ibid: 75).

In addition to this multiplicity of members' interests that undeniably exists in post-socialist society (as much as in any long-term capitalist society), another generally accepted function of trade unions is to force the owner to give workers more for less work (Vyshnevs'ky, Mishenko, Pivnyev et al. 1997). This explains the common union focus on collective bargaining, however, diverse additional activities are also introduced by trade unions in order to make unions more attractive to workers.

The distinct role of trade unions under the socialist system of IR and consequently the distinct functions of unions (discipline, distribution and social services) were not aimed at building coherence between the multiplicity of workers' interests as not all of these interests were given recognition. The implicit understanding that both the Communist Party and trade unions operated in the interest of workers contained a specific paternalistic conception of workers' interests that was defined by the Party rather than being based on workers' input or any sort of participatory process. Socially supportive

activities such as paid sick leave, distribution of goods, gifts, provision of social insurance services and organisation of recreation were of primary importance and the only agenda enacted by trade unions under the socialist system of IR. While the practices of collective bargaining were practiced under socialism, they aimed to ensure productivity increases and to discipline workers (e.g. Ashwin and Clarke 2003). In this sense, socialist trade unions operated in order to force workers to work more for less (Vyshnevs'ky, Mishenko, Pivnyev et al. 1997).

Central to the reformulation of union agendas is the transition from this paternalistic conception of workers' interests, as described above, towards more specific concepts of workers' interests as expressed by workers themselves. This implies firstly a move towards the formulation and aggregation of interests specific to hired workers in employment-related settings. Secondly, a retreat from prioritising their role as service providers and focusing union agendas instead on decent wages, working conditions and employment security; all of which are the product of strong and effective collective bargaining.

Union Structure and Internal Relationships

In order to address trade union structure, here the focus is on internal union organisation, examined as the interrelation between union leadership and members. Unions are member organisations by their nature and consequently members' participation and organisational commitment have traditionally constituted the basic structural attributes of trade unions. Constituting themselves from the bottom and emerging as workers' self-led organisations, classical trade union structures have been an expression and form of workers' self-organisation and collectivity (e.g. Sayenko and Pryvalov 2003, Vyshnevs'ky, Mishenko, Pivnyev et al. 1997). As unions keep growing and union leaders accumulate knowledge and experience, there is a risk that trade union leaderships become self-perpetuating, conservative oligarchies (Cornfield and McCammon 2003, Michels 1915). In order to avoid this, workers' participation in the processes of the union is essential. This interrelation between union leaders and members' participation constitutes a particular structural characteristic reminiscent of trade unions that distinguishes them from many other organisations.

The structure of socialist trade unions mirrored that which was typically characteristic of trade unions more generally. The specific structure of Soviet trade unions was "democratic centralism" (Ashwin 2007, Vyshnevs'ky, Mishenko, Pivnyev et al. 1997).

Democratic centralism combined formal membership of workers in trade unions, the egalitarian status of union leaders and consumer-like union-member relationships.

Firstly, the Soviet form of collectivity discouraged any participation or self-led initiative, thus facilitating worker atomisation and individualisation (e.g. Ashwin 1999a, b, Clarke and Fairbrother 1994). Ashwin (1999a: 249) finds that this model of collectivity and labour collectives in particular were "[…] an entity external to individual workers and work collectives, [Therefore, it was] an alienated collectivity in which workers relate to their own collective existence as something standing outside and opposed to them". Worker collectivity and *a priori* trade unions were solely an aggregation of workers bound by a specific type of control and consumerists relations, which emanated from the collectivity being imposed from above.

As mass organisations, socialist trade unions did cultivate members' participation. However, they did it solely in the areas defined by the Party-State (such as socialist work competitions and the run up to the fulfilment of production targets). Participation and 'workers' willingness to act' (Offe and Wiesenthal 1980) in areas other than those defined by the Party were punished (e.g. Grancelli 1988). Crucially, independent interest representation by trade unions was targeted, when militant forms of worker participation (e.g. through independent unions) were aggressively suppressed under socialism. From the perspective of workers' interest representation, membership in socialist trade unions was thus 'formal'. Representation excluded any voluntary participation or independent interest representation and limited workers' input to efforts aimed at increasing production.

Secondly, the majority of union functionaries were Communist Party officials enjoying an elite social status. As has been often observed (e.g. Ashwin and Clarke 2003, Thirkell, Petkov and Vickerstaff 1998), trade union leaders were a part of the governing 'triangle' consisting of enterprise administration, union president and Communist party secretary. The elite status of union leaders was further re-enforced by the distributive activities of trade unions. Union leaders were key gatekeepers for the distribution of different goods (including apartments) and services as they distributed these in a discretionary fashion.

Thirdly, workers saw unions as distributive organisations from which workers would 'consume' goods and services (UCEPS 2001). Under regulation by the communist Party-State, workers' immediate work-related interests (e.g. wages) were understood to be outside the scope of union activity. Workers were thus connected to trade unions through the provision of different, mainly non-work related, material rewards, although

this was not through wage bargaining. Consequently, a consumerist motivation formed the foundations of the union-workers relationship.

Given the historical development of union structures, issues of accessible leadership, active membership and reconstitution of union-worker relations of collectivity become central to the structural analysis of post-socialist trade unions. Especially as independent trade unions start to develop a structure, which accommodates leadership elected by and from workers as well as workers' self-organisation (Ledin 2009a, b, Ledin, Agapov, and Belogradin 2010), an historical lack of participatory traditions and consumerist relationships raises questions about the limits of workers' willingness to participate in any of the trade unions.

Resources and their Accumulation

Resources a union uses in order to grow its power vary and can include material, financial, symbolic, institutional or mobilisation resources. While material and financial union resources are important for a union's physical existence, the major resource and, "[t]he only reliable foundation of unionism [is] the membership's willingness to act collectively against the employer" (Kelly 1996: 21, Offe and Wiesenthal 1980). The highest degree of militancy is achieved through the development of sustained union power, not through a spontaneous or symbolic collective action. Successful militant actions of unions mean that the subsequent union demands are likely to be satisfied before a militant activity takes place, thus building 'the external guarantee' of trade unions' continued existence and unions' 'virtual power' (ibid).

Soviet trade unions were not concerned about material and financial resources under socialism. The unionisation rate of nearly 99% provided a solid financial base for unions. Additionally, the Communist Party provided unions with extensive resources including establishments and facilities. This allocation (as opposed to independent organisational accumulation) of resources was premised on a different conception of union power when compared to the classical conception of union power based on the independent and collective power of workers described above. In the historic socialist setting union power was the result of unions' contacts with Party officials. This enabled the resolution of many issues by means of 'informal' bargaining done by trade union officials with enterprise management or planning authorities (e.g. Aguilera and Dabu 2005, Alasheev 1995a, Bohle 1996, Clarke and Fairbrother 1994, Thirkell, Petkov and Vickerstaff 1998).

Hence, the source of union power was in 'political' influence and inclusion in the triangle of 'bosses' of an enterprise.

In the post-socialist period, meanwhile, a need to re-define resource bases has emerged. The foundations of organisational power (e.g. such as legitimacy granted by the Communist Party or automatic membership of workers in trade unions) no longer existed (Hoffer 1998). As membership numbers declined, this challenged unions to secure their material and financial, but also symbolic, resources. To this end, in many cases unions continued to rely on 'political' resources (e.g. Borisov, Bizyukova and Burnyshev 1996, Clarke, Fairbrother and Borisov 1995, Crowley 2000, Hoffer 1998), often without developing the workers' mobilisation capacity. At the same time, the political contacts and relationships that unions' have are never permanent. Policy-makers change in every system. Hence, by relying on these sources of union power, unions develop a power which is dependent on external factors in lieu of one based on a more stable and independent, internal source of power such as member mobilisation.

Unions' Relationships with Employers

Unions' relationships with employers are indicators of the broader position union leaders take in relation to employers. This position can vary and includes a broad scope of attitudes. In light of the premise of conflict of interests, union-management relations initially form as antagonistic in nature (Müller-Jentsch 1996, 2004). It is in the course of further development that union-management relationships often change from antagonistic into more partnership-oriented relations (e.g. Frege and Kelly 2006, Kelly 1996). Importantly, this cooperation was built on the basis of the gains previously made through independent, militant activities. As Western European trade unions committed themselves to more cooperative relations (i.e. social partnership), their relationships implied conflict-based cooperation. Socialist IR, however, was not based on a premise of conflict, but instead on one of unity of interests. Consequently, no antagonistic attitudes towards enterprise management and conflict-free, cooperative union-management relationships were practiced under the socialist system of IR. Importantly, confrontation between workers and an enterprise's management took place exclusively outside of trade unions.

This pre-history of union development has led to the growth of specific, context-appropriate forms of union-management cooperation prior to the development of any antagonistic relationships. They included conflict-free cooperation that was often based

on the subordination of trade unions to or the unions' 'structural dependence' on management (e.g. Ashwin and Clarke 2003, Ashwin 2007, Gerchikov 1995, Hoffer 1998, Pankow and Kopatko 2001, Vyshnevs'ky, Mishenko, Pivnyev et al. 1997), when it came to the articulation of workers' distinct interests. A specific understanding of 'cooperation' and social partnership in terms of 'conciliation at all costs' implied that conflict and antagonistic attitudes towards management were precluded in the eyes of many union leaders (Ashwin 2004).

Kelly (1996) has noted that non-militant attitudes of trade unions, especially during their revitalisation, can seriously weaken unions by leaving them vulnerable to employers' attacks. Militancy is likely to be a better guarantor of union revitalisation. The danger of moderate attitudes is higher in the post-socialist settings, where the specific understanding of partnership in terms of exclusively moderate relationships has led some authors to argue that social partnership facilitated the survival of unions as powerless and subordinate structures (Ashwin and Clarke 2003, Ashwin 2004, 2007, Borisov and Clarke 2006). Given the legacy of the structural dependence of trade unions under the socialist system of IR, by preserving union-management relations in non-militant forms in the short term (e.g. Clarke and Fairbrother 1994), the partnership approaches may even prevent unions from developing the foundations necessary for building their organisational power prior to the development of cooperative relations. In this sense, moderate attitudes towards management threaten to delay the development of conflict-based forms of worker representation.

Approaches to Conflicts

Amongst member organisations, work-related conflict articulation used to be a specific and distinguishing characteristic of trade unions. Historically, unions have been important vehicles for generating, expressing and structuring workers' grievances (Crowley and Ost 2001, Kelly 1996). Approaches to conflict articulation refer to unions' capacity to collect, visualise, advance and solve members' grievances. The ability to manage conflicts and concessions depends on the quality of financial and organisational resources of unions (Vulchev and Haferkemper 1992). Yet, above all, these abilities presuppose the union leaders' willingness and readiness to raise conflicts.

Under the socialist system of IR, such conflicts could only be articulated, if externalised into bureaucratic channels of arbitration (e.g. Grancelli 1988). More specifically, grievances were sent to the courts. Under post-socialist conditions, the institutional

structure for collective conflict mediation and resolution in the FSU has followed the principles of conflict mediation and reconciliation promoted by the ILO. State mediation and reconciliation bodies that were established throughout 1990s monitored and registered collective disputes and issued recommendations on how to solve conflicts (e.g. Casale 1997b). In this form, the institutional system of conflict resolution similarly provided a legal basis for articulating collective conflicts. It is significant to note that strikes would become legally possible, only after all stages of conflict mediation had been passed through.

In this form, the new institutional structure for collective conflict resolution created an initially unfavourable context for the articulation of conflicts through mobilisation. As Hanke and Mense-Petermann (2001: 132) note,

> *"[…] even within the institutional frameworks providing channels for conflict articulation, the institutions of conflict regulation cannot be imposed 'from above'. Instead they are being developed on the basis of actors' expectation and perceptions shaped in the past, using the institutional and cultural remnants […]".*

Firstly, conflict mediation is pre-conditioned by the availability of organisationally strong trade unions. However, post-socialist trade unions did not yet possess the necessary organisational strength to make this system function properly. Secondly, in the absence of the effective rule of law and a weak judicial system, the articulation of conflict through arbitration has had little effect. Even when a court would issue a decree in favour of the workers, not all of the court's verdicts would be enforced. In cases, in which workers' complaints were clearly valid, corrupt courts would openly issue verdicts in favour of the employers. When this approach is compared to the process of arbitration, the articulation of conflicts through collective actions is likely to be more effective.

This broader context of historical and post-socialist institutional developments could explain, in part, the continuing reliance of post-socialist trade unions on the externalisation of any conflicts through arbitration and mediation. In the case of workers' grievances, many trade unions tended to suppress more militant approaches towards the articulation of these same grievances amongst workers (Kozina 2009). Concurrently, these approaches towards conflict articulation also explain why the bulk of enterprise-based protests and militant actions emerge as spontaneous (unorganised) actions outside trade unions.

3.5. Conclusion: Interdependencies and Reciprocal Effects in the Co-development of Successor and Independent Trade Unions

This chapter has argued that within the newly installed institutional framework of IR post-Soviet trade unions are in formative processes. In light of the pluralistic institutional framework of IR, trade unions were thus challenged to develop approaches and practices of worker representation based on workers' specific, and potentially diverging, interests. This implies all-embracing changes in terms of union identity, agenda, structure, resources, relations with employers and approaches to work-related conflicts. The scale of the changes required makes it possible to both speak about the processes, which go far beyond union adaptation and to investigate the depth and scale of unions' formative processes.

In order to reflect on the continuities and new institutional developments in the area of worker representation, this chapter developed an approach, which is capable of analysing the development of two specific groups of post-socialist trade unions – the successor trade unions and the newly established independent ones. Such an approach aids reflection on the effect of the time of formation and consequent development of trade unions and on the range of emerging forms of worker representation. Contrary to discussions in the literature which stressed the path-dependent reproduction of one existing path, two different paths of union formation can be distinguished.

On the first path, that of the successor unions of Soviet trade unions, numerous legacies helped shape their formation (e.g. Chen and Sil 2006, Clarke 2005, Crowley 2004, Ost 2006). The discussion above addressed this part of the argument by showing how the development of successor trade unions has been based on the identity of labour collectives, the focus of representation on distributive services, consumerist union-worker relationships, reliance on political resources, cooperative attitudes to employers and more restrained attitudes to conflicts. Given these characteristics, the development of successor trade unions has been path-enforcing. Successor trade unions continue to represent workers in a way that does not infringe on the interests of employers (e.g. Ashwin 2004, Kozina 2001, 2009). As these same legacies have been continually mobilised, they have constrained the formation of conflict-based representation within successor trade unions. As Hensche (1998) has observed, the bureaucratic network of successor trade unions inhibited the process of the development of new union-based forms of action. By indicating the trade unions' orientation towards both workers *and* management, successor union formation re-enforces the absence of differences between the interests of workers and enterprise management: the formation of successor trade

unions has enforced the previous logic of worker representation based on the commonality and conciliation of interests of both workers and employers.

This contrasts with the development of a group of newly established trade unions that have emerged since 1989 out of strikes and protest movements (e.g. Bizyukov 1996, Borisov and Clarke 1996, Crowley 2000, Ledin 2009a, b, Ledin, Agapov and Belogradin 2010). In the case of independent trade unions, their emergence out of concrete conflicts and their origin in the strike movement has affected their subsequent development. Some of the analysis has shown (e.g. Hensche 1998, Kabalina and Komarovsky 1997, Kubicek 2004, 2007, Schneider 1992, Wittkowsky 1995), how independent union formation was shaped by: their identification with hired workers, the focus on conflicts over wages and working conditions, the structure accommodating leaders from the same backgrounds as workers, mobilisation of workers, antagonistic attitudes to employers, and a commitment to generating conflicts. From the path-dependence perspective, these trade unions had pursued 'new' courses of action, because neither interests conflicting with those of the state and enterprise management nor organised and union-led collective actions had been familiar in the Soviet state.[26] Given these features of independent trade unions, the logic of worker representation within these unions has differed dramatically from the traditionally practiced common-interest and conciliation-based logic of worker representation. In this regard, these unions' development has been path-breaking; it presents a departure from the previous path.

As shown above, the conceptual differences between the paths of union formation and logics of union-based representation suggest different progressions towards the development of conflict-based forms of worker representation with a stronger orientation to conflicts being maintained so far only through the path-breaking course of union formation as a path departure.

Although the independent trade unions have provided more conflict-oriented forms of worker representation, the question arises as to how far their establishment is able to

[26] Although some ad hoc and rare workers' protests took place under socialism as well, previous protest actions never reached the same size and degree as those after 1989. Prior protest mainly involved workers of one particular enterprise that went on strike. They demanded an improvement in their pay and working conditions but did not question the overall governance systems. Once these striking workers' demands were satisfied, strikes dissolved, leaving no organisational legacy afterwards (see e.g. Grancelli (1988) on the strikes within the socialist system of IR). In the case of the miners' strikes of the late 1980s a strike movement uniting workers of many mines emerged, leading to the establishment of independent trade unions. These strike movements began with the economic demands of pay increases and moved to demand the dissolution of the government, thus turning their economic strikes into political ones (e.g. detailed and documented accounts of miners' strikes are published in Crowley (2000), Ledin (2009a, 2009b, Ledin, Agapov and Belogradin 2010). In this sense, the actions conducted by the miners' movements in the late 1980s and early 1990s were unfamiliar within society in those contexts.

help to overcome 'the underdeveloped interest pluralism' (Kurtan 1999) and improve conflict-based worker representation at the level of the institutional system of worker representation. For this, the effect of interaction between those paths, including the potential mechanisms of stabilisation or changes that may come to the forefront during different phases of path formation, are explored.

In the first phase – the organisation phase – different historical and political backgrounds, against which both reformed and newly established unions have emerged, deserve particular attention, focused on the initial formative phase. As the detailed analysis of the two logics of paths due to the conceptual dimensions of union formation has shown, the definition of identities, goals and forms of action of independent trade unions *oppose* those definitions of the reformed trade unions. Organisational successes of independent trade unions are likely to be accompanied by latent, yet immanent, conflict between independent and socialist trade unions.

In Deeg's view of different mechanisms, during this first formative phase, the reciprocal effects of the interaction between between trade unions bring to the forefront issues of set-up costs, legitimacy and political influence for both trade unions and would likely be of central importance here in order to understand the mechanisms of institutional change active during this initial phase. While reformed trade unions face serious legitimacy problems during this initial post-socialist phase, independent trade unions gain legitimacy and political influence through their collective actions. This conflict at the level of the dimensions of union formation is strengthened by the effects of the legitimacy problems of successor trade unions, low set-up costs of the establishment and high political influence of independent trade unions. A peaceful co-existence between successor and independent trade unions (co-ordination, cooperation or even adaptation between them) are highly unlikely, as are adaptive expectations. It can be hypothesised that, in this initial phase, the formation of trade union representation in interest-based conflicts was constrained by the latent, and immanent, conflict hidden in the structural and historical differences of two alternative paths of union development.

Secondly, the successive sequences of interactions between reformed and independent trade unions should be analysed, given that actors operate, learn and adjust their strategies. Successes of conflict-based worker representation do not automatically accompany the establishment of a strong independent organisation during the critical juncture. Beyond the material constraints inherent in the external operating

environment of trade unions, further reciprocal effects occurring in the formation of both trade unions deserve special attention.

In face of the path-dependent reproduction of worker representation, stabilisation and further development of independent union organisations is critical to ensure their ability to stay on the new, conflict-based path of worker representation. While newly emerging trade unions have been established from zero, successor trade unions, by contrast, have developed from a base of rich resources that they inherited from socialist trade unions. Set-up costs differ considerably between establishing a new or reforming an existing organisation during this phase and between the formation and operation phase. The environment in which post-socialist trade unions have operated has favoured successor trade unions (Kubicek 2007). Hoffer (1998) has observed that the establishment of new trade unions in Russia, for instance, has been incomparably more difficult, when compared to the establishment of new trade unions in West European countries. These constraints existed exclusively in the case of independent trade unions (Ashwin 1997, Ashwin and Clarke 2003, Borisov and Clarke 2006, Hoffer 1998, Vyshnevs'ky, Mishenko, Pivnyev et al. 1997), leading to increasing set-up costs.

As a further part of their organisational legacy, a strong and important legacy of close relationships to employers and the state that were formed over decades of socialism, provided reformed trade unions political influence (in contrast to the undermined legitimacy). Having access to policy-makers enabled successor trade unions to be strong enough to limit and constrain the opportunities for independent trade unions to construct and develop their organisations in terms of legal regulation and institutionalisation as well as organisational development. Thus, during this operation phase, successor trade unions were able to increase the set-up costs of independent trade unions. In this subsequent phase of the formation of trade unions, the co-existence of reformed and independent trade unions is likely to result in clearly articulated, explicit opposition and conflicts between trade unions. When considered in light of my earlier proposition, which focused on the ideational underpinnings of the two logics of worker representation, in this phase, the redistribution of political influence, in addition to set-up costs, would have significant implications for staying on or departing from the path, contrasting with the primary importance of legitimacy during the formation phase.

Thirdly, the existence of alternatives in the form of independent trade unions was likely an incentive for successor unions to reform. Under the conditions of inter-union competition, successor trade unions have faced the challenge of developing a worker

representation that better addresses work-related interests of workers, especially including work-related conflicts. While in some cases such changes have started to characterise the agenda of successor trade unions (e.g. Mandel 2004), it is not clear to what extent such changes indicate the progress of reforms in general or remain exceptions. A detailed analysis of the co-development of independent and successor trade unions is needed in order to investigate to what extent inter-union competition provides the impetus for processes of change within the reformed trade unions. As they present external pressures for change, inter-union competition and the development of more conflict-oriented approaches, independent trade unions are more likely to be the most significant factor pressuring successor trade unions to develop more conflict-oriented forms of worker representation. Coordination, learning and adaptation of expectations may become helpful mechanisms that could explain institutional change along existing paths in this consolidation phase.