

RÉSUMÉ

Le néolibéralisme, les syndicats et l'insécurité économique au Brésil

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Les syndicats au Brésil font présentement face à une crise multidimensionnelle de représentation. Telle crise est le résultat de changements structurels du contexte social et économique de l'action syndicale et de dilemmes d'ordre institutionnel non résolus qui bloquent la restructuration du syndicalisme brésilien. La coïncidence de ces deux vecteurs ont fragilisé la base même d'un syndicalisme qui s'était consolidé au Brésil depuis 1978, diminuant radicalement la capacité des syndicats à représenter les intérêts de leurs membres. Cet article analyse d'abord les conditions générales qui ont favorisé la consolidation du syndicalisme brésilien durant les années 1980. Ensuite, une brève description des changements qui se sont déroulés durant les années 1990 sera offerte, ainsi qu'une discussion des conséquences de ces changements sur les modèles de syndicalisme hérité de la période précédente. Ensuite, des données sur l'action collective et la densité syndicale seront analysées afin de démontrer plus spécifiquement comment ces changements ont affecté les principaux piliers de cet héritage. Une analyse des résultats de l'Étude sur la sécurité sociale du peuple, achevée en 2001 est finalement présentée, illustrant comment les changements structurels affectèrent l'efficacité et l'efficience des syndicats dans la représentation des intérêts.

Neoliberalism, Unions, and Socio-Economic Insecurity in Brazil

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Introduction

The 1980s were dramatic for the labour movements of advanced, Western capitalist countries (Visser, 1993; Western, 1997; ILO, 1997; Foster and Scott, eds., 2003).¹ Strikes, union density, the scope of collective bargaining and other indicators of the power of unions fell not only in the West but in other parts of the globe as well. However, Brazil was a clear exception to this trend, as the 1980s represented a decade of efficiency and efficacy in union organizational and representational action. After the rebirth of trade unionism in the industrial region of the São Paulo Metropolitan Area in 1978, the number of unions grew some 50 per cent until 1989. The overall budget of unions amounted at that time to more than one billion \$US dollars. By the end of the decade, this money was financing the action of over 10,000 unions

¹ I would like to thank the following: Guy Standing for allowing me the use of the PSS survey dataset; Dulcimar Albuquerque and Maria Angélica Ribeiro de Souza for newspaper data collection; Rachel Meneguello for allowing access to the polls at Centre for Studies in Public Opinion at the University of Campinas (CESOP/ UNICAMP); my students at the Instituto Universitário de Pesquisas do Rio de Janeiro (IUPERJ) for heated debates on some of the problems put forward here; and Fundação de Amparo à Pesquisa do Estado do Rio de Janeiro (FAPERJ) and Conselho Nacional de Desenvolvimento Científico e Tecnológico (CNPq) for funding. I share with them the eventual success of the arguments. Responsibility for the errors is mine alone.

representing 18 million workers in more than 30,000 collective agreements. Three trade union federations disputed the loyalty of unions: the *Central Única dos Trabalhadores* (CUT), the *Central Geral dos Trabalhadores* (CGT), and the *Confederação Geral dos Trabalhadores* (CGT). Brazil experienced the most intense strike activity in Latin America, and 30 per cent of the employees in the formal labour market were affiliated to local unions. In ten years, the labour movement became one of the most important and trusted social and political forces in democratizing Brazil.²

Things changed sharply in the 1990s. Challenges posed to unions and central federations as a consequence of economic restructuring based on neoliberal prescriptions have deeply impacted the labour movement's capacity for collective action and bargaining, and also its role as a means for fostering strong and lasting collective identities. Unions in Brazil, I will argue, face a multidimensional crisis of representation, one of the most important expressions of which is their loss of efficacy in interest representation. I will show that structural shifts in the conditions of union action, along with unresolved institutional dilemmas of the union structure, have joined to undermine the very basis of the unionism consolidated in Brazil since 1978, dislocating the labour movement from the centre of the political arena and dramatically reducing the ability of unions to represent their constituencies' interests.

I begin in the first section with a delineation of the general conditions that favoured adversarial strategies (and hence, union growth) in the 1980s, and move on to a brief description of the changes in the 1990s, highlighting their consequences for the pattern of unionism consolidated in the previous decade. In the second section, I scrutinize collective action and union density patterns, showing how these changes affected both the structure of the labour market and the main pillars of the unionism inherited from the eighties. In the third section, I analyze the findings of the People's Social Security Survey (PSS) conducted in Brazil in 2001.³ The survey can be understood as a timely measure of the

² In Cardoso (1999a and 1999b) I scrutinize these processes at length.

³ The PSS is a huge endeavour devoted to the comparative measurement of socio-economic and representation security in more than 15 countries around the world. It is sponsored by the ILO and coordinated by Guy Standing. For the general theoretical framework of the research programme, see Standing (1999).

consolidated effects of the structural changes — as discussed in the first two sections — on the effectiveness of unions as interest representatives for workers. I conclude with a general discussion of the nature of the crisis of unionism in Brazil, connecting its various dimensions.

The Challenge

The first task, then, is to explain the apparent countertendency of unionism in Brazil in the 1980s, that is to say, its enormous growth amidst global decay. This is a necessary step in the explanation of the trends of the 1990s since it will be argued that the vicissitudes of the last decade of the 20th century had much to do with the pattern of growth in the 1980s.

Growth Favoured

The political and economic scenarios of the eighties were strongly favourable to unions in Brazil. First of all, and as Sader (1988) rightly argues, unions were the natural harbour for the various (more or less anonymous) forms of resistance to the military regime.⁴ After the first major strikes of 1978 and 1979, the regime was confronted with a significant rise in the costs of repression of the “emerging society” (O’Donnell and Schmitter: 71) which saw in the immediately labelled “new unionism” a pressure point that could bring about the downfall of authoritarianism. This particular context contributed to the instantaneous politicization of the new unionism.⁵ Another important factor was the legal, state-corporatist union structure inherited from the 1930s, a structure which was kept intact by the military. Corporatism proved to be quite flexible: it served both the authoritarian regime, as a repressive and controlling device against unions, and the emerging democracy, as the sustaining base for the rapid collective organization of union leaders countrywide (Rodrigues: 33 and *passim*).

⁴ The military ruled from 1964 to 1985 and social unrest was completely blocked after 1968 with assassinations and/or banishments of anti-regime leaders. Resistance could only be clandestine afterwards, and became visible again only in 1978, with a series of metalworkers’ strikes.

⁵ The literature on the new unionism in Brazil abounds. An important book is Keck (1992).

At the macroeconomic level, growing inflation rates made it rational for union leaders to develop a contentious social strategy based on large, branch level strikes demanding the indexing of salaries to past inflation rates. This strategy opposed them to restrictive official policies designed to control inflation at the cost of wage earners (Tavares de Almeida, 1992), and, as a side effect, turned strictly economic strikes into political protests against the government. The military rule was fought both at the political and the economic level, and social protest and labour unrest resumed throughout the 1980s as the main characteristic of the emerging unionism. Still, at the macroeconomic level, mean unemployment rates were very low from 1983 onwards, ranging from 2.9 per cent to 4 per cent. Near-to-full employment rates raised individual workers' bargaining power in labour markets, reducing the fear of participation and the costs of failure (Pizzorno, 1974; Visser, 1994).

Economic stagnation and market closure restrained the impetus for industrial restructuring, limiting the well-known impacts of new forms of labour organization on industrial labour markets, especially in manufacturing.⁶ As well, labour relations were deeply adversarial due to authoritarian work regimes and predatory use of the labour force, expressed in despotic management, low wages (as compared to other Latin American countries), high turnover rates, and the extension of working hours through mandatory extra-time work (Humphrey, 1982; Abramo, 1999). The sustaining base for manufacturing unionism, the strongest in the country and a key sector within the most important federation (the CUT), remained virtually intact.

One should not forget the state's fiscal crisis which downgraded public servants' wages by almost 65 per cent between 1983 and 1989 (Noronha, 1992). This drop catapulted the collective organization of these workers and explains the major strikes of 1987 and 1988, the longest in Brazil's history. Not surprisingly, public servants' associations and state-owned enterprises' associations were the second strongest forces inside the CUT. Last but not least, a steady economic crisis severely restricted the horizon of calculus of economic agents. Uncertain horizons tend to favour one-shot, zero-sum games in which every actor tries to get every-

⁶ The excellent Kern and Sabel (1992) is still a mandatory reference.

thing at once because nobody can be sure if he or she will be there in the next round (Elster, 1979; O'Donnell, 1992). Deteriorating economic conditions also favoured adversarial, all-or-nothing union strategies, a situation which proved to be quite effective in terms of the consolidation of union legitimacy and acceptance in society. In 1988, during the last round of discussions and voting on the new Federal Constitution, 64 per cent of adults in 10 metropolitan regions in Brazil favoured granting the right to strike to all workers, including those in the so-called "essential services" (banking, transports, hospitals etc.).⁷

These elements help to explain the enormous growth of the labour movement in Brazil in the 1980s, the strongest expression of which was the near election of a top union leader, Luis Inacio da Silva, or "Lula," for president in 1989. Furthermore, public opinion was highly favourable toward unions throughout the decade, placing them amongst the most trusted institutions in Brazilian democracy. In 1990, 56 per cent of the voters declared that unions were trustworthy, just behind the Catholic Church (82 per cent) and the Supreme Court (62 per cent).⁸ The decade saw the apex of the process of union consolidation in the emerging democracy.

These same elements also help to explain why the strongest institution of such a legitimate and consolidated labour movement was the CUT, that is to say, a specific kind of union organization, adversarial to both government and capital. Born in 1983, the CUT had almost 2,000 affiliated unions in 1989, representing 8 million workers from all economic sectors. The CUT virtually became a hegemonic institution within the unions' market of political exchange.⁹

The Mirror Image

The 1990s would completely reverse the picture of the previous decade, especially after 1994. Democratic consolidation

⁷Datafolha poll of a representative sample (5,191) of voters in 10 Brazilian metropolitan areas. Data from the Centro de Estudos de Opinião Pública of the University of Campinas - CESOP/UNICAMP.

⁸Instituto Brasileiro de Opinião Pública (IBOPE) poll of a representative sample (3,650) of voters in Brazil. Data processed directly for this article from original database, also archived at CESOP/UNICAMP.

⁹This market was conceptualized by Pizzorno (1978).

reduced the more expressive effect of contentious discourses and practices. The engagement of leftist parties in formal, “bourgeois” elections supported by the labour movement greatly de-legitimized the revolutionary claims that had become an integral part of the identity consolidated by the CUT. Both presidents Collor (1990 to 1992) and Cardoso (1995 to 2002) won fair elections with great popular support, in both cases against Lula, who would reach the presidency only in 2002. To be politically effective again, the CUT had to change its overall strategy away from pure confrontation and de-legitimization of the political process as a whole.

On the other hand, the legal legacy of corporatism revealed its hideous face after 1988 when partial changes were introduced by the new Federal Constitution, which contributed to the multiplication and fragmentation of unions. Some mainstays of the corporatist structure were maintained, such as the ‘unicity’ of unions — one union per economic category or profession per municipality — and the right of these unions to compulsorily tax the workers in the municipality. But the freeing of union creation from governmental approval stimulated the emergence of more than 500 unions per year from 1992 to 2000, further fragmenting labour representation. As a result, Brazil had by 2001, more than 16,000 unions, most of which were powerless.¹⁰ That is to say, the corporatist legal structure supported rapid growth in the 1980s, but accelerated union fragmentation in the 1990s.

On the macroeconomic level, inflation rates decreased from 40 per cent per month in 1994 to less than 10 per cent per year in 1996, and to below 2 per cent in 1998. In contrast, open unemployment rates exploded, from 4 per cent in 1990 to 8 per cent in 2000, while manufacturing lost almost one third (more than two million) of its formal, registered jobs in the same period due to economic restructuring through market liberalization. In addition, privatization of state-owned companies eroded the social basis of some of the strongest unions in the country, most of which were CUT affiliates. Moreover, the formal labour market shrank from 56 to less than 45 per cent of the economically active population between 1989 and 2000,¹¹ reducing the structural basis upon which local unions had built their edifices.

¹⁰ Data in IBGE (2002).

¹¹ Data from monthly household employment surveys available at www.ibge.gov.br.

The end of inflation, the overall support for Cardoso's economic adjustment plan, the emergence of structural job insecurity due to economic restructuring (Standing 1999, and also the third section here), and industrial restructuring with quality control mechanisms jeopardized zero-sum, all-or-nothing strategies. Instead, compromise became the rule of the game.¹² In fact, firms in competitive manufacturing branches, soon followed by every other economic sector, experienced deep industrial restructuring based on new informational technologies and forms of work organization inspired by "lean production" recipes (CNI/SENAI, 1998; Salerno, 1998; Bonelli, 1999; Rachid, 2000; Jinkings, 2002; Antunes, 2003). The combination of the goal of "zero defect" with just-in-time delivery across the production chain implies the transference of quality control to the workers themselves (see Jones, 1991 or Coriat, 1991 for details). The new forms of work organization are always connected to continuous improvement programs and total quality control mechanisms that tend to stabilize a core of central producers, train them, and stimulate their voluntary engagement in increases in productivity while trying hard to gain their loyalty against trade unions. In other words, quality control systems are institutional channels through which production or labour relations problems can be directly negotiated between workers and management without the intermediation of unions. The objective is to avoid grievances from going past factory walls. In place of adversarial labour relations and despotic management, the "new workplace" is characterized by partnership and cooperation between production agents (see Heckscher, 1996; McCabe and Black, 1997; Oliveira, 2003; Wever, 1995).

Governments have not managed successfully since 1990 to resolve fiscal limitations or reform the state apparatus so as to reverse the tendency toward public services deterioration. On the contrary, these problems have deepened. Notwithstanding these trends, the stabilization of the economy coupled with the end of inflation made it hard for public servants' unions to sustain an

¹² I am not saying that this was actually happening through the labour process or in the labour market. I am only sustaining that these were the rules of the game. Cooperation and compromise were very much imposed on workers in exchange for job security, at the cost of greater workload and labour stress. See Stewart et al. (2001).

adversarial position with government. Malaise and apathy has been the general mood within street level bureaucracy. Depressed salaries and bad working conditions have forced many workers to accumulate other jobs, further serving to worsen the quality of services and to de-legitimize civil servants' wage claims. The major, long-lasting public servants' strikes of the 1980s would never take place again.

Last but not least, a word on financing. Unions in Brazil are financed by an array of sources. Part of the money comes from compulsory "contributions" (the so called "*imposto sindical*") from their rank and file, part from "voluntary" contributions approved in workers' assemblies, and part from monthly voluntary individual contributions from associates. Only the latter is purely voluntary. The contributions approved in assemblies are compulsorily charged on paycheques once they are collectively approved by a non-qualified majority.¹³ Nonetheless, all these forms of financing have been under stress due to growing unemployment rates, de-formalization of labour relations (only formal workers have "formal" paycheques from which to make compulsory deductions), and competition from newly born unions created after the 1988 Constitution. Virtually every individual union has faced budgetary problems and gone through institutional restructuring and downsizing. The same is true at the level of central federations.

Ashes and Fire

The structural changes identified above have had a strong impact on the very profile of unions and on their capacity for collective action. The aggregate data available reveals a small but steady decay in union density during the 1990s. As Table 1 indicates, union density decreased from 22 per cent in 1988 to 19 per cent in 2001. One would expect stronger losses, given the hostile environment just outlined above. But what Table 1 does not reveal is that there has been an astonishing migration of union affiliates from finance and manufacturing to the services and commercial sectors, accounted for, basically, by the absolute variation in employment in the economy as a whole.

¹³The law does not establish which proportion of the rank and file must be present at assemblies so as to ratify the tax.

Table 1 *Evolution of union density rates of the Salaried Occupied Population (SOP) above the age of 18*

Indicators	1988	1992	1993	1995	1996	1997	1998	1999	2001
SOP ('000)	34,279	34,778	35,696	37,061	37,739	38,261	38,588	39,529	44,085
Affiliated to a union ('000)	7,521	7,837	7,932	8,020	7,935	7,931	7,752	7,798	8,496
Density (%)	21.94	22.53	22.22	21.64	21.03	20.73	20.09	20.09	19.27

Source: National Household Survey, PNAD/IBGE, 1988 to 2001. Built from original data sets.

A closer examination of data for the period shows that the devastation of employment in finance and manufacturing and the reduction in absolute density that followed suit were clearly a direct consequence of the neoliberal policies undertaken. While it is true that the manufacturing sector had been losing jobs since the beginning of the decade, after 1996 there was a clear intensification in the reduction of union density rates in this particular branch. For instance, in 1992 there were 45,000 fewer affiliates than four years earlier. In 1995, the difference was almost the same: 47,000 fewer affiliates. However, in 1996, the second year of the economic adjustment plan, unions in manufacturing lost 211,000 affiliates, a figure that rose to 414,000 in 1998 when compared with 1988. This amounts to a loss of one-fifth of the total number that affiliates reported in 1988 (see Cardoso, 2003).

These important figures notwithstanding, manufacturing alone lost 2.2 million of the 8 million formal registered jobs that existed in 1988. As already mentioned, registered workers are the traditional and legal clientele of local unions, those from whom these organizations can compulsorily charge union taxes and contributions. An important part of the crisis of unionism in the manufacturing sector is due, then, both to the reduction of absolute employment and to the loss of the quality of the remaining jobs, which are becoming increasingly informal. In the financial sector the trend is similar, with the loss of 50 per cent of the formal jobs existent in 1988. In other words, industrial restructuring has strongly hit both manufacturing and finance unionism, the most important pillars of the CUT.

It is true that strike activity has never left the scene, but it has been far less intense from 1992 onwards. Figure 1 shows the evolution of the number of strikes and the mean number of strikers per strike between 1980 and 1999. The number of strikes escalated from 1982 to 1989, decreasing to a more stable level in the 1990s, and varying between 500 and 1,500 per year. The number of participants in strikes followed a similar pattern. Brazil may since have faced some kind of stabilization of collective action at a level which, it should be noted, was still higher than in many western countries.

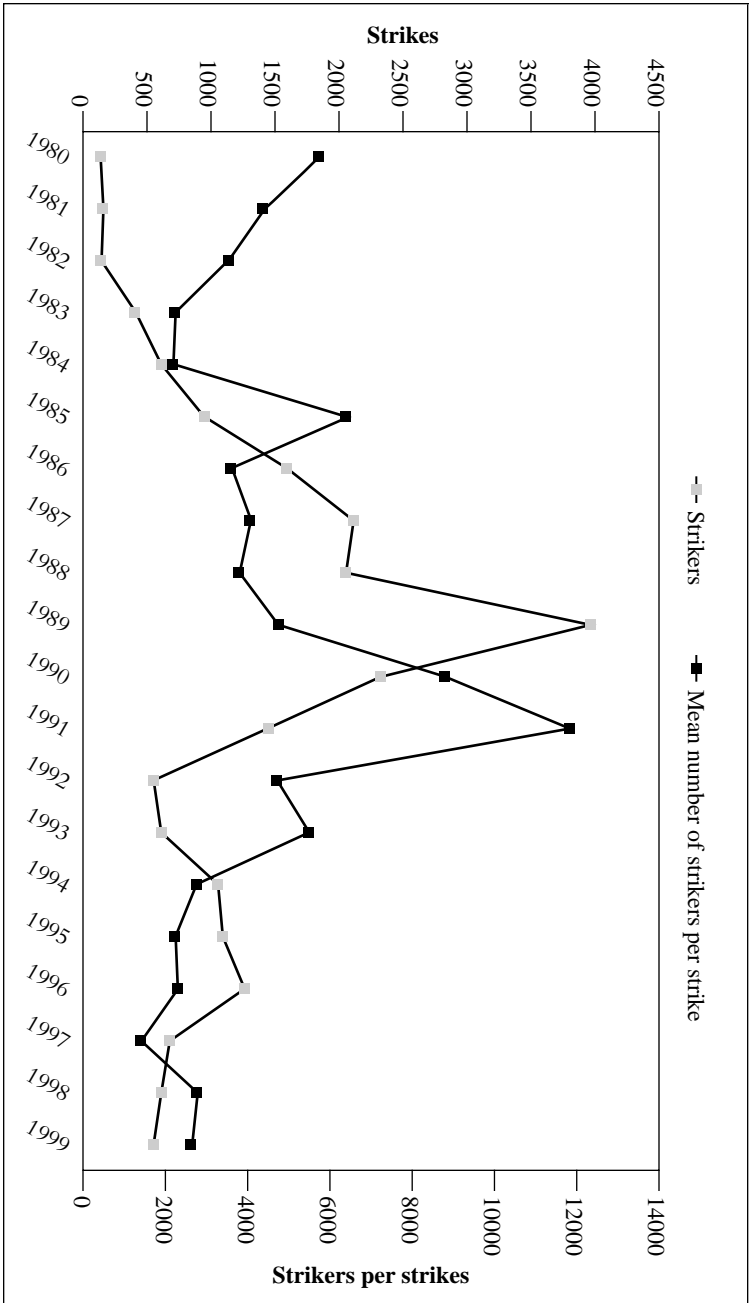
In any event, the acute decline in the number of strikes from the levels of the 1980s may also reflect the increase in workers' fear of engaging in collective action. High unemployment rates, wage insecurity, job insecurity and increasing informality of the labour market as a whole, that is to say, the socio-economic insecurity of growing parts of the labour force,¹⁴ are augmenting the costs of failure of collective action (Guilherme dos Santos, 2001). The loss of one's job as a punishment for union militancy may represent impoverishment, social exclusion, and hunger. Workers are not willing to act collectively, and without collective action, unions are weak.

The People's Social Security Survey

One of the major consequences of the structural and institutional changes deriving from market-oriented policies has been the loss of union efficiency and efficacy in the representation of workers' interests. In exchange for some job security (restricted to a short period of time or to a small number of workers), strong unions, such as the Metal Workers' Union of the São Paulo ABC Region, had to renounce to fringe benefits and other important gains — such as transport, housing and food subsidies, and overtime paid above legal provisions — obtained with great difficulty in the 1980s (Cardoso, 2003: chap. 1; also Araújo and Gitahy: 105-6). Such practices have not been isolated events. As can be seen in DIEESE (1997) and Oliveira (2003), collective bargaining in the nineties has resulted in major losses of contractual rights established in the 1980s, even within the strongest unions

¹⁴ Again, for the design of the idea of socioeconomic security, see Standing (1999).

Figure 1 *Strikes and strikers in 20 year*



in the country. Unions have apparently lost most of their capacity to assure workers' rights.

Within this context, it is not difficult to assess the relevance of the PSS survey since it covers many dimensions of people's socioeconomic insecurity and their affiliation to unions. Conducted in Brazil in 2001, the survey can be understood as a timely appraisal of the overall consequences of the neoliberal policies implemented in the 1990s and their impact on workers' perception of, and relation to, unions. For this reason, the survey is a strategic tool for investigating the assertion that unions have lost representational capacity. Data from the survey offer possibilities for addressing the following questions: Does belonging to unions make a difference? Does it assure workers different and better labour market positions, salaries, access to welfare provisions, and judgment of current and/or future life standards? In sum, are unions effective protectors of workers' rights? If the previous reasoning is correct, one would expect negative answers to most of these questions. This is what I intend to scrutinize in the next section.¹⁵

Job Security

Perhaps the most important dimension of socio-economic security affecting workers' willingness to participate in union activities is *job security*, a worker's perception that his or her job is not at risk, no matter what. Worker's related attitudes concerning present conditions and future prospects of his or her job are also important. Table 2 shows that if a worker is a union member, he or she will most certainly have a permanent contract (94 per cent) and will have never faced an unemployment spell (86 per cent). Non-members' probabilities are of 67 per cent in both cases, a fact that clearly indicates a key difference in favour of union members. However, as I will argue below, the difference reflects the formal character of union jobs. Almost 98 per cent of union members have registered (private or public) contracts, as opposed to 66 per cent of non-union members. Registered jobs, it should

¹⁵ The focus of the analysis will be the total occupied salaried workforce interviewed in the three metropolitan areas covered by the PSS: Rio de Janeiro, São Paulo and Recife. This decision equates the PSS data to the ILO's standards concerning "adjusted" union density in international comparison (see ILO, 1997).

Table 2 Impact of union affiliation on measures of job security (%)			
Measures of job security	Categories	Non-Union	Unionized
Has a permanent contract	Yes	66.84	93.87
Has been unemployed before	No	66.6	86.31
Has only the principal occupation	Yes	92.29	90.91
Occupation status	Registered employee	56.15	74.43
	Unregistered employee	33.88	2.33
	Public servant	9.97	23.24
Attitudes concerning job security			
Sure to secure job in next 12 months	Yes	56.47	62.38
Likely to be promoted in 2 years	Yes	30.64	37.99
Hard to find same or better job elsewhere	Not hard	36.78	30.69
	A bit hard	13.72	12.65
	Hard	12.08	14.61
	Very hard	37.42	42.04
Salary compared to 2 years ago	Higher	32.42	33.19
	The same	40.34	37.55
	Lower	22.11	28.23
	Don't know	1.24	0.13
	Not applicable	2.26	0.6
	N/A	1.63	0.3
Index of job satisfaction	No satisfaction	9.34	5.06
	1	9.66	9.09
	2	12.02	11.38
	3	16.18	15.95
	4	16.76	15.35
	5	14.41	15.18
	6	11.82	10.99
	Total satisfaction	9.8	17.01
N=		1,028	376
<i>Source:</i> PSS Survey, Brazil.			

be noted, are bound to be contractually permanent. Only very recently (1998) has the Brazilian labour law instituted the possibility of temporary work contracts. Because in most cases this option is subject to union approval, temporary work has remained marginal within the country's labour market. Employers prefer to have unregistered workers instead, as we will see.

Being unionized, as opposed to not being unionized, is, therefore, a strong and statistically significant indication of formally permanent labour contracts. But to say that union jobs are more secure than non-union jobs is different from saying that unions "cause" job security. For the moment, I am just stating that these dimensions are closely *correlated*. I will return to this point below. It is worth mentioning also that to have a permanent contract in Brazil does not necessarily mean that the job is secure. It only means that the worker can only be fired for a reason of "just cause" (for example, absenteeism, alcoholism, indiscipline). Otherwise, companies will have to pay a fine amounting to 50 per cent of the Guaranty Fund for Employment Duration (FGTS), a fund made of contributions from firms amounting to 8 per cent of the monthly salaries, and administered by representatives of employers, employees and government. The worker is entitled to the fund and the fine when dismissed for a reason other than "just cause." This is what I mean by the fact that contracts are only formally permanent. The only barrier to dismissal is monetary.

Table 2 also shows, under the heading "attitudes concerning job security", that unionized workers are just a bit more certain about the prospects of keeping their job in the next 12 months, but both they and their non-union peers are fairly optimistic about this matter. This optimism contrasts to the (also) undifferentiated pessimism in other important issues. Union affiliates are only slightly more positive about the chances of promotion in the next two years (38 per cent, as opposed to 31 per cent among non-union members), although pessimism is the main feeling in both strata. As regards job satisfaction,¹⁶ the differences in the distribution of the reported index are not statistically significant. The

¹⁶ The variable is an index that sums up total or flat *satisfaction* with: 1. Salary; 2. Subsidiary benefits; 3. Kind or work done; 4. Degree of autonomy; 5. Opportunity for improving skills; 6. Opportunity for promotion; 7. Work environment. Cronbach's Alpha is .88.

same holds for the perceived difficulty related to the prospects of finding an equivalent job (considered a difficult endeavour by all strata), and for the perception of the evolution of the real salaries in the last two years. Here, most workers perceive salaries as stationary or higher today (summing up to 70 per cent in both categories).

In sum, *union affiliation is an important variable in predicting job security*. However, it does not help to distinguish attitudes concerning job satisfaction. Union affiliation also has little, if anything, to say about the union and non-union members' perceptions about job security and rewards. Apparently, union workers are safer *because* they work in the formal, regulated sector, and are therefore subject to strict standards of working conditions and contracts, and not because joining unions results in job security. If this reasoning is plausible, unionization would be merely an indication of an underlying factor, namely working in the formal sector of the economy. This hypothesis can be rigorously tested by the available data.

Access to Labour Rights and Welfare

Another central dimension of socio-economic security is the possibility of sustained access to legal and/or contractual benefits at work. To fully understand the meaning of such a possibility in Brazil, a brief discussion about the country's model of industrial relations is necessary. To put it in a word, the Brazilian model is predominantly *legislated*, not contractual (Noronha, 1998). There are two main codes regulating labour relations: the Federal Constitution itself; and the *Consolidação das Leis do Trabalho* (CLT), the consolidated labour code which dates back to 1943 and specifies many of the constitutional provisions. Child labour regulation, protection of pregnant women, duration of labour contracts, weekly working hours, shift work, extra-time work pay, some criteria for dismissals, and compensation for unjustified dismissals, are only a few of dozens of constitutionalized labour rights to which every registered worker, private or public, is entitled. Public servants have a special code of their own, apart from the Constitution. The CLT is the labour code for the private sector.

These two regulatory codes, the Constitution and the CLT, leave little space for unions as chief mechanisms in labour market

regulation, the usual exceptions notwithstanding.¹⁷ Noronha (1998) shows that most collective contracts only instantiate the legal provisions, reducing the possible local level constitutional role of capital and labour representatives. Surveying the literature on collective bargaining in Brazil in the 1990s, Oliveira (2003) draws similar conclusions.

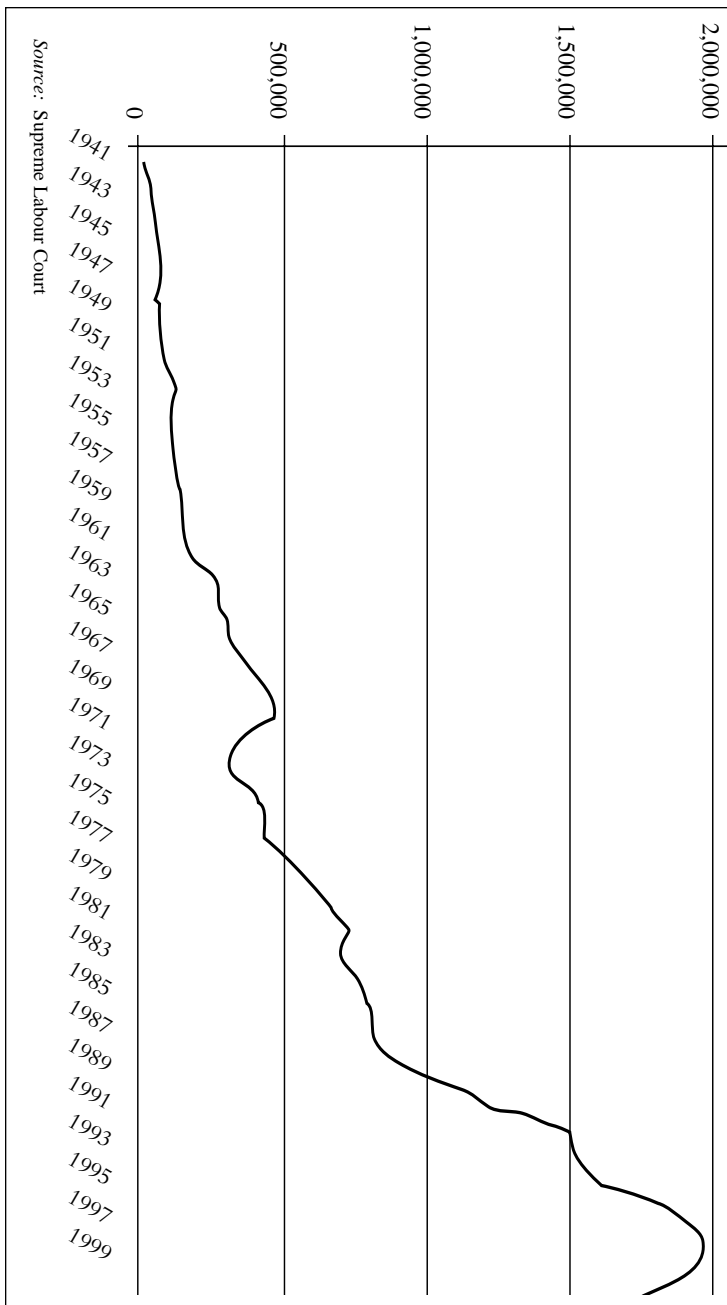
One of the main consequences of this model is the necessary judicialization of class relations when labour rights are contested or denied by employers. This is clearly happening in Brazil. Figure 2 shows the evolution of judicial demands in the first layer of the labour judicial system in the last 60 years. From 1941 to 1961 the mean annual growth was of 14,000 cases. From 1962 to 1987 (with the exception of the 1971-73 period) the mean growth was of 34,000 cases per year. But from 1988 to 1997 the mean growth was of more than 112,000 cases per year. In 1997 alone, labour courts in Brazil received almost 2 million demands. After the 1988 Constitution, which greatly enlarged workers' constitutional rights, the employers seem to be contesting more intensely than ever the system of labour regulations. In a legislated model, the expected consequence of such a contestation is the increment in judicial demands.¹⁸

The high volume of court cases also means that, although labour rights are quite strict and encompassing, their recognition by employers is not guaranteed *a priori*. This reality, as argued elsewhere, is the very nature of the democratic class struggle in Brazil (Cardoso, 2003: chap. 3). Although in Spain, Argentina, and the United Kingdom, employers and their representatives did manage to change the law, thus flexibilizing most labour market regulations, in Brazil flexibilization is a "cold blooded" process: employers simply do not recognize labour law as a legitimate intermediary in labour relations. The consequence is the increase in the rate of illegality of market salaried relations. In 1989 the proportion of registered salaried workers in the occupied labour force was 56 per cent. In 2000 the figure had dropped to less than

¹⁷ Which include petroleum workers and some proportion of metal, bank, education and chemical workers.

¹⁸ I cannot develop this argument here. But it is largely discussed in Cardoso 2003, chapter 3.

Figure 2 *Judicial demands in the first level of labour court in Brazil, 1941-2000*



Source: Supreme Labour Court

45 per cent. Self-employment and non-registered jobs are the destiny of those 11 percentage points lost by the formal sector.

Table 2 has shown that union membership is almost exclusively distributed among registered workers and public servants. Because the industrial relations model is legislated, most of the benefits listed in the questionnaire of the PSS survey are statutorily guaranteed to registered workers.¹⁹ Thus, we should expect union workers to have a consistently higher rate of access to those legal and contractual benefits than their non-union peers simply because of the nature of the model which grants formal employees legal rights. By the same token, because employers are increasingly de-legitimizing the current labour law, we should also expect that even among unionized, salaried workers some of those benefits do not hold.

Table 3 *Index of access to legal and contractual benefits and union affiliation*

Index of access to rights	Non-Union (%)	Unionized (%)
No access	13.92	0.7
1	5.4	0.6
2	4.12	0.0
3	4.1	0.73
4	3.45	1.73
5	4.82	1.76
6	6.36	6.49
7	8.58	10.89
8	12.6	11.32
9	11.45	14.51
10	10.14	17.61
11	8.26	17.51
Access to all	6.8	16.15
N=	1,014	386
<i>Source: PSS Survey.</i>		

¹⁹ The specific question was: “In your main occupation are you entitled to the following benefits?” And the alternatives were: a) Paid sick leave; b) Paid maternity leave; c) Severance payment; d) Paid holidays; e) Christmas bonus; f) Retirement; g) Unemployment insurance; h) Scholarship or paid childcare; i) Health plan;

Both expectations are strongly confirmed by the available data. Table 3 shows the distribution of an index of access to legal and contractual benefits built out of 12 of the 14 alternatives in the PSS questionnaire (see note 19), broken down by union membership. Among union members, 50 per cent have access to 10 benefits or more, while among non-union, salaried workers the median value is seven. The proportion of union affiliates with this level of access is only 23 per cent. So, union affiliation is indeed a strong indication of access to legal and contractual benefits. At the same time, if we take only those benefits guaranteed by law into consideration,²⁰ as few as 42 per cent of union members have access to all eight of them. Only 67 per cent have access to at least seven legal rights, which by no means represents universal access. Even though guaranteed by law, many registered or public union-affiliated workers still feel that they are not entitled to some of those benefits. This is an indication that employers are indeed delegitimizing the legal system of labour market regulation, both for unionized and for non-unionized workers, and that union membership is no guarantee that the law will be perceived as valid in day-to-day labour relations.

Pushing the argument a bit further, I have suggested in the previous section that it may be the case that union affiliation indicates rights security just or mostly because unions enrol workers in the formal labour market, a fact that in itself entitles them to legal benefits. Here, as before, unionization and access to benefits would be nothing but indicators of belonging or not to the formal labour market. In order to test for this hypothesis, I have regressed some selected, theoretically relevant covariates on the index of access to rights. The results are shown in Table 4.

As expected, given the hypothesis scrutinized here, having a permanent contract has the most intense and consistent impact on the index of access to legal and contractual rights (compare standardized B values and t statistics). Although the table does not

j) Family allowance; k) Food stamps program/meal; l) Transportation program; m) Bonus; n) Other. In the construction of the index of access discussed, I discarded the alternatives "Bonus," exclusive to employers, and "Other," because of its indeterminacy. The index is very robust and has a Crombach Alpha of .9048.

²⁰ These are the benefits a) to g), and j) in question C33 described in the previous footnote. All the others are also legal benefits, but they are not universally granted, depending upon firm size.

Table 4 *Multivariate linear regression (OLS) on the index of access to legal and contractual benefits*

Covariates	Standardized		Sig. of t	VIF
	B	T		
(Constant)		1.409	0.159	
School grade	0.066	2.836	0.005	1.646
Log of hourly income	0.028	1.142	0.254	1.903
São Paulo	-0.002	-0.129	0.898	1.113
Has been unemployed before?	0.02	1.01	0.313	1.24
Industry	-0.011	-0.581	0.562	1.155
Registered salaried worker	0.333	14.629	0.000	1.598
Union member	0.066	3.333	0.001	1.208
Size of firm	0.246	11.403	0.000	1.436
Age	0	0.007	0.994	1.595
Gender (male)	-0.019	-0.989	0.323	1.162
Race (white)	-0.02	-1.09	0.276	1.086
Has a permanent contract	0.354	15.018	0.000	1.708
Time of employment in months	0.052	2.206	0.028	1.724
Model statistics: Adjusted R square: 0.60 Df: 1 Durbin-Watson: 2.008; Model F: 154.186 Sig: 0.000 Obs.: These robust statistics show that the estimates are BLUE.				

show it, this covariate alone increases the mean access by 3.1 points. Being a registered employee, the second major impact, increases the mean rate of access by 2.44 points. The size of firm is also very important. The fourth important, significant covariate is, precisely, union affiliation, followed by school grade and time of employment (tenure) in months. All six estimates are significant at least at the 0.02 level. The other variables are not significant whatsoever; income, living in São Paulo as opposed to living in Rio de Janeiro or Recife, being previously unemployed, age, gender, or race, have no importance for the index's variance.

To say this differently, even when controlling for formal sector indicators such as firm size, having a permanent contract, and being a registered worker, *union affiliation still has a statistically*

significant, though very small, intervening power. Belonging to unions increases the mean access to benefits by only 0.54 points, controlling for the other measures. The parameter is significant at the .001 level. I will return to this point in the concluding remarks.

As regards welfare, the main dimensions covered by the questionnaire refer to the perceived prospects for the quality of life after the age of 60, and for the chances of proper retirement. Table 5 shows little influence of union membership on workers' attitudes. Union and non-union members are equally pessimistic with respect to access to health services in the future, but this pessimism is probably a consequence of equal, and quite realistic, diagnostics about the prospects for the national health system, a system which has experienced continuous deterioration for the last 20 years or so. Union members are a bit more pessimistic about the chances of access to a good standard of living, but a significantly higher proportion feel more confident that they will retire properly (45 per cent as opposed to 32 per cent of non-union members). Retirement and the related public pension are part of workers' constitutional rights, and it is more likely for formal employees to have access to them than is the case for unregistered salaried workers.

Table 5 <i>Prospects for life at the age of 60 and union affiliation (proportion who responded yes)</i>		
	Non-Union	Unionized
Will have access to health services	22.65	19.87
Will have access to rents	27.31	23.67
Will have access to standard of living	38.52	31.89
Considers high the chances of retiring properly	31.89	44.84
N=	1028	376
<i>Source: PSS Survey.</i>		

Once again, belonging or not belonging to the formal sector probably explains a substantial part of the differences between union and non-union members. What is worth observing, though, is that affiliation is an indication of a more optimistic judgment about the future in only one out of four dimensions, and that

salaried workers as a whole are predominantly pessimistic about their future prospects.

Representation Security

Institutions can provisionally be defined as sets of stable social relations, in which mutual expectations and practices of social and political actors are based on a common body of more or less formalized rules.²¹ One of the main features of institutions is the consequent stabilization of members' and outsiders' expectations about mutual actions due to, among other things, more or less routine procedures, more or less established hierarchies of command and control, and more or less intense institutional sanctions and rewards. Representative institutions, such as unions (and also political parties), centralize the process of interest formation, foster collective identities based on the differentiation of interests from other actors, and (unlike political parties) fuel collective action as their main source of power (see, for example, Pizzorno, 1978). Among many other important features, unions help to extend members' horizon of calculus concerning material and symbolic gains in such a way that trust in the possibility of sustained institutional efficacy and efficiency is an integral part of the process of political identification and of the sentiment of "being represented."

The main consequence of this kind of reasoning is that workers do not have to have an active role in union life in order to feel themselves represented. The will of union members to participate is a measure of unions' social *power*, not of unions' *legitimacy* among workers. In other words, workers can identify themselves with union practices and ideologies without taking part in the process of ideology formation or in collective action. This kind of "representation by identification" is very important in Brazil because workers do not have to formally join unions to be represented in collective bargaining or elsewhere. An existent union represents formal employees by branch or profession in a given municipality, even against their will.

As a consequence, we would expect union membership to have a positive impact on workers' attitudes concerning union representativeness and trustworthiness. If joining unions has nothing

²¹ A somewhat equivalent definition can be found in Douglas, 1986.

to do with being formally represented by them, then union affiliation can be hypothesized as a measure of the degree of a worker's adhesion to institutional goals and, possibly, ideologies. In Brazil, of course, workers join unions also to have access to social, health, and legal services. But I am hypothesizing here that, even in this particular case, frequency of access to the union's headquarters, contacts with union leaders, and participation in union life, are all factors capable of shaping attitudes and, perhaps, practices.²² The PSS survey gives some indications in that direction.

First of all, union members think that unions *adequately and efficiently represent* workers' interests in a slightly higher proportion than do non-members. The figures are 54 per cent and 48 per cent respectively. But, and this is very interesting, this perception is countervailed by the fact that *the majority of both members and non-members do not see unions as trustworthy*, even though unionized workers are a bit more generous: the proportions for those saying unions are *not* trustworthy institutions are 59 per cent for union and 69 per cent for non-union members. The proportions for those saying they *are* trustworthy are 37 per cent and 27 per cent respectively. Unions are perceived to be efficient, but certainly not trustworthy. Why?

Trust in political and representation institutions has to do with many intertwined dimensions that are very difficult to isolate in survey research. At a more empirical level, one may trust unions for their efficiency, but see union leaders as egoistically oriented, or vice-versa. Ideologically oriented leaders may be perceived as untrustworthy because of some apparent incompatibility of purposes and/or methods, despite their effectiveness. At a more general, abstract level, trustworthiness is an integral part of the identification and legitimating processes that give the political system some reliability and stability over time.²³ At this level, trust is a matter of identification with the democratic institutional network as a system of political referents, serving as a structured base for action and, also, for the construction of social and political values. I believe that it is here that the explanation lies for the

²² This hypothesis cannot be tested by the available data. But see Cardoso (1999b: chap 3) for a long discussion on the matter based on survey research.

²³ See Seligman (2000), among a growing literature, most of which in one way or another departs from Luhmann (1996).

apparent paradox of the coexistence of sentiments that unions are at the same time efficient but untrustworthy.

Implicit in this kind of attitude toward unions is a harsh and sweeping judgment of political, democratic institutions as a whole. This judgment is contaminating unions despite the majority’s perception that they represent workers’ interests. Table 6 evidences this phenomenon. Political parties, parliament, and the judicial system are all summarily judged, although union members tend to find them trustworthy in a slightly larger proportion than do non-union members. The press, the so-called “fourth power,” does not escape the negative assessment. On the contrary, civil society and religious associations — with the exception of NGOs — are in a much better position and union members are again more willing to find them trustworthy than are non-members. Unions, and possibly NGOs, are both perceived as part of the political system, and it is the political institutions as such that are being de-legitimized.

Not trusting political parties, parliament, justice, and the press clearly means that union and non-union members do not feel themselves represented by the political system. They perceive that their *voice* has been obliterated. Civil society associations and

Table 6 <i>Proportion of union and non-union members saying that political and social institutions are trustworthy</i>		
Social and Political Institutions	Non-Union	Unionized
Political parties	7.21	9.52
Unions	27.13	37.12
Neighbourhood associations	37.71	45.17
Church or religious institutions	59.3	60.49
NGOs	24.9	32.72
Parents’ associations	51.26	58.16
Students’ association	45.61	54.59
Parliament	17.58	20.77
The press	29.45	34.89
Justice	26.57	25.6
Police	18.99	20.67
Other	4.68	7.12
<i>Source: PSS Survey.</i>		

institutions, on the other hand, with the possible exception of religious associations, are not strong substitutes for the lack of confidence in politics. Representation insecurity, in sum, is the main feature of the respondents' attitudes, and again, union members are only slightly better off.

The negative judgement of the political and representational systems has an important complement in the strong, generalized absence from participation in social and political organizations, as demonstrated in Table 7. Union members participate more than others, but the difference is only 9 percentage points (29 per cent to 20 per cent respectively). In other words, 29 per cent of union affiliates report participation in other social or political institutions, most of them religious associations. These other institutions are also the preferred loci of non-union members, but at a lower rate of participation. Participation in political and organizational life, then, is the exception among workers as a whole in Brazil. Their lack of involvement means that the feeling of being misrepresented by the political system is only partly compensated for by routinized social bonds, i.e., those institutions that in one way or another deal with everyday concerns and necessities. Voice representation is weak both at the general, political level, and at the local, social level.

Table 7 <i>Participation in Social and Political Institutions and Union Membership</i>		
Measures of Participation	Non-Union	Unionized
Political parties	1.78	2.8
Religious associations	10.42	14.78
Ecological associations	0.55	2.23
Neighbourhood associations	2.91	5.46
Parents' associations	2.4	3.83
Students' associations	2.99	2.5
Philanthropic associations	1.67	3.86
NGOs	0.54	1.9
Other	1.75	7.92
None	80.26	71.11
N=	1,028	376
<i>Source: PSS Survey.</i>		

In sum, union membership does not consistently determine voice representation, either by attitudes concerning the political system, or by practices concerning civic participation. Union members are only slightly more secure than non-members, but political *malaise* seems to be the concept that better encapsulates the general picture. I will now try and derive some consequences from the analysis.

Conclusions

I have tried to show that the turbulent environment of the 1990s put unionism at a crossroads in Brazil. Currently, the challenges are of a new character as compared to other critical junctures in the past. The neoliberal decade brought labour market insecurity to a vast majority of the Brazilian population. Most of all, neoliberal public policies did not appropriately take into account the very nature of the instruments that have historically helped to galvanize social cohesion. Labour regulation has been essential as a mechanism to secure the social and political inclusion of the working classes in the contemporary life of the country (French, 2001). This regulation was the guarantee that stabilized workers' expectations, gave them a voice in the political arena, assured them some relief in periods of unemployment (relief that related to the condition of being a worker, not to charity), assured social protection for them and for their children, and so on. Labour regulation was a means of inclusion during the Import Substitution Industrialization (ISI) period, and workers' expectations of well-being were largely constructed around their participation in such universe of regulation. True, the formal labour market has never included everyone. Informality was and remains pervasive in Brazil. But the important issue for the argument I am trying to put forth is that the very expectation of inclusion has always played an "inclusionary" role in the country. Most of all, because of traditionally high turnover rates, that expectation was recurrently filled here and there since informal workers would experience longer or shorter periods of participation in the formal labour market. This pattern of participation, I argue, has contributed to the making of the formal labour market and its regulations as one of the main, if not the most, important cohesive institutions in the country.

Work is still a central element of the biographies of the vast majority of the population. What the neoliberal era has actually done has been to deny this simple, socioeconomic truth. De-regulating labour relations has meant breaking the inclusionary promise of the formal capitalist economy and the formal labour market thus wiping away from the workers' horizon the prospect of a decent job for a decent life. The changing reality of the world of work helps to explain why there was a shrinkage in worker unrest. Workers, afraid of losing their formal jobs, and of losing the rights of the vanishing promised land, acquiesced to draconian labour relations, thus reducing their impetus for collective action.

Brazilians have also witnessed a broader process of de-politization of the economy. The state withdrew from aspects of the social life once perceived as part of its responsibility. Economic development as a *raison d'état*, characteristic of import substitution models, resulted in a conceptualization of economic relations as intrinsically politicized in a number of different ways. First of all, the accumulation of capital in the private sector was a direct consequence of the sector's access to public resources which, because scarce, could not be universally distributed (Oliveira, 1988). As a consequence, the survival of large, nationally based capitalist investments would heavily depend on the bourgeoisie's capacity of manoeuvre among numerous small, technocratic, and relatively clientelistic schemes to access those resources (Sallum Jr., 1996). These symbiotic relations between national-bourgeoisie and state-bureaucratic circles, it should be noted, were very astutely examined by former president Fernando Henrique Cardoso as "bureaucratic rings" in which public and private interests were intertwined.

Second, the entrepreneurial state fulfilled the task of providing infrastructural conditions to the movement of private capitals, both in the finance system and in the rural and urban productive sectors. Major investments in communications and transportation services, in heavy industry, and in energy production and distribution are some important examples. But we must not forget the role of state banks (federal and local, equally) in the financing of private investments with subsidized interest rates. Moreover, the federal government's socialization of all private debts in the mid-

1970s was one of the main factors behind the growth of the public external debt (Appy, 1989). Development, as *raison d'État*, entangled “public interest” with “capitalist accumulation”.

Third, apart from externalities in the strict economic sense, the role of the state in the regulation of class relations has acquired considerable scope in Brazilian modern history. Getúlio Vargas' corporatism is its most salient expression.²⁴ Vargas' corporatism not only established the parameters for capital and labour relations, making them a part of the state itself; it also meant that the constitution of the labour market was strictly delimited by the CLT, the labour code discussed above. To say it properly, the CLT de-commodified the labour force (in the sense of Offe, 1984), and judicialized class relations (in the sense of Habermas, 1987).

The reversion of this pattern of capital-labour relations by neoliberal policies brought back the commodification of the labour force, not exactly by means of the flexibilization of the existing code, but by the extension of illegal contracts to areas once secured from informal labour relations, such as manufacturing and modern services. The current re-commodification of labour relations also means that the state is no longer the intermediary in the conflict of interests between capital and labour. It is, in fact, an intermediary of growing importance in the conflict over individual rights, and the labour courts are busier than ever in response to workers' increasing awareness that employers are flexibilizing the labour market in “cold blood.” But judicialization of labour relations is different from their politicization. Labour demands tend to be individual, not collective. They do not demand association or collusion. They do not feed collective action or collective identities. They still take the state as the guardian of rights, but just as they see it as a guardian of citizenship or civil rights. Instead of collectivities represented by unions in state-corporatist arrangements, we have individuals represented by lawyers in judicial courts.

In sum, until very recently, state and economic development existed in causal connection, the latter being the result of the conscious reasoning and action of the former. Market failures were state failures. In the new, neoliberal environment, market forces

²⁴ See, among an evolving literature, Levine (1998), Williams (2001) and French (2001).

have driven state politics. The terms have been reversed. The extrication of the state from the regulation of the economy, and the liberation of market forces in a state-dependent society, has resulted in an increased perception of socioeconomic insecurity. In a survey conducted in 1986 in a random, representative sample of the population of the city of São Paulo, 52.5 per cent of the respondents said that *they were not* worried about losing their jobs.²⁵ Among union members, the percentage was as high as 82.5 per cent. In contrast, in 2001, the PSS survey for the Metropolitan Region of São Paulo identified 31 per cent and 44.5 per cent of respondents, respectively, as saying that they were *secure* about their employment. The wording of the questions was not the same in the two surveys, but the results nonetheless were remarkably different. Job security became one main issue for workers as a whole.²⁶

Economic restructuring and globalization are both “blind” processes in the sense that, for the individual worker, little or nothing can be done to tame the way they unfold or to control their consequences. Macro processes are perceived to demand macro intervention, and polls in Brazil always find that the state (or government) is the only agent capable of solving major problems such as unemployment, income inequality, or poverty. This may help to explain why the PSS survey did not detect differences in attitudes between union and non-union members concerning most of these issues in the questionnaire. The survey suggests that unions are not perceived as part of the solution to workers’ individual or collective problems, even though affiliation to unions is indeed an indicator of work and economic security. In fact, unionization indicates job and work security, but does not seem to be closely related to workers’ perceptions of the structure of social and economic problems, or of related solutions.

In this respect, and as a concluding remark, I would say that if union affiliation can be taken as an indication of proximity

²⁵ Poll of the Instituto de Estudos e Pesquisas de São Paulo - IDESP on a representative sample of the population of the city of São Paulo (2,561 individuals). I thank CESOP/UNICAMP for allowing me access to the database.

²⁶ In February 1999, a poll on a random sample of the Brazilian population found that 35 per cent of the respondents said that stimulus to employment creation was the main measure that the government should take to face the economic crisis. See the newspaper *Folha de São Paulo*, 17 February 1999, p. A5.

between a worker and his or her representative institution, unions appear to have lost one of their most important features, that is, the capacity to function as a centre for the promotion and reproduction of worldviews, social identities, and political action. That unions do indicate economic security has much to do with the fact that they enrol formal sector workers. The formal sector is synonymous with registered, full-rights jobs, and even though unionization appears to have an independent impact of its own on the probability of having a permanent contract and on the rate of access to legal and contractual rights, this impact is small in quantitative terms as compared to formal sector measures. Union and non-union members equally find themselves very badly represented by the political system, a situation which suggests that *unionization* is not an indication of political inclusion and voice representation. Workers' perceptions regarding the legitimacy of political institutions are an important finding of the survey, and they add to the major hypothesis of this paper which states that unions were dislocated from the centre of the Brazilian political arena in the 1990s. This dislocation does not need to be irreversible, though. The future is not always predicated in the present, as the events of 11 September 2001 have shown, and as the crisis in Argentina has recently reaffirmed.

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Race, Security & Social Movements

This special issue of *Social Justice* (Vol. 30, No. 1) took shape during the buildup to the Bush administration's preemptive war against Iraq and the worldwide mobilization against it. Its contents appropriately reflect a longer view of U.S. militarism and populist nationalism, the criminalization and repression of domestic dissent, and the movements that have challenged the power arrangements that sustain American structures of inequality. It is 270 pages long.

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