

Strategic Codetermination.
The Campaign „Better not Cheaper“ of the Metal-
workers’ Union and the Problems of Union Revitaliza-
tion in Germany

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The decline of German unions in the last years has been dramatic. Union density nearly halved in value from about 35% in the early 1980s to only 18.6% in 2010, and collective bargaining coverage shrunk from about 80% in the 1980s to no more than 60% today. During the financial crisis German unions seemed to be back on stage for a short while, being invited by government to find political solutions for tackling the crisis and being integrated in local deals in the plants on working time reductions and safeguarding of jobs. However, a reversal of the long term decline in terms of organizational power is still as far away as it has been before crisis. Foreseeable, the German “coordinated market economy” (Hall/Soskice 2001) sooner or later is facing the risk of losing one of its main players of coordination - the unions.

But what, if at all, have the German unions done themselves to come up against their own demise? This paper tries to find answers to this question with respect to revitalization strategies and campaigns of the German metalworkers’ union. The IG Metall still is Germany’s and the world’s largest single union with more than 2.2 million members. After a loss of more than 500.000 members in the last decade, the union in 2010 for the first time since the early 1990s has recorded membership gains. I will argue that this development can be rooted back to the activities the union has initiated to cope with the erosion of collective bargaining and to counteract initiatives of many employers to negotiate derogations from collective bargaining agreements. Besides new strategies and procedures in dealing with derogations, it was the “better not cheaper” campaign of the IG Metall originating in the region of North Rhine-Westphalia which stood in the centre of the union’s activities. In this paper I will analyze the effects and prospects of the campaign for the revitalization of the union and the works councils.¹ For two reasons the bulk of my analysis is coping with the works councils and not with the union. First, in German labor relations works councils are the main and most important labor representatives on plant level, and successful union revitalization without an active role of works councils is hardly imaginable. Thus, second, the IG Metall has made the works councils the main focus group of the campaign, hoping for indirect but nevertheless positive effects on its organizational power mediated by the activation of the works councils.

1 Crisis and Challenges of German Unions

During the 1980s and early 1990s German unions seemed to belong to the few lucky ones – together with the unions in Scandinavian countries or in Belgium – that were little affected by the general trend of union demise observable on the OECD countries (Jacobi et al. 1994). Organizational density proved to be rather stable. Not less important, the signs of decentralization of collective bargaining, most visibly in working time flexibility, seemed to be well controlled by the unions in a process of negotiated adjustment. Especially the existence of for-

¹ My analysis is based on a research project that was financed by the Hans-Böckler-Foundation and that I have carried out in the last two and a half years together with my colleagues Antonio Brettschneider, Tabea Bromberg, Steffen Lehdorff from the Institute Work, Skills and Training at the University of Duisburg-Essen. In this project we made several expert interviews with union officials on all levels of the union, we conducted about 16 plant level case studies, and we made a survey asking the local union officials in the region of North-Rhine Westphalia about the spread and the contents of “better not cheaper” in their administrative units.

mally independent works councils on plant level backed up with legal rights of codetermination seemed to be a crucial factor to develop favourable strategies of decentralization. Works councils not only were entitled by collective bargaining agreements to negotiate flexible working time arrangements in the plants, they were also supposed by the unions to negotiate new topics like technological innovations or work organization (Thelen 1992; Turner 1991). Thus, when unions in the liberal market economies began to develop and pursue new strategies to regain organizational power in the course of the 1990s, unions and works councils in Germany seemed to rest in the traditional paths of collective action, both regarding the negotiation of collective bargaining agreements and the way to deal with their members' interests, for local negotiations usually took place in a centralised and representative style quite far away from the influence of the employees.

This picture of "resiliency" (Thelen 1992) of German unions and industrial relations in general faded quickly in the course of the 1990s, when unions' membership decline accelerated and collective bargaining coverage began to shrink (Jacobi et. al. 1998). Instead of resiliency, erosion became the key term to interpret the development of unions and collective bargaining in Germany (Hassel 1999). Moreover, the works councils were confronted more and more with a growing pressure by management. Globalization of production and the growing mobility of capital as well as the financialization of corporate governance and new accounting systems went hand in hand with threats of relocation and outsourcing or increasing demands of management on the improvement of rates of return. In this situation, unions and works councils were forced to make concessions on working time or pay issues in so called "alliances for work" in order to safeguard jobs at least temporarily. The pressure of decentralization grew even further by the spreading of derogations from collective bargaining agreements. Derogations are negotiated on plant level either by unions, works councils or both and are usually dealing with the extension of working times and pay cuts below the norms defined by the collective bargaining agreements (Haipeter 2011).

However, given these challenges, union strategies remained surprisingly stable for the time being. With the exception of the service sector unions' merger to Ver.di, little signs of adaptation or strategic change could be observed in the unions' camp. On the contrary, discussions that have been initiated by union oriented scientists in the early 1990s to modernize the organization and to strengthen democracy or participation in the unions remained on the margin and ended without results (Morgenroth et al. 1994). Institutional power has been one of the main reasons why the positive experiences unions made in other countries with new strategies of revitalization were neglected for a long time. Their – despite membership losses – seemingly stable institutional power that gave the German unions little incentives to change strategies and to focus on the problem of membership, all the more because membership recruitment has been organized mainly by works councils in the past and therefore was not part of unions' core business (Baccaro et al. 2003; Behrens 2009) Because of the existence of works councils and the cooperative and intermediary role they usually play in the plants, the transferability of experiences from different institutional contexts was regarded sceptical also from a sociological point of view (Frege/Kelly 2004). All the more, campaigns and strategies of union organizing in the liberal market economies were far away from being coherent and en-

compassing; union organizing often was scattered and local in character (Cregan 2005), and it is up to now an open question which of the elements of organizing strategies – like leadership or rank-and-file participation – are responsible for the success of organizing campaigns (Hickey et al. 2010).

However, the institutional power of labor was fading away, especially with respect to works councils. Although the legal rights of works councils have not been altered (if at all in fact they have been enhanced by the reform of the Works Constitution Act from 2001) and negotiations on local level still took the form of negotiated compromises, the contents of negotiations changed from demands to concessions to be made by the works councils. The old institution was filled with a new logic of action. Works councils, once an indispensable source of stability for the unions and the main centre of union presence in the plants, have more and more been hollowed out because they were forced into concession bargaining with employers and began to lose their ties with the unions (Dörre 2002).

Because of these developments for some observers the institutional exhaustion of unions and works councils seems to be hardly avoidable. In this scenario, weak unions will operate in a more or less liberal framework, only being able to negotiate local regulations that employers want to have because they solve some coordination problems for them (Streeck 2010). However, to extend current developments in this way means to reckon them without their host. The hollowing out of institutional power especially with regard to works councils is an ongoing process; but it is not a current state in the sense of a social fact. There is still time for unions and works councils to react on the problems and to influence the way of development in a manner not foreseeable up to now. Thus, the process of hollowing out is better to be described as a challenge labor representatives can meet - or not.

One of the main initiatives the IG Metall – and unions in Germany in general - has started to cope with the challenge of hollowing out is the campaign “better not cheaper” which has its origins in North Rhine-Westphalia, the according to membership figures biggest administrative region of the union. As will be shown, being a hopeful sign of revitalization, the union’s activities at the same time mark a decisive break with the logic of collective action German unions had developed in the course of the post-war decades as intermediary organizations. To be an intermediary organization means to intermediate between the opposing interests of labor and capital by representing and defining collective interests from above and by building on a stable institutional foundation and membership base (Müller-Jentsch 1985). Confronted with globalization and employers’ offensive in the plants, intermediary collective action has become part of the problem unions are confronted with.

Analysing campaigns in the metalworking sector, one also has to keep in mind that the institutional structure of German labor relations nowadays is far from being homogeneous. On the one hand we can find areas of the service sector that are already looking quite liberalised with weak unions, weak collective bargaining agreements and labor norms and with a more and more fragmented structure of employment relationships (Bosch/Kalina 2008). On the other hand there are the core industries of the German export sector dominated by manufacturing

where unions are still quite strong, works councils still exist and collective bargaining agreements are still widespread. As a matter of fact, since the middle of the last decade, unions in different industries and different sectors have developed activities of revitalization. The big service sector union Ver.di has launched campaigns against hostile employers in retail chains, the construction workers union IG Bau has started organizing projects among the building cleaners and the IG Metall has launched several activities, among them the campaign “better not cheaper” which will be analyzed in depth later on. Furthermore, Ver.di, the IG Bau and the IG Metall have implemented organizing departments in their headquarters. However, challenges for unions are rather different for the sectors. As Turner (2008) has convincingly pointed out, in large areas of the service sectors the main challenge is to build institutions like works councils and collective bargaining agreements from scratch in a “liberal” environment hostile of unions, whereas in the metalworking industries unions can start to revitalise institutions in a still “coordinated” world.

Thus, the approaches German unions have tried to develop for a couple of years differ rather strongly according to the instruments they use or the target groups they address. Whereas in the retail sector Ver.di tries to develop campaigns attracting the attention of the public, establishing coalitions to social movements and supporting the inauguration of works councils, in the metalworking industry the union’s goals mainly are to activate still existing and institutional powerful local actors like union officials, members and, mainly, works councils. That’s what is in core of the “Better not cheaper” campaign.

2 Crisis and Derogations from Collective Bargaining Agreements in the Metalworking Industry

The fact that institutions of labor relations still exist in the manufacturing sector does not imply that the needs for revitalization are less severe than in the service industries. On the contrary, globalization and growing imbalances of power in favour of the employers have hollowed out the institutions of industrial relations to a large degree. Employers nowadays can demand for concessions, and unions and works councils can hardly avoid negotiating them. Problems aggravated for the IG Metall in the first years of the new Millennium. First, the union was defeated in the collective bargaining round of 2003. The union had demanded working time reductions for the workers in East Germany, where the weekly working times according to the collective bargaining agreements were fixed at 38.5 hours, 3.5 hours more compared with the 35 hours week in the Western regions of the industry. The industrial conflict was lost for two reasons. On the one hand the union has shown to be unable to stand a conflict in East Germany because of its rather weak organizational power in the plants. Membership density was much lower than in comparable Western German plants, and, moreover, the works councils were much less tightly bound into the overall union strategy. On the other hand, the union’s demand was from the beginning criticized and de-legitimised in the mass media by pointing to the productivity gap still existing between Western and Eastern plants.

In this way a second critical development for the union became evident, the growing defensive in the public opinion. The employers and their associations, headed by the umbrella or-

ganization of the industry, Gesamtmetall, were launching a massive campaign, stressing the problems of Germany as a high cost location and, from 2004 onward, demanding for a working time extension without pay compensation. Germany was titled as world champion in leisure time, and the union was accused to make labor regulation too inflexible. Therefore, from their point of view the plants should be given the possibility to derogate from collective bargaining agreements.

However, derogating from plant level agreements, both formal and informal, already has been a more or less common practice at that time; and this was the third big problem of the union (see Haipeter 2011a). There were some regulated pathways of formal derogations already existing like the hardship clauses implemented in 1993 for the East German regions or the so called “restructuring clauses” that could be found in several of the collective bargaining agreements for the Western regions. Besides these formal ways of derogations, collective bargaining agreements were undercut in an informal way and to a growing extent in local alliances of work on plant level. And even worse, both the formal and the informal derogations were out of union’s control with respect to the contents dealt or the number of agreements made. Up to this time, the problem was ignored to a large extent in the organization. Times changed when the employers’ associations and the government forced the IG Metall in the years 2003 and 2004 to negotiate an official and more extended derogation clause in the collective bargaining agreements, which was done in the 2004 Pforzheim Agreement, where derogations were legalised if they safeguard jobs and increase the competitiveness of the plants and companies.

However, this agreement was supported by union modernisers who hoped to increase union’s control of derogations. But reality was different for the time being. Instead of gaining control, the union found itself in a growing defensive, attacked by more and more companies who demanded working time extensions and wage concessions. Moreover, the IG Metall has lost some battles which were hotly debated in public like that of the former Siemens production of mobile phones. The pattern of defeat was similar in all these cases: Works councils were pressed by management to make concessions in order to avoid or at least reduce dismissals or plant closures, and then went to the union to get an authorised signature for the new agreement. In this pattern there was little room of manoeuvre for the union to negotiate or to control derogations. Instead of improving it, the Pforzheim Agreement seemed to have aggravated the situation.

A more severe crisis was hardly imaginable for a proud and still strong union like the IG Metall. But parallel to the crisis also the pressure for new solutions increased. Or to argue more sociologically, the union was in a crisis situation that made it easier to develop and put into practice new solutions that would have been refused by powerful actors within the union otherwise. However, in the situation of crisis the positive returns of routines which have led to a remarkable success in the past seemed to have disappeared; so building on these routines did not look like a promising strategy any more.

Not for accident the union tried to develop new strategies. One way of coping with the crisis was to implement new processes how to deal with derogations from collective bargaining agreements. Among them have been new requirements for information flows from the local to the central level of the union and back and, most important, demands for membership participation. I have analyzed the effects of the new processes elsewhere (Haipeter 2011b). Membership participation in the form of voting about whether negotiations on derogations should take place or whether an agreement negotiated should be accepted has become a new source of the union's organizational power in the plants. The existing members were motivated to stay in the union, and in many cases the union was able to recruit new members. By membership participation in derogations the IG Metall has created a key to increase organizational power in a situation of defensive.

The second way of dealing with the crisis was the activation of works councils. This was the focus of the "better not cheaper" campaign of the IG Metall started at the end of 2004. Although the campaign was in its initial phase a campaign of the North-Rhine Westphalia district of the union and therefore regional in character, it has developed to a national campaign and is by now regarded as one of the most interesting and promising union campaigns running today in Germany. So Rehder (2008) argues that the campaign is a promising effort to strengthen rank-and-file participation as a new way to legitimise the union in situations of defensive; according to Dörre et al. (2009) the campaign is a crucial attempt to extend rank-and-file participation to the topic of innovation, and in the interpretation of Turner (2008: 310) the campaign offers an "unexpected promise for institutional revitalization". What makes the campaign so interesting is that it adapts the idea of union revitalization developed by unions in the Anglo-Saxon countries but at the same time rests on making use of the resources a coordinated economy like the German one still offers in a growingly liberal world.

3 The Campaign "Better not cheaper"

However, despite these statements little is known about how the campaign is working in detail. The analysis of the "better not cheaper" campaign given in this paper is driven by two questions: First, what does it mean for works councils to develop and negotiate "better"-strategies in the plants? And second, what has this to do with union revitalization? Does the activation of works councils go hand in hand with a strengthening of the union? Before tackling these questions I will try to sum up the history of the campaign: how it started, how it developed and how widespread it is today.

From the beginning, the union district of North-Rhine-Westphalia played an important role in developing new strategies of de-centralized bargaining within the IG Metall. The supporters of local collective bargaining could rely on a strategy of plant level collective bargaining developed already in the 1970s. The core idea of this strategy then was to use local conflicts for rank-and-file participation and for membership campaigns to increase the organizational power of the unions in the plants. Being originally a strategy of a new union offensive in the 1970s, the idea was implemented in North-Rhine Westphalia for the defensive conflicts about derogations in a rather radical way. Detlef Wetzels, who became head of the district in 2004,

soon after his election made the demand that only those derogations will be signed and authorised by the district that have led to membership increases in the plants during the negotiations. Instruments that have been developed in this way were conflict strategies and especially rank-and-file participation of members by membership voting on collective bargaining commissions and on the decisions whether to negotiate and whether to accept an agreement.

The second new strategy of the IG Metall in North-Rhine Westphalia – and this time originally developed by the district administration around Detlef Wetzel – was the “better not cheaper” campaign. However, to speak about a well designed campaign from the beginning would mean to neglect the facts, for the campaign in its first phase was little more than a slogan easy to remember, open for interpretations and effective in the political discourse as a counter-argument against the cost-cutting rhetoric of the employers. The idea was as simple as convincing: employers have to be successful in competition, but to be successful they have to think about more than just cutting costs. What the union was pointing to was to demand the employers to make use of the “comparative institutional advantages” (Hall/Soskice 1991) of the German economic institutions and to promote both new forms of production actively using the skills of the workers and new and innovative products with high standards of quality. In challenging the strategic prerogatives of management, the “better not cheaper” campaign is regarded as a “maximum union demand in capitalism” by its creators, as the former head of the district and the vice president of the IG Metall, Detlef Wetzel, characterised it in an interview. Different from collective bargaining on working times or wages, “better not cheaper” is to challenge management domination in the plants. And this is why it soon became clear that the central target of the campaign will be the works councils. In the German framework of institutions, they are the only actors who are at least potentially able to play such a role in the plants.

Of course this programme is rather ambitious for works councils. Although they are legally backed up by the Works Constitution Act (WCA), there is little legal support to make use of negotiations about strategic decisions concerning work and company organization, products or markets. Works councils have to become more active than the WCA demands them to be. To be more precise, they have to become *strategic* by dealing with managerial decisions in order not to cope with the results of these decisions only. Strategic codetermination would have been nothing really new for works councils of big automotive plants who have learned to fight against off-shoring or outsourcing for years and who have big resources at their disposal. But for the bulk of works councils in plants of smaller size, strategic codetermination posed a real challenge which had to be supported from outside, because otherwise the campaign would have failed in those plants where it was mostly needed.

Thus, it soon became clear that the campaign would have to rely on a material infrastructure if it was to produce real effects in the plants. This infrastructure was developed in the form of projects financed largely by the regional and federal governments. In these projects, which partly are already finished and partly still run today, several initiatives and instruments were developed by the union and the other members in the “better not cheaper” project team, which was (and is) composed of union officials and external members like consultants and scientists.

Among the activities have been lots of workshops for works councils dealing with topics chosen by the works councils like globalization, outsourcing or new systems of production; industry reports analysing developments of sub-industries like the machine tool or the agricultural machinery industries were written; single cases were consulted by the union, by union oriented consultants and by scientists; a network of union oriented consultants was created; and industry networks among works councils and the reciprocal support of works councils by works councils were advanced. Another important point was the identification of good practice examples right from the start of the campaign. The examples were presented on workshops by the respective works councils and on the internet pages of the campaign. They had the key function of showing how “better not cheaper”-practices of works councils could work and how they are working already in the plants. It seems not to be too far-fetched to say that the campaign was in the air: It was a response on the manifold challenges the IG Metall was confronted with, and it could build on predecessors already existing in some plants.

4 Spread and Background of “Better not cheaper” in the Plants

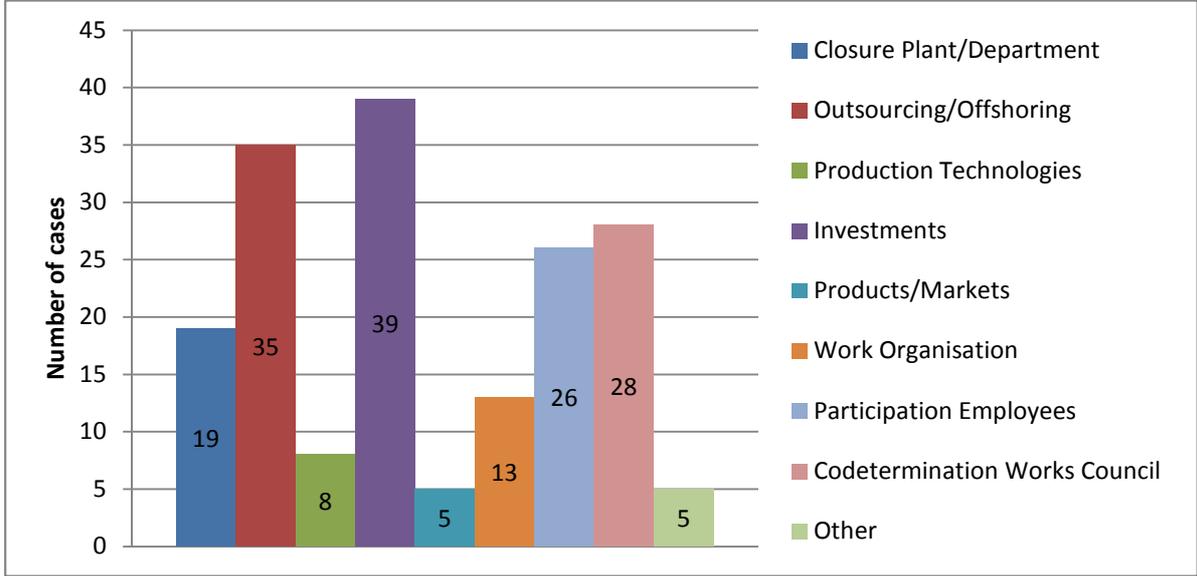
The main indicator used by the IG Metall to assess the campaign and its effects was the number of works councils who attended the campaign in one way or the other. Three years after starting the campaign, the union claimed that about 500 works councils have taken part in the campaign which was described as a big success. However, this number leaves some room for interpretation. On the one hand it was not clear from on how many plants the works councils were distributed; the number of plants could have been much smaller, because many works councils from large works council committees of bigger plants took part. On the other hand it was far from evident what it meant to attend the campaign. Attending could have a lot of meanings, from developing “better”-strategies in the plants to taking part in one or several workshops up to asking an official of the union district something about the campaign.

To get more reliable information about the spread and about the practice of codetermination, we asked the local union administrations in our survey how many works councils – not single works councils, but committees in plants – have developed a codetermination practice in the sense of the “better not cheaper” campaign in their administrations. Of the 43 local administration units in North Rhine-Westphalia, 19 gave us an answer. Taken together, in these 19 administrations “better not cheaper“ played a role in 137 plants. Compared to the plants that are members of the employers’ associations and therefore covered by collective bargaining agreements in the district of North-Rhine Westphalia, the number of “better not cheaper”-cases in the 19 administrations reached a quota of about 10% of all the works council committees of the North-Rhine Westphalia district. Projected for all the administration units in North Rhine- Westphalia, this is counting for a “better”-coverage of 20% of all plants organized in the employers’ associations.

The background of the “better”-strategies in all cases can be described as a situation of defensive: Derogations (40% of the cases), local alliances for work (19%), threats to close plants or dismiss employees (27%) and rationalization (12%) have been the motives indicated by the union officials. The main objectives the union and the works councils had on the agenda were

to avoid off-shoring or outsourcing, to demand for investments and to strengthen codetermination and rank-and-file participation (Graph 1).

Graph 1: Goals of works councils/unions in negotiations



5 “Better not cheaper” - a Strategic Approach of Codetermination

What does it mean for the codetermination of works councils to act in line with the campaign “better not cheaper”? What does a “better not cheaper”-practice look like? Is it going along with changes in the relationships to management? And does it also include changes in the way works councils represent the employees? I will try to tackle these questions based on the analysis we made in 16 case studies. The cases were selected together with the union according to two main criteria: first, that the works councils have initiated a process along the principles and goals of the campaign; and second, that the cases are located in different subsectors of the metalworking industry. Because of the first criteria the sample is biased; we only had a look at cases where we could expect to find new forms of codetermination in the sense of “better not cheaper”. This approach combines disadvantages and advantages; the main disadvantage being that we cannot analyse the reasons and motives of works councils who refrained from taking part in the campaign, and the main advantage being that the patterns and conditions of strategic codetermination can be traced back. Table 1 gives a first overview of the results of our case study analysis which will be explained and analyzed in the following; the cases are made anonymous with reference to main products they are producing.

Table 1: Results of the case study analysis

	Problem/Motive	Strategy of Works Councils	Resources	Mode of Interaction	Participation of Employees	Organizational Effects Union
Power Train	Crisis, Dismissals	Challenge, Promotion, Controlling	Consultancy, Training	Dancing	Information, Proposals	None

Miner	Modernization Concept Management	Companion, Controlling	Industry Network W.C.	Dancing led by Management	Information	None
Sealer	Relocation, Dismissals	Concept	Consultancy	Local Dancing	Workshops, Assemblies	Some Entries (<i>Derogation</i>)
Electronics	Crisis, Outsourcing, Dismissals	Challenge	Consultancy, Training	Dancing Episode	Experts (selective)	None
Energy	Outsourcing, Dismissals	Concept, Controlling	Consultancy, Training	Boxing	Experts (selective), Mobilization Conflict	Reputation Blue Collars
Gear	Outsourcing, Concessions	Concept, Promotion	Training	Dancing	Information	None
Cooler	Crisis, Pressure Value Chain	Challenge, Companion, Controlling	Consultancy	Boxing	Workshops, Surveys	Some Entries (<i>Derogation</i>)
Shiner	Joint Modernization Concept	Concept, Promotion	Consultancy	Dancing	Workshops, Surveys	Some Entries (<i>Derogation</i>)
Motor	Relocation, Dismissals, Concessions	Concept, Controlling	Activation Resources	Boxing Episode	Experts (selective)	Reputation Blue Collars
Truck	Relocation, Dismissals, Crisis	Concept, Promotion	Consultancy; Activation Resources	Dancing	Experts (selective and not selective)	Density White Collars 15 to 85% (<i>with Derogation</i>)
Plow	Outsourcing, Concessions	Concept, Promotion	Activation Resources	Dancing	Experts and Survey	Some Entries
Switcher	Restructuring Company	Challenge, Companion	Consultancy	Dancing	Information	Some Entries (<i>Derogation</i>)
Closer	Crisis, Relocation, Concessions	Companion	No changes	Dancing led by Management	Information	None
Steel	Dismissals, Concessions	Challenge, Companion	Consultancy	Boxing	Experts	None
Cement	Outsourcing, Dismissals	Concept, Controlling	Consultancy, Training	Boxing	Experts, Mobilization Conflict	White Collars above 40%
Supplier	Crisis, Outsourcing	Challenge, Promotion, Controlling	Consultancy, Training	Dancing	Workshops, Round Tables, Experts	White Collars 5 to 25% (<i>Derogation</i>)

First of all, the finding of the survey that “better not cheaper” is developed in a situation of defensive of the works councils is affirmed by the results of the case study analysis. In all the 16 cases except two of them (Miner and Shiner), management has threatened employment or labor standards or both by demanding outsourcing or relocation of production and by referring to a situation of crisis; whereby crisis mostly does not mean that companies, plants or departments have been in the red, but that they did not meet expected rates of return. Globalization and financialization are going hand in hand as motives that are pushed by management to legitimise threats and demands

How did the works councils react? The core and the common denominator of the “better”-strategies in our sample is the fact that management strategies are challenged by the works councils. Of course, challenging management is nothing really new for works councils, be-

cause this is what they usually do in negotiations. But what is really new in the “better not cheaper” cases is that management strategies are challenged with respect to the economic effects they have. Works councils usually call into question negative social effects or negative effects for employment. But they rarely ask whether management strategies are adequate to produce the economic results they are promising or whether there are other strategies promising better results. The decisive point for works councils in this respect is not to have elaborated alternatives at hand. Some of the works councils we analyzed had alternatives, some not. The decisive point is to call management strategies into question in the economic frame of reference of management. This is exactly why management cannot ignore these questions or call them ideological. And this is what makes works councils strategic in the sense that they try to have influence on management decisions from the beginning in order not to be confronted with the employment or social consequences of decisions only that cannot be changed any more.

An example for this practice is a company producing electronic household appliances (Electronics). Here management and works councils some years ago have agreed on a social-compensation plan which includes the outsourcing of a component production area. However, outsourcing proved to be difficult for the company because no other reliable suppliers could be found. In this situation the head of the works council has attended a workshop of the union on outsourcing and was informed that he could get external consultancy if he wanted to. This marked the turning point for the works council to call into question the agreement made on outsourcing and to propose to examine the economic effects of alternatives. Management agreed on constituting a work group composed of experts from different departments and led by scientific consultants paid by the union. Finally, the expert group agreed on the economic superiority of in-house production for most of the components in question. Today the component production is an important element of a new organized and quickly expanding business unit.

In other cases in our sample works councils went a step further by developing alternative strategies and negotiating them with management. One example is a company producing motors for automobiles (Motor). The works council was confronted with the demand of management to derogate from the collective bargaining agreement by extending working times without pay compensation. He criticised management for having been too reluctant to invest and to innovate the products. This and not the question of personnel costs was the real problem the company was facing in the eyes of the works councils. As a consequence, the works councils of the different plants the company has in Germany came together and tried to develop a common strategy for the future of the company, thereby relying on analyzes they have developed at their respective sites with the help of experts from different departments and different hierarchical layers. The concept called “offensive production strategy” then was negotiated with the company and, finally, the agreement made was that the collective bargaining norms will be respected, that no dismissals will take place and that investments will be made to modernise products and production technologies.

6 Competencies for and Strategies of Strategic Codetermination

Both challenging management strategies and – even more so – developing alternatives required economic expertise by the works councils. “You have to know how to interpret the data given by management if you want to counter their demand not to pay the Christmas bonus”, one of the works councils said. To act in the frame of reference of management means to be able to reconstruct and assess the motives and strategies of management. “You have to understand the reasons why they do this and that. And this is the precondition for you to think about alternatives”, another works council said. For developing alternatives, two more dimensions of competencies are of importance. The first one is knowledge of the organization. Works councils have to know how the organization works if they want to confront management with alternative strategies of organizing work or plants as a whole. Works councils normally have little problems in doing this because they are experts of the organization; usually they know much better how the organization works than the managers who rotate frequently and in many cases leave a plant again before they can get an impression how things are going on there. The second additional dimension is strategic competency in market and business developments like it was required by the works councils of the motor company who tried to make strategies for products and markets the company should focus on.

How can the works councils organize the competencies they need? In our case studies the works councils developed three strategies. The first one was to activate the competencies the works councils already had for solving a special problem. This was what the works councils of Plow or Motor did. The second strategy was to attend seminars on special problems to increase the knowledge that can be activated in the works councils, like the works council of Electronics. And the third strategy was to engage a union oriented consultant. This was the dominant solution in our sample. Eleven of the 16 works councils we analyzed have made use of the expertise of consultants, in most cases in combination with one of the other two strategies. However, the consultants were important in two respects: first, to interpret the data and figures presented by management and second, to develop alternative strategies together with the works councils and to show that in-house production can be as economic effective as outsourcing or off-shoring. At Trucks for example a consultant has been present in the plant for ten full days, has analyzed the departments separately and has made workshops and discussions with employees. On this information base he has developed a new organizational scheme for the plant building on integrated platforms of specialists instead of separated departments.

Consultancy was important for the works councils also in another respect: to improve the power positions they have vis-à-vis management. “The consultants helped us to be on par with management” was a statement many works councils made. Consultants were important in this respect for two reasons, first because of the high quality of alternatives the works councils were able to develop with the support of the consultancies, and second because of the high reputation the consultants have in the eyes of the management.

In general it can be stated that the reputation of the works councils in labor relations with management was strengthened by strategic codetermination. There is no case to be found in

our sample where the works councils have been weaker at the end of the process than they had been at the beginning. This has a lot to do with the more active role the works councils are playing because of strategic codetermination in labor relations. To challenge management in its frame of reference also means to discover a new arena of policy that has been a prerogative of management in former times. This new level of activity of works councils can be grasped with the terminology of boxing and dancing presented by Huzzard (2004). Boxing and dancing can be interpreted as two different forms of strategic codetermination, one following a dancing path by developing common projects based on trust relationships with management, the other following a boxing path fighting with management for alternative strategies. In both strategies, works councils are active players on the new playground of management strategies.

However, one confinement of the typology has to be made. Negotiating collective agreements between works councils and management in the German context cannot be assessed as a boxing practice like it is done by Huzzard because works councils are obliged to negotiate agreements by law. Therefore, pure dancing does not exist in the German context – or is at least extremely improbable. Negotiating agreements has to be regarded as a common practice in both forms of activation. Moreover, pure dancing is improbable for another reason. A works council who is accepted by management as a dancing partner has to be a good boxer at least potentially. Otherwise he will not be regarded as an actor acting on par by management. So boxing and dancing are always somehow combined, and it is the interplay of both which has to be analyzed in detail.

In our sample of cases dominant dancing strategies are more common than dominant boxing strategies. In 10 of the 16 cases works councils were dancing with management. In two of these cases, Miner and Shiner, management took the leading part on the dance floor. In these cases the works councils agreed with managements' goals and just tried to improve management strategies with respect to the working conditions of the employees. In the other cases management and works councils defined the direction of dancing together. In a plant producing foam sealing for cars (Sealer), dancing was a local phenomena. Here management and works councils were forming a local coalition with the goal to preserve the plant and to safeguard jobs. The works council proposed innovations and tried to convince management of "better"-strategies. It was the works councils who had the dancing initiative. In other cases, like a producer of gear components (Gear), the dancing process stagnated. In this situation management was kept on the dance floor by threatening it with boxing. As the Gear works council said: "you have to show at least temporarily that you are willing to fight and that the employees are standing behind you, this is a precondition for talking together in a rational way." At a plant producing energy systems (Energy) the works council would have liked to dance, but he could not find partners on management side who were willing to dance with him. He has sent to management several offers to dance, but he did not get a reply, mainly because of the high speed of management rotation. So counter-analysis and the development of alternative strategies are used by the works council to improve his position in the boxing process of negotiating agreements. This works council said: "I think it is important for coun-

tervailing power to go into business details, to defend what you have, yes, but also to do more than this.”

The choice of strategies by the works councils depends mainly on the state of labor relations at the starting point of the “better”-process. If management and works councils have defined a common intersection of interests in a social partnership before, works councils used to choose the dancing option; and if no feeling of commonalities and trust relationships existed before, they usually opted for the boxing strategy. In two cases (Electronics and Tucks), dancing options were chosen by the works councils that could not build on relations of social partnership, and dancing has just been an episode without lasting effects. Thus, long-term changes between the models of labor relations did not occur in our sample. However, what did happen in most cases was that the respective models of labor relations were activated in the “better”-process because the works councils started to play a more active – or better to say strategic – role and management had to react on this.

7 Representation and Participation

Changes induced by “better not cheaper” were not limited to codetermination strategies of works councils and labor relations, they can also be observed in the relationship between works councils and employees. Rank-and-file participation is what is to analyze here. As mentioned above, the traditional works council has been an intermediary actor: He tried to develop strategies and to negotiate with management in a representative way, defining strategies for the employees and not with them and negotiating with management behind closed doors as a representative of a common employee interest. This was also the usual way to deal with participatory forms of work organization like semi-autonomous teamwork in the course of the 1980s and early 1990s, when companies experimentalized with new production concepts (Schumann Et al. 1994). Works councils have developed pilot projects with management without integrating the interests or experiences of the employees.

In “better not cheaper”-processes this style of interest management by works councils comes to its limits. The main reason is that works councils and consultants became aware that the participation of employees as experts of work and organization was indispensable for challenging management strategies and developing alternative strategies. This is why in many of our cases works councils and consultants – and mostly the consultants had the more active part in doing this – developed new forms of professional employee participation. Employees as experts participated in two ways, either in form of surveys among larger groups of employees focussing on several problems, or in the form of selective participation of employees in smaller circles of experts to solve a problem in detail. Selective participation usually was organized in forms of a workshop like at the producer of foam sealing (Sealer). Here the members of the works council, the consultant, construction engineers, a technician, an account manager and a worker tried to uncover potentials for rationalization in a certain production area that was designated for outsourcing by management. The workshop was rather successful. Within a few hours the group was able to increase productivity in a way not believed by management in advance, and the area was not sourced out as planned by management. The

consultant said that “we, the consultants, cannot perform magic – but the employees can. The employees know a lot of things, in most cases they do not really know what they know and what they are able to do. This was a very good case to show what potentials the works councils are able to develop together with the employees.”

Moreover, works councils and consultants who have developed new modes of rank-and-file participation felt themselves supported by a high legitimacy among the employees. This finding is confirmed by a contrasting case of our sample where the works council remained a representative actor in the intermediary sense. Thus, at Plow a new continuous shift-system was agreed between management and works council that was developed without participation of employees and that was not liked by the employees. In the end, absent participation has led to critics and to a loss of legitimacy of the works council.

8 “Better not cheaper” and Union Revitalization

Works councils are strengthened in the course of “better not cheaper” by developing proactive forms of codetermination, by challenging management on its own playgrounds and by mobilising new professional support of consultants and, especially, of the employees via rank-and-file participation. But what about the union? Does the revitalization of works councils also pave the way for a process of union renewal at the IG Metall? And how are both developments linked together?

There is no simple answer to this question. First of all it is important to distinguish two dimensions of the “better not cheaper” campaign that are going along with two different forms of employee participation. One dimension of the campaign can be called the “fight against cheaper”. This is the dimension which is dominant in conflicts about derogations described above. As explicated there, in negotiations on derogations rank-and-file participation of union members has become a common standard in the IG Metall today. Members can vote in meetings of members if negotiations should take place or if an agreement should be accepted or not, and they can vote about the composition of collective bargaining committees (and they can also take part in these committees). Here members are participating as citizens of the plants, as employees, who can perform citizenship rights by being union members.

Besides this, the second dimension of “better not cheaper” is what can be called the “fight for better”. This fight usually goes hand in hand with employee participation in challenging management and developing alternative strategies. Here the employees are participating not in line with their role as citizens of the plants but as experts of work and organization. Of course often both forms of participation go hand in hand. Thus, in the case of a producer of energy systems (Energy), the works council was able to prevent the outsourcing of a department by presenting a counter-strategy in which he could demonstrate the strategic relevance of the department for the plant; and the counter-strategy was developed by experts from different departments, a consultant and the works council himself. Based on the counter strategy the works council was also able to mobilise the dominantly white-collar employees for a labor conflict and could make the union more attractive for the workers.

However, it makes sense to distinguish the two forms of participation analytically, because in other cases the relation between them is less direct and because both forms of participation have rather different effects on union renewal. What can be said for sure is that rank-and-file participation is the crucial factor for union renewal in the “better not cheaper”-campaign. But dependent on the form of participation the effects differ. Participation based on the fight against cheaper has proven to be much more effective for the union at least in the short run. In most of the cases where the union could increase its membership base, new members entered the union in the course of negotiations on derogations. To be recognised as a citizen of the plant in conflicts about derogations by being or becoming a union member is obviously highly attractive and gives an incentive for employees to join the union. In this respect our findings are confirming the evidence of former research projects about derogations (Haipeter 2011b).

An impressive example of membership recruitment in fighting against cheaper is the case of an automotive component supplier (Supplier). In this case management wanted to negotiate derogations from the collective bargaining agreement for the administration centre which is organized as an affiliated company. On a first employee meeting dealing with the matter the responsible union official told the employees that he will not negotiate an agreement for a company with a union density of 5%; only 50 of the around 1.000 employees had been union members at that time. Both this announcement and the perspective to participate in the negotiations about the derogation provoked 200 employees to become union members. The union density increased to about 25% in the course of the conflict.

The fight for better does not offer similar membership gains. Here a strengthening of the union as a result of rank-and-file participation takes place – if at all – in a much more indirect way and in a long-run perspective. A precondition for positive organizing effects is that the works councils stress the role of the union in the development of “better”-strategies. Thus, “better not cheaper” has to be combined with a membership campaign. In the case of the producer of household appliances (Electronics) where participation took place in form of a workshop of employee experts to re-assess the former outsourcing decision made in the social plan, the works council did not draw an explicit line between these activities and the union (although the consultancy by scientific experts in this case was financed by the union), and in the end no effects on the organizational power of the union could be observed. On the contrary, in the case of the producer of energy systems (Energy), the works council has underlined the role of the IG Metall and tried to mobilise the workers for labor conflicts by saying that this is an industrial action organized by the IG Metall. In the course of the mobilization some of the non-organized employees joined the union – although the union density has been rather high already with more than 80% of the blue collar and more than 40% of the white collar employees organized.

To sum the cases up, in most of them we could not find density effects as a result of the fight for better. However, this does not mean that the fight for better cannot contribute to the renewal of union power in the plants. Two points are important in this respect. The first point is to combine rank-and-file participation of workers as experts with a membership campaign, arguing that the development of “better”-strategies is based on the support and the initiative of

the union and that the implementation of alternative strategies depends on the organizational power of the union in the plant. If the union is weak, management has little incentives to negotiate with the works council, because his strength is also based to a large extent on union power.

The second point is that participation in “better”-strategies can pave the way to new membership groups, especially the white collar employees. The precondition is that the works councils make the offer to participate as experts in the fight for better not only to their traditional domain of skilled blue collar employees, but that they also address to white collar workers that have been so difficult to organize for the union up to now. Energy (which is a white collar plant mainly) and Trucks are the two examples of our sample where works councils tried to do this, and in both cases the union density among the white collar workers could be increased. Fighting for better gives the white collar employees a chance to bring in their expert knowledge, whether it is technical or commercial, for the development of alternative strategies, which means for a collective goal of the workers vis-à-vis management. Thereby collective orientations and the awareness of common interests with other workers can be strengthened in a group of employees that has usually be regarded as being interested more in the success of the company and in individual careers (Kudera et al. 1983). In this respect, union membership could be a final step in a process of reorientation that starts with being asked as an expert by a works council who tries to fight for “better”-strategies and who at the same time does not deny being a unionist.

9 Concluding Remarks

Looking at the “better not cheaper” campaign and its significance for union revitalization, five concluding remarks can be made. First, the “better not cheaper” campaign was rather effective in diffusing a practice of strategic codetermination of works councils that has existed before only in some large plants of the big automotive companies in the metalworking industry. The campaign succeeded in attracting works councils from the “normal world” of codetermination in plant sizes from of about 200 to 2.000 employees. It is exactly in these plants where works councils were pressed in an increasing effective way by management to make concessions and where the experience was made by the works councils that globalization had increased the room of manoeuvre of management at the expense of their own power resources. The diffusion of the campaign was facilitated by the fact that the slogan of the campaign was easy and left room for interpretations so that it could be used in various ways against the employer offensive. Moreover, the works councils were supported by a complex and rather effective support infrastructure the union has developed in the course of the campaign ranging from information and workshops to logistical and financial support for consultancy.

Second, works councils developed patterns of a new style of strategic codetermination which is based on challenging management decisions in economic terms. By developing strategic codeterminations, works councils are entering the frame of reference of management and discover a new arena of conflicts. Strategic codetermination requires economic, organizational and strategic competencies of the works councils, and the works councils have proven to be

able to activate them on their own and – more important in the cases analyzed – supported by the union and consultants. In doing this, the works councils were able to strengthen their power position vis-à-vis management. Thus, in the light of our case studies, the new forms of codetermination initiated by the campaign can be labelled as “strategic” in two ways. On the one hand it is strategic because the works councils try to deal with management strategies and economic issues that have been far away from their traditional agendas. And on the other hand it is strategic because the works councils have started to deal with their resources in a strategic manner, enhancing them by further training, reorganization of tasks in their committees and, maybe most important, external consultants chosen in cooperation with the union.

However, third, strategic codetermination goes hand in hand with a new relationship between works councils and employees. In the context of “better not cheaper” works councils started to address to the employees as experts for developing challenges of management strategies and alternative strategies. A close relationship to the employees is the main advantage works councils can activate vis-à-vis management in the competition of strategies. By using it the works councils were able to improve their power position in labor relations. On the contrary, not to use this advantage brings them into a precarious position because they run the danger to promote innovations that are not in line with the interests of the employees.

Fourth, rank-and-file participation has proven to be the base of union revitalization for the IG metall. In this respect, especially the fight against cheaper seems to be very effective. Conflicts about derogations that are combined with rank-and-file participation by voting about negotiations or about the acceptance of agreements are in many cases driving forces of membership recruitment. To be treated as a citizen of the plant by being a union member gives the employees a strong incentive to join the unions. Thus, the fight for better seems to be a much less successful instrument of membership recruitment. However, by treating employees as experts of work and organization new linkages can be established between the union and groups of workers like white collar employees who traditionally have not shown a high union orientation. For these groups of workers building a union orientation is a long-term process; but “better not cheaper” seems to be a promising first step in this project. Therefore, the union should be patient and keep on walking on the new path of action it has developed.

A final note has to be made on the changing forms of collective interest representation that can be observed in the “better not cheaper” practice of works councils and the union. For the success of “better”-strategies is based on a fundamental change dealing with employees’ interests by works councils and union. Unlike the traditional way of intermediate collective actions, strategies are no longer defined from above, and negotiations no longer take place behind closed doors. Rank-and-file participation of employees enabled the works councils to develop alternatives to management strategies and to strengthen their legitimacy and their organizational power. Thus, to overcome the traditional intermediary style of collective action is a necessary precondition for revitalisation.

However, by doing this union and works councils shift away from what was called in terms of the literature on corporatism the logic of influence based on increasing organizational effec-

tiveness in negotiations towards a logic of membership focussing on membership motivation and recruitment (Schmitter/Streeck 1981). Stressing membership interests means being less intermediary as a collective actor, and this has been identified with being less reliable in collective bargaining, because union and works councils are less able or willing to incorporate the interests of the employers into the formation of collective interests and because they cannot make collective decisions as independent of their members as before (Weitbrecht 1969).

However, it is far from clear that unions and works councils have to pay this price of rank-and-file participation and that they are less reliable or effective in negotiations, for two reasons. First, the workers have internalised employers' interests themselves to a certain degree, both in the form of safeguarding of jobs and in form of a willingness to contribute to the improvement of the economic performance of their plants - if this at the same time serves their employee interests. In some of the cases analyzed above, labor relations between works councils and management even have become more businesslike than before because in the course of "better not cheaper", conflicts take place in the frame of reference of management. And second, referring to membership interests in reorganisation or to membership voting to accept agreements is an additional power resource in negotiations that becomes the more important the more collective labor is in the defensive. Not by accident the organizational effects for the union have been most positive in those cases where the works councils and the unions stressed the clash of interests and coupled expert participation with mobilisation and a membership campaign. Thus, an important learning effect for the union could be that the development of participatory practices should go hand in hand with new strategies of mobilisation and conflicts in the plants. Instead of threatening effectiveness, rank-and-file-participation therefore seems to be a precondition for collective labor to remain effective in negotiations and to come up against the process of being hollowed out in concession bargaining.

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