

Dear All:

This is my Master Thesis. It is my first draft (and it is not the complete work), so I apologize because the quotations are incomplete as well as page numbers for quotations. I have added an index, so you have an idea of how this work inscribes in the rest of the thesis.

Thanks so much, and I am looking forward to meet you on Wednesday,

Marcela

**the politics of labor laws policy making  
in argentina: state autonomy *vis a vis* labor  
political capital in the eighties**

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*"Politics is the art of creating a problem,  
making a wrong diagnostic, and applying policies  
that make the problem worse."*

*Groucho Marx*

### **historical puzzle**

The fifth and last coup d'etat in the past century that Argentina witnessed on March 24, 1976 plunged the country into the ineffable experience of abyss and terror. The transition to democracy path, according to the literature, was military defeat and regime collapse (O'Donnell and Schmitter 1986, Stepan and Linz 1996). It is also pointed out that Argentina had "the only unpacted and the most classically free transition of the South American cases. This in part explains why the incoming democratic government imprisoned numerous military officers for human rights violations" (Stepan and Linz 1996: pp. 193). The unpacted character of argentine transition to democracy was celebrated because the military dictatorship was not able to establish the institutional conditions, the rules, and content of the democratic transition. Chile, under the aegis of Pinochet, was the conditioned, or "from above", transition to democracy case par excellence<sup>1</sup>. Whereas the fact that the democratic forces did not pact with the military regime was a motive to rejoice, in turn, this contained the promise of a new historical birth. Nonetheless,

this hopeful as well as uncertain new beginning, did not foster either a sort of pact among the political parties that would establish the terms of the transition and certain conditions for further institutional and economic design. The most classic example of pacted transitions was Spain, and its foundation stone was the Pact of the Moncloa<sup>2</sup>.

The aftermaths of the unpacted transition on the politics of policy making during the first democratic government<sup>3</sup> adopted different forms and significantly varied depending on the actors involved and the public issues under discussion. One of the most insightful places where to perceive the full implications of this unconditioned transition to democracy is the reform of labor laws. In fact, during the first democratic government, a new chapter in the country labor history was written since the labor laws had been suppressed under the military regime. It was not until 1988, five years later, when the final body of labor laws was finally implemented. I aim to tell in this research, the fascinating story (at least for me) about the uniqueness of the politics of labor laws policy making and the peculiar historical outcome that emerged, by which labor not only recovered its strength *vis a vis* the state during the eighties but also labor was successful considering the claims pursued and the policy outcomes.

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<sup>1</sup>quotation author

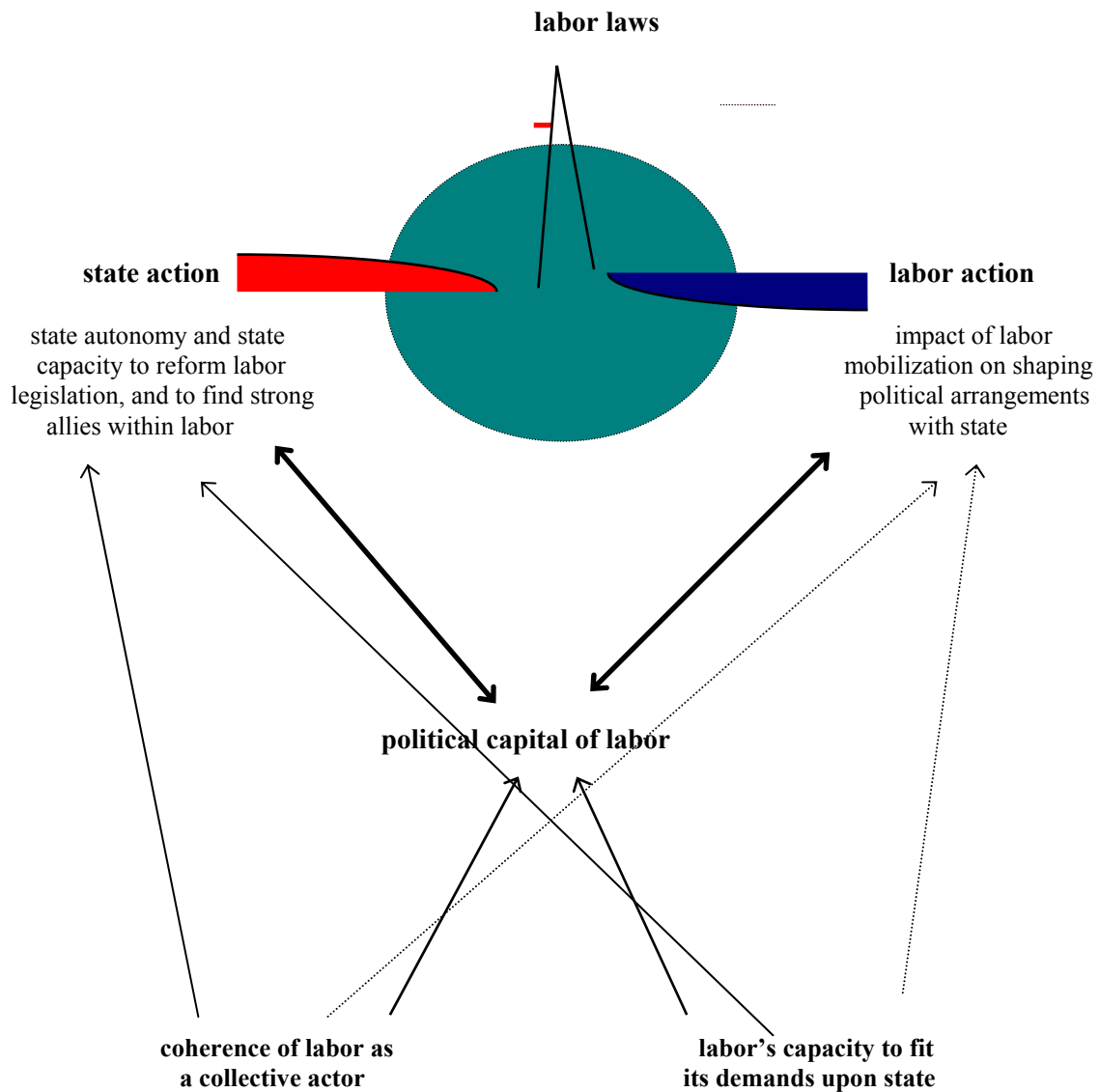
<sup>2</sup>quotation author

<sup>3</sup>Between December 1983 and June 1989.

Imagine that a coin represents the politics of labor laws policy making; the coin has a *sui generis* existence, as a whole, it is more than the summatory of the two sides. Simultaneity of reality, likewise state and labor action, the two differentiated and overlapping fields of the politics of labor laws policy making or the two sides of the coin, is not captured by the succesiveness of language. Jorge Luis Borges, in *El Aleph*, resolved this limitation of the language repeating the word *vi* (saw), a beautiful rhetorical way to describe a plethora of simultaneous events being revealed to him when he discovered the Aleph, in the basement of Beatriz Viterbo's house. In this research, the politics of labor laws policy making bifurcates into state and labor action, which expresses less a limitation of the language than the need to analytically differentiate the field of state action, or the institutional political field in which the process of labor reform took place. I wonder on this field about the degree of state autonomy or state capacity to reform labor legislation, and to find strong allies within labor. Another field of the politics of labor laws policy making is labor collective action, in particular, the calling of thirteen general strikes. By focusing on the institutional configuration of labor as a political actor, I aim to explore on this field to what extent labor mobilization has contributed to shape political arrangements

with state that have had a significant impact on the process of policy making and policy outcomes<sup>4</sup>.

**the politics of labor laws policy making**



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<sup>4</sup>The historical episode to be analyzed is the thirteen general strikes, in the field of labor action, and the three projects of reform of labor legislation, in the field of state action.

These two domains do not constitute historically differentiated and irreducible political fields of the politics of labor laws policy making but rather both are overlapped and interwoven fields, or the two sides of the coin, of a growing complex and contingent political process. It will be argued, as a hypothesis of reading, that in both fields, state and labor action, labor political capital as a political actor was founded in two crucial dimensions that make sense of its performance in the politics of labor laws policy making: coherence of labor as a collective actor and labor's capacity to fit its demands upon state.

Three labor law's dimensions, which characterize labor institutional configuration, constituted the central points of divergence between labor and state under during the eighties: a) labor structure of wage bargaining including minimum wage; b) labor system of health insurance; c) labor unions Professional Associations. In this section, I will present in first place the history of these labor laws since forties until eighties (our period of analysis); secondly, I will illustrate the theoretical roots of this research, in both methods and problem.

Let me add a few comments about my theme of study. As the grand thinker of the social and political life, Max Weber, has taught us long time ago, the selection of our theme of study is always a product of its cultural significance and personal

intellectual values<sup>5</sup>. In my case, I would say that recognized and unrecognized intellectual heritages, political passions, and my own biography traced the footsteps that led me toward the path of this research. The eighties, for my generation of sociologists in Argentina, was the decade in which our place as intellectuals was revealed; we embraced freedom for the first time, we became involved in politics for the first time, we were exposed to an immense circulation of ideas and ideals, for the first time as well. Maybe this research represents for me a sort of bridge between my present and my past, built with certain melancholy because we, those of that moment, are not the same; but with the joy to recognize that the time may pass, the landscape may change, and we still remain faithful to our ideals and dreams.

### **history of labor laws**

I will describe in this section the labor laws that have shaped labor institutional configuration since forties. Having been suppressed under the military regime (1976-1983), the political discussion between labor and state during the first democratic government (1983-1989) intended not only the re-establishment of the labor laws but mainly labor and state strived to define what kind of model of labor institutional configuration would prevail.

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<sup>5</sup>Quotation weber

The system of industrial relations expresses the way in which a country regulates the relationship between labor and capital for a long term strategy of growth. Depending on which institutional arrangements are present, labor institutional configuration will constitute one of the sources of union growth or decline. Despite trade unions development in USA or European countries have followed similar patterns of union decline in the eighties (Piore 1984, Western 1997), trade unions during the eighties have growth or even not experienced considerably decline in those countries in which three conditions were present: Ghent systems, successful working-class parties and centralized labor markets (Western 1997). In Argentina, trade unions as well have historically recognized its strength from labor institutional configuration, although others are the factors that contributed to its growth. During the eighties, despite a labor party was not in the government, collective agreement had been suppressed in the country, and Ghent system was not even present in the fantasy of politicians and unions leaders, trade unions did not experience the decline that occurred in other countries, more over, it seems to have recovered its strength *vis a vis* the state.

Since the peronist government that came into power in the forties, a pro labor government that clearly counted with the support of trade unions, the most favorable legislation for labor has passed, at the individual and collective level, in the forties, fifties, sixties, and during the early seventies. Thus,

labor institutional configuration was one of the sources of labor strength. Collective labor laws regulated the constitution, organization, and working conditions of the trade unions. Although freedom of association for workers was guaranteed, the system was based on one union by industry: the syndicate that holds trade union representation gets as well civil representation. There was a monopoly of the labor representation by unity of categorization -as being part of the same branch of activity, what is, only one trade union was recognized by the state. Even more, in the seventies the law was reformed, and the federations and confederation increased the capacity of intervention of the trade unions that are below in the structure of the organization. It also established that unions could constitute federations and confederations, second and third order associations (Decree 2669, 1943), giving birth to a pyramidal and centralized labor organization, with three levels of representation from down to top: local level, federation of trade unions by branch of activity, (public or private), and the CGT, the confederation that centralizes all the rest (Galiani and Gerchunoff 2001).

The professional associations law entitles one union to represent a group of workers by industry in a determined geographical area in the bargaining process. This is the union that obtained legal recognition, which it was originally given to the most representative union (law 14455, 1958). In 1973, the Professional Associations law 20615 replaced the 14455, although

the union model adopted was the same. It gave more power and homogeneity to the labor movement. Given the union structure prevalent in Argentina, most collective agreements are national agreements that take place at the industry level. A collective agreement has to be endorsed by the ministry of labor and social security has to be extended to all workers and employers of a determinate activity in a specific geographical space. Collective agreements then endorsed by governments have erga omnes effects (collective bargaining law 14250).

The system of collective bargaining is fairly centralized (Goldin 1997). This system promoted the growth of organized labor by reducing employer opposition and by giving unions influence over national economic trends. In most developed countries, centralization was established in the early fifties and largely survived until the early eighties. In Argentina, like in Germany, Australia, New Zealand and Britain, centralization is of the middle density type: Multiemployer agreements at the industry level with large industrial unions characterize labor relations (Western 1997). It should be noted that a singular characteristic of the collective bargaining system in Argentina is that it was recurrently eliminated and reinstated by military and civil governments respectively. In spite of its constitutional guarantee since 1953, there were only a few opportunities in which collective bargaining was unfettered. Indeed, collective

bargaining was banned among 1956 to 1958, 1967 to 1971, 1973 to 1975 and 1976 to 1988.

Another powerful and unique cause of union strength is the right granted to unions to administrate the national health insurance of the workers and families. The system originally developed by collective bargaining at the end of fifties. Employers agreed to contribute to the funding of the system and the unions imposed statutory contributions to their members. During the early sixties, the government created by law health insurance systems for some industries and some state government employees. Finally in 1970, the law 18160 established the creation of a mandatory system for all workers that was financed by the contribution of both employers and employees irrespective whether or not they are union members and that it is administrated by the union signatory of the collective bargaining of the industry. The administration of the system in addition to provide unions with substantive financial resources, have provided a source to maintain union density at high levels, specially in industries where direct control of affiliation by the syndicate was too costly, like it is in the case of industries with small average of firms (i.e. trade sector) (Galiani and Gerchunoff 2001).

Finally, the rate of unionization, or union density, although it is likely overestimated, it is impressive for its magnitude (Torre 1972, Feldman 19xx). It is measured with regards to the number of affiliates of the trade unions and the quantity of

workers in conditions to join a union. It is directly related to the quantity of workers that the collective agreement covers. Union density rate in Britain and USA was thirty-nine and twenty-nine percent respectively in 1945; it was forty-four and twenty-five percent in 1955. USA union density peaked in 1945 while Britain's density peaked in 1980 with a rate of fifty-three percent. Argentina's rate seems to have been stabilized around forty-five percent until early nineties when it decreased to around forty percent (Feldman). Britain's rates also decreased since the early eighties and it were also approximately forty percent by the early nineties. Britain and Argentina show similar union density rates since forties (Galiani and Gerchunoff 2001).

Under the military dictatorship, labor institutional configuration described above was suppressed. The government faculties to intervene trade unions expanded, being banned the trade unions' activities, elections and assemblies. As a result, under the military regime, the trade unions activities were suspended, being the General Confederation of Labor (CGT), the regional labor representations (3<sup>rd</sup> order associations) and the second order trade unions intervened. It was established, as well, that the CGT would not intervene neither in the conduction nor in the administration of the labor system of health insurance. Indeed enterprise's contributions through collective agreements were suspended. Additionally, it was derogated the decree 1045 (1974) that allowed unions to charge fees to all workers in the industry

irrespective of whether or not they were union members. As a result, the main fountain of resources of the trade unions became circumscribed to member's dues and contributions. The law 21261 suspended the right to strike and also suspended collective bargaining. The government established wages since then, until the reinstatement bargaining in 1988.

**there is history and theory in methods as well**

During the first democratic government, the process of labor laws reform was oriented toward the establishment of a certain model of labor institutional configuration. Recovering the prior labor laws or defining a new body, depending on what actor was involved in the process, almost exclusively defined the relationship between state and labor during the whole period.

This study focuses on the configuration of political institutions and the historical and symbolical relationships among large collective actors, in particular the state and organized labor, in order to make sense of the politics of labor laws policy making in the eighties. By building a polity-centered institutionalist analysis, more important than the formal characteristic of either state or societal institutions per se is how an institutional configuration shapes political interactions, political actions, goals, and influences political outcomes and how the impact of institutions is itself mediated by historical and symbolical relationships between state and labor, historical

events, and conditional and contingent political factors. A especial mention to our theoretical approach and the careful combination of theory and history. The way in which the politics of labor laws policy making works depends upon how the state and labor have been historically constituted as political actors and how relations among them have been variously institutionalized. A polity-centered institutionalist approach suggests that the state and relations among the state and labor are central. But unlike some models, which presumes or asserts not only a particular and exclusive pattern of relations between state and labor but also reasonable stability in those relations<sup>6</sup>, this approach specifies the historical and symbolical institutional configuration of those

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<sup>6</sup>For example, some corporatist approaches fail to capture not that the state truly resides at the center (as corporatist in large measure agree) but that the precise manner in which the state resides at the center, and the way in which politics works, all depend upon how the state and labor have been differentially constituted as political actors and how relations among them have been variously institutionalized. Philippe Schmitter (1979) defines corporatism as the system of representation of interests in which the constitutive units are organized in a limited and not competitive number of singular categories. These categories are hierarchically ordered and functionally differentiated. They are recognized or authorized (but also created) by the state. Each component of this system of representation of interest observes certain controls in the selection of its leaders, conserves the monopoly of the representation within its respective category, and conserves as well the monopoly of the articulation of demands and supports. The author differentiates two sub-types: societal corporatism, related to the democratic, post-liberal, capitalist welfare state; and state corporatism, which is presented as a structural necessity of the anti-liberal, neo-mercantilist authoritarian state of the under-developed capitalism. Another variant of corporatism, closer to a model in which the interdependence of interest is possible, as well as the convergence among classes, points out that the relationship between corporatism and the system of parties, as a process that entails the structural differentiation among sub-systems, allows assimilating greater number of demands. G. Lembrugh (1979) points out as an example of this model, which in no way means that corporatism constitutes an alternative to the representative system, the Austrian and German model. From another perspective, B. Jessop (1979) critiques this position given that corporatism does not offer the best mean to relate democratic-popular demands and interests to the logic of accumulation and bourgeoisie hegemony. He states that whereas it can be an efficient way of economic intervention, the

relations, focuses on multiplicity, overlapping, and interwoven relations as well as contingency and change (Skopcol 1985, Skopcol 1992, Hall 1986, Brubaker 1992, 1996).

This is, precisely, what differentiates this study from those approaches that inspired in a sort of philosophy of history understand the impact of institutions driven by immanent and teleological forces. On the contrary, a polity-centered institutionalist analysis, combines historical and symbolical relationships between labor and state, conditional and contingent political factors as well as historical events which further enhances the effects of institutions over political outcomes avoiding some of the social determinist assumptions that often characterize pluralism<sup>7</sup>, structure-functional developmentalism,

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bargaining process is supported by an unstable equilibrium since it would not necessarily help to contain democratic-popular mobilization.

<sup>7</sup>In traditional pluralism, the meaning of the logic of social action lays in the social norms. According to Talcott Parsons concept of unit-act (whose components are: values, means, ends, and effort), society possibility of cohesion lays in the normative component. The inter-subjective character of the norms is what keeps the individuals together. Thus, the absence of conflict, the stability of political regimes, is explained by the integration or internalization of these common values. The independent variable to explain democratic stability is, therefore, the civic culture -- or the internalization of the norms --. Almond and Verba (1980) classical analysis is useful for exemplifying this passive way. They stress political culture as a variable for explaining democratic stability, looking for its social bases in the existence of shared cultural elements. After identifying three 'ideal types' of political cultures (participant, subject and parochial) they consider that the 'civic culture', a mixed type, combines different positive elements that are vital for explaining democratic stability. This mixed type, in their opinion, balances political interest, involvement and rationality (element of the participant ideal type) with passivity, traditionality and commitment to values such as trust (from the Parochial ideal type). In traditional pluralism, the existence of common interests is a condition and guaranty for the constitution of a group to defend it. Indeed, this theory of the group of interest is a foundation to present democracy as the more legitimate and efficient system: democracy is in conditions of processing efficiently these interests due to the no prevalence of one group upon the other; thus, the multiple and no polarized character of the political process is guaranteed. Democracy creates its own spaces of negotiation and exchange, typical of the regimes that lack of deep and irresolvable conflicts. Given that the only possible conception to explain

and the various neo-Marxisms<sup>8</sup> (Skopcol 1985, Hall 1986). Likewise, avoiding institutional determinism, whose tendency toward linear,

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actors behavior resides in a unique and subjective conception of interests, the explanation of the impossibility of social modernization is founded in socio-cultural characteristics.

From the neoclassical pluralist point of view, the reaction against traditional pluralism points out that the existence of common interests does not guarantee the emergence of collective action; it is a necessary but not sufficient condition. One of the main disagreements with traditional pluralism arises in the relationship between individual interests and collective action. The distinguishing point is that it can not be expected that collective actors will necessarily defend common interests. Anthony Downs (1957) already called attention to the fact that the actors, in democracy, suffer of an imperfect information problem. The politicians do not exactly know the preferences of the voters and the voters do not exactly know which policies the politicians will pursue. The main function of the groups of interest is to aggregate the preferences of those represented by them, sum that up, and present the results before the politicians. This is how, on the one hand, they solve the politicians lack of information problem, and they form the opinion of their represented (who will not spend time in searching information), on the other hand. Mancur Olson (1982) understands collective action as the sub-product of strategic actions oriented to the maximization in the individual level. In this author opinion, the nucleon of the explanation of collective action lays in the existence of selective incentives. Thus, rational action and selective incentives are the independent variables, and collective action the dependent one. The author associates the possibility of collective action to the distribution of selective incentives. Except in the case of small groups, the rational individual will not be interested in cooperating to obtain a collective good without coercion or the provision of a selective incentive. His thesis, therefore, is that the groups that have access to selective incentives will probably act in a collective way to obtain collective goods with more frequency than the groups that do not have access to these incentives.

In the traditional pluralism, the problem, thus, lays in its subjective conception of interests. The neoclassical pluralism considers that the individuals act collectively well informed, and under the consideration of only one logic of collective action -- the economic one -- and its universalization. The logic of collective action of the actors, then, is centered in rational and individual actors whose decisions of collective action are taken in strategic and parametric terms respect to other parts of the political exchange but not in relational terms. Therefore, this approach provides account of single actors rather than the relations among them. It can explain continuities but not changes and variations because the preferences of the actors are stables. Finally it takes for granted, and does not even problematize the symmetric capacity of action, power, and influence of the actors. This approach will emphasize the micro-processes as a crucial point from which to explain political process, and in order to construct a general theory about the individual and collective human behavior. Thus, the neoclassical pluralism as well as analyzes the logic of collective action of actors from a unique rationality, also assumes that democracy has only one rationality: the maximization of votes.

<sup>8</sup>Neo-marxism breaks with the pluralist approach. It takes distance from the assumption of equal opportunities to organize, and to influence the process of political decisions. Conflict and relations of domination are prioritized by this approach. In the structuralist tradition, the problems of collective action are not relevant neither in organizative terms nor in the behavior of the actors. This approach sustains Marxism is not interested in individual or

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collective action but in the structural forces that ultimately orient these actions. For example, the cyclical crisis theories link increasing levels of class confrontation to the end of a long term of cycle accumulation, having these cyclical crisis a fixed and predetermined length. (Kondratieff cycle, a regular economic cycle of fifty years of duration, the so called long wave, Screpanti 1987, Mandel 1980, Cronin 1980).

There is, however, a tradition within neo-marxism that emphasizes on the logic of collective action of actors. This tradition focuses not only on the inequality in class capacities but also argues that capital itself is in better conditions to shape its own interests. In this connection, I might mention Clauss Offe (19xx) work, in which he points out capital and labor pursue different types of collective action in order to favor common interests. Thus, the author highlights two paths of collective action, depending whether it is pursued by capital or labor. Offe states there are different practices of association between capital and labor, and that different types of collective action correspond to each organization. Whereas the economic conflict of class implies that both organizations pursue one logic of collective action; the political conflict of class, on the contrary, implies each one of the organization pursues a different logic of collective action. On the one hand, capital political logic of collective action will be based on an individualist rationality, closer than labor to the pure type of action that the author has called the monological form of collective action. On the other hand, labor organizations will be always mix forms that reproduce an eternal contradiction between democracy and bureaucracy, or aggregation of individual interests and formation of a collective identity. This differentiation in two logics of collective action of capital and labor is not only a critique to the conceptualization in terms of group of interest because of the concealed inequalities inherent to these groups, but rather it highlights that the price paid by labor in organizing and fostering its interests is much greater than what capitalists are willing to pay.

Although these approaches contribution in highlighting the asymmetric relationship of power and influence between capital and labor is fairly important, it still emphasizes the cleavage between labor and capital as the main conflict, even under conditions that advances over the political arena. This notion appears as a limitation to understand the dynamic between labor and capital in developing countries due to the particularity adopted by the process of politicization of the working class. It could be argued that in some cases this process did not imply the mere translation of the conflict between capital and labor to the political arena but it implied the introduction of a third actor, the State, whose incorporation redefined both labor and capital capacity of collective action, influence, and power (Pizzorno 1973). In any case, the politicization of the working class can lead to more stables or short term compromises between capital, labor, and state but certainly it can not be taken for granted that ultimately it always expresses the conflict between capital and labor (Heller 1999, O'Donnell 19xx). In doing so, the analysis is under risk of losing of sight the contradictions within capital, the differences in capacity of collective action and organization of the working class, and the challenges that through its mobilization is in conditions of installing. In light of this last point, in his analysis of strikes in Italy, Roberto Franzosi (1995) has revealed varied interests within both the capitalist class and the working class -- contrary to Marxist view although within its approach --: "We have seen how divisions between the majority of small-scale employers, with their conservative view of industrial relations, and the large-scale employers, with their modernizing, neocapitalist vision of rationality and efficiency, have tinted class relations in postwar Italy. Similarly, within the working class, differences in the interest of the skilled and the unskilled, manual workers and clerical workers, have shaped union strategies. Furthermore, we have seen the contradictory nature of workers interests (not always so fundamentally opposed to those of capital). Finally, the state itself often

static accounts focuses primarily on constraints and presents explanations on continuity rather change (Thelen 1999<sup>9</sup>). The important fact in this context is to differentiate this research from those approaches that disregard variation given that it takes the historical episode to be analyzed as constant. Thus does not distinguish between the genesis and the evolution of a phenomenon, or does not specify which processes or events were critical in producing different combinations of sequences as well as change.

Our interpretation differentiates, as well, from those approaches that analyze historical events as an external inscription that becomes a historical event when durably transforms previous structures and practices<sup>10</sup>. Because by emphasizing on the structural interpretation of the historical events, a sort of analytical oxymoron, loses the richness of the phenomenological understanding of the place of events in politics and history; loses

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appears to be pursuing a strategic logic that is not always consistent with the aim of the capitalist class". (pp. xx)

<sup>9</sup>The work of Kathleen Thelen (1999) Historical Institutionalism in Comparative Politics deserves an especial mention because the author reminds us the significance of drawing together insights from the critical junctures literature (on institutional formation) and the literature on path dependency and policy feedbacks (on institutional reproduction). By focusing on the possibilities of institutional openness and change, Thelen highlights four sources of institutional dynamism: "broad changes in the socioeconomic or political context can produce a situation in which previously latent institutions suddenly become salient, with implications for political outcomes; changes in the socioeconomic context or political balance of power can produce the situation in which old institutions are put in service of different ends; exogenous changes can produce a shift in the goals or strategies being pursued within existing institutions; political actors adjust their strategies to accommodate changes in the institutions themselves (moments of dramatic changes, institutional breakdowns)" (pp. xx). Thelen is trying to bring together historical institutionalist approach with rational choice institutionalism, and this is not exactly my aim.

<sup>10</sup>Sewell, William...

the richness of those events that likewise Hannah Arendt<sup>11</sup> says about the unclassifiable thinkers, "neither fits the existing order nor introduces a new genre that lends itself to future classification, whose work has an absolute originality which can be traced to no predecessor and suffers no followers" (1968:xx). It does not mean that that interpretation becomes worthless. But, post-structuralism willing, the worth in this study to call on events to analyze politics and history makes sense not to consider them as exceptional moments of social and political life but to consider the moments of exception and processes of sedimentation in history and politics as part of the constitutive openness and uncertainty of social and political processes.

**the old, the new, and the neighbors**

This study draws insights upon some pieces that inscribe on the field of historical institutionalist literature on policy outcomes (Hall 1986, Skopcol 1985, Skopcol 1992) and cultural or neo institutionalism (Brubaker 1992, 1996, Bourdieu 1984, 1991, 1992, 1994). By bringing together historical institutionalist literature and cultural institutionalism, we are trying to expand our understanding of institutions. We still believe that the historical institutionalist tradition has a lot of to illuminate our interpretation, but cultural institutionalism brings to the table an important view that I would not say that it was obscured

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<sup>11</sup>In Introduction: Illuminations, Essays and Reflections. Walter Benjamin. New York. Schocken Books. (1968)

in that tradition but at least was not considered as a constitutive dimension of institutions. I am referring to the languages of the action as differentiating political languages or self-understandings of the agents, which are not in themselves a new dimension of institutions but rather they are a constitutive dimension of institutions since these languages of the action are embedded as well as meaningfully revealed in institutional practices<sup>12</sup>.

With respect to the historical institutionalist literature on policy outcomes -- from which we draw insights to analyze one of the fields of the politics of labor laws policy making, state action or the institutional political field in which the process of labor reform took place, specifically, the question about the degree of state autonomy or state capacity to reform labor legislation, and to find strong allies within labor; and the particular historical processes in which to seek a possible answer to this question -- the work of Peter Hall (1986)<sup>13</sup> provided the first path to begin to make sense of our historical puzzle. Based on the reciprocal influence of institutions, interest, and ideas,

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<sup>12</sup>Eliseo Veron pointed out the basic analytical principles of a theory of social discourses considering two programmatic assumptions: (a) the process of construction of meanings is necessarily social; and (b) a social phenomenon is, in one of its constitutive dimensions, a process of production of meaning. Thus, an interpretation whose purpose is to decipher the symbolic representation and construction of meanings has to analyze its origin in a particular social process. And secondly, by affirming that meaning is a constitutive quality of the social phenomena, implies to recognize the semiotic construction of social reality. What in no way implies to reduce social phenomena to its significant condition but, on the contrary, implies to recognize the theory of discursive production as a necessary assumption of social theory.

<sup>13</sup>Hall, Peter: The Politics of State Intervention in Britain and France....

Hall sustains that historically specific patterns of organization (institutions<sup>14</sup>) have effects on the national policy patterns:

Institutional factors play two fundamental roles: on the one hand, the organization of policy making affects the degree of power that any set of actors have over the policy outcomes. On the other hand, organizational position also influences actor's definition of his own interests, by establishing his institutional responsibilities and relationship to other actors. In this way, organizational factors affect both the degree of pressure an actor can bring to bear on policy and the likely direction of that pressure ... with an institutional model we can see policy as more than the sum of countervailing pressure from social groups. That pressure is mediated by an organizational dynamic that imprints its own image on the outcome. Because policy making in the modern state is always a collective process, the configuration of the institutions that aggregate the opinion of individual contributors into a set of policies can have its own effect on policy outputs. (pp. 19)

As a complement to his work, and given the centrality of the state in the historical scene, Theda Skocpol<sup>15</sup> (1985) provided an enlightening path that brings the state back in the analysis of policy making, and wonders about "the state autonomy and about the capacities of states as actors trying to realize policy goals, realizing them more or less effectively given the available state resources in relation to social settings". (pp. 28)

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<sup>14</sup>By institutions Peter Hall (1986) means "formal rules, compliance procedures, and standard operating practices that structure the relationship between individuals and in various units of the polity and economy. As such, they have more formal status than cultural norms but one does not necessarily derive from legal, as opposed to conventional, standing. Throughout, the emphasis is on the relational character of institutions; that is to say, on the way in which they structure the interactions of individuals. In this sense it is the organizational qualities of institutions that are being emphasized; and the term "organization" will be used here as a virtual synonym for "institution" (pp. 19).

<sup>15</sup>Skocpol, Theda: Bringing the State Back In: Strategies of Analysis in Current Research.....

Besides, I borrow insights from her structured polity approach to analyze the origin and transformations of national systems of social provision (1992). This approach highlights the reciprocal influence of political institutions, social and political factors, political opportunities, and policy historical legacy on the politics of policy making:

States are authoritative and resourceful organizations - - collectors of revenue, centers of cultural authority, and hoarders of means of coercion -- with sites of autonomous action not reducible to the demands of any social group. Thus, politicians and administrators must be taken not merely as agents of other social interests, they are actors in their own right, enabled and constrained by the political organizations within which they operate (...) Social and political factors combine to affect the social identities and group capacities involved in the politics of social policy making (...) Degrees of success in achieving political goals depend on the relative opportunities that existing political institutions offer to the group or movement in question, and simultaneously deny to its opponents and competitors (...) Once instituted, policies have feedback in two main ways: first, due to the official efforts made to implement new policies using new or existing administrative arrangements, policies transform or expand the capacities of state. Second, new policies affect the social identities, goals, and capabilities of groups that subsequently struggle or ally in politics. (pp. xxx)

On the other hand, another field of the politics of labor laws policy making is labor collective action, specifically, the calling of thirteen general strikes, in which I aim to explore the likely impact of labor mobilization on the politics of labor laws policy making. I feel the need to broad my view toward another body of literature because the historical institutionalist literature on policy outcomes does not problematize the

relationship between labor mobilization as a way of pressing its demands upon state and the process of policy making or policy outcomes. This study draws insights, then, upon contentious politics literature (Shorter and Tilly 1974, Tarrow 1998), in particular, the concept of political opportunities structure as introduced by Sidney Tarrow<sup>16</sup> (1998). This concept allows establishing the external conditions for labor collective action and to what extent it has been facilitated or constrained by political opportunities:

The collective action occurs when the political conditions diminish the cost of the collective action. That is, when the political opportunities are given ... when institutional access opens, rifts appear within elites, allies become available, and state capacity for repression declines, challengers find opportunities to advance their claims. When combined with high levels of perceived costs for inaction, opportunities produce episodes of contentious politics. The concept of opportunity means consistent but not necessarily formal or permanent dimensions of the political environment that provide incentives of collective action by affecting people's expectations for success or failure. (pp. 71, 76-77)

Since the thirteen general strikes had to the state as the main object of claim, in turn, these strikes were part of the same historical process by which the emptiness of the peronist party opposition *qua* party was occupied by labor (through labor mobilization), I borrow insights, also, upon the pioneer work of Charles Tilly and Edward Shorter<sup>17</sup> about the strikes in France (1974). This work understands the logic of collective action of

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<sup>16</sup>Tarrow, Sidney: Power in Movement.....

<sup>17</sup>Strikes in France: 1830-1968.....

labor through the hypothesis of political action, as part of a struggle that takes place in the political field. In this sense, the state appears as the main object of claim. The strikes, for the authors, are less a demonstration of economic force than a manifestation of labor symbolic power and political decision, oriented toward the political authorities. The factors that influence the increase or decrease in the strikes waves are not necessarily economic (prices, wages, unemployment, productivity) but mainly they sustain that the fluctuations in the strikes waves are associated to labor organization, in terms of the group's capacity to mobilize resources and labor political position.<sup>18</sup>

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<sup>18</sup>One note in regard to Tilly's work. Although I am considering a piece written in the seventies, and since then, he has introduced new concepts to analyze mobilization, I believe that, for the ends of my research, the piece about the strikes in France brings to the table an appropriate question to my interest, and on the other hand, it is also present, and has even become an assumption, on Tilly's oeuvre. I am referring in particular to his understanding of contentious politics, with the presence of the state or authorities as at least one of the parts of the struggle and his emphasize on organization.

In his later works, for example, in the introduction to Class Conflict and Collective Action (19xx), Charles Tilly emphasizes the importance of the political process to understand how did the different repertoires of collective action change through time. Tilly points out "that changes in interest and organization alone are not clear explanations for the emergence of specific and widely used new routines. The missing element is political process, the state, the structure of power, and the organization of routine politics in shaping and reshaping collective action. These references to politics do not, in themselves, amount to an account of how repertoires of collective action change. They point the way, however, toward a fuller appreciation of two political facts: 1) If people learn repertoires, they learn them as a function of the response of other parties to their collective action, emphatically including the response of government authorities; 2) Governments and power-holders themselves have interests in fostering some sorts of collective action, tolerating others, and eliminating still others from the scene. To some extent, as a result, the differential response of authorities and power-holders to different forms of collective action reshapes subsequent action". (Tilly 19xx: pp. xx)

In Contentious Repertoires in Great Britain, 1758-1834 (1995), Tilly makes a comparison of British struggles in 1758 and 1833 and show how the predominantly forms of popular collective action changed during 75 years. In this text, the author discusses with the historical literature by the fact that this literature presents documentation that analyzes particular forms of contentious but there is not a systematic discussion of their covariation and change.

Last but not least, within the field of cultural or neo institutionalism, the works of Rogers Brubaker (1992, 1996) and Pierre Bourdieu (1984, 1991, 1992, 1994) were central to vanish the ghosts and shadows of social reification or substantialist modes of thinking, which is nothing less than to consider labor (or state) as real entities. Labor but also state, as categories

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The definition of repertoires of collective action that the author points out in this text differs from his prior definition in From Mobilization to Revolution (1977) because that was prisoner of a teleological tone and because it sounds like modernization theory: competitive, reactive and proactive categories. In his new definition he tries to expound the residues of modernization theory from the concept. Then, Tilly defines the concept of repertoires of collective action as "a limited set of routines that are learned, shared, and acted out through a relatively deliberate process of choice. Repertoires are learned cultural creations, but they do not descend from abstract philosophy or take shape as a result of political propoganda; they emerge from struggle. People learn to break windows in protest, attack pilloried prisoners, tear down dishonored houses, stage public marches, petition, hold formal meetings, organize special-interest associations (...) at any particular point in history, however, they learn only a rather small number of alternative ways to act collectively. The limits of learning, plus the fact that potential collaborators and antagonists likewise have learned a relatively limited set of means, constrain the choices available for collective action. While contenders are constantly innovating, furthermore, they generally innovate at the perimeter of the existing repertoire rather than by breaking entirely with old ways". (Tilly 1995: pp. xx)

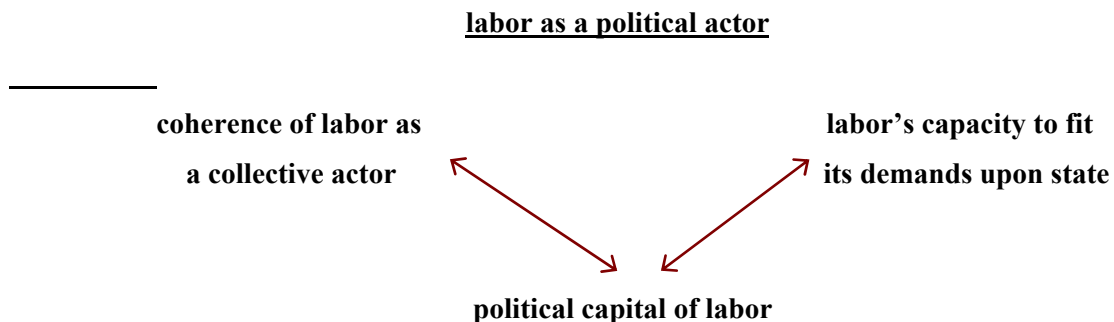
His first assumption also assumed that a single actor (individual or collective) owned a repertoire of means and deployed it strategically. For Tilly, that was also a mistake: "Repertoires of collective action designate not individual performances, but means of interaction among pairs of larger sets of actors. A company not an individual maintains a repertoire. The simplest set consists of one actor (say a group of workers) making collective claims, and another actor (say the workers boss) becoming the object of these claims. When the claims in question would, if realized, affect the interest of other actors, we may speak of contention. Thus, repertoires of contention are established ways in which pairs of actors make and receive claims bearing on each other's interests (...) Each routine within and established repertoire actually consists of an interaction among two or more parties. Repertoires belong to sets of contending actors, not single actors, "the action takes its meaning and effectiveness from shared understanding, memories, agreements, however grudging, among the parties. In that sense, then, a repertoire of collective action resembles not individual consciousness but a language; although individuals and groups know and deploy the actions in a repertoire, the actions connect sets of individuals and groups". (pp. xxx)

With the introduction of a new term he accomplishes three things: "1) He helps to codify the existing knowledge of social and political historians with respect to the forms of popular collective action; 2) to generalize the question of how and why such forms change and vary; 3) to forward the hypothesis that the prior history of contention strongly constraints the

of analysis, are unintelligible in detachment from the historical and symbolical relationships within which they act. Echoing Pierre Bourdieu:

The substantialist mode of thinking is perhaps most unrestrained when it comes to the search for 'explanatory factors'. Slipping from the substantive to the substance (to paraphrase Wittgenstein), from the constancy of the substantive to the constancy of the substance, it treats the properties attached to the agents -- occupations, sex, age, qualifications -- as forces independent of the relationship within which they act. (Bourdieu 1984: pp. 22, 1994)

Coming back to our hypothesis of reading, coherence of labor as a collective actor and labor's capacity to fit its demands toward state are the two dimensions of labor, or its political capital, that make sense of its performance in the politics of labor laws policy making.



By coherence of labor as a collective actor, I understand the capacity of labor to maintain as a unified political actor, overcoming any eventuality of labor fragmentation although its own

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choices of action currently available, in partial independence of the identities and interests that the "participants bring to the action" (pp. xxx).

internal heterogeneity. Labor's capacity to fit its demands upon state is defined as the capacity of labor as a political actor to wisely engage in a dual relationship toward state, which not necessarily expressed different strategies, cooperation or confrontation, but, on the contrary, further enhanced the capacity of labor to alternately combine, with considerable freedom of action, how and when to cooperate or confront to state. On the one hand, labor became over time less confrontational toward state in the sphere of state action, or the institutional political field where the process of reform of labor laws took place. On the other hand, in the field of labor collective action, labor *qua* organization displayed a more confrontational tone toward the state while nurtured the idea of labor mobilization as a way of pressing its demands upon the state.

The idea of political capital of labor reflects the openness and uncertainty of historical and political processes. We intend, in such a way, to theoretically take distance from the perennial and byzantine division in social theory between structure and contingency<sup>19</sup>. Political capital of labor involves at the same

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<sup>19</sup>Rogers Brubaker has brilliantly pointed out in *Nationalism Reframed* (1996) the place of structure and contingency in the analysis of the national question in Eastern Europe and post-Soviet Eurasia: "The relational field in which the national question arises is a highly structured one. In the post-Soviet case, it was predictable that nationalizing stances of some kind would prevail among successor state elites; that successor state Russians would tend to represent themselves as a national minority; and that Russian Federation elites would engage in "homeland" politics, asserting Russia's right, and obligation, to protect the interest of diaspora Russians. In the Yugoslav case, again for historical and institutional as well conjunctural reasons, the emergence of nationalizing, minority, and homeland stances was similarly predictable. But what could not be predicted, and cannot be explained as structurally determined, was just what kind of minority self-understanding, what kind of

time the idea of field, understood as a field of forces that imposes over the agents, and as a field of struggles within which the agents, with differentiated means and goals according to their position in the structure of the field of forces, strive to redraw the relationships among themselves and, in some cases, their conditions of production and reproduction. However, for Pierre Bourdieu, these agents and their actions are not subject to mechanically imposed forces or causes; neither they are rational actors acting with full knowledge of their actions and consequences. On the contrary, a practice sense, or an acquired system of preferences, principles of vision and division of the social world, durable cognitive structures, orient their perception of the situation and their answer. This sort of practice sense that makes the agents to act in what they consider has to be done in a certain situation is what Bourdieu calls habitus, or generating principles of different and distinctive practices as well as views of classification of social world that in themselves constitute the language of the action and act as symbolic differences among agents (Bourdieu 1984, 1991, 1992, 1994).

Both labor dimensions then, coherence of labor and labor capacity to fit its demands toward the state, are not understood as fixed and given attributes or inherent capacities of labor; nor

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homeland politics would prevail in the struggles among competing stances within these three relational fields, and just how the interplay between the three fields would develop". (1996: pp. 76)

as mere epiphenomenon of the materialist substratum that expresses labor economic interests; neither as labor ideological positions, understood as an idea-system deployed as self-conscious political arguments or since a structuralist perspective, as constituted by state ideological apparatus. But mainly as its relationally constituted political capital, whose grammar or language of the action labor can only apprehend within the historically constituted and symbolically instituted field of forces and struggles within which labor and state act.

More important here than the processes of instrumental action in which labor was engaged in its quest for the accomplishment of its agenda, more important than the instrumental rationality behind the *misse in scene* of these labor dimensions is how symbolically mediated relationships shape these features *misse in sense*. Coherence of labor as a collective actor and labor capacity to fit its demands toward the state constitute labor historical and symbolically instituted 'political capital', its political practice sense, a sort of *ethos*, or what Bourdieu calls *doxa*, that institutes different political languages or particular self-understandings that in themselves establish symbolic differences and hegemonic principles among (and within) the agents.

The significance of these differentiated political languages or particular self-understandings varies according to its inclusion in different discursive systems (or fields), or to use

the expression introduced by Wittgenstein<sup>20</sup>, varies with regards to its place in different language games. This idea of language games is connected to the idea of habitus or 'practice sense', introduced by Bourdieu, in the sense that the meaning of the languages of the action is unintelligible out of its practices, out of its use within a specific social relationship. By linking meaning to practices<sup>21</sup>, Wittgenstein notion of language game

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<sup>20</sup>Wittgenstein developed in the forties, in the context of the Analytical Philosophy of the Circle of Vienna, a theory of language and meanings that put into question the possibility to understand the relationship between name and referent as fixed and absolute. The process by which an image is linked to its acoustic image is the signification, which never is absolute since the signified are not fixed to the signifier in a unique and definitive way but they change of value depending on the place they have in a broader system of significations. Signs, then, do not have intrinsic properties, they are not positivities. Before the inexistence of a positive an immanent meaning, for Wittgenstein, the interpretation of polisemic and unstable meanings resides precisely in its role in a language game.

<sup>21</sup>The analysis of the newspapers, or labor press release, among other sources, is not oriented to text analysis. We consider these written pieces as a place where to decipher historical and symbolical relationships between actors. As a way of illustration of this kind of analysis, I will make reference to the distinction between the textualist tradition and the French tradition in ethnography, and in particular, the way in which the ethnographer understands the field work, and how the interviews are analyzed.

In first place, who translates the textual paradigm to a theory of cultural analysis is Paul Ricoeur. Objectivation is guaranteed considering four characteristics of textual inscription: 1) the meaning is fixed (noematic structure); 2) autonomization of the sphere of interpretation/intention of the author; 3) independence of referential function; 4) subtraction of the immediate context (what was said, no the act of saying). The textualist tradition in ethnography has been influenced by the textual paradigm. On this tradition, there is a qualitative difference between the ethnographic experience and the production of texts (for example, the interviews). The textual inscription allows to trace the curve of social discourses by fixing these discourses in written forms. Whereas the ethnographer tells a particular story about these discourses, transforms these discourses in texts, the ethnographer does not inscribe raw social discourses but discourses that were previously constructed by the authors (or the interviewees). Then these texts are not sui generis interpretations because they are based on particular stories or discourses that in themselves constitute pre-interpretations. These pre-interpretations are not symptoms of social life but symbolic acts. The role of the ethnographer, or the textual inscription, consists in expressing into words what the symbolic action says about itself.

In this aspect, precisely, resides the distinction between the textualist tradition, like Clifford Geertz (Interpreting Cultures) and the French tradition, like Gerard Althabe, (*Vers une ethnologie du present*), founded the same in the distinctive relevance that the field work has in the process of interpretation. I presented earlier its place in the textualist tradition. In

establishes that meanings are primarily relational, dissolving the frontiers between language and thought, between language and practice. He goes even further the linguistic tradition, since he points out that every practice is meaningful: there is not practice without meaning, and there is not meaning out of the practice. By doing so, the author criticizes the distinction between semantic and pragmatic since there is not meaning out of the use of language: there is not possible meaning out of a system of rules and uses, out of a discursive context<sup>22</sup>, what is, out of a more or less explicit language game.

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the French tradition, the place of field work is essential. Then, the hermeneutic proposal aims to re-construct the meaning of the text that is de-contextualized from its context of production. The interpretations of the ethnographer will consist on the comprehension of the text, not as symbolic acts, autonomized from the place in which the encounter between the ethnographer and the interviewee took place, but by re-inscribing this text in that context, or in the kind of historical and symbolical relationships in which was produced. The interpretation of the ethnographer is the product of a continuous process of inscription of stories, texts, silences, symbols, observations into the social and symbolical relationships within which they were originated.

<sup>22</sup>Thus, the distinction between linguistic and extra-linguistic meaning has a secondary place, and the discursive character of social life is highlighted: all social relationships are meaningful. Signification as positivity, identity out of its position within a system of significations are, one more time, disregarded to introduce the idea of signification as differentiability within a discursive chain.

The syntagmatic dimension assumes linearity in a particular chain of signs. A term can be substituted by another term without modifying substantially the initial meaning since it is established a relation of contiguity among the terms. The paradigmatic dimension assumes, on the contrary, that a sign or a chain of signs can be replaced by another one without modifying substantially the initial meaning because there is a relationship of synonymy between the terms. The signifiers are substituted among them because they share analogous or equivalent meanings in a particular context. These rhetorical forms and dimensions of analysis of social discourses (syntagmatic and paradigmatic) have been associated with strategic logics: equivalence and difference -- Laclau and Mouffe -- or with rhetoric figures: metonymy and metaphor, -- Barthes --.

## **labor collective action - thirteen general strikes**

### **labor politics since forties**

One of the fields of the historical puzzle is labor collective action or the institutional configuration of labor as a political actor. Specifically we aim to analyze the impact of the thirteen general strikes on shaping political arrangements with the state on the politics of labor laws policy making. So far we just have pointed out that the impact of the institutional configuration of labor as a political actor on the process of labor laws reform is mediated by historical and symbolical relationships between labor and state, and we advance, between labor and peronist party; but we haven't yet described why this kind of relationship is still pregnant in the eighties, and thus, it is important to understand labor politics, and we haven't either situated our historical puzzle in the Argentinean literature and history.

There are historical reasons to establish the peronist government in the forties as the point of departure to characterize labor politics in the eighties. Although some authors have pointed out that the participation of labor in politics, or

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the fact that labor constitute the state as the main object of claim, was not inaugurated under peronism -- and I agree with this --, what is important for my study is to historize the process of structuration of labor politics as a result of the overlapping and differentiated historical and symbolical relationships among peronist party, state, and labor, and this particular configuration was inaugurated in the forties<sup>23</sup>. In addition, the labor laws that are analyzed in this study were originated under the peronist government in the forties, and were subject to reform in the fifties, sixties, and seventies (as I described earlier, in the history of these labor laws). Of course, they were subject to reform again in the eighties (the theme of study of this research), and were subject to revision also in the nineties, until nowadays.

Earlier we described labor institutional configuration, which has constituted one of the sources of labor strenght. As Juan Carlos Torre<sup>24</sup> (1983) pointed out, the exceptional gravitation in economic, political, and social life that labor acquired in Argentina is related to institutional components that have constituted the foundation of labor power, and allowed its inscription as a political actor since 1955 until 1973:

It is possible to distinguish two forces of institutional character that constitute labor power: a) labor market in equilibrium;b) political cohesion of working class. These components

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<sup>23</sup>The quotations that I will present in this section are all my own translation from Spanish.

<sup>24</sup>Los sindicatos en el gobierno: 1973-76.....

characterize labor taking into account workers features: low weight of informal workers in the constitution of labor market, and correlation between peronist vote and urban workers vote" (pp. 13).

Torre points out another institutional factor, and therefore, subject to changes of the same origin. He refers to labor organization, whose dominant features are: "union by branch of economic activity and not by trade, monopoly of labor representation by branch of economic activity, pyramidal structure of labor organization from local level, to national federations of local levels to general confederation"<sup>25</sup> (pp. 13). Broadly speaking, the author stresses that labor organization is aggregated, no competitive, and centralized.

But labor institutional configuration is not enough to describe the process of structuration of labor politics. It has constituted a source of union strenght in terms of resources available, but this does not necessarily define how and what structuring structures have shaped labor politics. As we will

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<sup>25</sup>"Es posible distinguir dos fuerzas de caracter estructural que concurren a potenciar el poder del sindicalismo: a) un mercado de trabajo relativamente equilibrado; y b) la cohesion politica de la clase obrera. Estos elementos caracterizan a la organizacion sindical en funcion de los atributos de la clase obrera: con un escaso peso de los trabajadores marginales en la confuguracion del mercado de trabajo y una correlacion entre el voto peronista y el voto de los trabajadores urbanos (...) Habria un factor de caracter institucional y como tal mas sujeto a cambios del mismo origen, pero que no podria estar ausente en un analisis del poder sindical. Nos referimos a la estructura organizativa del sindicalismo, cuyos rasgos dominantes son: a) las unidades de encuadramiento sindical tipicas han sido las ramas de actividad, aunque hubo casos aislados de encuadramiento por oficio; b) el monopolio de la representacion sindical por unidad de encuadramiento, es decir, solo un sindicato es reconocid como agente de negociacion; c) la articulacion de la estructura sindical en forma de piramide, desde el nivel local, pasando por la federacion nacional, hasta la confederacion unica".

describe below, some authors have sustained that the process of structuration of labor politics since peronist government until seventies was founded in the contingent interplay of differentiated and overlapping historical patterns of relationships among labor, state, political processes, and peronist party.

According to this literature, labor was stronger at the level of political system and state, under an institutional and cultural development model based on the trinity labor, capital, and state; the combination over time of economic action with political action; the politicization of labor conflict; and in which employment, wage, and working conditions constituted societal values addressed and resolved by public policies<sup>26</sup>.

This particular characterization of labor politics is still present in our historical puzzle. The process of structuration of labor politics in the eighties, one more time, involves overlapping and differentiated relationships between labor and peronist party, and labor and state. But there are some historical differences. This literature points out, if not explicitly, it is surely implicit, that labor will have more possibilities to cooperate in the sphere of state in the presence of a pro-labor government<sup>27</sup>. Paradoxically, in our case of study, we will argue that cooperation (and confrontation) was present as a mechanism

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<sup>26</sup>Murmis and Portantiero, Torre and Sigal, Valenzuela, Di Tella, Torre, Palermo and Etchemendy, Bunel, Streb, Gaudio and Thompson, Palomino, Portantiero.

linking labor and state in a historical context in which the party in the government was not the peronist party, a historically oriented pro labor party, but the radical party.

On the other hand, these works remark that labor capacity of cooperation or confrontation are strategies that alternately correspond to different historical periods, or to different labor sectors. In this study, on the contrary, cooperation and confrontation toward state are both present under the same historical period; and we will dare to argue that this was, precisely, labor political capital that contributed to maintain its coherence as a collective actor.

Another point to highlight, and this goes beyond Argentinean literature on labor politics, is that despite trade unions development in USA or European countries have followed similar patterns of union decline in the eighties (Piore 1984, Western 1997), trade unions have growth or even not experienced considerably decline in those countries in which three conditions were present: Ghent systems, successful working-class parties and centralized labor markets (Western 1997). Nonetheless, in Argentina, during the eighties, although a labor party was not in the government, collective agreement had been suppressed in the country, and Ghent system was not even present in the fantasy of politicians and unions leaders, trade unions did not experience

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<sup>27</sup>This is an assumption not only in Argentinean literature on labor politics, but it is present also in European and American literature on trade unions and party systems.....(examples)

the decline that occurred in other countries, more over, it seems to have recovered its strength *vis a vis* the state.

**history repeats twice: the former as tragedy, the latter as farce<sup>28</sup>**

How does the literature describe the process of structuration of labor politics since (peronism) in the forties until (peronism) in the seventies? The work of Miguel Murmis and Juan Carlos Portantiero<sup>29</sup> (1971) deserves a special mention despite, historically, it inscribes in the origins of peronism<sup>30</sup>. The authors point out that the general tendency in the literature that analyzes worker participation in populist movements, and in particular peronism, minimizes the role of trade unions in the previous period to peronism and tend to underline the vertiginous growth of trade unions under state influence. However, for the authors, Argentine experience between 1940 and 1946 does not seem to confirm this image. They emphasize "the participation of old organizations and old trade union leaders in the genesis of peronism (...) Trade unions, as organizations that pre-exist the peronist government, behave as mediations between workers and political power"<sup>31</sup> (pp. 75-77).

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<sup>28</sup>Karl Marx, 18 Brumario de Luis Bonaparte.....

<sup>29</sup>Estudios sobre los origenes del peronismo.....

<sup>30</sup>1945

<sup>31</sup>"La intensa participacion de dirigentes y organizaciones viejas en el proceso de genesis del peronismo (...) Los sindicatos, en la medida en que como aparato institucional son preexistentes al gobierno populista, cumplen una funcion de mediacion entre los trabajadores y el poder politico (...)"

The most insightful definition that characterizes labor politics since the peronist government (1945) was given by Silvia Sigal and Juan Carlos Torre<sup>32</sup> (1980):

This is a political labor, labor pressures on the state more than on capital to acquire its demands (...) with the exception of some particular trade unions that are strategic due to their productive insertion, industrial labor had a bargaining power too weak to exclusively orient its action at the level of enterprise and in the economic sphere. In part as a consequence of this, in part due to the broad role of the state, the items in labor relations such as: work schedules, holidays, professional mobility, as well as the rate of minimum wages have been matter of legislative regulation and less an issue to negotiate between labor and capital<sup>33</sup> (pp. 141-142).

Torre and Sigal supersede the classic attribution of economic functions to labor, especially in the character of its interlocutor and the sphere of resolution of its demands. However, to some extent, labor demands are still related to work issues. As a complement to their work, Juan Carlos Portantiero<sup>34</sup> (1987) stresses that it is necessary to go beyond the analytical distinction between labor and political party functions to characterize labor politics:

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<sup>32</sup>Una reflexion en torno a los movimientos laborales en America Latina.....

<sup>33</sup>"Es un sindicalismo politico, esto es, de una accion sindical que recurre mas a la presion politica sobre el estado que a la confrontacion en el ambito de la empresa para lograr sus reivindicaciones (...) Exceptuando los casos particulares de algunos gremios estrategicos por su insercion productiva, el sindicalismo industrial tuvo un poder de negociacion demasiado debil para darse una estrategia exclusivamente economica y centrada en la empresa. En parte como consecuencia de este hecho, en parte debido a la amplia gravitacion del estado, los items de las relaciones laborales como: horarios, vacaciones, movilidad profesional, asi como los niveles de salarios minimos, han sido materia de regulacion legislativa antes que motivo de negociacion directa entre los sindicatos y los representantes patronales".

<sup>34</sup>Los usos de Gramsci.....

Labor defined its action on behalf of workers, had the state as main interlocutor and not capital, and seek to situate itself in the political field as a political actor. Its function was to coordinate workers interest superseding their internal heterogeneity, and its main goal wage and employment (...) Labor has been political by the means of strike employed, by the institutions toward whom directed its action, and by the ends: centralization and homogeneity of wage, and state recognition of labor political and economic power<sup>35</sup> (pp. 167).

Samuel Valenzuela<sup>36</sup> (19xx) points out that argentine labor politics, in different historical periods, have fluctuated between a "state labor" or a "confrontational labor". Torcuato Di Tella<sup>37</sup> (1969) sustains that labor situated in a continuum that went from a "para-state labor" to "autonomous mass labor", at half a way between pragmatist reformism and ideological reformism, considering as well different historical periods. Jean Bunel<sup>38</sup> (1992) emphasizes that:

In order to identify argentine labor experience, it should be better to talk about political corporatism (...) Labor tends to integrate to state and not subject to state. Therefore, political corporatism does not abolish labor independence, it directs its action toward political field (...) In political corporatism the peronist party appears subordinated to labor and there

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<sup>35</sup>*"El sindicalismo definia su accion en nombre de todos los asalariados, tenia como principal interlocutor al estado y no la empresa y buscaba colocarse en el sistema politico como fuerza gubernamental. Su funcion era la de coordinar los intereses de los trabajadores, superando las heterogeneidades internas, y su objetivo principal el nivel del salario y la ocupacion (...) El movimiento sindical ha sido politico por los medios de lucha empleados, por las instituciones a las que dirigia su accion y por los fines que se planteaba: en lo reivindicativo como lucha por la contrataci<sup>n</sup> centralizada y la homogeneidad salarial; en lo institucional por el reconocimiento estatal de cuotas de poder politico y economico".*

<sup>36</sup>Movimientos obreros y sistemas politicos: un analisis conceptual y tipologico.....

<sup>37</sup>Estructuras sindicales.....

<sup>38</sup>Pactos y agresiones: el sindicalismo argentino ante el desafio neoliberal.....

is mutual control between party and labor. In this regards, labor tends to submit party and state action into a labor action logic"<sup>39</sup> (pp. 136-137).

According to this literature, then, a pretty fair historical illustration of labor politics since forties until seventies should underline the historically patterns of relationships among labor, peronist party, state, and political processes.

### **what do my fellow travelers say about the eighties?**

The literature that analyzes labor politics in the eighties is not extensive. One of the pieces that focuses on the relationship between labor and government was written by Ricardo Gaudio and Andres Thompson<sup>40</sup> (1990). The authors analyze the period that goes from the assumption of radical party in December 1983 to the presidential elections in May 1989: "We propose to analyze two dimensions of the relationship between government and labor: the conjunctures in which social concertation took place, and the political logics behind their actions"<sup>41</sup> (pp. 10). With

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<sup>39</sup>"Si se quiere identificar la experiencia argentina quizá sea mejor hablar de corporativismo político (...) el sindicato trata de integrarse al estado, pero sin someterse a él. Por lo tanto el corporativismo político no suprime la independencia sindical; apunta a someter al campo político todo el sentido de la acción sindical y deja de conceder autonomía a las relaciones con el sector empresario, a los problemas laborales, económicos o empresariales (...) Hablamos de corporativismo político porque el partido justicialista está más subordinado a los sindicatos; y porque el control es, por lo menos, mutuo. Es por ello que se apunta a someter todo el sentido de la acción partidaria y (estatal) a una lógica de acción sindical".

<sup>40</sup>Sindicalismo peronista/gobierno radical, los años de Alfonsín.....

<sup>41</sup>"En este libro nos proponemos analizar dos dimensiones en las relaciones entre el gobierno y el sindicalismo: tanto las particulares coyunturas en que se

particular attention to detail, they analyze the most relevant labor issues in the period: the law of labor normalization, elections in trade unions, the project of modernization of labor relationships, and the incorporation of a labor sector to the government. Another work, written by Hector Palomino<sup>42</sup> (1987) analyzes also the radical government; unlike Gaudio and Thompson, whose work proposes a historical description of labor relationships, Palomino focuses on the strategies that both state and labor employed. Some of the main events that he considers are the project of labor normalization, the Austral Plan, sectorial labor conflicts, structure of labor market, and the different sectors of labor organization. In contrast to these works, Juan Carlos Portantiero<sup>43</sup> (1987) differentiates from Palomino and Gaudio and Thompson since the author focuses exclusively on the first year and half of the radical government. He aims to reconstruct the diverse proposals of social concertation between labor and state, and the reasons by which the arrival of an agreement was impossible. On the other hand, this work differentiates from the prior two because the author conceptually inscribes his historical inquiry under the frame of the models of social concertation and political pacts implicit either in state corporatism, or the liberal and societal neocorporatism.

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*produjeron los enfrentamientos y los intentos de concertacion, como asi tambien las logicas politicas que guiaran la logica de ambos".*

## **labor politics in the eighties**

As Lipset and Rokkan (1976) in their seminal work have pointed out, cleavages in the social structure translates into party systems. Argentinean political system is not an exception to this dynamic. Peronist party in particular has been historically both an agent of conflict and integration, a space in which labor conflicts have acquired political expression. In fact, this has been the relationship of labor *vis a vis* peronist party since the origins of peronism. In the eighties, this dynamic is still present, even under conditions that we described as 'emptiness of peronist party opposition *qua* party' (Mc Guire 1989).

Many scholars have pointed out the peronist party during large part of its history has had the ability of fostering something like a political system in itself, with ruling coalitions and forces that played the role of opposition within the party (Torre 1993). This has been the dynamic of the relationship between trade unions and party elites; one emerges *vis a vis* the other diminishes. Indeed, it should be highlighted that in several opportunities the trade union leaders were part of the party elite's, which gave to trade union leaders the possibility of acting in two spheres of influence at the same time. This tendency was much more evident after the coup d'etat of 1955, period in which the political centrality of trade unions increased.

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<sup>42</sup>Los sindicatos bajo el gobierno constitucional: de la confrontacion a la alianza.....

There are historical conditions that contributed to the capacity to alternatively reinforce the trade unions side or the party side of peronist party. Between 1955 and 1983 -- with the exception of the period between 1973-1976 -- the peronist party was not able to participate in elections, the governments alternated between dictatorships and elective governments that had an illegitimacy of origin because of the peronist party was proscribed. Under clandestine conditions, Peron in exile (1955-1973), the party proscribed, trade unions constituted the main space in which peronism could continue acting as a political force. (James 19xx). Moreover, this relationship between trade unions and party was informally institutionalized in 1957, when the peronist trade unions got together and gave birth to the trade union side within the party, the *62 organizaciones peronistas*. The main demand was the devolution of the house of the CGT, and the return of the structure of only one branch by activity that characterized the trade unions legal-institutional frame since Peron government (law of professional associations).

The Argentinean transition to democracy was surrounded by two historical events. As we expressed in the outset of this study, the collapse of the military dictatorship, and the fact that the elections of October 30, 1983 were the first opened elections in which the *Partido Justicialista* (PJ, peronist party) suffered an electoral defeat.

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<sup>43</sup>*La concertacion que no fue: de la ley Mucci al Plan Austral.....*

The *Union Civica Radical* (UCR) party obtained 50 % of votes and the PJ 39 %. This electoral defeat plunged the PJ into a deep institutional reorganization. It should be remembered that one of the factors that carried on to former President Alfonsín to his triumph was the complaint of a pact between the militaries and the trade union leaders. This complaint was directly associated and impacted deeply on the peronist party because trade union leaders were the most visible faces of the party at this moment. The peronist party became empty of power, run for elections in 1985 fractionated, and it was just in the end of 1985, afterwards the elections, when a new sector emerged within the party -- called Peronist Renovation --, which began to win spaces of power within the party, displacing the trade union leaders from the conduction of the party. However, this did not occur until the end of 1987 (Gutierrez 2001, Lewitsky 1999). Whereas the PJ was immersed in a deep process of reorganization, the party in the government, UCR, had to deal with the consequences of the emptiness space of the party of opposition. The peronist party *qua* party was not available to act as an interlocutor for the government. In this stage, the trade union leaders constituted for the government a clear and trust opposition. This was not the case of the party elite's until the end of 1987. Thus, labor was for the government the peronist party visible face, a sector with whom to negotiate, to confront, and eventually to incorporate as part of the ruling coalition.

I will analyze labor calling of thirteen general strikes<sup>44</sup> as part of the same historical process by which the emptiness of 'the peronist party opposition *qua* party' was occupied by the labor side of the party, at the same time that labor mobilization acquired a significant impact on shaping political arrangements *vis a vis* the state in the politics of labor laws policy making.

- **Labor sectors**
- **1st etapa - general strikes - corporatist moment (ley mucci to plan austral)**
- **2nd etapa - general strikes - social moment (plan austral to elections 1987)**
- **3rd etapa - general strikes - party moment (elections 1987 to elections 1989)**

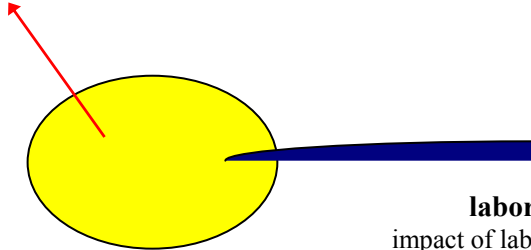
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<sup>44</sup>We propose to construct a map of the general strikes, considering the following dimensions:

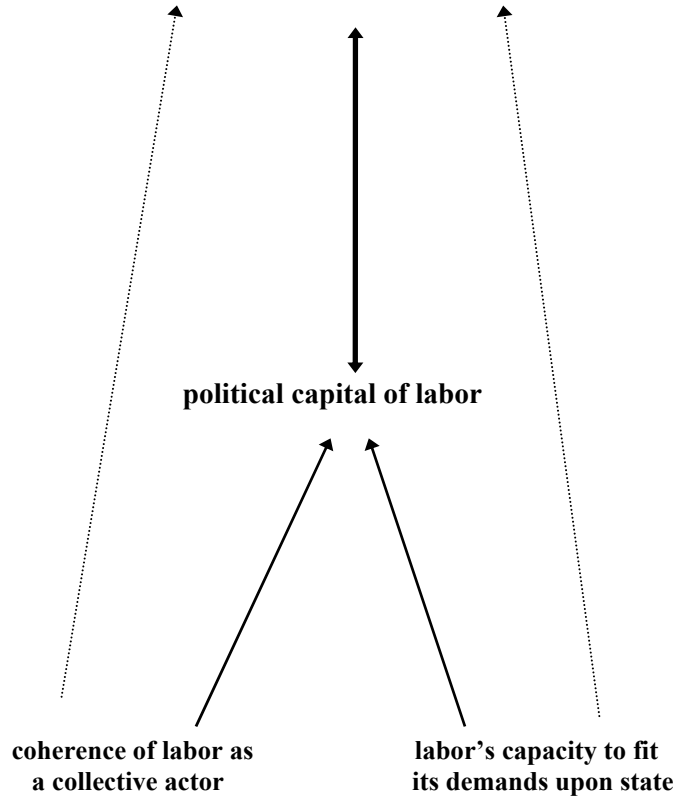
1. Sphere of calling of the strike: commission directive *Confederation General del Trabajo*, or an assembly with representatives of regional trade-union-offices by sector of economy: industry, bank, services, education, and public administration.
  2. Number of strikers: the information will be collected by regions (considering the regions in which the country is divided), and by sectors of economy: industry, public administration, banks, services, and education.
  3. Type of general strike: with mobilization or not, at the national and regional level.
  4. Support of different social and political actors: capitalist, political parties, labor sectors.
  5. Main goals (political, economic, and social).
- Relationship between general strikes and the evolution of sectorial strikes (number of strikers and number of strikes).

**the politics of labor laws policy making - labor collective action**

**labor laws**



**labor collective action**  
impact of labor mobilization - general strikes  
on shaping political arrangements with the state



## **sources**

In this research, we worked with the following sources:

- Scholar production on the period of analysis.
- Projects of Labor Laws (three), from 1984 to 1989.
- CGT Press Release, from 1984 to 1989.
- Newspapers:
  - a) Clarin and La Nacion (main national newspapers), from December 1983 to June 1989;
  - b) Labor Editorial, Clarin, every Monday from 1984 to 1989.

Additionally, we considered some variables to analyze the evolution of labor market in the period. The information will contemplate the lower tiers of primary sector (white-collar, blue-collar and self-employed workers), secondary sector (unskilled workers), also public services and public administration workers, and school-teachers:

1. Rate of Unemployment.
2. Rate of Unionization, by sector of economy.
3. Evolution of Real Wage.
4. Evolution of Wage, according to cost of living adjustment.

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