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# **The Modernization of Labour Law and Industrial Relations in a Comparative Perspective**

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## Summary of Contents

<b>Notes on Contributors</b>	<b>xxi</b>
<b>Editorial</b>	<b>xxv</b>
<b>Part I</b>	
<b>Comparative Approaches to Labour Law and Industrial Relations</b>	<b>1</b>
<b>Chapter 1</b>	
<b>How Can We Study Industrial Relations Comparatively?</b>	<b>3</b>
<i>Richard Hyman</i>	
<b>Chapter 2</b>	
<b>Lessons from the Past? Critique of ‘How Can We Study Industrial Relations Comparatively?’</b>	<b>25</b>
<i>Jacques Rojot</i>	
<b>Chapter 3</b>	
<b>The Case for the Comparative and Interdisciplinary Study of Labour Relations</b>	<b>29</b>
<i>Luis Aparicio-Valdez and Jorge Bernedo Alvarado</i>	

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<b>Chapter 4</b>	
<b>Industrial Relations in International Business Theory: The Case for Comparative and Interdisciplinary Research</b>	<b>37</b>
<i>Murad L. Wiśniewski</i>	
<b>Part II</b>	
<b>Industrial Relations and Trade Union Rights</b>	<b>51</b>
<b>Chapter 5</b>	
<b>Trade Union Rights in a Free Market Area: The EU Experience in <i>Laval and Viking</i></b>	<b>53</b>
<i>Frank Hendrickx</i>	
<b>Chapter 6</b>	
<b>The Delta Site Selection Process at General Motors Europe: Works Council and Union Cooperation as a Participatory Model</b>	<b>77</b>
<i>Martin Bartmann and Sabine Blum-Geenen</i>	
<b>Chapter 7</b>	
<b>The Impact of Economic and Political Change upon Workplace Trade Union Representation in the UK</b>	<b>97</b>
<i>Sonia McKay and Sian Moore</i>	
<b>Chapter 8</b>	
<b>The Limits of Individual Employment Rights: The Reality of Neoliberalism</b>	<b>113</b>
<i>Anna Pollert and Paul Smith</i>	
<b>Chapter 9</b>	
<b>Workplace-Level Evidence of Outsourcing Consequences in Unionized Canadian Manufacturing</b>	<b>133</b>
<i>Patrice Jalette</i>	
<b>Part III</b>	
<b>Atypical Employment</b>	<b>157</b>
<b>Chapter 10</b>	
<b>Are Atypical Employment Contracts Exclusively for New Entrants? The Case of the French Press</b>	<b>159</b>
<i>Clémence Aubert</i>	
<b>Chapter 11</b>	
<b>State Protection for Temporary Agency Workers: Australian Developments</b>	<b>173</b>
<i>Elsa Underhill and Malcolm Rimmer</i>	

---

<b>Part IV</b>	
<b>Social Protection and Social Security</b>	<b>193</b>
<b>Chapter 12</b>	
<b>Globalization and Social Protection</b>	<b>195</b>
<i>Kees J. Vos</i>	
<b>Chapter 13</b>	
<b>Changes of Employer, Employment Protection and Labour Market Attachment: An Analysis of Swedish Data from 1972 to 1998</b>	<b>211</b>
<i>Bengt Furåker and Tomas Berglund</i>	
<b>Chapter 14</b>	
<b>The Reform of Social Protection Systems and Flexicurity in a European Perspective</b>	<b>233</b>
<i>Silvia Spattini</i>	
<b>Chapter 15</b>	
<b>Extension of Labour Law and Social Security Protection to the Informal Sector: Developing Country Perspectives, with Specific Reference to Southern Africa</b>	<b>241</b>
<i>Marius Olivier</i>	
<b>Chapter 16</b>	
<b>The Informal Economy, Social Security and Legislative Attempts to Extend Social Security Protection</b>	<b>271</b>
<i>Elmarie Fourie</i>	
<b>Part V</b>	
<b>Human Resource Management</b>	<b>295</b>
<b>Chapter 17</b>	
<b>Worker Participation, Organizational Climate and Change</b>	<b>297</b>
<i>Massimo Pilati and Laura Innocenti</i>	
<b>Part VI</b>	
<b>Country Reports</b>	<b>313</b>
<b>Chapter 18</b>	
<b>The Local Dimension of the European Employment Strategy: The Clash of Competences in the Spanish Administration</b>	<b>315</b>
<i>Francisco José Barba Ramos</i>	

---

<b>Chapter 19</b> <b>Flexicurity in Hungary</b> <i>Éva Berde</i>	<b>337</b>
<b>Chapter 20</b> <b>The Fifth Anniversary of the New Lithuanian Labour Code: Time for Change?</b> <i>Tomas Davulis</i>	<b>355</b>
<b>Chapter 21</b> <b>Increasing the Flexibility of Employment Regulation in Estonia</b> <i>Merle Muda</i>	<b>367</b>
<b>Chapter 22</b> <b>The State, Society and the Individual in Labour Relations in Russia</b> <i>Evgeny Khokhlov and Olga Rymkevich</i>	<b>379</b>
<b>Chapter 23</b> <b>Higher Education and Academic Recruitment in Russia</b> <i>Alexander V. Zavgorodniy</i>	<b>387</b>
<b>Chapter 24</b> <b>Adverse Employment Conditions in Israel</b> <i>Itzhak Harpaz and Yosi Gattegno</i>	<b>395</b>
<b>Chapter 25</b> <b>The Employability Approach to the Protection of Workers' Rights in Singapore</b> <i>Chew Soon-Beng and Rosalind Chew</i>	<b>405</b>
<b>Chapter 26</b> <b>Job Security Issues in a Laissez-faire Economy: The Case of Hong Kong</b> <i>Rick Glofcheski</i>	<b>423</b>
<b>Chapter 27</b> <b>Do Cooperatives Protect Workers' Rights? Lessons from Canada</b> <i>Judy Haiven and Larry Haiven</i>	<b>441</b>
<b>Chapter 28</b> <b>Protecting the Health of Staff in Restaurant Smoking Areas in Chile</b> <i>Pablo Arellano Ortiz</i>	<b>455</b>
<b>Chapter 29</b> <b>Labour in a Time of Transition: Labour and Political Changes in Venezuela</b> <i>Hector Lucena</i>	<b>465</b>

## Table of Contents

<b>Notes on Contributors</b>	<b>xxi</b>
<b>Editorial</b>	<b>xxv</b>
<b>Part I</b>	
<b>Comparative Approaches to Labour Law and Industrial Relations</b>	<b>1</b>
<b>Chapter 1</b>	
<b>How Can We Study Industrial Relations Comparatively?</b>	<b>3</b>
<i>Richard Hyman</i>	
1. Introduction	3
2. Cross-National Comparison: Essential But Impossible?	4
3. Are All Descriptors Context-Bound?	7
4. The Problem of Typification	9
5. Institutions, Path-Dependence and Change	11
6. Rational Choice, Fuzzy Sets and Historical Conditionality	14
7. Conclusion	17
References	18
<b>Chapter 2</b>	
<b>Lessons from the Past? Critique of ‘How Can We Study Industrial Relations Comparatively?’</b>	<b>25</b>
<i>Jacques Rojot</i>	

<b>Chapter 3</b>	
<b>The Case for the Comparative and Interdisciplinary Study of Labour Relations</b>	<b>29</b>
<i>Luis Aparicio-Valdez and Jorge Bernedo Alvarado</i>	
1. Introduction	29
2. The Importance of Comparative and Interdisciplinary Studies	30
3. Social Insurance as an Element of Integration	32
4. Another Example: Employment Policies	33
5. Conclusion: The Interdisciplinary Nature of Labour Relations	34
<b>Chapter 4</b>	
<b>Industrial Relations in International Business Theory: The Case for Comparative and Interdisciplinary Research</b>	<b>37</b>
<i>Murad L. Wiśniewski</i>	
1. Introduction	37
2. The Smithsonian Paradigm	38
3. The Coasian Paradigm	39
4. The Schumpeterian Paradigm	40
5. Conclusions	43
References	44
<b>Part II</b>	
<b>Industrial Relations and Trade Union Rights</b>	<b>51</b>
<b>Chapter 5</b>	
<b>Trade Union Rights in a Free Market Area: The EU Experience in <i>Laval</i> and <i>Viking</i></b>	<b>53</b>
<i>Frank Hendrickx</i>	
1. Introduction	53
2. Social Policy Background of the Cases	54
2.1. General Overview	54
2.2. Deregulation of the Internal Market and the Fear of Social Dumping	55
2.3. The Example of the European Services Directive	56
2.4. The Country of Employment Principle	57
2.5. The Post-enlargement Transition Periods and Worker Mobility	59
2.6. The Increased Relevance of Posting	60
2.7. The Right to Strike under EU Labour Law	62

<i>Table of Contents</i>	xi
2.8. Actual and Potential Immunities from Free Market Principles	64
3. The <i>Viking</i> and <i>Laval</i> Cases	66
3.1. <i>Viking</i>	66
3.2. <i>Laval</i>	68
4. Discussion of the Significance of the Cases	71
<b>Chapter 6</b>	
<b>The Delta Site Selection Process at General Motors Europe: Works Council and Union Cooperation as a Participatory Model</b>	<b>77</b>
<i>Martin Bartmann and Sabine Blum-Geenen</i>	
1. Introduction	77
2. Site Selection Processes at General Motors	78
3. The Europeanization of Workers' Representation/Industrial Relations at GME	78
4. The Delta Site Selection Process	79
4.1. Five Plants Competing	79
4.2. Management Strategy in the Delta Site Selection Process	81
4.3. Strategies of Employee Representatives and Trade Unions	84
5. Global Platforms and Site Competition at General Motors: Challenges for Trade Unions and Workers	87
6. Conclusions	90
6.1. Employee Cooperation at GME as a Blueprint for Other Companies?	90
6.2. Revision and Widening of the EWC Directive: Engagement of the Unions	92
6.3. Legitimization of Employee Representatives' Cooperation at Transnational Level	93
Table of Abbreviations and 'GM-Speak'	94
References	95
<b>Chapter 7</b>	
<b>The Impact of Economic and Political Change upon Workplace Trade Union Representation in the UK</b>	<b>97</b>
<i>Sonia McKay and Sian Moore</i>	
1. Introduction	97
2. Methodology	99
3. The Legal and Industrial Context	99
4. The Regulation of Workplace Representatives and Their Rights to Time Off	101
5. The Changed Context of Representation	104

6.	Conclusion	110
	References	111
<b>Chapter 8</b>		
<b>The Limits of Individual Employment Rights: The Reality of Neoliberalism</b>		<b>113</b>
<i>Anna Pollert and Paul Smith</i>		
1.	Introduction: The Rise of Employment Rights	113
2.	The New Agenda of Neoliberalism	115
	2.1. Individual Employment Rights	115
	2.2. Trade Unions and Industrial Action	118
3.	Rights in Practice	121
4.	Conclusion: A Rhetoric of Rights	125
	Bibliography	127
<b>Chapter 9</b>		
<b>Workplace-Level Evidence of Outsourcing Consequences in Unionized Canadian Manufacturing</b>		<b>133</b>
<i>Patrice Jalette</i>		
1.	Introduction	133
2.	Outsourcing Motives	135
3.	Outsourcing Consequences	137
4.	Outsourcing and Industrial Relations	139
5.	Methods	141
	5.1. Survey	141
	5.2. Dependent and Independent Variables	142
	5.2.1. Outsourcing Consequences	142
	5.2.2. Outsourcing Motives	143
	5.2.3. Union-Management Relationship Climate	143
	5.2.4. External Solidarity	144
	5.2.5. Internal Solidarity	144
	5.2.6. Union's Strategic Capacity	144
	5.2.7. Union's Involvement in Outsourcing Decisions	145
	5.3. Control Variables	145
	5.3.1. Extent of Outsourcing	145
	5.3.2. Competition	145
	5.3.3. Size	145
	5.3.4. Industry and Technology	146
	5.4. Data Analysis	146
6.	Results	146
7.	Discussion	150
	References	153

---

<b>Part III</b>	
<b>Atypical Employment</b>	<b>157</b>
<b>Chapter 10</b>	
<b>Are Atypical Employment Contracts Exclusively for New Entrants? The Case of the French Press</b>	<b>159</b>
<i>Clémence Aubert</i>	
1. Introduction	159
2. <i>Pigistes</i> : A Heterogeneous Group	161
2.1. <i>Pigistes</i> as Professional Journalists	161
2.2. Characteristics of Journalists: Age and Tenure	162
2.3. Employment Contracts and Income	164
3. The Theoretical and Economic Justifications for the Segmentation of Employment in Journalism	165
3.1. Labour Market Segmentation	165
3.2. The Contribution of the Theory of Dualism	165
3.3. The Intrinsic Reasons for Recourse to <i>Pigistes</i>	167
4. Cost Considerations	168
5. Conclusions	169
Bibliography	169
<b>Chapter 11</b>	
<b>State Protection for Temporary Agency Workers: Australian Developments</b>	<b>173</b>
<i>Elsa Underhill and Malcolm Rimmer</i>	
1. Introduction	173
2. Legislative Protection for Temporary Agency Workers	176
3. Collective Agreements and Agency Workers	182
4. Slipping Through the Gaps	186
5. Regulation of Temporary Agency Workers under Work Choices	188
6. Prospects for Change	190
<b>Part IV</b>	
<b>Social Protection and Social Security</b>	<b>193</b>
<b>Chapter 12</b>	
<b>Globalization and Social Protection</b>	<b>195</b>
<i>Kees J. Vos</i>	
1. Introduction	195
2. The Impact of Globalization	196
3. Globalization and the National Level	200
4. Regional Governance	202

5.	Global Governance	204
6.	Concluding Remarks	205
	Bibliography	207

### Chapter 13

<b>Changes of Employer, Employment Protection and Labour Market Attachment: An Analysis of Swedish Data from 1972 to 1998</b>	<b>211</b>
---	------------

*Bengt Furåker and Tomas Berglund*

1.	Introduction	211
2.	Swedish Employment Protection Legislation	213
3.	Employment Protection Legislation and Mobility	216
4.	Labour Market Attachment	218
5.	Data, Variables and Analyses	219
	5.1. Methodology	219
	5.2. Empirical Analysis I	221
	5.3. Empirical Analysis II	226
6.	Conclusions	230
	References	231

### Chapter 14

<b>The Reform of Social Protection Systems and Flexicurity in a European Perspective</b>	<b>233</b>
--	------------

*Silvia Spattini*

1.	Social Protection Systems: Characteristics and Reforms	233
2.	Flexicurity in the Perspective of Integration between Social Protection and ALMPs	235
3.	Concluding Remarks	239

### Chapter 15

<b>Extension of Labour Law and Social Security Protection to the Informal Sector: Developing Country Perspectives, with Specific Reference to Southern Africa</b>	<b>241</b>
---	------------

*Marius Olivier*

1.	Introduction	241
2.	Contextual Framework: The Labour Market, Social and Economic Policies and Poverty Indicators	242
3.	Definitional Context	247
4.	Coverage Restrictions	250
5.	Extension of Coverage	254
	5.1. Definitional and Conceptual Approaches	254
	5.2. Extending Coverage: Alternative Institutional Arrangements and Appropriate Regulatory Responses	258

5.3. Human Rights, International Standards and Standard-Setting	264
6. Conclusions	268
<b>Chapter 16</b>	
<b>The Informal Economy, Social Security and Legislative Attempts to Extend Social Security Protection</b>	<b>271</b>
<i>Elmarie Fourie</i>	
1. Introduction	271
2. The Labour Market Context	273
3. International Law, the ILO and New Forms of Work	273
4. Social Security Protection and the Informal Economy	275
4.1. Informality Trends Getting Worse	275
4.2. Social Security and the Informal Economy	276
4.3. Organizing the Informal Worker	277
4.3.1. Case Studies	278
4.3.2. Tanzania	278
4.3.3. India	278
4.3.3.1. <i>Self-Employed Women's Association</i>	279
4.3.3.2. <i>SEWU: The South African Counterpart</i>	280
4.4. The Southern Africa Development Community (SADC)	281
4.5. South Africa	281
5. Some Examples of Legislative Attempts to Extend Social Security to Informal Workers and the Self-Employed	283
5.1. Introduction	283
5.2. Unorganised Workers Social Security Bill, 2008, India	283
5.3. Social Security Bill, 2005, United Republic of Tanzania	286
5.4. The Social Security Act 34 of 1994 of Namibia	289
5.5. Legislative Attempts	289
6. Conclusions	290
Bibliography	291
<b>Part V</b>	
<b>Human Resource Management</b>	<b>295</b>
<b>Chapter 17</b>	
<b>Worker Participation, Organizational Climate and Change</b>	<b>297</b>
<i>Massimo Pilati and Laura Innocenti</i>	
1. Introduction	297
2. Organizational Change, Employment Relations and European Recommendations for Employee Participation and Involvement	298
3. Organizational Climate Surveys, Protection of Personal Rights and Freedom of Opinion	299

4.	Research Design and Methodology	300
5.	'Ideal Types' of Organization: Trendy, Evolutionary, Cynical and Fatalistic	301
6.	Conclusions and Suggestions for Further Research	307
	References	309
<b>Part VI</b>		
<b>Country Reports</b>		<b>313</b>
<b>Chapter 18</b>		
<b>The Local Dimension of the European Employment Strategy: The Clash of Competences in the Spanish Administration</b>		<b>315</b>
<i>Francisco José Barba Ramos</i>		
1.	Introduction	315
2.	Employment in European Summits: The Local Dimension	317
3.	The Role of the Spanish Local Administration in Employment Policy the Legal Framework and Opportunities for Action: In Keeping with European Guidelines?	323
4.	Application of Community Guidelines and Inter-Administrative Coordination in Spain	328
5.	Conclusions	334
<b>Chapter 19</b>		
<b>Flexicurity in Hungary</b>		<b>337</b>
<i>Éva Berde</i>		
1.	Introduction	337
2.	Hungarian Background Data and Regulation of Flexicurity	339
3.	Company-Level Employee Organizations Participating in the Social Dialogue	347
4.	Conclusions	353
<b>Chapter 20</b>		
<b>The Fifth Anniversary of the New Lithuanian Labour Code: Time for Change?</b>		<b>355</b>
<i>Tomas Davulis</i>		
1.	Introduction	355
2.	Adoption of the Lithuanian Labour Code in 2002	356
3.	The Normative Effect of the Labour Code	358
4.	Balancing Statutory, Individual and Collective Regulatory Methods	360
5.	Bringing the Law into Line with Contemporary Changes at Work	362
	5.1. Regulation by Statutory Law	362
	5.2. Working Time	362

---

5.3. New Forms of Work	363
5.4. Homogeneity of Regulation	364
5.5. The Scope of Application of Labour Legislation	365
6. Conclusions	365
References	366
<b>Chapter 21</b>	
<b>Increasing the Flexibility of Employment Regulation in Estonia</b>	<b>367</b>
<i>Merle Muda</i>	
1. Introduction	367
2. Entering into Employment Contracts	369
2.1. Form and Conditions of the Employment Contract	369
2.2. Fixed-Term Employment Contracts	371
3. Termination of Employment Contracts at the Initiative of the Employer	372
3.1. Grounds and Formal Requirements of Termination	372
3.2. Employer's Fiscal Obligations in the Case of Dismissal for Economic Reasons	374
4. Regulation of Non-standard Work	376
5. Concluding Remarks	377
<b>Chapter 22</b>	
<b>The State, Society and the Individual in Labour Relations in Russia</b>	<b>379</b>
<i>Evgeny Khokhlov and Olga Rymkevich</i>	
1. Introduction	379
2. The Changing Role of the State in Modern Russia	379
3. Critical Aspects of Current Russian Labour Legislation	380
4. The Position of Trade Unions in Russian Law	382
5. The Divergence of Russian Laws from International Norms	385
<b>Chapter 23</b>	
<b>Higher Education and Academic Recruitment in Russia</b>	<b>387</b>
<i>Alexander V. Zavgorodniy</i>	
1. The Bologna Process and Higher Education in Russia	387
2. The Appointment of Academic Staff in Russian Universities	388
3. The Election of University Rectors in Russia	391
<b>Chapter 24</b>	
<b>Adverse Employment Conditions in Israel</b>	<b>395</b>
<i>Itzhak Harpaz and Yosi Gattegno</i>	
1. Introduction	395
2. Common Violations of Employment Protection Provisions	396

3.	The Background to the Development of Adverse Employment in Israel	399
4.	The Negative Consequences of Adverse Employment Conditions	401
5.	Preventive and Deterrent Measures against Adverse Employment Conditions	402
	References	402

## Chapter 25

### **The Employability Approach to the Protection of Workers' Rights in Singapore** **405**

*Chew Soon-Beng and Rosalind Chew*

1.	Introduction	405
2.	Overview	406
3.	Labour Legislation in Singapore	407
	3.1. Core Labour Standards	407
	3.2. The Employment Act	407
	3.3. The Trade Unions Act	408
	3.4. The Workplace Safety and Health Act	408
	3.5. The Workmen's Compensation (Amendment) Bill	408
4.	Singapore's Achievements in Terms of Workers' Rights	409
5.	Policies in Support of the Right to Employment	411
	5.1. Singapore's Social Security Policy	411
	5.2. Immigration Policies	412
6.	Foreign Labour-Management Policies	414
	6.1. The Work Permit System	414
	6.2. Foreign Labour in Singapore Sectors	415
	6.3. Quantitative Impact of Using Foreign Labour as a Buffer	416
7.	Schemes to Encourage the Training and Employment of Residents	417
8.	Policies to Help Low-Wage Workers Cope with Competition	419
9.	Price Stability	420
10.	Conclusions	421
	References	421

## Chapter 26

### **Job Security Issues in a Laissez-faire Economy: The Case of Hong Kong** **423**

*Rick Glofcheski*

1.	Introduction	423
2.	Hong Kong in Perspective	424
3.	Job Insecurity in Hong Kong (or How to (Legally) Undermine an Already Minimalist Job Security Regime)	427
	3.1. The Contract of Employment and the Exclusion of Workers	428

3.2. Exclusion of Non-permanent and Part-time Workers	429
3.3. Discrimination for Trade Union Activities	431
3.4. Striking Workers	431
3.5. Pregnant Workers	432
3.6. Foreign Domestic Helpers	434
3.7. Workers Generally and Summary Dismissal	434
3.8. Inadequacy of Remedies for Wrongful Termination	437
4. Conclusion	438

**Chapter 27****Do Cooperatives Protect Workers' Rights? Lessons from Canada 441***Judy Haiven and Larry Haiven*

1. Introduction	441
2. Human Resources in a Typical versus a Unionized Workplace	441
3. Classifying Cooperatives	443
4. The Fogo Island Fishing Cooperative	444
4.1. Background	444
4.2. Decline of the Fishery	445
4.3. Labour Relations in the Newfoundland Fishery	446
4.4. The Cooperative and the Union	446
4.5. Three Key Labour/Management Disputes at the Coop	447
4.5.1. Dockside Grading Dispute	447
4.5.2. Capitalization for Fishers	447
4.5.3. The Coop and Human Rights	448
4.6. Relations between the Fogo Coop and the Plant-Workers' Union	450
5. Conclusion	450
Bibliography	452

**Chapter 28****Protecting the Health of Staff in Restaurant Smoking Areas in Chile 455***Pablo Arellano Ortiz*

1. Introduction	455
2. Health: A Fundamental Right	457
2.1. Occupational Health	457
2.2. The Duty of the State	457
2.3. Renouncing a Fundamental Right?	459
3. The Employer's Obligation to Safeguard the Workers	460
3.1. Power in the Employment Relationship	460
3.2. The Employer's Duty of Care	460
3.3. Compensation Awards	461
4. Final Remarks	462
Bibliography	463

<b>Chapter 29</b>	
<b>Labour in a Time of Transition: Labour and Political Changes in Venezuela</b>	<b>465</b>
<i>Hector Lucena</i>	
1. Introduction	465
2. Labour Relations in Venezuela	466
3. Labour Relations and Inequality	467
4. Regionally What Is the Problem?	469
5. The Commitment to Inclusion and Integration	470
6. What Happens When Labour Relations Institutions Represent Fewer and Fewer People?	471
7. The Essential Condition for Industrial Relations: The Existence of Jobs	471
Bibliography	472

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## Chapter 1

# How Can We Study Industrial Relations Comparatively?

*Richard Hyman*

### 1. INTRODUCTION

What is meant by cross-national comparison, and how can it be accomplished? Comparison, as I understand it, means the *systematic* cross-analysis of phenomena displaying both similarities and differences. It both contributes to and is informed by theory and generalization. It is often considered the nearest functional equivalent in the social sciences to the laboratory experiment of the natural scientist: by examining a range of countries it is possible to hold some ‘variables’ constant while altering others. This was, of course, the foundation of Mill’s methods of difference and of agreement (1875: 448).

Yet Mill’s methodological confidence contrasts markedly with the uncertainties and contentions in current discussions of comparative research. ‘All the eternal and unsolved problems inherent in sociological research are unfolded when engaging in cross-national studies’, comments Øyen (1990: 1). The same applies to any of the other disciplines involved in the study of industrial relations, such as law, economics or political science. Paradoxically, the greater our experience of cross-national research, the more problematic the exercise often appears. At the heart of this paradox are two issues: how can cases which are different be comparable; and how can we offer generally applicable causal explanations when the possible combinations of antecedent conditions far exceed the number of

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available cases? As Lallement puts it (2005: 171), ‘in theory, comparison is impossible, yet sociologists continue to practise it [*en théorie . . . la comparaison est impossible . . . et pourtant les sociologues ne cessent de la pratiquer*]’.

In this chapter I explore some of the features of this core dilemma of comparative research. Are different national industrial relations systems really comparable, or can they be made so? I first survey some of the key debates on this question, in particular the nature of causal explanation and the familiar confrontation between nomothetic and idiographic conceptions of social science, and refer to the problem of classification. Then I address a parallel controversy: the force of path-dependence, the limits to institutional complementarity, and the dynamics of institutional change. Next I discuss some important recent developments in the methodology of comparative analysis. A brief conclusion attempts to tie these themes together.

## 2. CROSS-NATIONAL COMPARISON: ESSENTIAL BUT IMPOSSIBLE?

It is frequently argued that *all* social science is comparative; even if the focus is within a single country (or conversely, if the degree of abstraction is such that no concrete national context is considered), an approach is scientific to the extent that it seeks to establish, and account for, similarity and difference in the cases investigated. Comparison, write Dogan and Pelassy (1990: 8), is ‘the engine of knowledge’. Hence what, if anything, is qualitatively different about cross-national research?

One common answer, as suggested above, is that cross-national comparison is functionally analogous to experimentation in the natural sciences. In physics or chemistry it is possible to vary certain conditions while holding others constant and to establish the variation in outcomes, as a means of generating and testing causal propositions. Such manipulation of the object of investigation is rarely possible in the social sciences; but one may approximate the experimental method by comparing national cases similar in some respects and different in others. So, for example, if it were suggested that the traditional strength of communism within French trade unionism stems primarily from a combination of late industrialization and the historical cleavage between forces of catholicism and laicism, one might examine union movements in countries whose histories have involved different combinations of early/late industrialization and strong/weak lay-catholic cleavages, and then map these against communist influence. In simplified form, this resembles the strategy adopted by Lipset and Rokkan (1967) in their classic study of the dynamics of party systems, a strategy formalized by Przeworski and Teune (1970) and Ragin (1987) with the use of Boolean algebra – about which I will say more.

Underlying this model of comparative method is a specific conception of what is comparable and what it means to compare. For Przeworski and Teune, the essence of genuine cross-national comparison is that national identifiers should

be replaceable by ‘decontextualized’ descriptions which permit potentially universal theoretical propositions of the form: *if x, then y*. Likewise, Rose insists (1991: 447) that ‘in order to connect empirical materials horizontally across national boundaries, they must also be connected vertically; that is, capable of being related to concepts that are sufficiently abstract to travel across national boundaries’. Hence, for example, a comparative study of membership patterns in European trade unions should aim to generate such conclusions as: in countries where unions have a statutory role in the administration of unemployment benefits, membership density will be higher and more stable than where they do not.

Implicit here is the assumption that nations or societies are aggregates of variables which can in principle be isolated analytically. Thus Lijphart (1971: 684, 687) writes – following Mill – that ‘the logic of the comparative method is . . . the same as the logic of the experimental method’; hence there is ‘no clear dividing line between the statistical and comparative methods’. Comparative research involves a focus on cases which are ‘similar in a large number of important characteristics (variables) which one wants to treat as constants, but dissimilar as far as those variables are concerned which one wants to relate to each other’.

But this conception of cross-national comparison is questionable on two grounds. First, the ‘chemical composition’ of the social world is far more complex than in the case of the natural world. ‘The potential number of different constellations of situational and institutional factors [is] extremely large – so large, in fact, that it is rather unlikely that exactly the same factor combination will appear in many empirical cases’ (Scharpf 1997: 23). What is often described as the ‘small-N’ problem – many variables, few cases – also applies to larger-scale cross-national comparisons. Today’s thirty members of the Organization for Economic Cooperation and Development (OECD), or even the 192 member states of the United Nations, permit a sample size far too small to enable robust statistical findings taking account of a generous range of possible causal influences. In effect, those who adopt this method are forced to focus on a small number of variables and to adopt wide-ranging *ceteris paribus* assumptions – though in reality, we know that other things are never equal. A radical response by many comparativists is to insist, as does DeFelice (2000: 419) that “‘small N’ is actually a defining characteristic of the comparative method, not one of its problems in need of a remedy’. Coppedge (1999: 468) – referring to political science, but exactly the same argument can be applied to industrial relations – argues that ‘in the empiricist’s ideal world, theoretical concepts would be “thin”: simple, clear and objective’. But the most important theoretical questions involve ‘thick’ concepts – such as power, legitimacy, democracy – which ‘can not be reduced to a single indicator without losing some important part of their meaning’. ‘Small-N analysis,’ he adds, ‘excels at the kind of conceptual fussiness that is required to develop valid measures of thick concepts’.

Second, it is necessary to ask: what is a variable, and what is a constant? As Teune notes (1990: 53-4), ‘in order to compare something across systems it is necessary to have confidence that the components and their properties being compared are the “same”, or indicate something equivalent’. In the natural sciences this is a (relatively) straightforward question: an atom of hydrogen, for example,

does not alter in composition across national boundaries. For Mill, the 'physical sciences' were the model for causal reasoning and argument in the social and political sphere. But 'social facts' are not the same as physical phenomena: their meaning *does* vary cross-nationally; hence 'establishing credible equivalence is difficult, as "meaning" is contextual' (Teune 1990: 54).

In consequence, comparative industrial relations is confronted at the outset by *translation problems*. If we take for example national systems of workplace employee representation, the term 'works council' is often used loosely in English as a generic label. It is indeed a literal translation of the German *Betriebsrat* or Dutch *ondernemingsraad*; but not of the French *comité d'entreprise*, and even less so of the Danish *tillidsrepræsentanten* or the Italian *rappresentanza*. As Biagi has insisted (2001: 483), 'linguistic standardisation due to universal use of English is not always matched by a similarity of structures and functions'. In one of the earliest comparative analyses of European experience, Sorge (1976: 278) referred to the 'bewildering variety of industrial democracy institutions', adding that while 'there are noticeable clusters of institutional features across national borders,' there also exist 'national institutions which cannot be conveniently fitted into an international system of types'.

Much more generally, we may note that 'identical words in different languages may have different meanings, while the corresponding terms may embrace wholly different realities' (Blanpain 2001: 16). Many of the concepts we use, moreover, are simply untranslatable. There is no accurate French translation of the English 'shop steward', for there is no equivalent French reality: a trade union representative, selected (often informally) by the members in the workplace, and recognized as an important bargaining agent by the employer. Neither *délégué syndical* nor *délégué du personnel* is appropriate: both terms denote completely different types of representative, neither of which has an analogous negotiating role. For the same reason it is quite wrong to translate the German term *Vertrauensmann/frau* – though this is often done – as shop steward. Likewise, there is no real English term for *cadre* or *prud'homme*, for the structuring of the technical-managerial workforce, and the adjudication of employment grievances, follow very different lines in Britain from those in France. In the reverse direction, to a French or German writer unfamiliar with Anglo-American practice it might seem obvious how to translate *plan social* or *Sozialplan*; but unfortunately the phrase 'social plan' would be meaningless to an English reader who did not already understand the French and German institutional reality (Hyman 2005).

Analogous translation issues bedevil any use of survey data for comparative analysis. Jowell (1998: 172) notes that when the International Social Survey Programme 'was in the throes of designing its 1991 module on religion, the Japanese delegation eventually came to the reluctant conclusion that there was no appropriate word or phrase in Japanese that approximated the concept of God'. Perhaps they would have had similar problems with Social Dialogue, a concept with similar mythic status, as doubtless would the Chinese with *Tarifautonomie*. Yet variable-based comparison typically ignores such problems. The 'data' are, as the Latin implies, 'given'; their origins require no further scrutiny.

Within the EU, ‘benchmarking’ through the ‘open method of coordination’ – a term which until very recently was meaningless in any language – rests firmly on the questionable construction of labour market variables. As Barbier has argued (2005), we cannot assume that such terms as ‘social inclusion’ have the same meaning in different national contexts and languages. Or to take another example, the Commission’s indicators of ‘quality’ in employment tend to be narrow and arbitrary (Raveaud 2007), in practice overridden by concerns with ‘quantity’. The OECD measures of the interaction between employment protection and ‘labour market performance’ tend similarly to rest on definition by fiat. As Ferrari (1990: 77) argues, with specific reference to socio-legal studies, ‘there is a gap between substance and words’ (and, one might add, empirical descriptors). The consequence for much variable-based cross-national comparison is technical sophistication used to regress the most dubious of ‘variables’: ‘garbage in, garbage out’. Cynics might argue that the definition of comparative indicators is deliberately conditioned to the desired findings – as with official efforts to fit what Threlfall (2005) terms the ‘fuzzy labour force’ into seemingly rigorous categories.

### 3. ARE ALL DESCRIPTORS CONTEXT-BOUND?

A contrary approach to comparison is the argument the *interrelationship* among the elements of each societal ensemble makes these inescapably context-bound, so that every national case must be analyzed holistically. By implication there are no variables, only differences. Comparison can explore *how* things function differently according to national context, without being able to isolate the reasons *why*. As Crompton and Lyonette put it (2006: 404), ‘causal explanation in the social sciences is problematic. . . . A discourse on variables in the absence of context can easily become sterile.’ This implies that the nomothetic approach to social science (seeking to establish generalizations of an abstract and law-like character) is misconceived. Hence ‘in most social-research situations it is unlikely that the requirements of a deterministic theory will be met’ (Liebersohn 1992: 108); cross-national comparison can yield only *probabilistic* conclusions.

In a still much-quoted lecture, Kahn-Freund (1974) insisted (in order in particular to challenge attempts to ‘transplant’ institutions from one national context to another) that the practical effect of any institutional arrangement depended in large measure on political traditions and organizational structures which differed markedly cross-nationally. This theme was reiterated by Schregle, who argued (1981: 21-2) that ‘it is extremely problematical and dangerous to extract from a national industrial relations system a single institution or rule and to compare it with what appears to be the corresponding institution or rule in another country. . . . Institutions must be considered within the general context of the industrial relations system of which they are an integral part.’ Or as Théret puts it (2000: 111), ‘one must not compare elements but relations between these elements’. The aim is to understand causal dynamics by developing ‘case-intensive knowledge’ (Mahoney 2007: 130).

From this perspective, if German works councils contribute to plant-level cooperation in enhancing productivity, this may in part reflect dynamics which could be predicted wherever the law constitutes institutions with the portfolio of rights and responsibilities assigned to German works councils (nowhere else in the world, in fact) but which also reflect an ideological inheritance, economic structure and political history incapable of replication. The researcher could indeed render all the features considered of explanatory importance in terms of abstract concepts; but in combination they could apply only to Germany. We can only speculate what would happen if German works councils were replicated elsewhere. In newly democratic Hungary and South Africa, debate informed by attention to German experience resulted in the creation of immensely weaker institutions. Had the Dunlop Commission in the United States recommended some form of council system, and had the legislators approved this initiative (in practice, highly improbable), German experience would offer few clues as to how such an innovation would work.

The implication is that explanation in the social sphere is *conjunctural* and *combinatorial*. 'Conjunctural explanation emphasizes that a particular combination of structural causes and events, in a particular time and place, may create unique outcomes that will not necessarily be repeated in other contexts'. Accordingly, the comparativist can only develop 'conditional theory' which is 'closely tied to time and place' (Paige 1999: 782-4). Yet if every conjuncture of circumstances is to some extent unique, how can cases be compared; how can causal explanations in one case be applied (or tested) in others; hence, ultimately, how can we assess the strengths and weaknesses of alternative explanatory accounts? Must we agree, with Poole (1986:7), to focus 'largely on national uniqueness and cross-national contrasts rather than on similarities and comparabilities'? Most comparative researchers would answer that while all cases are different, some are less different than others, and thus are – or can be made – comparable. As Ragin puts it (1987: 13), 'comparativists . . . are interested in specific historical sequences or outcomes and their causes across a set of similar cases. . . . When causal arguments are combinatorial, it is not the number of cases but their *limited variety* that imposes constraints on rigor.' And presumably, what is to count as *relevant* (dis)similarity of time and place must be defined on the basis of broader theoretical assumptions.

In discussing the nature of cross-national comparison in political science, Rose (1991: 447) uses the concept of 'bounded variability': 'anyone who engages in comparative research immediately notices differences between countries. Yet anyone who persists in wide-ranging comparative analysis also recognizes boundaries to these differences.' Similarly, Dogan and Pelassy (1990: 10) make the point that one must 'conceive of imperialism in general' before we can compare and contrast different national and historical variants. By this logic, it is an objective of cross-national research to test and explore the limits of uniqueness. 'Paradoxically, uniqueness can only be demonstrated through systematic comparison that differentiates a country from all others as a deviant case in a given universe' (Rose 1991: 450); the 'exceptionalism' often attributed, say, to French industrial relations or

the United States labour movement needs to be interrogated through comparative analysis. It is interesting to compare this notion with the comment by Maurice (1989: 185; *see also* Maurice 2000: 16) that ‘in the “societal effects” approach non-comparability no longer constitutes a constraint on analysis but rather becomes its object’ [*dans l’approche sociétale la non-comparabilité n’est plus constituée comme limite, elle devient plutôt objet d’analyse*]. This, he adds (2000: 16), is ‘the meaning given to the paradox of the “comparison of the non-comparable”’.

In my own field of trade union studies, this issue has been provocatively addressed by Locke and Thelen (1995). Ostensibly similar issues, they argue, vary markedly in significance for trade unions according to national circumstances and traditions; while apparently dissimilar issues may have similar implications across countries. More specifically, the historical formation of distinctive national union identities shapes those issues which are likely to provoke visceral conflict and those which are not. Hence, they suggest, the task for researchers must be to develop ‘contextualized comparisons’ which involve in each national case the choice of issues which present equivalent challenges to union identities. ‘By focusing on the way different institutional arrangements create different sets of rigidities and flexibilities, we can identify the range of possible “sticking points”... We find that those that generate the most intense conflicts are those which are so bound up with traditional union identities that their renegotiation in fact sets in motion a much deeper and fundamental reevaluation of labor’s “project”’ (342). My own comparative exploration of changing union identities in Britain, Germany and Italy (Hyman 2001b) follows a somewhat similar logic.

This approach has much in common with the call by Geertz (1973) for ‘thick description’: behaviour can be properly understood only in terms of the social context which gives it meaning. This is also a reason to reject the idea of ‘small-N’ analysis as a problem (Ebbinghaus 2005). As Schregle argued, the meaning of superficially identical institutions seems to vary with national context. Yet this entails, as Locke and Thelen propose by the title of their article, that cross-national comparison is a dubious process of comparing apples and oranges. How do we ‘homogenize a heterogeneous domain’ (Dogan 2002: 64)? How can we *make* institutions comparable despite contextual variation? Alas, it is questionable how far ‘contextualized comparisons’ are in fact comparative. Rather, the logic of the approach which Locke and Thelen advocate would seem to be that each context is unique and that the dynamics of each national institutional configuration must be understood in its own terms. Is there an alternative?

#### 4. THE PROBLEM OF TYPIIFICATION

All national contexts are in some respects ‘special cases’. Similarity is not the same as identity, but how different can cases be while still being comparable? Given the multiplicity of national cases (27 now just within the European Union), how can we simplify in order to make analytical sense? The solution has to involve

typification: reducing diversity to a limited number of ‘models’ or ideal types by abstraction of what are regarded as key characteristics and suppression of more complex aspects of differentiation. Such a process is necessary but treacherous: simplification inevitably involves oversimplification. So, for example, it is common to speak of a ‘European social model’ of corporate governance and industrial relations; but national systems of employment protection, labour market regulation, employee representation and social welfare are so diverse that all attempts to ‘harmonize’ on a standard pattern have proved futile (Ebbinghaus 1999). Or writers differentiate ‘Nordic’, ‘Germanic’ and ‘Latin’ models, but such categories are in turn criticized for neglect of important differences between countries. Yet the logic of such criticism is to refine and sub-divide until each single case occupies its own distinct category: a self-defeating effort.

Thought, and language, presuppose categories of a general nature which include all cases sharing certain characteristics and exclude others which do not. Individual cases can be described only in terms which are general in application. This does not mean however that all instances similarly classified (union representative, strike, collective agreement...) are identical. ‘Classes do not impute “real sameness”, but *similarity* . . . . Any class, no matter how minute, allows for intraclass variations’ (Sartori 1994: 17). To make an analogous point, any generalization oversimplifies, but such oversimplification is unavoidable if we are to comprehend our world and act within it.

In generalization there is always a trade-off between accuracy and parsimony (Przeworski and Teune 1970). For this reason I do not accept the argument of Crouch (2005: 40) that a simpler model is preferable to a more complex one only if there is no loss of explanatory power; to my mind, this counsel of perfection entails a veto on any kind of theory. As Verba argued long ago (1967: 113), a generalization can be made to ‘fit’ recalcitrant cases if ‘we add intervening variable after intervening variable’. But ‘as we bring more and more variables back into our analysis in order to arrive at any generalizations that hold up across a series of political systems, we bring back so much that we have a “unique” case in its configurative whole’. As Bennett and Elman (2006: 472) insist, ‘methodological choices involve trade-offs’: the issue has to be, what is gained and what is lost with a specific parsimonious account of complex reality? And costs and benefits have to be judged in terms of the actual purpose of a researcher’s modelling. The dichotomy proposed by Hall and Soskice (2001) between ‘liberal’ and ‘coordinated’ market economies is for most purposes woefully inadequate, offering idealized accounts of the USA and Germany as exhaustive alternatives within which national diversity can be encompassed (Crouch 2005; Deeg and Jackson 2007). Yet this simplistic presentation of varieties of capitalism remains popular because of its heuristic value in demonstrating starkly that market economies can indeed be organized according to very different institutional logics.

What is important though – a point which Crouch makes cogently – is to avoid conflating analytical abstractions with empirical descriptions. To speak of models of capitalist variety, to repeat my earlier remark, is to offer schematic (over)simplifications of complexity. For example, when La Porta *et al.* (1998) refer to

'French civil law countries' in their study of the effects of corporate governance rules they do not pretend to give a full and precise description of the company law regimes in all countries grouped under this label (perhaps not even France) but to highlight, one-sidedly, features central to their analytical purpose. This was of course Weber's intention when devising the concept of ideal types.

As a corollary, the tendency of many current researchers to write of 'hybridization' is deeply suspect. A mule is a hybrid of a donkey and a mare, two empirically existing animals. By contrast, a 'hybrid' business system or employment regime is a case which cannot plausibly be attributed to any category within a classificatory scheme. To say, for example, that corporate governance in France or Germany is hybridizing really means simply that there are important changes going on in the real world and that our analytical abstractions fail to capture these. No more and no less.

One reason references to hybridization are so common is that ideal types, models and systems are frequently viewed as internally coherent and functionally integrated. It is assumed that institutions are 'tightly coupled with each other' (Hollingsworth and Boyer 1997: 3), giving rise to what Dore (2000: 45-7) calls 'institutional interlock'. Functional integration in turn makes incremental change difficult if not impossible. Where change undeniably does occur, the explanation must be that social-systemic mares and donkeys somehow manage to combine what are at first sight incompatible institutional elements to construct a new coherent amalgam.

Such analytical stratagems are unnecessary, as Crouch has shown, if we abandon the idea that socio-economic systems through some process of natural selection evolve fully complementary institutional elements. His thesis is that economic institutional complexes typically display contradiction and incoherence, opening possibilities of 'recombination' of the constituent elements; and that this is why change is possible and persistent. This said, however, we need to recognize that some socio-economic systems *are* more systemic than others. How and why 'tight coupling' occurs in some national contexts but not others is a major analytical issue. I return to this below in considering recent theoretical innovations in institutional analysis.

## 5. INSTITUTIONS, PATH-DEPENDENCE AND CHANGE

It has become commonplace for comparative researchers to insist that institutions matter: but which, and how? More fundamentally, what do we mean by an institution; and how can we identify one when we see it? In his frequently quoted definition, North (1990: 3-4) states that 'institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction'; they are not, he insists, the same as organizations. Yet he also argues that the same rules can have contrasting effects in different national settings because of different enforcement mechanisms and norms of behaviour. But is this to say that not all rules are 'really' rules? Or else, perhaps, that the constraining

effect of first-order rules depends on higher-order rules/institutions? Does this offer the prospect of an infinite regress? At least there is a risk of circularity if we wish to argue the causal significance of institutions: the capacity to constrain human behaviour seems both a defining characteristic of institutions and a theoretical proposition about social organization.

Schregle's counter-argument to institutional comparison (1981: 22-3) is often quoted: 'the point of departure of international comparison cannot be an institution as such, but must be the functions it carries out. . . . We must compare functions and not institutions.' Yet identifying the function of an institution is no innocent endeavour. Is the function of a trade union to transform society, or to bargain within society as it exists? This question has been contested among trade unionists at least since Owen established his 'Grand National Consolidated Trades Union' in 1834. Or to take a different example, is the function of a *Betriebsrat* to represent employees' interests, or to enhance productivity? And if the answer is both – to provide voice and efficiency, as Budd's model (2004) might suggest – what happens if the two come into conflict?

In reality, Schregle's critique applies plausibly only to the variable-based approach to comparison which isolates individual (micro) institutions from their broader (macro) context. However, the essence of the 'new institutionalism' of the last three decades is to focus on institutional *configurations* (Campbell 2004; DiMaggio and Powell 1991; Hall and Taylor 1996; Thelen and Steinmo 1992). Here, the *interrelationship* among institutions is the framework for analysis, on the principles discussed earlier.

It is common to distinguish three distinct variants of 'new institutionalism': rational choice, historical and normative or discursive – although in practice these often combine, as the methodological discussion in the following section indicates, and Campbell and Pedersen (2001) identify organizational institutionalism as a fourth variant. The first focuses on the ways in which actors' strategies are shaped by organizational structures and rules of the game, which may facilitate certain forms of collective action and inhibit others. The second considers in particular how institutions shape power resources in policy conflicts. For the third, the cognitive and normative frameworks through which situations are interpreted and courses of action legitimized acquire analytical centrality.

In one sense, most neo-institutionalist approaches may be considered historical insofar as continuity and change are key issues for exploration and explanation. A problem for all comparativists is that any specification of cross-national 'models' is essentially a snapshot; yet no society, economy or industrial relations system is static. Analytical complexity is compounded when our search for causal explanation is both cross-national and longitudinal. This problem is marginalized within mainstream 'varieties of capitalism' theories since national institutional regimes are regarded as functionally integrated and hence resistant to piecemeal change. A key aim of such theories was indeed to contest the thesis that common economic forces ('globalization') were driving cross-national institutional convergence. A somewhat 'softer' foundation for a similar argument is the thesis of 'path-dependence', which suggests that initial, perhaps fairly arbitrary choices

(the QWERTY keyboard is a familiar example) encourage compatible institutional developments which cumulatively increase the costs of change and hence create a bias towards continuity. For example, the differential pace and mechanisms of privatization in Central and Eastern Europe in the early 1990s are often seen as sources of persistent variation in social and economic arrangements (including those of industrial relations).

But as indicated previously, recent writing (notably Campbell 2004 and Crouch 2005) has stressed the limits to complementarity and path-dependence. Accordingly, a growing body of research makes institutional change its central focus, often suggesting that tensions and contradictions within national systems provide opportunities for ‘institutional entrepreneurs’ to reconfigure the inherited structural architecture. Below I look briefly at three of these contributions.

In *Institutional Change and Globalization*, Campbell emphasizes the political nature of institutional dynamics. ‘Institutions are settlements born from struggle and bargaining. They reflect the resources and power of those who made them and, in turn, affect the distribution of resources and power in society’ (2004: 1). His study has two key objectives. First, as the title indicates, he addresses the impact of economic internationalization on national institutions. In brief, he insists that most literature exaggerates the impact of globalization, the effects of which tend to be ‘modest and evolutionary’ (2004: 124) and cross-nationally variable.

But second, his central theme is that ‘modest and evolutionary’ changes are typical of institutional change and can have substantial cumulative effects. He rejects the ‘punctuated equilibrium’ perspective according to which institutional complementarity inhibits change until an eventual explosive transformation. Part of the problem, he argues, is that in all the variants of neo-institutionalism ‘the mechanisms whereby institutions enable, empower, constitute, constrain, and exert path-dependent and other effects are poorly specified’ (2004: 62). *Bricolage* is one such mechanism, and he suggests that we can identify two distinct forms: *substantive bricolage* through which existing principles and practices are recombined to create a novel configuration; and *symbolic bricolage* whereby ideas and rhetorics which underlie existing institutions are used to legitimate more radical institutional innovation (2004: 69-70). This leads to a more general discussion of the mobilization of ideas in the politics of institutional change – a theme to which I return below in the context of Schmidt’s comparative analysis.

How institutional change can be ‘at the same time *incremental* and *transformative*’ (Thelen and Streeck 2005: 2) is the concern of the contributions to *Beyond Continuity*. Here too, punctuated equilibrium is explicitly contested: ‘institutional change may be generated *as a result of the normal, everyday implementation and enactment of an institution*’ (2005: 11). In part this is because rules are always to some degree elastic and open to interpretation, so that ‘those who control social institutions . . . are likely to have less than perfect control over the way in which their creations work in reality’. Hence ‘institutions are not just periodically contested [as punctuated equilibrium analysis assumes]; they are the object of ongoing skirmishing as actors try to achieve advantage by interpreting or redirecting institutions in pursuit of their goals, or by subverting or circumventing rules that clash

with their interests' (2005: 16-9). Five distinct mechanisms of change are identified: displacement (the evolution of new institutions which supplant the old); layering (incremental adaptations which result in qualitative change), drift (failure to adapt to new circumstances), conversion (redirection of institutions to new functions) and exhaustion (declining capacity to achieve institutional objectives).

Thelen develops these themes further in *How Institutions Evolve*. Her study has two intersecting elements: a longitudinal account of German institutions of craft training from the governmental initiatives at the end of the nineteenth century to their restructuring in the Weimar era and more fundamental redefinition in the Federal Republic; and a comparison of more recent trends with those in Britain, the USA and Japan. In the German case, the long-term paradox is that an institution created by an authoritarian government with the aim of inhibiting the rise of a mass working-class movement became eventually a vehicle of 'social partnership' within which industrial unions functioned as key actors. Like Campbell, Thelen insists that the construction and evolution of institutions are essentially political processes, adding that their dynamics revolve around the creation of coalitions among actors whose capacities are 'strongly conditioned by state policy' (2004: 31).

Thelen does not reject the idea of institutional complementarity, but challenges the assumption that this results from an automatic functionalist logic. Rather, complementarity must be regarded as contingent and historically conditioned. Where it exists, this may reflect 'increasing returns to power' (2004: 289): those who benefit from a pre-existing configuration of power may be able to 'impose institutional solutions that reflect and entrench their interests'. But conversely, other groups may find advantages in working with the institutional grain; thus German industrial unions, with their strong representation among skilled workers, sought to co-manage the system of craft training rather than to displace it. Her overall conclusion is the need 'to think in terms of institutional co-evolution and feedback effects as processes through which coherence does not emerge so much as it is constructed, as institutions inherited from the past get adapted . . . to changes in the political, market and social context' (2004: 291).

## 6. RATIONAL CHOICE, FUZZY SETS AND HISTORICAL CONDITIONALITY

'The comparative method attends to configurations of conditions; it is used to determine the different combinations of conditions associated with specific outcomes or processes' (Ragin 1987: 14). But how can this be done? In this section I discuss a number of recent methodological contributions which mirror the types of neo-institutionalism discussed above, and in the following section consider how these relate to a variety of recent comparative attempts to explain the negotiation or absence of peak-level social pacts and their relative resilience.

I start with the approach to rational-choice institutionalism developed by Scharpf in his *Games Real Actors Play* (1997). His framework is game-theoretic; though note that he insists that 'a framework is not a theory' and can 'only provide

guidelines for the search for explanations' (1997: 37). His empirical focus – which links to the specific issue of social pacts, though in the context of the 1970s rather than more recent times – is the involvement of trade unions in the formulation of economic and social policy. Differing national experience is interpreted in terms of two interconnected 'games': between government and unions (which might be willing to endorse wage moderation in order to sustain employment-preserving macroeconomic policies) and between government and electorate (which might vote out a government held responsible for high inflation). Two other 'games' are also identified as important in some cases, between governments and central banks and between unions and employers' organizations.

The central thesis of Scharpf's methodological approach is 'that social phenomena are to be explained as the result of interactions among intentional actors . . . but that these interactions are structured, and the outcomes shaped, by the characteristics of the institutional settings within which they occur' (1997: 1). Notably, the constitution of collective actors, and the costs and benefits or alternative strategic choices, shape the probability of cooperative interactions on the one hand, conflictual on the other. Explanation may either work forwards (from antecedent conditions to hypothesized policy effect) or backwards (from policy outcome to hypothesized causal configuration). In either case, he suggests, 'the composite explanation of the course of events is likely to be unique for each country but . . . the modules employed in constructing it may reappear in other cases as well and thus are more likely to achieve the status of empirically tested theoretical statements'.

A second contribution, which connects implicitly rather than explicitly with neo-institutionalist theory, is Ragin's *Fuzzy-Set Social Science* (2000). In his earlier text *The Comparative Method* (1987), Ragin had proposed an approach to qualitative comparative analysis (QCA) employing Boolean algebra (as had previously been advocated by Przeworski and Teune 1970). The objective was to employ set theory to facilitate configurational analysis across a large-N range of cases in order to identify necessary and sufficient conditions of a given outcome. Because he rejected the assumption of a 'linear and additive' effect of independent variables (Ragin 2006: 639), the method was designed to explore causal dynamics in which no single antecedent condition was either necessary or sufficient but where alternative combinations might be associated with the same end result.

A detailed example analyzed by Ragin was political mobilization by regional linguistic minorities in West European countries, using four attributes: size of the minority, strength of linguistic base, relative prosperity and growth or decline of population. Though there were 16 logically possible combinations, only 13 empirically existed in the 36 cases identified; in each set, cases could be evaluated in terms of presence or absence of political mobilization. The same can be performed for combinations of two or three attributes, or for these individually, in each case calculating the proportions resulting in the outcome under investigation. The method (facilitated by dedicated software) could facilitate probabilistic conclusions over large numbers of cases. An interesting application of QCA in the field of social policy is the comparison by Hicks *et al.* (1995) of 'generous' welfare states;

configurational analysis demonstrated three ‘causally potent combinations’ which suggested routes to social welfare regimes more subtle than the categories in the classic study by Esping-Anderen (1990).

QCA has been subject to a variety of criticisms. One, indicated by Scharpf (1997: 27), is that the greater the number of variables, the more combinations will constitute ‘missing cases’ which might in principle contradict the conclusions drawn. In addition, one might add, the ‘small-N, many variables’ problem recurs: many cells with empirically existing cases may have so few members that even probabilistic conclusions are hazardous. A major second criticism is that QCA involves a dichotomous definition of both independent and dependent variables. Yet in the example presented, these are continuous variables – or at least, relatively arbitrary definitional decisions are involved (by what criteria do we decide that a regionally based linguistic minority is politically active?).

Fuzzy-set QCA addresses the second, though not the first, of these criticisms. It can be used both to map continuous variables and to deal with conceptual ambiguity. For example, Ragin shows how the much debated argument of Skocpol (1979) on the causal link between state breakdown and social revolution – both ‘fuzzy’ categories – can be handled in comparative analysis. ‘Using fuzzy sets, it is possible to gauge the degree to which a necessary condition is present and to make this variation a key part of the analysis’ (2000: 229). An interesting application of this methodology in the field of industrial relations is the analysis by Jackson (2005) of national systems of board-level employee representation or their absence, mapped against 11 possible antecedents in 22 OECD countries. Neither ‘stakeholder’ corporate governance models, union strength nor centre-left government seemed to be necessary conditions for the enactment of such systems, but civil law traditions did. Conversely, coordinated collective bargaining appeared to represent a sufficient condition. Perhaps more interesting were the ways in which distinctive *configurations* of conditions could be linked to board-level representation, indicating different causal ‘recipes’.

A third recent contribution which raises important methodological issues is Pierson’s *Politics in Time*. His aim is to connect a critical reading of rational choice to a sensitivity to historical evolution, noting that ‘the specifically historical component of historical institutionalism has . . . generally been left unclear’ (2004: 8). Part of his objective is to explore the ‘self-reinforcing processes’ which underlie path-dependence. In places this seems to lead him to adopt a punctuated equilibrium conception of institutional change, the limitations of which were discussed in the previous section, though subsequently he explicitly endorses many of Thelen’s arguments on this score. More original, perhaps, is his exploration of the significance of the *sequencing* of historical processes the interaction between which can have long-term social effects. (In the field of industrial relations, a familiar explanation of differing national linkages between trade unions and politics rests on whether large-scale industrialization preceded or followed a mass democratic franchise.) Also relevant for comparativists is his discussion of causal chains which may generate change through a form of path-dependence: he gives the example of sequential governmental initiatives which result in the restructuring

and reduction of social welfare provision – so that ‘a conservative government’s main impact on the welfare state might be felt a decade or more after it left office’ (2004: 88).

‘Specific institutional arrangements invariable have multiple effects,’ Pierson argues (2004: 109). ‘Expanded judicial review in the European Union simultaneously has empowered judges, shifted agenda-setting powers away from the member states toward the European Commission, altered the character of discourse over policy reform, transformed the kinds of policy instruments that decision makers prefer to use, and dramatically changed the value of political resources traditionally employed by interest groups.’ This insight links neatly to the final work I consider in this section, Schmidt’s *The Futures of European Capitalism* (2002). Unlike the works discussed above, this study is primarily empirical – a comparative analysis of changing ‘varieties of capitalism’ in three European countries – but she explicitly addresses key methodological issues.

Her empirical focus is the ‘economic governance regime’ in each country and the contrasting (in important respects path-dependent) responses to internationalization. All three types of institutionalism, she suggests, ‘tend to be largely static, and are better able to account for continuity rather than change’ (2002: 209). Like Pierson, she demonstrates that timing matters: in part because of the differential phasing of external economic pressures, ‘all three countries started in different places, had different trajectories, and ended up in different places’.

A key feature of her analysis is an emphasis on discourse as a process with both cognitive and normative functions (involving a ‘logic of necessity’ and a ‘logic of appropriateness’) (2002: 220). Radical policy shifts can rarely be imposed against coordinated resistance; governments must successfully mobilize the argument that change is essential and that the new programmes are legitimate. The research design adopted in her book, Schmidt suggests (2002: 254), makes it possible to ‘control for as many variables as possible in order to establish when discourse is a major factor without which we cannot understand change’.

## 7. CONCLUSION

There are four issues that I will highlight in conclusion.

First, I have followed the many authors who criticize the pretensions of quantitative, variable-based cross-national comparison. Of course, the methodological confrontation between advocates of the nomothetic and idiographic positions has a long history, but can it be transcended? Many, indeed, would argue that social science needs to encompass both approaches: ‘although dramatically different, these should not be seen as antithetical, irreconcilable or mutually exclusive’ (Galtung 1990: 108). Théret (2000: 101) has suggested one route to integrating ‘theory and statistical methods’; Ragin’s conception of QCA is another. Paradoxically, perhaps, large-N variable-based research is perhaps most valuable not for the modal cases which ‘fit’ a causal argument but for identifying ‘outliers’ in need of more detailed, qualitative investigation.

Second, in a pessimistic view, comparative analysis is essential but perhaps impossible. Yet perhaps the impossibility stems from an idealized conception of scientific method. (We might compare and contrast the meanings of the English 'science' and the French *science* or German *Wissenschaft*, but that is another issue.) In the natural sciences, as in the social sciences, 'causal relations must be inferred because, following Hume, it is generally acknowledged that causality can never be directly observed' (Kiser and Hechter 1991: 4). Similarly, much causal argument in the natural sciences is probabilistic rather than deterministic.

Third, we must recognize the problems which language poses for comparative research. '*Die Grenzen meiner Sprache bedeuten die Grenzen meiner Welt,*' wrote Wittgenstein: the limits of my language are the limits of my world. But the same is perhaps even truer in reverse: the limits of my world are the limits of my language. We often assume that we can translate concepts from another national context into our own language, but do so erroneously because the institutional realities differ cross-nationally and hence cross-linguistically. Hence paradoxically, to communicate across societies we must understand our failures to communicate.

Fourth, it is important to recognize that in crucial respects the social world *is* distinctive as a terrain of investigation. 'The two main problems social scientists face as empirical researchers are the equivocal nature of the theoretical realm and the complexity of the empirical realm' (Ragin 1992: 224). If institutional change within societies involves elements of *bricolage*, the same is equally true for those of us striving to make sense of changing realities through comparative analysis (Lallement 2005). Comparability is not given: it must be constructed. This means that when engaging in comparative research, there is no straightforward linkage between general theory and the explanation of cross-national similarity and difference. As I have argued elsewhere (Hyman 2004), we certainly require theory *in* industrial relations but 'it is neither possible nor desirable to pursue a self-contained theory *of* industrial relations'. The theories which contribute to our understanding of industrial relations must derive from the broader universe of the social sciences; and applying such general theories to the issues which arise in the specific field of work and employment is no mere mechanical task but requires creativity and imagination. For this purpose, *ad hoc* theorizing, often denounced as disreputable, is probably the best we can hope to achieve, in industrial relations as in social science more generally. Comparative research is as much an art as a science.

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