

Chipping Away at the Fortress: Unions, Immigration and the Transnational Labour Market¹

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ABSTRACT

Conventional wisdom holds that in liberal industrialized countries, times of economic recession and high unemployment create pressures for restrictive immigration legislation, proposals which will be supported by trade unions as a means of safeguarding their interests.

Drawing on a case study of British trade union opposition to the 1996 Asylum and Immigration Act, this article argues that trade unions, which traditional interpretation suggests support such protectionist measures, are actually at the forefront of opposition to them.

We suggest that the increased transnationalization of labour markets, combined with the particular nature of the legislative response, had led unions to adopt this apparently paradoxical position.

INTRODUCTION

The supply and cost of “labour” is a vital component in economic calculations. From the employers’ perspective, “flexibility”, stemming from a situation of relative surplus guaranteeing a supply of labour at a low price, is the ideal situation. The state of the labour market is also a primary concern of labour unions. Historically, one of the most important elements in the influence organized labour has sought is control over supply of labour. In this context, a surplus labour pool, particularly of non-unionized labour upon which employers can draw as a substitute or replacement labour force, substantially undermines

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the power of the unions. This effect is particularly marked in periods of persistent unemployment when competition for jobs places additional pressure on union solidarity. In terms of the general effect on labour markets, an untapped pool of unemployed or under-employed labour also has the effect of depressing wage levels due to the competition for jobs. Thus, it would appear that in a national context, to the extent that unions are, at a minimum, concerned with preserving the jobs and wage levels of their membership within these jobs, they would naturally be predisposed towards seeking to restrict access to the labour market.²

The field of immigration policy offers a profitable area in which the relationships between labour unions and the impact of immigration on labour markets can be explored. In analysing a single but nonetheless illustrative case, our article addresses some of these issues and seeks to challenge several traditional assumptions regarding the attitude of actors and the determinants of immigration policy. As we discuss below, the majority of existing explanations of the determinants of immigration policy substantially underestimate the potential role of domestic actors such as labour unions. This omission is further compounded by the tendency to assume particular attitudes on the part of the actors, which, we suggest, may no longer be tenable.

Our starting point is the challenging findings described in an interesting article by Leah Haus (1995), in which she presented evidence that challenged several basic assumptions regarding the attitudes of unions. She found that in the US case, despite conventional expectations, “parts of organized labour... are resisting restrictionist legislation and adjusting to realities which do not fit neatly into a state centric view of the world” (Haus, 1995: 313). Our work draws substantially, although with modification, upon her insights. In so doing, we argue that similar challenges to the assumed position of organized labour are visible in the British case. In her concluding comments on the position of US labour organizations, Haus suggested that additional studies would allow the positions set out in her analysis to be tested, reinforced and developed. In this article we seek to do this; to discuss how and why British trade unions began to oppose restrictionist immigration legislation.

IMMIGRATION AND BUILDING “FORTRESS EUROPE”

Across Europe today, immigration is firmly on the agenda – again. Recent developments involve the construction of policies and legislation that seek to limit both the inflow of potential new migrant workers and to prosecute those already present. These measures include stricter border controls, increased punitive employer sanctions, greater use of deportations, tighter visa requirements, redefinition of asylum criteria and the closer coordination of national policies across Europe. The main intention is to restrict entry into the European

Union (EU) by so-called “third-country nationals”, especially those who are seen as “economic migrants” from the third world. One consequence of these changes has been that while critics have described the new Europe evolving as a “fortress”, they have also highlighted its contingent and contradictory character.

This European-level initiative reflects similar national shifts. The “immigration problem” in most European countries has been exacerbated by recent economic and political developments. Economic bottlenecks – persistent mass unemployment and a major economic depression – have made the use of migrant labour controversial. The argument is that immigrants compete with domestic workers for the limited number of jobs available and even threaten the systems of welfare that are currently provided. These arguments have provided fertile ground for a resurgence of racist and extreme nationalist movements on the one hand, while simultaneously there has been a “Europeanization” of politics and policy-making on the other. This has had the effect of making the process of decision-making at the national level increasingly conflictual and complex.

THE THEORETICAL CONTEXT: EXPLANATIONS OF IMMIGRATION

Despite the emergence of international migration as a basic component of nearly all industrialized countries, the theoretical base for understanding the underlying forces of international migration has been described as weak (Massey et al., 1989), or even non-existent (Boehning, 1984: 61; Salt, 1987: 245). Most attention has been given to describing, interpreting and explaining immigration as a purely economic issue. Studies commonly refer to international forces at work (push-pull theories) or the “exploitative” economic relationship between the rich North and the poor South. Explanations have also been limited by their state-centric nature, in which states have been treated as unitary, a factor which has led to the neglect of vital domestic actors and institutions (Avci, 1997).

This is further compounded by a clear bifurcation in theories of immigration policy and the tendency to provide explanations that focus either on individual changes and pressures, or reject these factors in favour of an exclusively domestic model. One of the theoretically significant possibilities that has remained unexplored is that actors like organized labour may act as a linkage mechanism (“transmission belt”) between these spheres. While this has the effect of blurring the neat analytic distinction between approaches, it offers the advantage of a more nuanced understanding, which illuminates pressures and considerations otherwise concealed.

The “push-pull” model is the best known and widely utilized approach to immigration (Ravenstein, 1885, 1889; Lee, 1966; Lewis, 1954; Grigg, 1977).

Push factors, which cause people to leave their countries of origin, include low living standards, demographic growth, lack of economic opportunities, and political repression. Pull factors, which attract migrants, are the need for labour, availability of land, political freedom and increased economic opportunities. As a result of the movement, wages increase and the supply of labour decreases in the capital-poor country, while wages decrease and supply of labour increases in the capital-rich country.

Broadening the argument slightly, Kindleberger (1967) focused on the role of international migration in post-war Western Europe, arguing is that “the major factor shaping the remarkable (economic) growth which most of Europe...[had] experienced since 1950 has been the availability of a large supply of labor” (1967: 3). He also claimed that declining growth rates in Europe in the early 1960s could be associated with the exhaustion of Europe’s excess supplies of labour. Countries which were able to secure additional labour supplies through the recruitment of foreign labour proved much more successful in resuming high rates of growth (Kindleberger refers to this as “supergrowth”) than countries that attempted wage control policies.

Using a neoclassical economic framework and elaborating on push-pull theories, Borjas (1988, 1989) presents the “Immigration Market Model”. He focuses on the individual level and claims that potential migrants are “wealth maximizers” who “enter an immigration market” where different host countries reveal the costs and benefits of emigrating to each particular country, and individuals then make a decision to emigrate or not based on these comparisons” (Borjas, 1988: 5; 1989: 460).

In contrast to the push-pull approach and its applications, which concentrate on the individual migrant’s decision, theories focusing on economic structure analyse migration “as a movement...propelled by the dynamics of the *transnational* capitalist economy”, which simultaneously determines the push and the pull (Zolberg, 1989: 407, emphasis ours). Building on the work of Wallerstein (1974a; 1974b), these studies link international migration to the structure of the world market (Amin, 1974; Burawoy, 1975; Castells, 1975, 1989; Jenkins, 1983; Meillassoux, 1981; Nikolinakos, 1974; Petras, 1981; Portes and Walton, 1981; Sassen, 1988; 1991).

Structural approaches place great emphasis on the relationship between foreign and domestic workers in recipient countries, and hold that the domestic labour market can both influence and be influenced by the inflow of migrants. Foreign workers are identified as a “reserve army” which is called upon in times of capitalist expansion and industrialization. The main impetus to the extension of this perspective to immigrant workers in Western Europe comes from Castles and Kosack (1985) who argue that without foreign labour the prosperity of post-war capitalist systems and the attendant working class quiescence would

not have been possible. Since the capitalist system seeks continuous expansion at any price, the solution was to employ immigrants from Southern Europe or the third world. From this perspective, immigrant workers are assigned an instrumental role in undermining the potential for class solidarity by creating ethnic divisions which, exacerbated by working class racism, weaken otherwise clear class identifications.

Castles and Kosack (1985) identify foreign workers as today's equivalent of what Marx referred to as the "reserve army of labour": absorbed into the ranks of the employed when the economy is expanding (thus helping to keep wages down by increasing the supply of labour as demand increases); and pushed out when the economy collapses back into recession. For Castles and Kosack, the incoming immigrants form a latent industrial army in the same way as did the rural unemployed in Marx's analysis of the process of industrialization. Building on this, structuralists have also considered foreign workers as critical to the process of weakening trade unions and leftist political parties (Miller, 1981: 6).

However, Lever-Tracy (1983) and Lever-Tracy and Quinlan (1988a, 1988b) argue that the relationship between immigrants and the concept of a reserve army is ambiguous. Lever-Tracy claims that foreign workers cannot function as a true reserve army of labour because the foreign workers cannot be sent back when there is no longer need for them.³ She also argues that immigrant workers are only a fraction of the core of the productive working class and that they are involved directly in producing surplus value rather than in regulating the overall level of wages or in carrying the fluctuations and uncertainties of the system. Thus immigrant labour is in the same situation as almost all of Marx's working class, yet remains divided from them by their immigrant status.

There remains a significant debate on this issue within Marxist-influenced critiques of immigration policy. The exact position of immigrant labour in national labour markets remains somewhat contested. In one of the more recent deliberations, Castles (1984) appears to move significantly towards the position of Lever-Tracy in acknowledging the complexity of the role of immigrant labour forces.

In terms of the notion of this class harmony, Freeman's (1986) position is that the mass migration of foreign workers has eroded the political consensus on which the post-war welfare state in Western Europe was founded. Freeman claims that mass migration "reduced the political clout of those social strata that have traditionally been the chief source of support for welfare state development", thus accelerating "the Americanization of European welfare politics". This occurs because the influx of foreign workers has "diminished the power of organized labour by dividing the working class into national and immigrant camps, by *easing the tight labour market conditions that would have*

enhanced labour strategic resources, and by provoking a resurgence of right-wing and nativist political movements” (Freeman, 1986: 51-63, emphasis ours).

This structuralist argument led many policy makers and scholars to believe that labour migrants would return in large numbers in times of economic decline, in part because the conflict between domestic and foreign labour will shift to the forefront during these periods. The expectation was that migratory movements based on capitalist expansion and the need for more labour would disappear with a declining economy. Obviously, this has not occurred; several scholars arguing that international migration is a permanent characteristic of the modern world and structural features cannot explain their continued presence or the inflow of immigrants during periods of economic decline (Portes and Walton, 1981).

Thus while neoclassical economists and Marxists tend to explain international migration, and attitudes towards it, in terms of changes in the global economy or certain patterns of capitalist development in sending and receiving countries, they focus on different levels of analysis. Neoclassical economists concentrate on wage differentials, employment conditions between countries, and the costs of migration. Migrating is perceived as an individual’s decision to maximize income. Although models focusing on labour demand and supply may explain to a certain degree the reasons to migrate, an individual’s decision or motivation to migrate is not sufficient to perform the act of migration. Hence, critics claim that classical economic models are highly reductionist and mechanistic (Lee, 1966; Sjaastad, 1962; Todaro, 1976). Historical structural arguments, on the other hand, despite the range of useful insights they present, have been criticized as lacking conceptual clarity, being theoretically confusing because their basic tenets do not lend themselves to conventional empirical investigation (Papademetriou and Martin, 1991: 11).

Further complications for these perspectives arise from the vexed question of the role and nature of the state. Control of immigration is often considered to lie at the core of the exercise of national sovereignty. Since the admission of aliens has been historically common among sovereign nations, it is not surprising that some scholars use a realist framework to explain it (Weiner, 1995; Zolberg, 1983; 1989). In the realist conceptual framework, sovereign states, acting according to their national interest, control their borders and decide whether to permit migration. Even after admitting migrants, states can reverse their decisions through expulsion.⁴

Zolberg (1983; 1989) considers the *international context* as a crucial determinant of the domestic policy response in an anarchic system. States act in their perceived national interest to protect themselves, the emphasis in this approach is the unitary, rational state and national security. Migration is seen as a threat to internal security within host nations. In this context, the presence of

immigrants has often been caricatured as a cause of high crime rates and in that sense it is portrayed as a threat to democracy as well.

THE NEGLECT OF DOMESTIC ACTORS

All theories to date have treated the “gates” as open; in other words, domestic actors in receiving countries are a conspicuously missing dimension. The immigration literature repeatedly points to the role of domestic variables and it is almost intuitively accepted that “[p]olitical forces internal to migrant receiving countries are important determinants of migration (flows)” (Russell and Teitelbaum, 1992: 5), but the role of socio-economic variables and political institutions in the receiving countries has never been systematically analysed in immigration studies.⁵ For example, in its attempt at universalization, the Marxist approaches (discussed above) run the risk of overemphasizing common factors at the expense of important temporal and situational differences. This is particularly relevant when examining the responses of organizations and institutions to immigration policy because these responses are, by definition, contingent.⁶ Recently, the role and attitude of these forces has become even more critical because questions about immigration have moved to the centre of political debate in receiving societies. Though faced with similar pressures, the responses in different countries have varied considerably. Nonetheless, non case-specific factors may be identified as components in an explanation of the forces at work.

Some political forces have turned sharply against immigrants, and immigration has particularly stimulated the growth of right wing extremism, which upholds racist and anti-immigrant positions.⁷ There is little doubt that racism and right wing political parties, using immigration as a focal point, have shaped policy developments in receiving countries. This is particularly true with reference to “illegal” immigration, which has seen a marked tightening Europe-wide.⁸ Nonetheless, immigration is also an issue of contention within the “left” and its traditional supporters, the labour movement, which sees it as a potential threat to wages, working conditions and the organizational unity of workers in the receiving country. Workers pursue their interests in capitalist societies through collective action organized primarily in trade unions, so there are good reasons to expect that organized labour would be quite active with respect to immigration (Corrente, 1986; Haus, 1995; Quinlan, 1979; Quinlan and Lever-Tracy, 1990; Schmitter, 1983; Simmons and Keohane, 1992). Trade unions have a direct stake in the foreign labour issue.

The post-war recruitment of foreign workers in several European countries has been considered a challenge to trade unions (Castles and Kosack, 1985; Freeman, 1978; Miller, 1981). National labour organizations have consistently been viewed as a natural opponent to foreign workers. In the same manner in

which it is almost automatically assumed that organized interest groups such as “employers, ethnic advocacy groups, and civil and human rights organizations” (Freeman, 1979: 888) favour more open policies, organized labour has been expected to oppose the use of non-unionized immigrant labour as a reserve if it undermines their interests. The rationale has been that trade unions fight for higher wages, more benefits, and stable continuing employment of workers. The importation of workers is perceived as a potential threat to jobs and working conditions, and may lead to a downward pressure on wage levels (Adelman et al., 1994: 114; Schmidt et al., 1994). In sum, by their “nature”, it has hitherto been assumed that trade unions favour selective, exclusionary and restrictive policies (Kalecki 1943; Freeman 1997; Layton-Henry 1992, 1994).

IMMIGRATION INTO THE UNITED KINGDOM

Since the eighteenth century, the United Kingdom has been a country of net emigration. Traditionally, its liberal policies have favoured the free movement of capital and labour (within the Empire). For many years it placed no restrictions on immigration, a principle reaffirmed in the Nationality Act of 1948. The first major immigration came with the recruitment of West Indians and Asians during World War II and was continued during the post-war reconstruction boom. However, the establishment of a significant ethnic contingent was neither planned for nor anticipated by policymakers. Once “new Commonwealth” immigration developed after the war, the government was reluctant to interfere due to historical and imperial links. Immigration controls were not imposed until 1962 and there was an absence of substantial government planning and involvement in immigration policy prior to that date. The Conservative government contemplated immigration controls seriously in 1955 but never introduced legislation (Geddes, 1996: 42).⁹

The UK’s immigration policies were developed largely in response to problems arising from immigration from former colonies. After racial disturbances in 1958,¹⁰ control was tightened with the 1962 Immigration Act (followed by legislation in 1968 and 1971). Legislation and institutions intended to counter racial discrimination were also established, especially under the Labour Party (Race Relations Acts 1965 followed by Acts in 1968 and 1976). The relationship between these measures and attempts to tighten immigration controls continue to be of considerable importance. Since 1962, the UK has attempted to end primary immigration (particularly from the new Commonwealth and Pakistan), but allow secondary immigration (family reunification). The 1971 Immigration Act under a Conservative government formalized immigration control in this direction. Still in force, it united rules for Commonwealth citizens and other foreigners under one statute. The Act recognized the right of abode to those connected by birth, descent or marriage, but specified the need for a work permit, and the principle of family reunification. Citizenship could

be acquired after five years residence, good character, sufficient English and the intention to stay. Despite this increased regulation and control, it still remains difficult to limit Commonwealth inflow because of dependents.

The most recent comprehensive attempt at immigration regulation and control (prior to the 1999 revisions) was the Asylum and Immigration Act of 1996, the main rationale of which was announced as the need for “strict immigration control”, considered to be the basis of “good race relations” (Miles and Kay 1994: 28), again reinforcing the close proximity of these elements in the UK case.¹¹ The Act embeds in UK law the 1951 United Nations Convention on the Status of Refugees, primarily in order to use the Convention’s narrow definition of “refugees” to legitimate the government’s restrictive intentions. Far stricter measures were introduced to deter “bogus” asylum seekers from abusing the benefits system, i.e., it eliminated the obligation of local authorities to provide asylum seekers with housing and other benefits. In-country asylum seekers are denied all welfare entitlement. The Act criminalizes employers found to employ persons with no right to work. These last two components create what is essentially a series of secondary (i.e., beyond the point of entry) immigration checks to be conducted in the workplace and benefits offices. Finally, the notion of “safe third countries” is also introduced as a mechanism to deny entry or permission to remain. This Act, although it became law in July 1996, was the subject of considerable internal debate within the trade union movement and subsequently became the focus of an ongoing campaign of pressure by the Trade Union Congress (TUC), individual unions and a range of other labour related pressure groups.¹²

UNION OPPOSITION: CHIPPING AWAY AT THE FORTRESS?

Because the UK has been an emigration rather than an immigration country for much of its history, immigration has been less of an issue. It was not until 1955 (in response to post-war immigration from the Caribbean) that immigration, race relations and discrimination¹³ were topics of discussion within the TUC.¹⁴ The connection between race and immigration remains a vital component in the response of British trade unions to recent and proposed immigration, as well as the motivation behind immigration controls at both the national and European levels.¹⁵

While the upshot of the 1955 TUC debate was the passage of a broad motion condemning discrimination (both within the union movement and within the country), the timing of this debate and the more general picture within the labour movement at the time, suggests that the traditional image continued to have validity: “immigrants would form a new cheap labour pool, undermining the trade unions’ traditional bargaining power for their white workers” (TUC, 1991: 312). In recent years there has been a marked change in the trade union

movement in Britain with the TUC visible at the forefront of activities to combat discrimination on internal (setting up the black conference and black sections within unions), national (see below), and international, particularly through the ETUC (European Trade Union Confederation) in Europe and the ICFTU (International Confederation of Free Trade Unions) worldwide, levels. The TUC

“began by providing all affiliated trade unions with anti-discrimination training modules and asking them to adopt disciplinary measures against racist members of their organizations. In 1981, the TUC drew up a charter encouraging people, trade unions, to defend the interests of foreign workers in negotiations... and to welcome them into their organizations on a broader basis.”¹⁶

During the last five years a central component of this stand against discrimination has involved concerted opposition to both European and national moves to tighten immigration controls.

The position of the TUC on the issue of immigration policy is complex. As noted above, it operates on at least three levels and two general arguments run through each level. The first argument concerns general “human rights” (amongst which the right to union representation not surprisingly figures prominently). The second is concerned directly with the issue of racial discrimination. These poles, around which the union position is articulated, are markedly different from the types of arguments documented by Haus in her study of the US case where in all but a limited number of cases racial discrimination was not a prime concern.¹⁷

Despite their declaratory emphasis upon the general notion of human rights, the unions specific concerns are that the kinds of immigration measures being proposed at both national and European levels would hinder effective workplace organization. The general argument is that introducing immigration policing into the workplace is likely to deter workers from any form of official or quasi official contact or “lists” such as those used by unions, thus hindering recruitment and organization. While stopping short of endorsing illegal immigration, the unions’ concern was with the organization of the workforce, not their origin or “authorization status”. This becomes apparent in their internal conference discussions of the measures. Although primarily taking the TUC itself to task for failing to address the concerns of black workers, the National Union of Journalists representative, M. Wandsworth, asked the 1991 conference to

“look at the fall in trade union membership and note that one worker in twenty is black. *They represent a huge pool of members and potential members*, many in an untapped part of the fast growing service and high tech sectors of the economy” (TUC, 1991: 313, emphasis ours).

This comment explicitly links the issues of declining membership and the need, or potential power base, which lies untapped in the “black workforce”.¹⁸ Given

the proximity of issues of immigration and race described above, this illustrates how the issue of organizing the workforce is a key concern to the unions. It is therefore not surprising that unions are likely to oppose any measures which hinder their capacity to do this, such as the workplace checks that were proposed in the 1996 Asylum and Immigration Bill.

This reveals only one element in the unions' preferences. At the 1990 conference, the General Council broadly outlined the TUC's position, endorsing "the principle of dismantling the barriers between nations and allowing the free movement of all persons to the greatest extent possible" (TUC, 1990: 585). At a national level, this commitment took the form of a campaign of criticism and opposition to the earlier Immigration Act which, in the view of the TUC (and an array of other immigrant welfare groups), "discriminates heavily against those seeking entry into the UK from the new Commonwealth and Pakistan" (TUC, 1990: 585). This provides further support for the contention that unions were primarily concerned with organization. Whereas other immigrant groups in the UK (particularly Caribbean and Indian) have substantially higher than average union membership, the particular group the unions identified as most discriminated against in the 1988 Act are also the element of the labour force that is relatively poorly unionized and thus seen as important potential members whose organization would contribute significantly to reversing the downward trend in union membership (Modood and Berthoud, 1997: 135).¹⁹

This general criticism of the 1988 Act and developments during the semi-secret Schengen negotiations at a European level, were followed by the introduction of a motion by the National and Local Government Officers Association (NALGO) which, although directed primarily at the Schengen proposals, also provides insight into trade union orientation on the question of immigration controls. The motion was concerned particularly with those elements which emphasized internal policing of illegal, or "unauthorized", workers. Among other things, it expressed the belief that the operation of this form of immigration control would "lead to the *creation* of a low paid pool of unauthorized workers without rights in EC countries" (TUC, 1990: 473, emphasis ours). Despite the radical assertion that it is the operation of this form of control which *creates* the illegal workforce, this sentiment initially appears to be very close to the type of statement quite consistent with the traditional perspective, in that it reflects a fear regarding the creation of a "reserve army" of non union labour which undercuts the union position. However, this statement is qualified in a manner that challenges this interpretation. The motion goes on to argue that the proposed controls were damaging because they "will undermine the ability of trade unions to defend their members and...are totally contradictory to the basic principles of trade unionism" (TUC, 1990: 473).

However, even this argument might be seen as simply a rhetorical commitment, concealing the "real" union fears, as understood by the traditional interpretation,

of a non-unionized labour pool “weakening” unions. However, subsequent “demands” set out in the NALGO motion challenge this contention. These demands, to be pursued at national, European and global levels, included:

That the contribution made by unauthorized workers to the EC economies be recognized by *granting an amnesty* to all “unauthorized” workers living in EC countries and *by the repeal of existing legislation which criminalize them...* all immigrants, migrants and refugees to be guaranteed legal status...to have the right to live and work in any country in the EC. All workers in the EC to have the right to join, *participate and hold office in Trade Unions* (TUC, 1990: 474, emphasis ours).

Quite clearly this is a radically liberal approach to immigration issues and one which, even allowing for the hyperbole of conference speech making, is a complete reversal of the position that the traditional view would lead us to expect. The NALGO motion identifies the source of the “problem” of unauthorized workers as legislative, by claiming that “unauthorized workers would not exist if we did not have racist immigration controls”. Furthermore, it explicitly sees the solution (an amnesty) in terms of union rights and organizing potential: “If unauthorized workers were given an amnesty unscrupulous employers could not exploit them” (TUC, 1991: 474).

In the end, this motion proved perhaps a little too radical for the TUC General Council which requested that it be remitted rather than be put to the vote²⁰ in order that the issues raised could be investigated and reported upon in detail at the following year’s conference. Although this move was aimed at moderating the TUC position,²¹ it also demonstrates the level of concern that the organization attached to the issue of immigration in that it was prepared to undertake a substantial research and consultation process in order to formulate a position. NALGO agreed to remit the motion and Conference was promised a report the following year.

This report presented to the Conference, although substantially toned down, repeated many of the positions set out in the original NALGO motion, including a somewhat ambiguous reference to an amnesty. A representative of NALGO (the originators of the motion), reiterated the challenging position that “A more liberal immigration regime would prevent the number of ‘illegals’ from increasing in the future” (TUC, 1991: 454). Furthermore, the reasoning behind this position was again made clear, simultaneously demonstrating a pragmatic recognition of the nature of the contemporary situation, and an old school “working class unity” idealism, which “recogniz[ed] and accept[ed] that there are now many unauthorized workers within the EC who are working in rotten conditions and who are too scared to join unions to protect themselves” (TUC, 1991: 454). This would appear to illustrate a new degree of solidarity with immigrant labour rather than the hostility that traditional interpretations of the situation would lead us to expect and which previously both employers and

race-baiting politicians had been able to exploit. This is indicative of an important shift in the position of the unions.²²

How might this change of position be explained? Two motives are apparent in the debate extracted above, both related but nonetheless distinct. One stems from the international level, the other from the domestic, again suggesting the importance of immigration policy as a point of intersection of these concerns. At the international level, certainly within the EU, the labour market has increasingly become transnationalized. Labour markets in commodities and services are far less tightly tied to national boundaries now than was previously the case. It is the recognition of this *de facto* shift that has led labour unions to resist legal attempts to reassert national controls via tightened immigration legislation. Although legal attempts to regain control over sovereign economies (and thus labour markets as a component thereof) might garner support as short-term measures, both labour and employers appear to recognize the essential futility of such attempts in the long-term. This is particularly the case in the European Union but is also apparent more broadly, a factor indicated by union opposition to EU level restrictions.

The second reason is related to this shift. Several authors have presented the globalization of economies as an important challenge to labour. Employers (and particularly multinational corporations) have been far quicker to adapt to a situation and utilize it to their advantage in undermining labour organizations. This inability to change in order to accommodate shifting patterns in the global economy, has been cited as one element in the decline of labour unions during the 1980s. This decline, which in the UK was deliberately exacerbated by a government ideologically hostile to trade unions, has led to a substantial fall in membership and consequently the “power” of unions. In response to this, the 1990s have seen unions in Britain (and also the US) mount concerted membership and organization drives in the service and part-time industries which increasingly dominate “post-industrial” economies. While these industries have traditionally been poorly unionized, their increased importance in the economy has seen unions actively recruiting members.²³ This is the key element in the second component of the explanation. Unions oppose restrictive immigration legislation, particularly that which redirects attention to the place of work rather than the place of entry (as for example does the 1996 Asylum and Immigration Act), because it places a substantial brake on workplace organizing. Interestingly, the coalition with employers is also apparent here. As the UK Act criminalized employment of an undocumented worker, the burden was shifted on to employers who also opposed the measure (but for quite different reasons than those of most concern to the unions).²⁴

During the following year, TUC attention focussed upon Europe and proposals for dealing with immigration contained within the Treaty of European Union (TEU). In particular, the TUC was concerned that the TEU, although explicitly

concerned with immigration under one of its intergovernmental pillars (Justice and Home Affairs), failed to make any mention of measures to combat racial discrimination and attacks on foreigners which were, at that time, increasing substantially across Europe, most notably in post-reunification Germany and France.²⁵

At a domestic level, the TUC was particularly concerned with the repropoed Asylum Bill which had received its second reading in Parliament the previous November but had been withdrawn prior to the general election, only to be reintroduced in an extended form on the back of the Conservative electoral victory. Against the background of a series of vicious attacks against immigrant communities in Germany, the bill was widely condemned as joining in a process of “victim blaming” in which both immigrants and asylum seekers were blamed for both the disturbances and the economic problems facing the majority of countries in Western Europe. The distinction drawn in the bill between an “economic refugee and a real one” was condemned by a National Association of Teachers in Further and Higher Education (NATFHE) representative as “double-talk based on the old racist myth” (TUC, 1992: 454). The government was criticized for “playing the race card”.

Opposition to the government’s proposed measures, which had been renamed the Asylum and Immigration Appeals Bill, continued at the next conference in the form of commitments to continued organization against the bill at all levels, including potentially challenging the legality of the measure in the European Court. The TUC undertook to continue the process of coalition building against the bill. This campaign was reinvigorated in July 1995 when Michael Howard (then Home Secretary) announced an internal “clamp down” upon “widespread abuses” of the social welfare system by illegal immigrants. These measures, and the logic underpinning them, were roundly criticized both by TUC leadership and individual unions (especially UNISON) which called upon the Home Secretary to make available the data within which this “problem” had been identified publicly.²⁶ Once again the key element of these measures was internal policing and the nature of this initiative was vigorously criticized as both unworkable and inherently discriminatory. “How exactly are public workers in Health Service and Benefit offices to know who should be checked?”, it was asked, “if not by the colour of their skin” (TUC, 1995: 96). This also provided the focus of attention when similar requirements were placed upon employers by the 1996 Act, forcing employers, the unions argued, to become unqualified second level immigration officials.

Despite the passage of the Act, the TUC continued to press for its non-implementation and/or repeal, and the Labour Party’s victory at the 1997 election held out the possibility that it would indeed be modified. Despite the failure of its lobbying effort to prevent the legislation, the TUC continued to work to mitigate what it saw as the most discriminatory consequences of the

Act, publishing a range of guidelines for union organizers and employers and continuing to support individuals charged under the Act. The TUC has also been involved in broader-based campaigns against both the general policy (stemming from the Act) of increased use of enforced detention of asylum seekers and the discriminatory manner in which these mechanisms have been used. During the summer of 1997 the TUC and a coalition of other organizations put on a high profile festival (“Respect ’97”) aimed at raising awareness of workplace discrimination and, importantly, seeking to encourage higher numbers of workers from immigrant groups to join the union movement. In 1999 New [sic] Labour introduced its own restrictive legislation, the Asylum and Immigration Act of 1999, the passage of which, despite significant union opposition, demonstrates the extent to which “Blair and his colleagues have held the trade unions at arms length” (Laffin and Alys, 1997: 119). Despite this, TUC opposition remains vocal, with the March 2000 Women’s Conference taking a firm stance against the 1999 Act. At a European level too, the TUC, via the ETUC, has remained active in pushing race and immigration to the forefront of social policy concerns, and although these efforts have met with only mixed success in terms of policy outcomes, the positions adopted reflect the same mix of concerns identified above.

CONCLUSIONS

Despite the differences, most notably around the profile of issues of race,²⁷ we find that the challenge to traditional thinking, identified by Haus in the case of the US,²⁸ is largely borne out in the UK context. Labour organizations do not universally support restrictive measures; indeed there is substantial evidence that they are at the forefront of opposition to such measures. Political and economic changes in Western Europe (and indeed globally) have made it necessary to rethink conventional ideas about the dynamics of political action and mobilization. The globalization of economies, in particular labour markets, has expanded the concerns of “domestic politics” and thereby challenged the traditional frameworks for understanding international migration and reactions to it.

Building on Haus’ work, our study supports the argument that conventional wisdom regarding the relationship between national and international labour markets, and efforts by unions and governments are no longer sufficient. These efforts converge in the area of immigration policy. The simplistic notion that unions will oppose immigration and support all legislative measures to restrict it on the grounds that in so doing they restrict the “reserve army” of surplus labour, and thereby strengthen their labour market position, no longer seems to be universally true. The implications of these findings are profound for both analytic theories and the assumptions which underpin them. The dynamics of national politics have so altered that the interests of domestic actors are being redefined in what appear to be increasingly international or transnational terms.

Specifically, our research suggests that in the context of the global labour market, trade unions specify their interests in a manner that takes this into account by demonstrating increased solidarity with migrant labour rather than maintaining narrowly “national interests”. This important change holds out the possibility that unions might, after a long struggle, be finding ways to overcome divisions such as the attitude to immigration and immigrant groups that have long been recognized as a source of weakness and division among the “workers of the world”. Paradoxically, our findings also suggest that this weakness may have been instrumental in pushing unions into this position. In a situation of comparative strength within a domestic polity, unions may not be so opposed to controls (as we saw in the 1970s). However, in a period of relative weakness, challenges to their legitimacy, membership and recruitment (particularly in growing sectors of the economy and among untapped resources), take on increased significance. Legislation which threatens to hinder this is therefore likely to be resisted strongly both for ideological and self-interested reasons.

There are also some differences in the expectations to be drawn from these two conclusions. The former, in which unions act as a transmission belt of transnational or globalizing pressures into the domestic policy sphere, would appear to suggest broad resistance to all immigration measures. The latter would suggest resistance to be most marked to those measures which focus on internal rather than border controls. This is certainly true of the Asylum and Immigration Act in the UK and is also substantially true of those measures being proposed and enacted in the EU.

The idea that labour unions might be seen as an example of a “transmission belt” of transnational pressures into domestic contexts, contributes to the more general debate between approaches: those which focus solely on states and those which afford other factors importance as organizing and analytic principles in global relations. Our argument also raises important questions regarding what previously has been assumed to be a clear distinction between domestic and international realms. In terms of explaining immigration policies, analysts have looked to *either* international or domestic determinants with emphasis on the nation state as the key actor bridging the gap. The framework suggested by the discussion above indicates that other groups may act as intermediaries, and even though policy-making remains within a domestic (or regional in the case of the EU) sphere, truly transnational interests are imported into the policy-making process. If this is indeed the case, significant further study in the realm of the attitude of labour organizations toward immigration policy is warranted.

NOTES

1. An early version of this article was presented as a paper at the Social Science History Association (SSHA) Annual Conference in Washington, DC, October, 1997. The authors would like to thank the two reviewers for constructive and detailed suggestions. We would also like to thank Leah Haus for her comments and above all the editor of *International Migration* for his forbearance over delays.
2. This has a very long tradition; for example, the apprenticeship and qualification requirements and mechanisms of medieval guilds had this protection of the labour market as one of their aims.
3. This is particularly important in the context of modern “welfare states” whose mechanisms of support are already stretched by the combined effects of demographic change (ageing population and shrinking taxation base) and a decade of (neo-liberal) ideological challenge.
4. It should be noted that expulsion is not an option after immigrants become citizens because the goal of the state is to protect its citizens.
5. While the study of institutions as autonomous political forces in political science is not new, recently there has been a resurgence of institutional studies described as “new institutionalism” (March and Olsen, 1984; Skocpol et al., 1985; Steinmo et al., 1992).
6. In the context of the Australian and Canadian examples, these issues are discussed for example in Quinlan and Lever-Tracy (1988a, 1988b), and Iocavetta et al. (1996).
7. During the past few years, the growth of right wing extremism in particular has become an issue which has received widespread coverage. The influx of immigrants has stimulated a backlash that has fed the growth of numerous xenophobic parties. Established parties have been under increased pressure to curtail all new immigration and to adopt anti-assimilation policies toward settled immigrants (Beyme, 1988; Kitschelt, 1995).
8. The issues of exploitation, labour standards, and illegal immigration flows raise significant and complex questions in this respect.
9. It should be noted that this coincides with the first discussion of “concerns” of this nature within the TUC .
10. There were anti-immigrant disturbances in Nottingham and Notting Hill in August and September, 1958.
11. Race and immigration are explicitly and inextricably linked in the UK (and many other Commonwealth countries) in ways in which they have not always been in the US. The “race issue” in the US post-1945 has been focussed largely on the domestic Afro-American population. It is only very recently that growth of the larger immigrant Hispanic population has led to these issues and linkages being revisited. On the relationship between race/immigration and various contexts, see Fielding (1998) and Knowles (1992). See also notes 13 and 15.
12. The Trade Union Congress is perhaps the best-known pressure group within the UK. Despite undergoing serious decline in the past decade, and coming under substantial political and legal pressure, it remains (with over 7 million members) the largest interest group in the UK and can claim, as it does, to be representative of “Britain’s voice at work”. It is an umbrella organization to which the majority of the UK’s individual trade unions are affiliated.
13. The connection between immigration and race/racial discrimination is far more direct in the UK (and Western Europe generally) than in the US. The reasons for this are apparent: whereas after the end of slavery many immigrants to the US were of

- European origin (and thus “white”), in Europe the immigrants were by and large from former colonies and racially distinct – “black”.
14. This may of course represent a failing on the part of the TUC rather than an indication of the salience of the issue generally.
 15. In some respects there are signs of movement in this direction in the US where, particularly in the field of agricultural labour, migrants are increasingly closely associated with Latino “race” issues.
 16. Delorme, Jacky, *ICFTU/Trade Union World*, “Good Business Practices”, 1.1.1998.
 17. One explanation of this difference in focus (although as we will argue, the policies advocated are very similar) might be the profile that equal opportunities and affirmative action legislation has in the US. While comparable measures (for example the Race Relations act of 1976) exist in the UK, the form taken by the proposed immigration legislation, combined with the close interdependence of the issues of immigration and race in the UK, led unions to couch their arguments explicitly in terms of the likely racial discrimination they saw such measures as creating.
 18. This term, in general usage, conflates immigrant workers and the majority of British-born workers of a variety of ethnic groups, once again reinforcing the interdependence of the issues in the UK situation.
 19. It has been argued not without some challenge (Modood and Berthoud, 1997) that this tendency is reinforced in the case of women who are kept in the worst, lowest paid, least unionized forms of employment.
 20. Conference (and thus conference votes) is the highest authority in the TUC. Votes decide TUC policy over the subsequent year.
 21. The General Council argued that the case for an amnesty was not necessarily conditional upon the repeal of all laws criminalizing illegal immigrants, favouring instead a less radical revision of existing legislation with the issue of an amnesty to be investigated.
 22. A quite different position is adopted for example than that which previously underpinned the TUC’s support for work voucher schemes in the late 1950s (subsequently introduced as part of the 1962 Commonwealth Immigration Act) and their outright hostility to Labour Party’s anti-discrimination measures in the early 1970s.
 23. The quote from the conference debate cited above reinforces this claim.
 24. While the TUC couched its arguments in terms of the dangers of discriminatory practices stemming from the provisions of the Act against “black and ethnic community members...and even those with foreign sounding names”, the employers argued that the proposals “placed an unjustified burden” upon them.
 25. The particular concern of the TUC was the situation that would face British-born members of ethnic minorities and Commonwealth immigrants who have full rights in the UK but might be denied these (and the same freedom of movement) elsewhere in the EU.
 26. The initiative was apparently based upon the findings of an unpublished internal government report.
 27. See note 13.
 28. For more recent support, see David Bacon. “US: on immigration, the AFL-CIO gets it right”, *San Francisco Chronicle*, 27.03.2000.

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LES SYNDICATS, LES IMMIGRANTS ET LE MARCHÉ TRANSNATIONAL DU TRAVAIL S'ATTAQUENT À LA FORTERESSE

L'idée prévaut généralement que, dans les pays industrialisés à économie libérale, la récession économique et le chômage incitent à l'adoption de mesures législatives restrictives en matière d'immigration et que ces restrictions reçoivent l'appui des syndicats, qui y voient le moyen de préserver leurs intérêts.

S'appuyant sur une étude de cas consacrée au mouvement d'opposition des syndicats britanniques à la Loi de 1996 sur l'asile et l'immigration, les auteurs objectent que les syndicats, traditionnellement réputés favorables à ces mesures protectionnistes, sont en réalité radicalement opposés à celles-ci.

Les auteurs tentent de montrer que la transnationalisation croissante des marchés du travail, à quoi s'ajoute la nature particulière des mesures législatives qu'elle suscite, a conduit les syndicats à adopter cette position apparemment paradoxale.

USURPANDO EL FUERTE: LOS SINDICATOS, LA INMIGRACIÓN Y EL MERCADO LABORAL TRANSNACIONAL

Generalmente se dice que en los países industrializados los periodos de recesión económica y desempleo crean presiones para que se instaure una legislación de inmigración laboral restrictiva que contará con el apoyo de los sindicatos puesto que permite salvaguardar sus intereses.

Sobre la base de un estudio por casos relativo a la oposición de los sindicatos británicos a la Ley de 1996 sobre Asilo e Inmigración, en este artículo se arguye que los sindicatos, a pesar de que la interpretación tradicional conduciría a pensar que apoyarán estas medidas proteccionistas, son los primeros en oponerse.

También se sugiere que el carácter mayormente transnacional de los mercados laborales, combinado con la naturaleza particular de la respuesta legislativa, han conducido a que los sindicatos adopten esta postura aparentemente paradójica.