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Trade Unions and Political Equality

Forthcoming in Hugh Collins, Gillian Lester, and Virginia Mantouvalou, eds., *Philosophical Foundations of Labour Law*, (Oxford University Press, 2019)

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[This is a penultimate version of this chapter. For the final version please refer to Collins, Lester, and Mantouvalou, eds., *Philosophical Foundations of Labour Law*]

Introduction

Recent years have seen major concerns about the growth of both economic and political inequality in Euro-Atlantic countries. The claim that political inequality has increased is often expressed by saying that politics has become more 'oligarchic' or 'post-democratic', with policy-making strongly influenced, more so than in the relatively recent past, by business corporations and the very wealthy.[2] At the level of political activism, this is part of what is conveyed by the contrast between the '1%' and the '99%'.[3] The '1%' is not just an economically privileged group, but a group that is held to have disproportionate political influence. This state of affairs has prompted interest in rethinking democratic political structures, such as interest in direct democracy and/or in the use of lottery-like mechanisms ('sortition') to select representatives. These proposals tend to focus on political institutions, however, while abstracting from the associational context in which these institutions work. Yet changes in the associational environment – in particular, the decline of trade unions – play a central role in influential accounts of how the *oligarchic shift*, as we might call it, has occurred. The discussion of how to address this shift thus seems somewhat disconnected from discussion of how it emerged.

In this chapter, we aim to reconnect the two by revisiting the issue of how trade unions potentially contribute to political equality. We argue that the state's adoption of a *promotive stance* towards trade unionism and collective bargaining should be seen, in part, as a feature of a stable democratic polity, one that is more internally resilient to

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[2] Colin Crouch, *Post-Democracy* (Polity Press 2004).
[3] Joseph E Stiglitz, 'Of the 1%, by the 1%, for the 1%' [2011] *Vanity Fair* <http://www.vanityfair.com/news/2011/05/top-one-percent-201105> accessed 19 December 2017; Joseph E Stiglitz, *The Price of Inequality* (W W Norton & Company 2012).

oligarchical pressures. In this way, we argue that basic questions of labour law, which affect trade unions' formation and operation, need to be viewed from the standpoint of democratic theory and in light of the challenge of preventing a drift of representative institutions towards oligarchy.

We proceed as follows. In section 1 we clarify the *oligarchic shift* thesis and briefly outline some of the proposals for addressing it by means of changes to the structures of democratic policy-making. We also draw out the aforementioned disconnection between the discussion of what has caused the shift and how we might address it. In section 2 we then set out some of the ways in which trade unions can be expected to contribute towards political equality and, in this way, help to reverse and prevent oligarchic shifts. We also respond to the objection that unions can be bad for democracy. On this basis we argue, in section 3, that the democratic state should adopt a promotive stance towards trade unions and collective bargaining. We clarify what the promotive stance involves and respond to some objections to it. Section 4 concludes with some remaining questions about the possible implications of our argument for democratic constitutionalism and democratic life within trade unions.

1. The oligarchic shift and the rethinking of democracy

In the spring of 2014 newspapers and websites in the US and around the world (including the UK) ran a story about a highly quantitative article in an academic political science journal. Headlines were typically of the form: 'Study finds US is an oligarchy, not a democracy'.[4] The reports concerned a paper by Martin Gilens and Benjamin I. Page.[5] Gilens and Page examine how the likelihood of a policy's adoption by the US government is affected by the level of support it receives from the average voter (the voter in the middle of the income distribution). They find that once we control for the preferences of the rich (the top 10% of the income distribution) and of organised interest groups, the level of support for a policy by the voter on median income makes no difference to the likelihood of its adoption. Policy is sensitive to the preferences of the better off and of organised interest groups; but apparently not to those of the economically average citizen. (Organised interest groups do not do much to offset

[4] See e.g. BBC, 'Study: US Is an Oligarchy, Not a Democracy' *BBC News* (17 April 2014) <http://www.bbc.co.uk/news/blogs-echochambers-27074746> accessed 7 August 2017.
[5] Martin Gilens and Benjamin I Page, 'Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens' (2014) 12 Perspectives on Politics 564.

this as they are weighted towards business corporations and the better off.) If, however, policy-making is insensitive to the preferences of the economically average citizen, how can the US really be a democracy?

Although these results have been challenged,[6] Gilens and Page are not alone in suggesting that the US is, or has become, oligarchic in character. For Jacob Hacker and Paul Pierson, an important 'smoking gun' here is the marked difference in the distribution of gains from economic growth in the post-war period (1945-79) when compared to this distribution in more recent years.[7] While in the first period income growth was roughly the same across the income distribution, meaning that everyone was sharing equally in growth, the period since 1979 has seen an extreme concentration of economic growth at the top-end of the income distribution. This cannot be plausibly explained by economic changes alone, but reflects policy choices and the political forces that have shaped these choices. According to Hacker and Pierson a key set of developments, helping to explain the observed change in the distribution of gains from growth, concerns the representation of social interests in the policy-making process. Business corporations have hugely increased their formal organisation and lobbying efforts since the 1970s. Trade unions have been in decline over the same period. Elected representatives face growing costs in running election campaigns and have therefore become more reliant on those who have the money to help them, tipping them into more reliance on richer voters and business corporations.

Hacker and Pierson's study is consistent with a wider argument presented in a series of works by Colin Crouch.[8] Crouch argues that many advanced capitalist nations have become 'post-democratic' in the past thirty or so years. They retain important democratic features such as universal adult suffrage, open political competition and expansive rights of free speech. But the effective representation of social interests has narrowed, so that 'politics and government are increasingly slipping back into the control of privileged elites in the manner of pre-democratic times...'.[9] Globalisation has enhanced businesses' bargaining power by increasing their exit options, Crouch argues,

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[6] Omar S Bashir, 'Testing Inferences about American Politics: A Review of the "Oligarchy" Result' (2015) 2 Research & Politics 1 - Omar Bashir's study nevertheless offers some evidence consistent with the oligarchy thesis. Looking at who wins when the preferences of the average citizen and the highest income 10% conflict, he finds that the rich win roughly 50% of the time (p7).

[7] Jacob S Hacker and Paul Pierson, *Winner-Take-All Politics: How Washington Made the Rich Richer-and Turned Its Back on the Middle Class* (Simon & Schuster 2010).

[8] Crouch (n 1); Colin Crouch, *The Strange Non-Death of Neo-Liberalism* (Polity Press 2011); Colin Crouch, *Making Capitalism Fit for Society* (Polity Press 2013).

[9] Crouch (n 1) 6.

while at the same time deindustrialisation has led to union decline and to a weakening of the relationship between unions and parties of the left and centre-left. These parties have tended to solicit more support from business and have had to become more responsive to them.

Alongside these studies, there is no doubt that the last decade has seen the emergence of a form of activism that is centrally motivated by a perceived failure of democracy. In a recent study of what they call 'subterranean politics' in Europe, encompassing among other groups Occupy and the Indignados, Mary Kaldor and Sabine Selchow find that a common feature of this politics across the continent is 'extensive frustration with formal politics as it is currently practised…. current protests are not so much simply about austerity but about *politics*'.[10] This frustration with 'politics' is linked to 'projects of collective re-imagining of democracy'.[11] Concerns about the alleged oligarchic shift have promoted a rethinking of democracy at the academic level too.

One expression of this is interest in more use of direct democracy. Proposals for greater use of direct democracy, e.g., referendums, feature in the programmes of European Pirate Parties and of the Partido X in Spain, a party that emerged out of the Indignados movement.[12] Another expression, initially more a focus of the academic literature but with a growing presence in activist thinking, is for the use of random or near-random selection of representatives. For example, in his recent book on 'Machiavellian democracy', John McCormick has proposed the creation, in the US context, of a Tribunate, a body of 51 citizens selected at random from the US population for a short term of office, but with politicians and the rich (those in the top 10% of the wealth distribution) excluded from eligibility.[13] The Tribunate would have powers to veto decisions by other branches of the US government, to put one proposal a year to a national referendum, and to initiate impeachment proceedings against officials in other government branches. McCormick understands the Tribunate as having an explicitly anti-oligarchic function: as representing 'the people' as distinct from the economic elite and, thereby, as building a stronger sense of popular consciousness in relation to the

[10] Mary Kaldor and Sabine Selchow, 'The "Bubbling Up" of Subterranean Politics in Europe' (2013) 9 Journal of Civil Society 78, 84.
[11] ibid 88.
[12] See the website of Partido X at https://partidox.org/democracia-y-punto-version-reducida/ and the website of the Icelandic Pirate Party at http://www.piratar.is/policies/?lang=en
[13] John P McCormick, *Machiavellian Democracy* (CUP 2011).

elite. Meanwhile Alex Guerrero has argued for the full replacement of elected representation with representative assemblies selected by lot, on the ground that this 'lottocratic' system would be much less vulnerable to elite capture than elected representation.[14]

Arguments for new political institutions and processes of this kind might or might not have their merits, but it is surely important to consider not only the nature of democratic institutions themselves but the associational environment within which they work. After all, if we return to the research cited above on the alleged emergence of the oligarchic shift, we do see an emphasis on the role of associational change. In particular, Hacker and Pierson and Crouch both identify the decline of trade unionism as one factor causing the shift.[15] Indeed, inattention to associational factors may lead democratic reformers either to overstate the problems with established forms of representation or to overstate the gains from proposed innovations. Guerrero, for example, argues that electoral representation fails as a device for holding representatives to account because voters are too ignorant of their interests and of what their representatives do.[16] But voter ignorance is not a fixed constant of electoral representative democracy. Hacker and Pierson argue that one way the decline of trade unions has contributed to the rise of a 'winner-takes-all' politics and economy is precisely by weakening the informational basis on which 'middle-class' citizens approach politics.[17] By the same token, it may be that a revival of broad-based associations within the US 'middle-class' would improve things and so mitigate voter ignorance.[18] Those proposing a turn to solutions such as direct democracy might also consider how far this is likely to tackle oligarchy by itself. Who will have the resources to shape agendas for direct democracy and to intervene in debates prior to votes? Will advantage not lie with the rich and with business corporations? A strong civil society able to counteract the power of money is likely to

[14] Alexander A Guerrero, 'Against Elections: The Lottocratic Alternative' (2014) 42 Philosophy & Public Affairs 135.
[15] Unionisation has declined in all OECD countries (with 'peak' years ranging from 1960 to 1995). See Jonas Pontusson, 'Unionization, Inequality and Redistribution' (2013) 51 British Journal of Industrial Relations 797, 800, table 1.
[16] Guerrero (n 14) 140.
[17] Hacker and Pierson (n 7) 139–158. Hacker and Pierson's talk of the 'middle class' can be confusing for their readers in the UK, where the term denotes those in professional and managerial occupations, in the upper parts of the income distribution. Hacker and Pierson's US-English use of the term is much broader, including workers on relatively low or moderate incomes.
[18] Guerrero goes some way to acknowledge this point when he says that 'there are some contexts in which these properties [e.g., voter ignorance] might not obtain', in which 'an electoral representative system might fare better' Guerrero (n 14) 153–154.

be very important. Hacker and Pierson make this point about the importance of associations with the present US political system in mind, but the point applies more generally:

'Voters are hardly powerless. But their attention to what government actually does is limited and typically brief. And given the complexity of our political institutions, they can have a devilishly hard time determining whom they should hold accountable when they are discontented. In our fragmented political system, victories without enduring organization are almost always fleeting. To influence the exercise of government authority in a modern democracy generally requires a range of formidable capabilities: the capacity to mobilize resources, coordinate actions with others, develop extensive expertise, focus sustained attention, and operate flexibly across multiple domains of activity. These are the attributes of organizations, not discrete, atomized voters.'[19]

With Hacker and Pierson's general point in mind, we intend now to explore the contribution that trade unions in particular might make to reversing and/or preventing the oligarchic shift.[20]

2. Trade unions and political equality

There is considerable evidence that organised labour, including trade unionism, plays an important causal role in the replacement of authoritarian with democratic regimes.[21] Within democratic politics itself, there are a number of ways in which trade unions can affect the relationships of informal power within which politics takes place. As well as representing their members within the workplace, trade unions can provide a

[19] Hacker and Pierson (n 7) 113.

[20] In their response to McCormick's Tribunate proposal, David Owen and Graham Smith suggest that trade unions might perform the tribunate role. See Owen and Smith, 'Machiavellian Democratic Innovations: McCormick's People's Tribunate' (2011) 20 The Good Society 203.

[21] See e.g. Dietrich Rueschemeyer, Evelyne Huber and John D Stephens, *Capitalist Development and Democracy* (University of Chicago Press 1992); Evelyne Huber, Dietrich Rueschemeyer and John D Stephens, 'The Impact of Economic Development on Democracy' (1993) 7 The Journal of Economic Perspectives 71. According to Huber, Rueschemeyer and Stephens, at p83: 'The level of economic development is causally related to the development of political democracy. However, the underlying reason for the connection…is that capitalist development transforms the class structure, *enlarging the working and middle classes and facilitating their self-organization*, thus making it more difficult for the elites to exclude them politically' (italics added). The rise of trade unions is an important element of what the authors refer to here as the 'self-organization' of the working class. Other variables mediate the impact of working-class self-organisation, so that democratisation is not the only or inevitable outcome

much wider form of 'countervailing power' to the rich and business corporations.[22] This role can be achieved by a number of discrete, but sometimes intertwined and interacting, mechanisms. We here describe several such mechanisms: (1) increasing political participation; (2) improving voter information; (3) cultivating democratic character; (4) contributing to cementing partisan alliances and building social trust within political parties; (5) widening elite recruitment; and (6) giving direct voice to workers' interests thereby shaping the terms of political argument. We also briefly comment on (7) possible contributions to coordination of transnational political action and (8) unions' potential role in shifting control over investment in a more democratic direction. Finally, we respond to a vein of scepticism about unions and democracy.

2.1 Unions and political participation

'Why should we be beggars with the ballot in our hand?' This line from an old Liberal song conveys a basic truth about the potentially empowering and equalising effects of universal suffrage.[23] However, the ballot's impact will not be felt if it is not exercised, particularly by those who have few other sources of influence. Thus, one way in which trade unions might contribute to the health of democracy is through their impact on participation in democratic institutions and processes, e.g., on voting in elections. Unions might encourage participation in a range of ways.[24] They might foster a sense of efficacy in the workplace that carries over into other areas such as electoral politics (see also section 4.3 below). They might give individuals more information that prompts participation (see also section 4.2 below). They may give individuals a sense of collective belonging or identity that makes voting more of a benefit in expressive terms.[25] They may change what politicians offer at elections so as to engage specific groups. Not least, they can help voters get to the polling station on the day of an election (and help them to register to vote where this is necessary). This effect on participation furthers political equality insofar as it works in particular to raise participation amongst

[22] John Kenneth Galbraith, *American Capitalism: The Concept of Countervailing Power* (Houghton Mifflin Company 1952); Sidney Verba, Jae-on Kim and Norman H Nie, *Participation and Political Equality: A Seven-Nation Comparison* (CUP 1978); see also Wolfgang Streeck and Anke Hassel, 'Trade Unions as Political Actors' in John T Addison and Claus Schnabel (eds), *International Handbook of Trade Unions* (Edward Elgar Publishing Ltd 2003).

[23] The song is 'The Land' and featured in the campaigns for land reform initiated by British Liberals in the early twentieth century.

[24] Patrick Flavin and Benjamin Radcliff, 'Labor Union Membership and Voting across Nations' (2011) 30 Electoral Studies 633, 634–635.

[25] Carole J Uhlaner, 'Rational Turnout: The Neglected Role of Groups' (1989) 33 American Journal of Political Science 390.

disadvantaged individuals, working against the frequently observed class profile in political participation.

That is the theory, but what is the evidence? There is a good deal of evidence that is consistent with these expectations. Aggregate-level studies have found a statistical association between union density and voting turnout across nations and across time.[26] Declining voter turnout across the bulk of OECD nations is statistically associated with the decline in trade unionism: 'Overall, those nations that saw a decrease in unionization also saw the greatest average decline in voter turnout'.[27] Individual-level studies have found that union members are more likely to vote than non-union members.[28] There is dispute as to how far this association is causal, such that union membership independently causes higher participation. There is, however, some evidence to support the causal interpretation, at least as part of what is going on.[29] There is also some evidence that union effects on political participation are stronger for those with lower educational levels.[30] By contrast, one recent study by Aina Gallego finds that strong unions do not improve equality in voting across social classes.[31] However Gallego speculates that this might reflect changes in the profile of workers represented in unions, away from the most disadvantaged groups: while unions might once have mobilised poorer voters so as to narrow class inequalities in voting, they do so to a lesser extent now because they have become less representative of poorer voters. The study thus underscores the importance of looking at which groups of people unions represent and mobilise, and how this might be changed.[32]

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[26] Mark Gray and Miki Caul, 'Declining Voter Turnout in Advanced Industrial Democracies, 1950 to 1997' (2000) 33 Comparative Political Studies 1091; Benjamin Radcliff and Patricia Davis, 'Labor Organization and Electoral Participation in Industrial Democracies' (2000) 44 American Journal of Political Science 132; Pontusson, 'Unionization, Inequality and Redistribution' (n 15) 808–810.

[27] Gray and Caul (n 26) 1103.

[28] Daryl D'Art and Thomas Turner, 'Trade Unions and Political Participation in the European Union: Still Providing a Democratic Dividend?' (2007) 45 British Journal of Industrial Relations 103; Flavin and Radcliff (n 24); Jasmine Kerrissey and Evan Schofer, 'Union Membership and Political Participation in the United States' (2013) 91 Social Forces 895.

[29] D'Art and Turner (n 28) 118; Kerrissey and Schofer (n 28) 917–918.

[30] Kerrissey and Schofer (n 28) 909.

[31] Aina Gallego, 'Understanding Unequal Turnout: Education and Voting in Comparative Perspective' (2010) 29 Electoral Studies 239.

[32] In the UK, the class profile of trade unionism has changed substantially in the last fifty years. In the 1960s, a majority of trade union members were 'working-class' (people in manual jobs with relatively low education). Today, around half of trade unionists in the UK are in the 'new middle class' (non-manual workers with relatively high education levels), and unionisation is actually higher amongst those in the new middle class than in the working-class. See Geoffrey Evans and James Tilley, *The New Politics of Class: The Political Exclusion of the British Working Class* (OUP 2017) 65–67.The consequences of such changes are discussed in Pontusson, 'Unionization, Inequality and Redistribution' (n 15). Pontusson finds that while union decline helps explain growing inequality in earnings and reduced

Janice Fine's work on 'community unions' in the US focuses on the way new kinds of labour- and community-based associations have emerged in response to the limitations of coverage and responsiveness by the mainstream trade union movement.[33] Fine's case studies indicate how, through community-based campaigns against specific employers or for specific policy measures, these associations can help particularly disadvantaged groups of workers, such as immigrant workers, become political participants: 'Learning that they could take part in a public confrontation without feeling that they were placing their lives in jeopardy was an important lesson about civic participation in their new home'.[34]

2.2 Unions and political information

As we noted above, some critics find fault with electoral representative democracy because of voter ignorance. As we also noted, however, levels of voter ignorance need not be taken as a given, and we may respond to it not by rejecting elected representation but instead by seeking to change public awareness of political matters. One possible strategy is to promote an associational culture in which individuals are able to access such 'political goods' through secondary associations such as trade unions. Hacker and Pierson suggest that a lack of organisations in the US 'middle-class' weakens the ability of its members to develop an informed sense of the nature and significance of economic inequality, and what might be done about it.[35] Torbern Iversen and David Soskice point out that, contrary to what one might initially expect, 'polarization' of voters between left and right is currently negatively correlated in 'advanced democracies' with levels of income inequality: high inequality is

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redistribution in OECD countries in the period from the late 1970s to the mid-1990s, it is less able to explain these trends after the mid-1990s. He suggests this may reflect an upward shift in the average position of union members in the income distribution: as unionists have become relatively higher earners, on average, unions have come to exert less compression on wages inequality and less pressure for redistribution.

[33] Fine describes community unionism as follows: 'They are modest-sized community-based organizations of low-wage workers that focus on issues of work and wages in their communities. These organizations are mediating institutions that are based in specific ethnic and geographic communities (as opposed to specific workplaces) that provide support to communities of low-wage workers, especially immigrants and African Americans' - Janice Fine, 'Community Unions and the Revival of the American Labor Movement' (2005) 33 Politics & Society 153, 154. On the limitations of mainstream unions in responding to the needs of these groups of workers, the resulting tensions between them and community unions, and on how the two might work together more constructively, see also Janice Fine, 'A Marriage Made in Heaven? Mismatches and Misunderstandings between Worker Centres and Unions' (2007) 45 British Journal of Industrial Relations 335..

[34] Fine, 'Community Unions and the Revival of the American Labor Movement' (n 33) 165.

[35] Hacker and Pierson (n 7) 151–158.

associated with low voter polarisation (as in the US). Part of their explanation is that high inequality is associated with relatively weak trade unionism which, in turn, contributes to a low level of political information amongst voters which, in turn, leads people to adopt 'centrist' political positions.[36] This is consistent with Hacker and Pierson's argument that a lack of union presence leads to a lack of awareness of inequality and what might be done about it.

2.3 Unions and democratic character

A third potential union contribution, connected to impacts on participation and information, relates to the effects of unions on what we might term *democratic character*: the willingness and capacity of individuals to engage in democratic politics and to do so in ways that are informed by judgements of the common good. There is a long tradition in political thought that links the structure of authority and decision-making in the workplace to the general capacity for democratic citizenship, and we need to consider what implications the relationship between participation in workplace decision-making and broader political participation has as regards the possible effects of trade unions.

The argument we have in mind can be traced back to John Stuart Mill and to a wider circle of industrial republicans and democrats in the Nineteenth century.[37] It runs through the Guild Socialism of G. D. H. Cole to contemporary political theorists such as Carole Pateman and Joshua Cohen.[38] In essence, the claim is that an authoritarian workplace will inhibit development of the dispositions and capacities necessary for, or supportive of, democratic citizenship and that, since effective democratic citizenship is highly desirable, workplaces should themselves be democratic: democracy in the workplace will have a positive 'spillover effect' on wider political democracy and is desirable for this reason. Cohen develops this as what he terms the 'psychological support argument' for workplace democracy:

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[36] Torben Iversen and David Soskice, 'Information, Inequality, and Mass Polarization: Ideology in Advanced Democracies' (2015) 48 Comparative Political Studies 1781.

[37] John Stuart Mill, *Principles of political economy, with some of their applications to social philosophy. Books IV & V; edited with an introduction by Donald Winch* (first published 1848, Penguin 1970) ch 7; Alexander Gourevitch, *From Slavery to the Cooperative Commonwealth: Labor and Republican Liberty in the Nineteemth Century* (CUP 2015).

[38] GDH Cole, *Guild Socialism Re-Stated* (George, Allen and Unwin 1920); Carole Pateman, *Participation and Democratic Theory* (CUP 1970); Joshua Cohen, 'The Economic Basis of Deliberative Democracy' (1989) 6 Social Philosophy and Policy 25; see also Martin O'Neill, 'Three Rawlsian Routes towards Economic Democracy' (2008) 9 Revue de Philosophie Économique 29.

'The psychological support argument holds that the extension of self-government into the traditionally undemocratic sphere of work contributes to both the formation of an active character and to the development of a sense of the common good, and thus contributes to a more fully democratic state. Since capitalist property relations vest final authority in the owners of capital, they limit the extent of intra-firm democracy, thereby fostering passivity and a narrower base of political judgment. For these reasons, they are not well suited to a democratic society.'[39]

Although this tradition of argument typically aims at establishing grounds for workers' control over productive enterprises, its relevance to our present discussion seems clear. A strong union presence in a workplace is not equivalent to workers' control (indeed, it is importantly distinct from it). But nevertheless it can represent a significant form of what Nien-hê Hsieh terms 'workplace republicanism' as union power checks and limits the authority of the employer.[40] In this way, one might expect unionisation to have many of the positive effects on democratic character claimed for workplace democracy.

In fact, when we turn to the empirical research in this area, one might argue that the case for unions in this respect is stronger than that for workplace democracy. On the one hand, research on the 'spillover thesis' from workplace democracy has tended to produce somewhat mixed results. Neil Carter's review of the research suggests that the impact of workplace democracy on 'political efficacy' and political participation depends a to a great extent on the specific form of workplace democracy, how it was established, firm size, and on numerous other context-specific factors.[41] On the other hand, the evidence on unions and political participation seems more straightforwardly consistent with the spillover thesis (see section 2.1 above). Daryl D'Art and Thomas Turner suggest that the observed union effect on participation may be caused partly in the way the psychological support argument suggests: 'We argue that, in part, this [union-based] mobilization emerges from the fact that union membership, in providing employees with an independent voice, functions as a check on autocratic managerial

[39] Cohen (n 38) 29.
[40] Nien-hê Hsieh, 'Rawlsian Justice and Workplace Republicanism' (2005) 31 Social Theory and Practice 115.
[41] Neil Carter, 'Political Participation and the Workplace: The Spillover Thesis Revisited' (2006) 8 The British Journal of Politics and International Relations 410.

power and creates in employees the sense that they can exercise some control over their working lives'.[42]

In addition to contributing to democratic character in this way, it is possible of course that unions may also contribute through educative effects on members (or, indeed, indirectly, on non-members). For example, through campaigns and activities in the workplace, unions may be able to foster greater awareness of and sensitivity to issues of social inclusion and equality, which may have effects beyond the workplace. Consistent with this, one recent study finds that by exposing individuals to issues of just distribution within the workplace, unions affect attitudes towards justice and redistribution in the wider economy: egalitarian objectives in the first sphere support egalitarian attitudes in the second.[43]

2.4 Unions and partisanship

Strong and vibrant political parties are a *sine qua non* for democratic politics in representative democracies. The widespread decline of party politics as measured by party membership and the often narrow electoral choice on offer is a major source of concern about Western democracy.[44] But political parties do not come out of nowhere. They depend on a broader background of associations and alliances. Historically, trade unions have often had an essential role in providing organisational structure and various kinds of material support for parties of the left and, in some cases, also for the centre-right.[45] There is thus a natural line of argument that moves from a concern for the associational ecology of political parties to a concern with trade unions as a building block for creating stable and effective parties that represent the interests of working people and offer meaningful electoral choice.

Here the issue of the representativeness of so-called representative democracy is important. As parties of the left and centre-left have weakened their links to unions and sought stronger connection with voters and funders from social groups outside the working-class, they have consequently become less effective at representing the views and interests of some working people. This can create a representational deficit in the polity that manifests in a growth of distrust and alienation, not just in relation to specific

[42] D'Art and Turner (n 28) 108.
[43] Nadja Mosimann and Jonas Pontusson, 'Solidaristic Unionism and Support for Redistribution in Contemporary Europe' (2017) 69 World Politics 448.
[44] Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (Verso 2013).
[45] Streeck and Hassel (n 22) 345–347.

parties but towards the political system.[46] This is, in essence, the flip-side of a point suggested above (section 2.1), that unions can use their influence within parties to shape party platforms in ways that draw the interest and support of working-class voters.[47]

2.5 Unions and elite recruitment

This brings us to a further point: when trade unions have strong connections into the party system they can provide an important means of recruiting individuals into the 'political elite'. The difference in the class composition of Conservative and Labour UK Cabinets up to 1955 is striking: while only 3% of Conservative Cabinet members had working-class parents, 55% of Labour Cabinet members did.[48] The working-class character of Labour Cabinets in part reflected the role of unions in recruiting Labour MPs.

The union-party nexus thus helped to make the political elite more inclusive in class terms. This constituted a gain for some in terms of equality of opportunity at the individual level. It also constituted a likely gain in terms of the quality of deliberation and decision-making within the legislature and political executive insofar as these were consequently exposed to a wider range of life experiences and perspectives.[49] As suggested above, it also contributed to making the political system more representative in terms of social interests.

The picture has changed a great deal in recent years. There has been a substantial decline in the proportion of Labour MPs from working-class occupations; a substantial decline in the extent to which voters identify Labour with the 'working-class'; and there is evidence that Labour is no longer seen predominantly as a working-class party in part *because* its MPs are less working-class than in the past.[50] The weakening of the link between unions and party likely has contributed to this dynamic: while 'around 10 per cent of Labour MPs were previously union officials from the

[46] On the UK case, see Evans and Tilley (n 32).
[47] See Patrick Flavin, 'Labor Union Strength and the Equality of Political Representation' (2016) British Journal of Political Science 1; Tom O'Grady, 'Careerists Versus Coal-Miners: How British MPs' Social Backgrounds Affect Their Support for Welfare Reform' (Social Science Research Network 2016) SSRN Scholarly Paper ID 2801293 <https://papers.ssrn.com/abstract=2801293> accessed 20 December 2017.
[48] Martin Burch and Michael Moran, 'The Changing British Political Elite, 1945-1983: MPs and Cabinet Ministers' (1985) 38 Parliamentary Affairs 1, 15, table 6.
[49] See Hélène Landemore, *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many* (Princeton University Press 2013) 97–104 on the value of social diversity in deliberation.
[50] For evidence of these claims, see Evans and Tilley (n 32) 126–136.

1950s to the 1980s, by 2015 only 1 per cent of Labour MPs had worked for a trade union'.[51]

2.6 Unions and political voice

In addition to influencing policy through their connection to political parties, unions can of course directly intervene in political debates and decision-making to advance the interests of working people, counter-balancing the influence of business and the very rich. At one level, this is a matter of giving voice to ideas and interests so as to shape the 'national conversation' about policy. The interests of capital are quick to organise to project their voice strongly within national debates. Without a countervailing voice, it is unlikely that workers' interests will get fair consideration within the broader public political culture; and without strong unions such countervailing voices will simply not be sufficiently heard. Extending this point, unions can also obviously play a similarly countervailing role in terms of lobbying and direct campaigning. In her discussion of community unionism in the USA, Fine describes how unions working in cooperation with community-based organizations use direct action campaigns to put pressure on mainstream politicians to adjust their policy platforms in ways that align with workers' needs and win their political engagement.[52] More generally, trade unions can contribute significantly to community organizing, joining with other civil society groups such as faith groups to construct powerful local alliances to shape public policy.[53] In the UK, for example, union branches have been active in Citizens UK, an alliance of groups that has successfully put the Living Wage on the national agenda (Jamoul and Wills 2008).[54]

Consistent with the claim that unions make a difference to the 'national conversation', there is considerable cross-national evidence that higher levels of unionisation and stronger collective labour rights are associated with different policies and outcomes: lower earnings inequality, lower income inequality, more redistribution, and a more expansive, 'decommodifying' welfare state.[55]

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[51] ibid 128.
[52] Fine, 'Community Unions and the Revival of the American Labor Movement' (n 33).
[53] Amanda Tattersall, *Power in Coalition: Strategies for Strong Unions and Social Change* (Cornell University Press 2010); see also Saul D Alinsky, 'Community Analysis and Organization' (1941) 46 American Journal of Sociology 797.
[54] Lina Jamoul and Jane Wills, 'Faith in Politics' (2008) 45 Urban Studies 2035.
[55] See, for example, Wolfgang Streeck and Anke Hassel, 'Trade Unions as Political Actors' in John T Addison and Claus Schnabel (eds), *International Handbook of Trade Unions* (Edward Elgar Publishing

2.7 Unions and international cooperation

Two further potential democratising contributions of trade unions can be briefly noted. The first concerns the potential for trade unions to act as organizations to help promote coordinated transnational action on issues that affect workers. One way in which capital can try to evade the demands of democracy, of course, is by exiting a given nation-state or threatening to do so. Unless nation-states move back to a world of stringent controls on capital export, the obvious counter to this is for democracy to be scaled-up to the transnational level. Insofar as trade unions have international links they have some potential to act in coordinated ways at the transnational level and so may help in the project of building the social and institutional bases for democracy at this level. Concretely, this might involve coordinated direct action against particular firms, or transnational political campaigns addressed to transnational political bodies (e.g., the European Commission and Parliament), or seeking union representation within major international bodies such as the IMF or WTO.[56]

2.8 Unions and control over investment

Unions may also have a role in democratising control of investment. Investment decisions obviously affect societies in profound and pervasive ways. Nevertheless, in a capitalist society, they remain largely at the discretion of capital-owners. Insofar as unions have a role in managing investment funds, however, then this might serve somewhat to democratise investment decisions. In some advanced capitalist countries in the 1970s, strong union movements devised ambitious plans with radical implications in this regard. The famous example is the 'Meidner Plan' in Sweden that would have required companies to issue new shares each year into union-controlled collective investment funds.[57] But aside from these radical possibilities, unions are able to

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Ltd 2003) 357–358; Jonas Pontusson, 'Unionization, Inequality and Redistribution' (2013) 51 British Journal of Industrial Relations 797; Jasmine Kerrissey, 'Collective Labor Rights and Income Inequality' (2015) 80 American Sociological Review 626. Most studies focus on industrialised countries but Jasmine Kerrissey's 2015 research looks at the impact of collective labour rights on income inequality world-wide. She finds that collective labour rights are associated with lower income inequality in most parts of the world with the strongest effect in the industrialised West. She finds no statistically significant effect in Africa, though she suggests this may reflect Africa's low sample size in the study; and no effect in Eastern Europe, possibly reflecting the impacts of state socialism.

[56] Streeck and Hassel (n 22) 360.

[57] John D Stephens, *The Transition from Capitalism to Socialism* (Palgrave Macmillan 1979) 177–194; Rudolf Meidner, *Employee Investment Funds: An Approach to Collective Capital Formation* (George, Allen and Unwin 1978); Jonas Pontusson, *The Limits of Social Democracy: Investment Politics in*

establish and exert some control over investment, e.g., through a role in managing pension funds. In the US, 'financial activism' has become an important plank of union strategy since the 1980s with unions intervening, as shareholders, to reform companies' structures of governance.[58]

2.9 But aren't unions bad for democracy?

Our argument thus far has stressed the benefits of strong trade unions for democracy. Unions are, however, often viewed and presented as bad for democracy. In Britain in the 1970s, unions were frequently said in the press to be 'holding the country to ransom' and the February 1974 general election was fought by the Conservatives on the platform of 'Who governs?', the implication being that voters had to choose between parliamentary democracy and rule by union overlords. In response to this vein of scepticism, we make three points.

First, while individual unions can obviously use their power in unfair or imprudent ways, we think it vital to be explicit about the underlying reality of class politics.[59] In a capitalist economy, capital almost always has the option of exit in some form and this puts strong and constant pressure on governments to shape policy to accord with the broad interests of capital-owners. It is much harder for labour to bring similar pressure to bear because of the organisation and coordination involved.[60] Insofar as unions manage to bring pressure to bear on governments, this is, broadly speaking, a democratising influence in society as it tends to counter-balance the background pressures on policy from capital. Governments – and electorates – have to find ways to accommodate both sets of interests rather than passively accommodating to an implicit but powerful norm that is more straightforwardly pro-capital. If we picture capitalist democracy as a kind of 'mixed constitution' in Aristotle's terms, combining institutions that empower the rich (such as private control over investment) and those that empower

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Sweden (Cornell University Press 1992); Joe Guinan, 'Social Democracy in the Age of Austerity and Resistance: The Radical Potential of Democratising Capital' (2012) 20 Renewal: a Journal of Social Democracy 9.

[58] For one discussion, see Archon Fung and others (eds), *Working Capital: The Power of Labor's Pensions* (Cornell University Press 2001).

[59] For insightful comment specifically on British trade union strategy in the 1970s and 1980s, see David Purdy, 'The Wages of Militancy: Incomes Policy, Hegemony and the Decline of the British Left' [2006] Hegemonics <http://www.hegemonics.co.uk/docs/Incomes-Policy-Hegemony-1970s.pdf> accessed 3 August 2017; Peter Ackers, 'Gramsci at the Miners' Strike: Remembering the 1984–1985 Eurocommunist Alternative Industrial Relations Strategy' (2014) 55 Labor History 1.

[60] Claus Offe and Helmut Wiesenthal, 'Two Logics of Collective Action' in John Keane (ed), Claus Offe, *Disorganized capitalism: contemporary transformations of work and politics* (Polity 1985).

the poor and non-wealthy, union power shifts the mixed constitution in a less oligarchic direction.

Second, we think it important to attend to the structure and spread of trade unionism. There is a strong body of evidence that where unions are encompassing in coverage of the workforce and centralised or otherwise capable of coordinated action, they facilitate effective management of the economy.[61] Rather than being a threat to governance, the unions facilitate and participate in it. As indicated above (section 2.6), this is typically a democratising influence in that it shifts the terms of the national political conversation towards closer consideration of workers' interests. We should recall the cross-national evidence, noted in section 2.6, on the difference unions make to such things as earnings and income inequality.

The third part of our response is to stress the importance of internal union democracy and unions' inclusiveness. If unions have power but operate in ways that are not robustly democratic, or fail to practice inclusion in their membership and methods of work, then we would agree that there is cause for concern. This is why we think the state has a legitimate role in legislating some basic requirements for union organization.[62] We return to this point briefly below in elaborating what we call *the promotive stance* of the state towards trade unionism.

3. The promotive stance

We have argued that trade unions can and do serve as a counter-weight to oligarchy in numerous ways and, in these respects, contribute to substantive political equality. If we are right, then this is a reason to think that a democratic state ought to adopt a *promotive stance* towards trade unionism.[63] In short, if strong unions are a feature of a robust democracy; and if a democratic state should take action to sustain the

[61] Lars Calmfors and John Driffill, 'Bargaining Structure, Corporatism and Macroeconomic Performance' (1988) 3 Economic Policy 14; David Soskice, 'Wage Determination: The Changing Role of Institutions in Advanced Industrialized Countries' (1990) 6 Oxford Review of Economic Policy 36; Jukka Pekkarinen, Matti Pohjola and Bob Rowthorn (eds), *Social Corporatism: A Superior Economic System?* (Clarendon Press 1992); Streeck and Hassel (n 22) 95–113; Jonas Pontusson, *Inequality and Prosperity: Social Europe vs. Liberal America* (Cornell University Press 2005) 95–113.

[62] Stuart White, 'Trade Unionism in a Liberal State' in Amy Gutmann (ed), *Freedom of Association* (Princeton University Press 1998).

[63] ibid; Stuart White, 'Liberal Neutrality and Trade Unions' (2011) 33 Comparative Labor Law & Policy Journal 417; see also Alan Bogg, *The Democratic Aspects of Trade Union Recognition* (Hart 2009); Alan Bogg, 'New Labour, Trade Unions and the Liberal State' (2009) 20 King's Law Journal 403; Brishen Rogers, 'Three Concepts of Workplace Freedom of Association' (2016) 37 Berkeley Journal of Employment and Labor Law 177.

conditions for its own health as a democracy; then surely the state should be supportive of trade unionism.[64] But what do we mean by a 'promotive stance'? What can be said against it?

3.1 Defining the promotive stance

In principle, states can adopt legal and policy frameworks that discourage trade unionism, encourage it, or aim at neutrality.

If the state bans independent trade unions, it obviously has adopted a discouraging stance. Some might argue that the absence of a ban suffices for a neutral stance. However, the common law baseline of countries such as the UK itself creates an inhospitable environment for trade unions. Cole puts the point as follows: 'According to the common law, a Trade Union, if it is not in itself illegal, at least comes into conflict with the law as soon as it takes any action for the regulation of the conditions of employment of its members'.[65] On efforts by workers to achieve union recognition in particular, Alan Bogg points out that: ''Neutral' enforcement of property rights mean that unions can be excluded from the employer's property, while the employer can campaign to a 'captive audience' workforce at any time during the working day. 'Neutral' enforcement of freedom of contract means that workers can be dismissed with impunity for choosing to support the union'.[66] The neutrality embodied in the common law background is not sufficiently attuned to the inequalities in power between workers and employers that this legal background itself creates. A plausible conception of the neutral stance needs to take these background inequalities into account.[67]

A more plausible candidate in this respect, as discussed by Bogg, is the model of statutory union recognition established in the UK in 1999, which has much in common with the US's system deriving from the Wagner Act of 1935. In this kind of model – we'll call it the Wagner-type model - the default is a non-unionised workplace. But under certain conditions, workers can trigger a workplace ballot on union recognition. If there is a majority in the ballot, the union wins recognition and the employer then has duties to respect the union as a collective bargaining agent. There are rules also to

[64] The argument for the promotive stance is wider than the link with political equality discussed here. In Rawls's terms, the argument will likely include considerations related to the difference principle and fair equality of opportunity as well as to the fair value of the political liberties. For a statement of the wider argument, see White (n 62).
[65] Cole (n 38) 140.
[66] Bogg, 'New Labour, Trade Unions and the Liberal State' (n 63) 417.
[67] White (n 62).

ensure that unions and employers both get a 'fair hearing' in the run-up to the ballot (e.g., workers cannot be dismissed for supporting unionisation). In practice, neither the US nor the UK actually live up to the 'even-handed' promise of this model. In the UK, there are a number of concerns such as the lack of guaranteed union access to workplaces before a ballot is triggered, and about the requirement that majority votes meet a threshold of at least 40% of the workers eligible to vote, both rules that weight things further in favour of the non-union default.[68] However, it is possible in principle to correct these features and to imagine a variant of the model that would give unions more access and individual workers more protection. Arguably, a suitably amended variant of the model would exemplify a neutral stance on the part of the state towards trade unionism.

In contrast to this neutral stance, Keith Ewing advocates a state that will:

'…intervene to ensure that the institutional structures are in place to facilitate trade-union involvement in the decision-making process, using the law or other forms of state apparatus in a positive sense where necessary, rather than merely to remove impediments to trade-union organization, as in the case of the liberal state.'[69]

As we will explain below, we see no inconsistency between such intervention and the 'liberal state', but otherwise Ewing's formulation captures in general terms what we mean by a promotive stance. Concretely, this stance will guide the state's approach to a range of key questions concerning union membership rules, union recognition, duties on employers to engage in collective bargaining, and the rights of workers to take strike action. Roughly speaking, the idea is to switch the default setting to union membership and recognition; to complement this with clear duties on employers to bargain with unions in good faith; and to secure for workers an expansive right to strike, e.g., one that includes the right to take secondary action.[70] Ewing points out that the UK state did in fact adopt a promotive stance for much of the twentieth century, e.g., by authorising executive agencies to encourage collective bargaining at industry level. He

[68] Ruth Dukes, 'The Statutory Recognition Procedure 1999: No Bias in Favour of Recognition?' (2008) 37 Industrial Law Journal 236, 249–258; Bogg, *The Democratic Aspects of Trade Union Recognition* (n 63); Bogg, 'New Labour, Trade Unions and the Liberal State' (n 63) 418–422.
[69] Keith D Ewing, 'The State and Industrial Relations: "Collective Laissez-Faire" Revisited' (1998) 5 Historical Studies in Industrial Relations 1, 6–7.
[70] Much more detailed discussions to which we are sympathetic include Bogg, *The Democratic Aspects of Trade Union Recognition* (n 63); Keith Ewing and John Hendy, 'New Perspectives on Collective Labour Law: Trade Union Recognition and Collective Bargaining' (2017) 46 Industrial Law Journal 23; see also Rogers (n 63).

and John Hendy have set out an ambitious proposal for a revival of this approach.[71] Under Ewing and Hendy's proposal, government enumerates the various sectors of the economy and then legislates the establishment of a Sectoral Employment Commission in each sector. SECs are to have equal employer and union representation. They would have the power to make authoritative rules within the sector with regard to a wide range of employment issues such as pay, health and safety rules, holidays, disciplinary rules and trade union membership.[72] In this model, the state takes the view that unions are a desirable part of a system of economic governance and deliberately creates this system and brings unions into it.

We repeat, however, that the promotive stance as we conceive it can also imply duties on trade unions, as well as justifying state intervention in support of the fulfillment of those duties. In particular, as suggested above (section 2.8), we think there is a legitimate role for the state in upholding good democratic and inclusive practices within trade unions (such as requiring the use of the secret ballot in votes over strike action).[73] We also emphasise that the promotive stance has a qualitative as well as quantitative aspect: what matters is not just the raw proportion of the workforce in unions, or covered by collective bargaining agreements, but the distribution of union support and representation within the workforce, in particular the inclusion and participation of more disadvantaged workers.[74]

3.2 Defending the promotive stance

If this describes what the promotive stance is, in broad terms, is it desirable? Even if there are grounds for such a stance, are there not also strong, and perhaps stronger, considerations against it? There are a number of criticisms and concerns we might discuss here but we will focus on two, both of which claim that the promotive stance is objectionably illiberal. If the objections hold then it looks as if liberal democracies may have to forego pro-union interventions that are putatively good for

[71] Ewing and Hendy (n 70).
[72] ibid 38–40.
[73] We also have little doubt that current UK law goes well beyond what can be justified in these terms. While insistence on a secret ballot defines good practice, a requirement on *postal* ballots does not seem necessary in this way. Recent proposals in the UK that strike votes must win not just a majority of those who vote but a threshold of 40% of those eligible to vote are also not justified by a need to ensure good practice. These requirements seem motivated by a desire to make it more costly or difficult for unions to call strikes and so arguably indicate a state position of seeking to discourage effective trade unionism.
[74] Fine, 'Community Unions and the Revival of the American Labor Movement' (n 33); Fine, 'A Marriage Made in Heaven?' (n 33); Pontusson (n 15).

their democratic character, on the grounds that these are also bad for their liberal character.

The first objection appeals to the value of neutrality. One strand in contemporary liberal philosophy argues that the state should not take sides on questions about the nature of the good life, or between 'comprehensive doctrines' of a philosophical or religious nature, that are reasonably disputed by citizens. Neutrality here expresses the idea that the state should affirm the equal dignity of all citizens and fails to do so if it takes sides in such disputes. Neutrality at this level might be thought, in turn, to demand neutrality in relation to associations: it is wrong for the state to promote a specific religious group or give special status to associations such as the Boy Scouts or the Girl Guides.[75]

As one of us has explained in earlier work, the objection fails in general terms.[76] The principle of state neutrality advanced within contemporary liberal political philosophy, in particular in the work of John Rawls, is one that constrains the kind of justification that citizens may offer for their laws, particularly (for Rawls) in relation to 'constitutional essentials' and 'matters of basic justice'.[77] Justification must be based on 'public reason' rather than on considerations internal to a specific comprehensive ethical doctrine. Public reason includes, centrally, considerations of social justice, considerations that are, as Rawls would argue, acceptable to reasonable citizens of diverse comprehensive views. In Rawls's view, principles of justice include a commitment to what he terms the 'fair value of the political liberties', a commitment to ensure that the value of political liberties (such as rights to vote and stand for office) is not undermined by such things as background economic inequality.[78] Our democratic case for trade unions, and for a promotive stance based in part on unions' contribution to democracy, can be seen precisely as appealing to the fair value of political liberties. It is, therefore, grounded in public reason and so is fundamentally neutral in the appropriate liberal sense.

A second objection focuses on specifics of the promotive stance, in particular on what it might imply for union membership rules. On one interpretation, the promotive stance entails support for the 'closed shop': an arrangement under which union

[75] See also Alan Bogg and Keith Ewing, 'A (Muted) Voice at Work - Collective Bargaining in the Supreme Court of Canada' (2011) 33 Comparative Labor Law & Policy Journal 379, 408–409.
[76] White (n 62).
[77] John Rawls, *Political Liberalism* (Columbia University Press 1993).
[78] See John Rawls, *Justice as Fairness: A Restatement* (Harvard University Press 2001) 148–50.

membership is a condition of employment. But this violates the idea that, in a liberal society, associational membership should be voluntary. In response, we make two points. First, even were one to concede the objection to the point of giving up altogether on the closed shop, this would not necessarily rule out other interventions that we have sketched as part of the promotive stance. Second, and more fundamentally, we think the legitimate liberal concern here can and – for reasons internal to liberalism itself – should be met without giving up altogether on the closed shop. The debate around the justifiability of the closed shop is often presented in terms of a claim of individual liberty against a claim of fairness between workers in a given workplace or industry. The fairness issue is said to concern the risk of 'free-riding' by non-union members: they get the benefits of higher wages or better conditions negotiated by the union without carrying any of the associated costs. Our argument in this chapter suggests, however, that more is at stake here. If trade unions make an important contribution to social justice more widely, including to maintaining the fair value of political liberties, then non-union members are also free-riding to some degree in relation to these goods. Or, to put the point in another way, these workers' lack of membership and participation in unions creates a kind of 'negative externality' for the wider promotion of social justice and (our focus in this chapter) a robust democracy. In view of this it is reasonable – reasonable in terms of the pursuit of a liberal conception of social justice – to make union membership the default. Where the individual has a genuine conscientious objection to unions we agree that this should be respected. The default is trumped. But in order to protect the default, and the liberal, social justice values it protects, the state may legitimately take steps to prevent the abuse of the right of conscientious exemption. One proposal is to require the objector to make payments to a charity of their choice equal to the cost of union dues.[79] Related issues internal to membership, such as liability to political party and campaign contributions, can be approached in a similar spirit. There is an important value here concerning individual consent and the right to refuse association. But it is a mistake, and not necessarily in best accord with a liberal account of justice in an all-things-considered sense, to think that this value requires union membership and recognition rules akin to what we have called the merely neutral stance (i.e., following, with appropriate amendments, the Wagner-type model).

[79] As argued in White (n 62).

4. Conclusion

Concerns that liberal democracies in advanced capitalist economies have recently experienced an oligarchic shift have given urgency to both activist and academic efforts to identify ways of renewing democracy. However, many proposals neglect the associational environment in which democratic institutions work. This carries the risk of misdiagnosing the problems with existing institutions and/or of overestimating the likely counter-oligarchical effects of particular reforms to decision-making structures. In this chapter we have sought to reaffirm the perspective of 'associative democracy' [80] in particular exploring the potential contribution of trade unions to political equality.

We hope that we have convincingly made the case that, given the ways in which the political power of the rich has come to undermine political equality and the fair value of the political liberties, there are decisive reasons for the state to support and promote trade unions in their role as sources of countervailing political power, redressing underlying inequalities of voice and influence, and acting as a bulwark against oligarchic power. A neutral concern for the political standing of all citizens should not lead a liberal state towards neutrality about institutions such as trade unions. Rather it is precisely because of the state's equal concern for the political standing of all citizens that it has a duty to ensure the associational preconditions for that equal political standing, and therefore why the liberal state has reason to promote the flourishing of trade unions, as the best chance we have of finding an associational counterweight to the inegalitarian power of the wealthy.

[80] Paul Q Hirst, *Associative Democracy: New Forms of Economic and Social Governance* (Polity 1994); Joshua Cohen and Joel Rogers, *Associations and Democracy: The Real Utopias Project, Vol. 1* (Verso 1995).