na grupu najslabijih i grupu ostalih elemenata određuje preko jednog multidimenzionalnog kriterijuma. Ovaj problem je rešen optimalizacijom odgovarajućih koeficijenata separabilnosti.

Najzad, danas se najčešće susrećemo sa problemima u kojima se redosled elemenata vrši preko nekog faktora koji se kvantitativno iskazuje preko jednog sintetičkog indikatora izvedenog preko datog niza pokazatelja. Metod koji uključuje Sorensen-ov dendrogram, omogućiće nam da dođemo do preciznijih rezultata nego metod koeficijenata separabilnosti.

EMPIRICAL RESEARCH INTO GERMAN CODETERMINATION: PROBLEMS AND PERSPECTIVES

*Hans G. NUTZINGER**

I. INTRODUCTION: ORIGINS AND CONCEPTS

I.1 *Historical overview*

The idea of a constitutional limitation of private property rights — and especially of the right to direct other people's work derived from this property — has a long tradition in Germany, starting as early as in the National Assembly of Frankfurt in 1848 *(Paulskirche)*. The development of an institutionalized employee „codetermination" as a modification (or, as property rights theorists would prefer to call it, "attenuation"[1]) of property rights with regard to the use of the means of production has to be seen against the background of the specific economic and political development of Germany, above all in the late 19th and the early 20th century.[2]

The specific features of the German course of events in the frame of the general process of industrialization in Western Europe and Northern America have to be seen mainly in the following characteristics:

— In contrast to the leading European powers in the middle of the 19th century, especially England and France, Germany had not yet overcome the historical splintering of the territory, and its way to a modern nation-state was further complicated by the emerging conflict between Prussia and Austria.

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[1] See section III below for a critical examination of the so-called "attenuation" aspect of codetermination.

[2] For an overview of the historical development, see Nutzinger (1981) with further references.

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— On the level of politics and society, to this territorial splintering corresponded the lasting dominance of the old feudal powers, especially of the territorial princes and the territorial nobility, who were mainly involved in the conflict over the course and the conditions of the nation-building process, whereby other social groups were largely excluded.

— In accordance with this delayed formation of a German nation-state, also the process of industrialization lagged behind France, Great Britain and the United States; this was further complicated by various constraints on the mobility of the factors of production (e. g., through domestic tariffs, trade constraints, lack of common currency, etc.).

— Based on the factors mentioned above, a relative weakness of the German bourgeoisie is to be observed which was largely excluded from political power, partly even after the unionization in the Bismarck empire of 1871, and which was largely restricted to the initially less-developed economic sphere.

— Correspondingly, there was also a delayed rise of the industrial working class, and in addition to that it is also noteworthy that traditional guild-oriented and corporatist ideas were effective not only in the nobility but similarly among large parts of the bourgeoisie and the working class, which further favoured the tendency toward institutional regulation of social conflicts.

Therefore, in a historical perspective, we can perceive the specific form of conflict regulation in the field of industrial relations in Germany (and similarly in Austria), namely in the form of institutionalized codetermination, as an expression of the relatively weak position of the German entrepreneurs between the still-dominant feudal powers on the one hand and the growing workers' movement on the other hand; this in turn led to institutionalized and basically-integrative forms of conflict resolution. So, institutional compromises were needed which tended to increase the area of corporation and consensus compared with the area of conflict via partial integration of workers into the vertical structure of the firm and, in the long run, even via restricted participation. This increased ability to reach consensus corresponded to an increased need for consensus. However, open and nation-wide forms of industrial conflict, as they became common in England or France, were much more dangerous in Germany, given the unstable and rapidly-changing balance among the different social groups. Therefore the emphasis on institutionalized and integrative forms of conflict regulation in Germany is both an expression of strength and weakness.

This general characterization can be substantiated by various historical events, starting with the National Assembly of Frankfurt in 1848, where different proposals for employee participation were based on earlier notions of the guild system. The then rather progressive social policy of the Bismarck empire (legal social insurance, protective and participative trade regulations since 1850, voluntary workers' committees in some factories, etc.) is another expression of this general tendency. Perhaps the most illustrative example of state-sponsored

employed participation in favour of political stabilization is the „Law on Patriotic Services" *(Gesetz betreffend die Vaterländischen Hilfsdienste)* in the middle of the First World War: in order to ensure a steady supply of arms and ammunition, workers' committees in all important enterprises were established (while, at the same time, liability for labour service and restrictions to workers' quitting were also introduced).[3] This ambiguity of the codetermination idea can be further illustrated in the period of the Weimar Republic after World War I. Compared with far-reaching ideas of a direct political and economic democracy in a comprehensive council system, the Works Council Law *(Betriebsrätegesetz)* of 1920 was rather disappointing as it gave workers' representatives — the works council *(Betriebsrat)* — only modest rights in personnel and social affairs, and virtually no influence in economic decisions.[4] During the Nazi era, 1933—1945, even these very restricted forms of worker representation were annihilated and replaced by a compulsory German labour front *(Deutsche Arbeitsfront)* comprising of both the workers as "followers" *(Gefolgschaft)* and the entrepreneurs as „enterprise leaders" *(Betriebsführer)*, corresponding to the Nazi authoritarian principle in politics.

I.2 *The existing legal structure*

The existing legal structure of codetermination in Germany today is partly based on its precedents in Imperial Germany and in the Republic of Weimar. Due to the specific situation after World War II, legal development has been far from systematic.[5] Based on „voluntary' union participation in the iron and steel producing (not processing) industry, which was offered by the employers themselves after World War II in order to prevent or minimize dismantling and decartelization by the Allies, the first law which was passed by the West German Parliament *(Bundestag)* was the *Montan-Mitbestimmungsgesetz* (Codetermination Law in the mining and steel producing industry) in 1951. Up to now, it contains the farest-reaching institutional arrangements with respect to economic codetermination. Whereas the workers do not have direct representation at the annual general meeting of the corporations, an equal number of workers' representatives (mainly proposed by the respective union) is elected to the board of supervision with a neutral member, the so-called "eleventh man", elected by capital owners and workers' representatives jointly in order to avoid impasse situations. According to German company law — and in distinctive contrast to American company law —, the supervisory board appoints the board of management and is assumed to advise, to supervise and to control its conduct of business, but has no de-

[3] For more details, see Grebing (1974), Muszynski (1975), Nutzinger (1981), Schneider and Kuda (1969) and above all Teuteberg (1961).

[4] According to the 1922 amendment, the works council delegated one or two members to the supervisory board of joint-stock companies.

[5] For a good survey of existing legal regulations in Germany, see Monissen (1978) and the shorter overview by Nutzinger (1977).

cision-making rights with respect to the management of the company which is incumbent solely on the board of management (§ 111 (4) of the German Joint-Stock Company Law). In case of conflict between the board of management and the supervisory board, the former can appeal to the stockholders' general meeting in order to get a three-quarters majority to overcome a veto of the supervisory board. Only one employee or union representative, the labor director *(Arbeitsdirektor)* responsible for personnel affairs, is a member of the board of management. So, even under the farest-reaching law, there is no direct employee and union influence on economic decisions, and even with respect to the controlling functions of the supervisory board, there is a final majority of the capital owners.[6]

Industrial relations in all enterprises with more than five permanent employees are ruled by the Works Constitution Law of 1972 *(Betriebsverfassungsgesetz)*, based on the earlier law of 1952. With respect to economic affairs, its regulations are far weaker than those of the Codetermination Law. There is only a one-third employee and union representation on the suprvisory board according to the 1952 law in companies with more than five hundred employees. The basic institution of the Works Constitution Law is the *works council* (Betriebsrat). This law distinguishes between rights to codetermination *(Mitbestimmungsrechte)*, consultation and cooperation *(Mitwirkungsrechte)* and rights to information, complaint and hearing. As a rule of thumb, these rights are strongest in social matters and internal work regulations (e. g., working time); they are mostly of the medium type in personnel matters such as engagement, regrouping, discharges, and transfers. In business questions, the Works Constitution Law mainly gives rights to information, and only with respect to those decisions which directly affect employment or the working conditions of employees (e. g., those relating to technical innovation, closing and opening of new plants or major parts of it), more influence is given to the representatives of employees.[7] The Works Constitution Law of 1972 has also increased individual employee rights in matters concerning his or her own employment, but these rights are more or less confined to legal claims to information and hearing and the right to complaint as well as to employ members of the works council in case of conflict at the workplace (e. g., with superiors)[8].

For employees in public administration, a similar law was introduced in 1955 *(Personalvertretungsgesetz)*. A special group of so-called *Tendenzunternehmen* (enterprises pursuing a "tendency", i. e., non-economic aims) is partly or fully excluded from the regulations of the Works Constitution Law; these are, above all, organizations in the

[6] For head corporations in these industries, an amending law *(Mitbestimmungsergänzungsgesetz)* was introduced in 1955.

[7] The legal basis and practice of "working conditions adapted to human needs" according to the 1972 law is discussed in Nutzinger (1980).

[8] Thimm's (1981) assertion that the 1972 law has decreased the individual participatory rights of the single worker is simply at odds with the legal facts (cf. §§ 81—84 of the law) as well as with empirical practice.

fields of mass media, charitable and religious institutions, political parties, scientific organizations and the like.

In 1952, the unions heavily opposed the one-third employee representation in the supervisory board according to the Works Constitution Law and proclaimed the *Montan-Mitbestimmungsgesetz* of 1951 as the ideal for a general regulation of employee and union participation in the supervisory board. A special committee, chaired by Professor Biedenkopf, was established by the Federal Government in 1967 in order to give an account of the practice of the Montan-Mitsbestimmungsgesetz as a basis for possible legal extension. Although the *Biedenkopf Report* (1970) was quite favourable in its assessment of the practice of this law[9], it did not recommend its extension to all large companies: the Biedenkopf Committee voted for increased employee participation in the supervisory board, but below full parity, arguing that although it did not find clear proof of decreased profitability in the mining and steel producing industry it assumed that profitability was better secured by capital owners and management. And in fact, both the regulations and the practice of the Codetermination Law of 1976 applying to all large corporations with more than 2000 employees (except the *Tendenzunternehmen* and public administration on the one hand, and the mining and steel producing companies on the other hand) are not very far from the ideas of the *Biedenkopf Report:* in all decisive issues, workers' influence, even in the supervisory board, remains short of full parity.

The main differences between the 1976 Codetermination Law and the *Montan-Mitbestimmungsgesetz* have to be seen in the composition of the supervisory board. In corporations with more than 2000 and less than 10000 employees, the supervisory board has twelve members, among them 6 representatives of the workers. Two of them are nominated from the respective unions, and four are representatives of the working collective. These four „internal" members have to represent the respective subgroups (workers, salaried employees, and the *leitende Angestellte*, i. e., the salaried management). Thereby each group has at least one seat on the board of supervision which in practice favors the representation of management in the respective committees. In fact, as the salaried management has to be considered at least partly the representative of capital owners, there is no equal representation of „capital" and „labour" in the supervisory board. But in any case, the breaking vote of the chairman of the supervisory board — in case of conflict elected by the majority of capital owners alone — ensures a majority of „capital" in all voting impasses, even if the representative of salaried management votes together with the other employee representatives. Also, the labour director on the board of management is normally no longer a representative of the employees or the unions as he can be (and frequently is) elected against the majority of employee representatives' votes, in contrast to the older *Montan-Mitbestimmungsgesetz*. Although both the law and the following practice revealed the ultimate power of capital owners, even

[9] More on this is in section II below of this paper.

in the board of supervision, the employers brought action against the new law before the German constitutional court *(Bundesverfassungsgericht)*, which was rejected on March 1, 1979, mainly on the gounds that it did not imply full parity (on which assumption the employers' action was based). Still, the legal question is open as to whether a full parity between „capital" and „labour" would contradict the basic principles of German Civil Law and of the German Constitution, especially with respect to private ownership, liability and the freedom of coalition and profession. Politically, this Codetermination Law has, at least at the moment, brought public discussion and public interest in these questions to an end as there is a broad consensus that there must be a fair time of practice of the new law before any legal changes should be introduced, and because questions of unemployment and of the reform of the social insurance systems are much more urgent.

There have been lots of practical disputes and legal actions with respect to the practice of the law since 1978, when the law became practically effective in large corporations.[10] The political positions are quite clear: the unions and the Social-Democratic Party consider this law to be only one step in the right direction and they demand an extension of the *Montan-Mitbestimmungsgesetzt* to all big corporations. The employers, on the other hand, supported by the majority of the Liberal Party and parts of the Christian Democrats, consider the Works Constitution Law (granting only a one-third employee and union representation in corporations with more than 500 and less than 2000 employees) to be the model for business-wide economic codetermination. Although in practice employers get by with the Codetermination Laws of 1951 and 1976 (as they confess in private and sometimes even in public talks), they go on to argue against the principle of full parity allegedly inherent in these laws as, in the long run, it could undermine private property, free enterprise and the social market economy altogether.

This short overview does not even include the complete legal basis of codetermination: works agreements *(Betriebsvereinbarungen)* between the management and the works council, based on the Works Constitution Law, collective agreements between unions and employers at enterprise, sectoral and regional levels *(Lohnrahmen- und Manteltarifvereinbarungen)*, and different regulations of the general labour law belong as well to the basis of practical codetermination. And given plenty of informal regulations, gentlemen's agreements, logrolling procedures, corporation guidelines in accordance with employee representatives, on the one hand, and the lack of practical codetermination in spite of the legal regulations on the other hand, it is not surprising that empirical research into codetermination has not yet found a clear and consensual delineation of its main subject.

[10] For details, see the contributions by Nagel and by Theisen to Diefenbacher/Nutzinger (1981), Nutzinger (1982) and Diefenbacher/Nutzinger (1984).

I.3 *Different notions of codetermination in empirical research*

The notion of "codetermination" is used in the respective empirical research literature in rather different ways. One group of definitions identifies codetermination more or less with a general notion of *participation* in the sense of employee participation with respect to decisions and results of the enterprise, without specific regard to the legal or contractual basis". One of the rare attempts at an evaluation of the *economic* consequences of codetermination, the study by Weddigen (1962, 14), defines codetermination „... in the broadest sense as employee participation by means of representatives in cooperation with employers and their delegates with respect to decisions concerning regulations and measures referring to questions of social policy, personnel policy or economic affairs". The so-called *Biedenkopf Report* (1970, I, 4) of the codetermination committee (Biedenkopf Committee) defines codetermination as „... the institutional participation of employees or their representatives in shaping and determining the processes of will-formation and decision-making in the enterprise". This broad definition corresponds largely to the definition of general *participation*, for instance by Backhaus (1979, 6) „... as a procedure which enables the gaining of complete relevant information through participation in decision-making of all people concerned... by giving all people concerned equal or functionally-weighted opportunities of influence and interest articulation, participation furthermore fulfills the function of an information-processing procedure". In this view, codetermination differs from general participation only by the following demarcation: „The notion of codetermination is in general use of language insofar *more restricted* as it refers to institutionalized rights of participation in industry" (Backhaus, 1979, 12).

A few other authors attempt to make a deliberate demarcation between participation and codetermination. This delineation cannot help but to use personal evaluations of researchers which make this procedure subject to broad normative dissent. For instance, Teuteberg (1981, 72f.) argues that "... codetermination and participation mark the somewhat different basic attitudes of the citizen to entire political, economic and social events". Using the etymological kinship of „participation" and „partnership", he holds that participation would be cooperative whereas codetermination was based on a conflict view of industrial relations. Hence, the latter was based on group interests, the former, however, on the idea of a „common interest". On this linguistic level, one could easily object that participation of different groups in the decision-making process should serve the representation of group interests, whereas the idea of „codetermination" should be based on the idea of the common responsibility for the enterprise and the economy as a whole. However, those linguistic exercises, even if they are substantiated by historical examples, lack an appropriate and hence consensual foundation.

[11] For an empirical analysis based on this broader notion of participation, see especially Cable and FitzRoy (1980).

If we look at the notion of codetermination among the people concerned — the employees — then we find in the empirical codetermination research during the last thirty years an even broader and more heterogeneous perception of the issues than in the academic literature. Our own empirical field studies in an automobile plant (VW Kassel) and electrotechnical plant (AEG Kassel) give an impressive illustration of this diversity. As far as concrete answers are given to the notion of codetermination — the percentage of unclear or refused responses carries considerably among the different studies (cf. Niedenhoff, 1979, chapter V) — the employees mention practically everything: the range of answers encompasses general definitions, the particular dimensions of codetermination, e. g., codetermination at the workplace, different institutions and representatives of codetermination as well as particular tasks where there is or should be codetermination. Very often, the idea of codetermination is not limited to the enterprise or even to the economy as a whole, but comprises political, public and even private life as well. That codetermination is rather a middle-class than a working-class notion is further illustrated by the fact mentioned before, that considerable percentages of employees do not have a clear idea, or sometimes even no idea at all, about it. This result of our own field studies is confirmed by numerous other empirical research projects.[12] The resulting difficulties in measuring and evaluating the effects of codetermination in the enterprise will be discussed in the following section.

But there seems to be a rather simple way out of all these difficulties used by various researchers, namely, to confine codetermination to its legal regulations in the Federal Republic of Germany. The problems with this restriction are in part obvious: to a considerable extent, institutionalized employee participation in economic decision-making is not based on the before-mentioned laws, but on a variety of collective agreements between unions and employers at the level of enterprises, sectors and regions and, furthermore, on regulations of labour law and social law. Finally, the broad range of informal interest articulation and „harmonized procedures" (between management and workers' representatives) should not be underestimated. In a broader perspective the representation of employee interests in the political system can be attributed to codetermination in the sense of an institutionalized employee participation in economic decisions. The perhaps most important fact that the relative strength of „capital" and „labour" depends more frequently on specific economic conditions than on legal regulations has not yet been analyzed in a systematic manner. The interesting study by Kotthoff (1981) reveals remarkable differences in the influence of the works councils, largely dependent on the size of the firm: in small and medium-sized enterprises, very often paternalistic management principles continue to prevail whereby the works councils are frequently either ineffective or even nonexistent.

[12] For this see Kißler and Scholten (1981, 189 seq.) with further references and Kißler (1982) as well as the earlier Studies by Pirker et al. (1958) and by Popitz and Bahrdt (1957).

The legal definition of codetermination, however, implies further problems for empirical research as the legal norms sketched before are rather heterogeneous. For different groups, different legal regulations apply as explained above: the Codetermination Law of 1976, the Codetermination Law in the mining and steel producing industry of 1951, the Works Constitution Law of 1972, sometimes combined with the former law of 1952, and the special regulations for *Tendenzunternehmen* and the *Personalvertretungsgesetze* (laws on staff representation) in public administration at the federal and state levels. For about 13 per cent of West German employees, no legal rules for institutionalized codetermination apply, especially in very small enterprises.[13] Again the fact should be considered that there is a big gap between the legal norms and their practical implementations: the actual level of institutionalized employee participation varies considerably among different enterprises, ranging from far below up to remarkably above the legally prescribed degree.

Our short overview leads to the following preliminary results: codetermination applies to a central part of human life, namely, work for living. In principle, it concerns every employee and hence the big majority of the working population. On the other hand, there is no clear idea — neither among the people concerned, the employers, researchers nor the politicians — what exactly has to be perceived as codetermination.[14]

Of course, there is a common-sense notion of codetermination related to the most important actors, such as the works council, employee representatives on the supervisory board and the unions. But as long as there is no sufficiently precise and consensual concept of codetermination, we face the basic problem that the object of research is not appropriately specified without any regard to the next question of which proofs and procedures of measuring codetermination should be applied. This fact does not only cast doubt on the results of the numerous empirical studies carried out during the last thirty years but, and even more important, it impedes a comparison of the different studies to an extraordinarily great extent.

Nevertheless, as weak as the methodological basis of empirical research into German codetermination might be, these attempts mark a considerable advance compared with the traditional and long-time prevalent normative views of codetermination taken by supporters and critics of codetermination alike. This is not to say that there could be a theory and practice of codetermination without a normative basis; however, the problem arises by the fact that very often possible empirical research into the functioning of codetermination at the plant and enterprise level is replaced by speculation about the desirability of employee participation and decision-making, or by specu-

[13] Calculation based on Niedenhoff (1979, 20).

[14] This is not an uncommon situation in economics; let us remember only that there is not even a clear definition of economics apart from the comfortable but tautological statement attributed to Jacob Viner that "economics is what economists do".

lation about its prospective risks for the functioning of a market economy. Even if one starts with some normative postulates — for instance, by concluding that human dignity demands the working man's right to be involved in the structuring of the conditions of his work-there still remains the very important question of which legal, contractual and practical forms of influence should be chosen and in which way they contribute to both normative postulates (such as „human dignity") as well as to the proper functioning of the economy as a whole.

I.4 *Codetermination: Cooperation or Conflict?*

This leads to a further normative problem still largely to be clarified: as Muszynski (1975) has shown,[15] the history and practice of German codetermination are characterized by an ambivalent if not contradictory argumentative foundation. On the one hand, especially in the legal discussion, codetermination is based on the notion of a trustful collaboration of all members in a *cooperative* enterprise; hence, codetermination is perceived as a legal institutionalization of these opportunities for cooperation within the enterprise. On the other hand, codetermination is also based on the historical experience of a structural conflict between the employer directing other people's work and the employee basically obliged to carry out those directions. In this perspective codetermination is an attempt to confine the entrepreneurial command by means of institutional regulations aiming at establishing a legal countervailing power in order to limit and control the entrepreneurial command without removing it altogether. The constitution of an enterprise could then be labeled, in terms of political theory, a „constitutional monarchy".

This normative perception of codetermination (as institutionalized cooperation or as institutionalized conflict) influences the evaluation of the empirical results. Frequently, both ideas are advocated at the same time whereby the mix varies among the different authors. Without claim to a final definition, we propose to perceive codetermination as an *attempt to increase the area of purposeful cooperation between employer and employees, based on partly uniform interests, e. g., in the economic success of the enterprise, by means of institutional participation of employees and their representatives within the conflict relationship between „capital" and „labour"*. Certain conflicts, such as the implementation of productivity-rising, but labour-saving innovations, will continue to exist in the frame of codetermination, and generally we have to expect that employers' interests are somewhat modified under codetermination, but that they will finally prevail. Within those areas of conflicting interests, both the legal norms

[15] A similar thesis is put forth by Thimm (1981) who, however, uses an alleged break between the 1952 and the 1972 Works Constitution Law to assert a shift from cooperation to conflict. If Thimm were correct, why do German employers favour the Works Constitution Law (of 1972) as the basis of nation-wide codetermination?

and the empirical observations indicate that codetermination has more or less a defensive function, namely, to mitigate the consequences of entrepreneurial decisions for the employees concerned as far as possible without basically altering the entrepreneurial decision and its implementation, e. g., the technical innovation. Even if, in most cases, the economic decision is not completely predetermined by outside conditions, international competition with „non-codetermined" countries puts narrow limits on workers' influence. At least in the long run, codetermination cannot (and one may add, should not) save jobs which have become unprofitable. This, however, does not mean that there is no room for effective codetermination in the short run nor that there might not be considerable differences in the economic conduct of a codetermined enterprise compared with one not subject to codetermination. The market does not dictate everything but it places boundary-stones on the course of action.

II. PROBLEMS OF EMPIRICAL RESEARCH

II.1 *General remarks about the object and the methodology of research*

We have already emphasized that there are considerable differences in opinion and a remarkable vagueness, not only in the academic literature on codetermination but also in the perception by the people concerned. A reliable, authoritative and consensual notion of codetermination which could be simply applied to empirical research does not exist. This might be considered an advantage since the social scientist has opportunities for choosing aspects and dimensions of codetermination and even the methods of research according to his preferences. This opportunity, however, pays a high price: it is the lack of sufficiently standardized and, therefore, comparable research methodology in this field. Compared with traditional legal and ideological *a priori* reasoning, the existing empirical research into the different consequences of codetermination is undoubtedly an advance; but its real possibilities are by far not exhausted. Two major reasons are responsible for that unsatisfactory state of affairs:

(1) There is a remarkable lack of appropriate specification of the topic of research and, related to this, a lack of theoretical foundation (cf. Monissen, 1978, 77—81).
(2) The focus of most empirical codetermination research, especially in the fifties and sixties, has not been on the economic but on the sociological and psychological consequences of codetermination; and the few German studies which include these implications — especially Weddigen (1962) and the Biedenkopf Report (1970) — do not apply econometrical techniques[16]; they are more or less based on opinion polls.

[16] Only in the last few years, Svejnar (1981, 1982) and Benelli, Loderer and Lys (1983) have attempted an econometric evaluation of codetermination in Germany based on aggregate sectoral data. See also section III below.

II.2 *A note on the sociological research*

If we look at the famous sociological studies on codetermination in the fifties,[17] we find lots of interesting details about the perception and subjective evaluation of codetermination and works constitution among the people affected by and involved in codetermination (working collective; management; labour directors; members of the works council; shop stewards; union representatives) but they do not say very much about any economic consequences at the plant and enterprise level, and virtually nothing at the sectoral and macroeconomic level. Most of them were based on the assumptions of the then predominant functionalistic industrial sociology, with the study by Popitz and Bahrdt being a major exception as these authors worked with a post-Marxian concept of alienation. Due to differences in concepts, interview techniques, and both size and composition of people interviewed, there are correspondingly considerable differences in the results.

More or less common to all these studies is the finding of a rather low level of familiarity with the different codetermination regulations. As Monissen (1978, 78) correctly criticizes, these studies „... were conducted without systematic reference to an underlying theoretical perspective, so that the relevance and meaning of the results presented ... has to remain open". Even more dubious were the various opinion polls, especially in the sixties, where the issue of codetermination was mixed with other issues from daily politics as the interest in those issues is heavily dependent upon daily „random events" and is not very stable over time[18]. Even within its own frame, this sociological type of codetermination research faces an important methodological problem: there is a big danger for the social scientist that he bases his empirical measurement and evaluation too narrowly on his own — frequently unstated and implicit — ideas of codetermination which might increase his own motivation but decrease the usefullness of his results. Roughly speaking, we observe two characteristic patterns in sociological research:

(1) In the first case, the researcher selects, weighs and interprets the data so as to rediscover what he had already in his mind, in his Schumpeterian „vision", when he started his research. For instance, a social scientist with strong commitment to rank and file participation might easily be misled to restrict his research to this aspect and, furthermore, to interpret each sign of workers'

[17] Pirker et al. (1955), Neuloh (1956, 1960), Popitz and Bahrdt (1957) and the *Institut für Sozialforschung* (Institute of Social Research, 1955).

[18] For instance, in our comparative study at the Volkswagen plant at Kassel in 1975 and 1981 respectively, we found both times a very positive evaluation in terms of characteristics attributed to that topic and an even increased interest in 1981. More detailed research, however, showed that the increase of interest was mainly due to the actual codetermination conflict at the Mannesmann corporation in 1981, and that the very positive characterization of codetermination did not mean very much in terms of personal involvement (cf. Diefenbacher and Nutzinger, 1982).

dissatisfaction with his job and/or with his superiors as proof of his interest in active participation. What Joan Robinson (1978, 140) has said about Marx might also be true for some empirical codetermination research: „The waters are dark and it may be that whoever peers into them sees his own face."[19]

(2) The opposite case can also be found, that the research team has a strong normative *a priori* conception of codetermination, frequently not openly stated, and might hence be inclined to conclude that there is no codetermination if the empirical forms of workers articulation do not conform to its preconception.

(3) Finally, one often gets the impression that in several studies, the theoretical model has been constructed *ex post*, after most of the empirical research had already been done. This may produce nice fits between empirical results and the theoretical perspective; however, those findings are highly arbitrary.

Normative ideas about codetermination, unavoidable as they might ultimately be, can therefore lead to a bias either in overestimating or in underestimating the factual degree of codetermination, and we have no reason to assume that these two types of bias might compensate each other.

II.3 *Codetermination research by economists*

Compared with the sociological studies mentioned before, the first investigation into the economic consequences of codetermination by Otto Blume (1962), Walter Weddigen (1962) and Fitz Voigt (1962) did not receive much attention. Their work concentrated on the activities of the people involved in codetermination (members of the works council, labour directors, etc.) and on the relationship between their codetermination representatives and the representatives of management and capital owners. However, they were important as they influenced the techniques of the most famous research study, the Biedenkopf Report; furthermore, their findings came close to the results of the Biedenkopf Committee.[20]

The Biedenkopf Committee gained its information mainly through a written questioning of employers' and employees' representatives in codetermined firms, supplemented by extensive hearings with a small selected number of those officials. This procedure has its apparent advantages: the research is quite inexpensive, the interrogated people are rather competent, practical problems of codetermination are illustrated from the viewpoint of the officials involved, and perhaps this helps also to reveal possibilities to remove unnecessary friction. In contrast to the public-at-large, these officials are quite familiar with the legal norms, so that the delineation of the research

[19] In our own field studies, we found that some employees were at the same time dissatisfied with codetermination through representatives because they did not feel sufficiently involved, but they were not willing to take any initiatives for themselves as articulation of workers' interests was their representatives' job.

topic to the rather clear areas of the Codetermination and Works Constitution Laws is possible. Usually, these officials are involved in the practice of codetermination for a longer time which should make (subjective) evaluation possible about changes in time or the perceived effects of legal reforms (especially through the Works Constitution Law amendment of 1972 and the Codetermination Law of 1976). Frequently, these representatives possess quite good knowledge with respect to informal solution patterns both within and outside the legal framework as well as with regard to the interrelationship between legal codetermination and collective bargaining between unions and employers. And anybody who has carried out empirical codetermination research will highly evaluate the practical advantage that those officials normally belong to the respective associations of employers and employees, so that one can use contact with and support of these associations to promote the cooperation of those officials with the research team.[21]

Those practical advantages have their own price, however: personal evaluations of these officials of both sides can be biased as they report not only on codetermination in general, but also on the success and failure of their own activities. For different reasons they might be inclined to over- or to underestimate the impact of codetermination. Another problem is that codetermination perceived by representatives of both sides does not necessarily conform with employees' perception. The particular problem in this context is the following „codetermination dilemma": if there is an effective articulation of workers' interests at the plant and enterprise level, then codetermination easily degenerates into some form of service function taken for granted and hence underestimated. So, the level of open conflict between the representatives of employers and employees is not a good indicator of the effectiveness of codetermination.[22]

As mentioned before, the Biedenkopf Committee's assessment of codetermination was quite favourable[23]. It focused mainly on the effects of different compositions of the supervisory board (one-third versus 50 per cent representation), on the role of the labour director as an employee representative on the board of management and his cooperation with the works council, and on the effect of codetermination on the objectives of enterprises, especially their profitability. Compared with earlier research, two main results are worth mentioning:

(1) In contrast to the fifties, the labour director seemed no longer to be characterized by a conflict of interests, but had found his role as a member of the board of management, explaining the firm's policy to employee representatives and ensuring a flow of information between management, works council (and sometimes shop stewards), and the employee representatives on the supervisory board.
(2) The neutral member of the supervisory board normally did not use his vote to overcome impasse situations (as the codetermination law implicitly presupposed) but he either tried to mediate between the representatives of „capital" and „labour" as he frequently did not feel competent enough to take the responsibility for his decisive vote, or was „left out" of the decision (rolled solely between the two parties in the supervisory board.

Although the Biedenkopf Report marks some advance compared with earlier studies, especially of the functionalist sociological variety, it is still characterized by the lack of a clear theoretical framework and a shortage of systematic factual evidence. So, important questions, especially about the macroeconomic implications of codeterminations, remained insufficiently aswered. The Biedenkopf Committee itself acknowledged those deficits implicitly when it stated that its recommendation for nation-wide codetermination was ultimately based on a *Wertenscheidung* (normative decision).[24]

II.4 *The use of codetermination research in public discussion*

Even less satisfactory than the numerous research projects in the field of codetermination and works constitution[25] is the use of research results in the public discussion. Both employers and unions tend to quote only those studies — or, moreover, those parts of studies — which they deem useful for their own interests. As Hartmann (1977) in his final evaluation of the practical use of the different codetermination research studies has convincingly demonstrated, lack of interest, one-sidedness, fragmentary and biased quotations, and the more or less complete neglect of the narrow limits to the meaning of these

[20] For the popularity of this report, see the following subsection II. 4.
[21] This advantage becomes even more important as the general willingness of business and union officials to cooperate in empirical codetermination research has decreased considerably in the last twenty years; see, for instance, the research by Paul and Scholl (1981) who had to fight the problem that they only got back 9% of the questionnaires filled out.
[22] For instance, the use of arbitration *(Einigungsstellen)* in order to come to an agreement between works council and employer is not a good indicator of the effectiveness of the works council: if the latter is rather strong, it might perhaps come to an internal agreement with the management without outside arbitration and a works council's appeal to arbitration procedure might be an indication for its rather weak position. But on the other hand, it might also be the case that the works council does not appeal to arbitration because it does not even dare to use its procedure due to its own feeble stand (cf. Knuth and Schank, 1981; 1982).
[23] For a good overview on the findings, see Monissen (1978, 78—81).

[24] Monissen's (1978, 77) evaluation of the Biedenkopf Report is worth quoting, although it seems to us probably too harsh: „A systematic quantitative assessment of the economic consequences of codetermination was not attempted. Subjective criteria, *a priori* guesses, and idiosyncrasies reply that theoretical analysis and narrow documentation had to serve as a substitute for an appropriate empirical implementation guided by the methodological standards of a developed social science. Such an approach is symptomatic of the 'empirical' studies in the area of the codetermination problem."
[25] For a more or less complete list of all these research projects, see Diefenbacher (1983).

studies are predominant. This does not only apply to the less surprising fact that each side tends to neglect research studies ordered by the respective other side, but goes even further: as Hartmann (1977, 347) observed, „not even the studies of Pirker, Dahrendorf, Blume and others officially ordered by the unions ... were used in the discussions within the unions or in union statements on codetermination strategies ... whereas these studies are highly respected in the social sciences and considered as modern classics".[26]

This neglect of critical findings in the public discussions by unions and employers alike does not mean that it has not become a topic of internal discussion and has not exerted perhaps an indirect influence on their attitudes. As those associations are subject to problems of public legitimation by the mass media and their members, they probably feel compelled to play down certain results and to overemphasize other ones. Nevertheless, it is a highly unsatisfactory state of affairs that all parties involved — unions, employers, and even politicians — use empirical research into codetermination as some sort of a quarry where one extracts what one wants and leaves behind what one dislikes. This „quarry attitude" towards empirical social research in general, and codetermination studies in particular, also explains the popularity of the Biedenkopf Report: its empirical findings pleased the unions to a considerable degree, its political recommendations for the further institutionalization comforted the employers.[27]

This „quarry attitude" towards codetermination research just mentioned, and in particular towards the Biedenkopf Report, culminates in its representation by the employers' institute (Niedenhoff, 1971). Not the weak methodological basis and the very restricted validity of its empirical findings are emphasized by Niedenhoff, but the results were simply misrepresented by misquoting, omitting important parts of quotes, biased or even wrong indirect quotings, and so on. One example of many: whereas the Biedenkopf Committee found no evidence for a party line among employee representatives and hardly any examples where employee representatives in the supervisory board have finally blocked enterpreneurial management activities, Niedenhoff (1971, 19) pretends that the codetermination committee had observed „blockades of decision by means of party lines". This admittedly extreme case is illustrative of the public use of codetermination research insofar as more subtle forms of arbitrary application and misrepresentation are, unfortunately, more or less common in this field. However, we have no reason to assume that more sophisticated empirical research into codetermination, as it has evolved during the last ten years, will change this opportunistic use, or moreover misuse, of social science studies.

[26] We have not mentioned before the investigation of Dahrendorf (1965) because it is not an empirical study but an assessment of most of the preceding empirical research based on a „conflict view" of society and social relations.

[27] In fact, the Biedenkopf Report (1970), together with the empirical study of codetermination in the supervisory board by Brinkmann-Herz (1972), are up to now the only codetermination studies more or less commonly accepted in social science.

III. OUTLOOK

Our findings about the state of codetermination research and, even more so, its use in political discussion are rather disappointing. Nevertheless, compared with the long-time prevailing purely normative and legal discussion of the topic, it marks a modest advance as one at least attempts to gather empirical data about the practical performance and ceases to infer everything from „the nature of property" or the „nature of man" on the one hand, or from the legal regulations on the other hand. One important result from the most recent German studies, especially by Kotthoff (1981), Kirsch et al. (1980), Knuth and Schank (1981, 1982) and Witte (1980, 1981), is a remarkable gap between legal norms and practical implementations in the field of the Codetermination and Works Constitution Laws. Remarkable differences among firms and branches have been found which cast additional doubt on easy generalization of field studies.

Given the importance of the issue both in terms of the people involved and in terms of the possible positive or negative effects for economic performance, further progress is called for at least in three respects:

(1) There is plenty of data and information about various aspects of codetermination and works constitution gathered by the social science research of the last thirty years, as mentioned before. A systematic representation of the findings of these studies — especially of the primary data which are only partly published so far — is needed in order to get additional information about changes over time and characteristic differences between sectors, firms and workplaces. So, a much clearer picture of the dynamics of codetermination (if there are any) could be gained. This would pave the way for the second step:

(2) The modern econometrical attempts at evaluating participation and codetermination, started by Cable and FitzRoy (1980), Svejnar (1981, 1982) and Benelli, Loderer and Lys (1983), should be further pursued and elaborated.

These econometric studies do not replace the older type of research based on interviews, questionnaires and investigations at the enterprise level. Due to differences in the underlying approach, there are also differences in the preliminary results derived from this type of work: whereas Cable and FitzRoy reveal a positive influence of participation (broader defined than codetermination) on firm productivity, Svejnar finds that the 1951 Codetermination and the 1952 Works Constitution Law had no influence on productivity, in contrast to Blumenthal's (1956) assertion. Finally, Benelli et al. try to uncover evidence for a reduction in firm values, presumably caused by em-

ployees' risk aversion. Of course, conclusive results about the *economic* consequences of codetermination need further theoretical and empirical work.

Therefore, I recommend as a third part of the research strategy:

(3) The theoretical frame for codetermination research should be further elaborated. I would like to mention two major topics in this respect:
   — As the empirical findings show, there is a rather big gap between legal norms and practical implementation in the field of codetermination, and other forms and possibilities of interest articulation, especially in the economic process, should be taken into account. In the frame of Hirschman's exit-loyalty approach, the costs of different forms of interest articulation should be assessed with respect to varying economic conditions, degree of factor mobility, relative importance of human capital specific to the job or to the firm, etc.
   — An evaluation of the economic consequences of codetermination should furthermore consider the following important fact: the alternative to codetermination is not a situation with non-attenuated private property rights in the means of production, but one with other — and partly expensive — forms of interest articulation through collective bargaining, collective actions such as frequent strikes, low productivity based on low motivation, etc.[28]

At the beginning of this paper I emphasized the specific historical conditions for the rise of codetermination as a predominant form of industrial relations in Germany. So the other question is to whether one should support or resist the use of codetermination in other countries is even more difficult to answer, even if we had more reliable data about the effects of codetermination in Germany and even if we were willing to base our normative judgement solely on the economic net value of this specific form of regulating industrial conflicts: „Employee codetermination practices and legislation are deeply rooted in a country's history and institutions, and cannot be easily exported from one country to the next" (Thimm, 1980, XLII).

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EMPIRIJSKO ISTRAŽIVANJE SAODLUČIVANJA U NEMAČKOJ: PROBLEMI I PERSPEKTIVE

Hans G. NUTZINGER

Rezime

Razvoj institucionalizovanog radničkog »saodlučivanja« kao modifikacije kapitalističkih svojinskih prava u vezi sa upotrebom sredstava za proizvodnju — mora se sagledati u svetlu specifičnog ekonomskog i političkog razvoja Nemačke krajem devetnaestog i početkom dvadesetog veka. Zbog zakasnelih procesa industrijalizacije i formiranja nacije, nemačka buržoazija je bila primorana da pristane na institucionalizovane i u osnovi integracione oblike rešenja konflikta u okviru postojećeg društvenog poretka.

Postojeća pravna struktura saodlučivanja u Nemačkoj delom je zasnovana na precedencijama iz carske Nemačke i Vajmarske Republike. Zbog specifične situacije posle drugog svetskog rata, pravni sistem je daleko od toga da bude sistematičan. Važniji zakoni su: Zakon o saodlučivanju u rudarstvu i industriji čelika (Montan-Mitbestimmungsgesetz) iz 1951. godine, Zakon o preduzećima (Betriebsverfassungsgesetz) iz 1972. godine, koji je zasnovan na prethodnom zakonu

iz 1952. i koji se najviše odnosi na proizvodne odnose u preduzećima, i Zakon o saodlučivanju (Mitbestimmungsgesetz) iz 1976. godine, koji je primenljiv na sve velike korporacije.

Uprkos svom velikom praktičnom i pravnom značaju, empirijsko istraživanje saodlučivanja do sada je sasvim nedovoljno. U empirijskom istraživanju upotrebljavaju se različiti pojmovi saodlučivanja koji su delom zasnovani na integracionom poimanju ili na konfliktnoj perspektivi proizvodnih odnosa. Pored toga, jedan deo interesa radnika nije izražen u okviru heterogenog pravnog miljea, nego je artikulisan u okviru sistema kolektivnog pogađanja između poslodavaca i sindikata. Proučavajući ranije studije, iz pedesetih i šezdesetih godina ovog veka, zapaža se upadljivo odsustvo odgovarajuće specifikacije predmeta istraživanja i teorijskih osnova, relativno zanemarivanje ekonomskih posledica saodlučivanja (koje je udruženo sa posebnim naglašavanjem sociooloških i psiholoških posledica) i koncentracija empirijskih studija koje se lako ne mogu generalizovati. Najdalekosežnije istraživanje do sada obavio je takozvani Biedenkopfov komitet; rezultati tog istraživanja objavljeni su kao Biedenkopfov izveštaj 1970. godine. Istraživanje je zasnovano na pisanoj anketi predstavnika poslodavaca i radnika u preduzećima sa saodlučivanjem, koje je dopunjeno obimnim intervjuima sa malim brojem odabranih među tim predstavnicima. Iako komitet nije otkrio ozbiljne negativne posledice saodlučivanja u tradicionalnim ekonomskim odnosima, on nije preporučio »potpuni paritet« radnika i predstavnika sindikata u nadzornim odborima velikih preduzeća. Zakon o saodlučivanju iz 1976. godine, koji nije regulisao »potpuni paritet«, sledio je manje-više ove preporuke.

Metodologija dosadašnjih empirijskih istraživanja i, posebno, njena oportunistička upotreba u političkoj raspravi — odgovorne su za značajne praznine u upoznavanju praktičnih implikacija Zakona o saodlučivanju i Zakona o preduzećima. Stoga je neophodno dodatno istraživanje koje bi se koristilo savremenim ekonometrijskim metodima i koje bi bilo usmereno na ekonomske posledice saodlučivanja, ukoliko se želi da politička rasprava dobije pouzdaniju (ili manje nepouzdanu) osnovu.

SEGMENTIRANJE TRŽIŠTA LIČNE POTROŠNJE FUNKCIJOM JAKOSTI PREFERIRANJA JEDNE MARKE NAD DRUGOM

*Slobodan SEKULOVIĆ**

UVOD

Segmentiranje tržišta općenito, a tržišta lične potrošnje posebno, predstavlja značajan strategijski koncept. Naime, informacija koja se segmentiranjem tržišta dobija omogućava uvid u zahtjeve potrošačkih jedinki pojedinih segmenata tržišta, tako da privredni subjekt polazeći od postojećeg materijalnog, kadrovskog, finansijskog potencijala odnosno tehničko-tehnološke opremljenosti može najbolje da sagleda svoje šanse za poslovni uspjeh (efikasno podmirenje potreba potrošača uz efikasno korišćenje resursa) u nekom od njih. Za razliku od segmentiranja tržišta lične potrošnje u kojima se koriste razna atributivna obilježja, u ovom radu želimo izložiti segmentiranje na bazi numeričkog obilježja kakvo je funkcija jakosti preferiranja jedne marke nad drugom.

1. VEZA IZMEĐU PROSJEČNE VRIJEDNOSTI FUNKCIJE P (μ') I FUNKCIJE RAZLIKE TRŽIŠNIH UČEŠĆA

Polazimo od pretpostavke da su na tržištu potrošnih dobara, sa jasno definisanom prostornom i vremenskom dimenzijom, prisutne konkurentske marke „A" i „B", proizvoda koji zadovoljavaju istu potrebu. Poznavanje tržišnih učešća ovih marki, na definisanom tržišnom prostoru i u posmatranom vremenskom periodu, predstavlja također neophodnu polaznu informaciju. No, ako se ima u vidu da tržišna učešća marke „A" i „B" zadovoljavaju jednačinu (1)

$$TU_A + TU_B = 100\ \% \tag{1}$$

onda je za početak dovoljno poznavati učešće bar jedne od ove dvije marke.

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