

Introduction

NAFTA and Labor Transnationalism

Globalization arrived full force in North America in the form of a free trade agreement. While the economies of the United States, Canada, and Mexico had been integrating for decades, the process largely remained beneath the radar, inspiring little reaction from political pundits, the media, and the general public. Mexico's 1986 entry into the General Agreement on Tariffs and Trade (GATT) produced little public criticism, and resistance to the negotiation of the Canada-U.S. Free Trade Agreement (CUFTA) in the mid-1980s largely remained within Canadian borders. Talk that the George H.W. Bush Administration was considering an idea proffered by President Reagan in the 1980s to create a free trade zone extending across the Americas raised the hackles of free trade opponents.¹ But no one could have predicted the groundswell of grassroots opposition that occurred across the continent upon the North American Free Trade Agreement's (NAFTA) formal announcement in September 1990.

The public reaction to NAFTA was unprecedented. Politicians, presidential hopefuls, media personalities, and organizations representing interests as diverse as consumers and peasants entered the fray. The

¹ In his State of the Union Message delivered to Congress in January 1988, President Ronald Reagan proclaimed: "Next month I will be traveling to Mexico where trade matters will be of foremost concern. And, over the next several months, our Congress and the Canadian Parliament can make the start of such a North American accord a reality. Our goal must be a day when the free flow of trade – from the tip of Tierra del Fuego to the Arctic Circle – unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the U.S.-Canadian border so long has been – a meeting place, rather than a dividing line." *New York Times*, January 26, 1988.

overwhelming response led many observers to proclaim that NAFTA was responsible for repoliticizing trade politics and for ushering in an era of antiglobalization activism that would be felt from Seattle to Montreal, from Genoa to Mumbai.² NAFTA's most vocal critics warned of its potential effects on U.S. jobs and industries. Ross Perot memorably proclaimed that a "giant sucking sound" would be heard as jobs left the country. Many on the Left worried that by pitting workers against each other for jobs, the agreement would generate antagonism among North American unions and intensify economic nationalism.³ They cautioned that NAFTA would undermine any possibility for cross-border cooperation among labor unions in the United States, Mexico, and Canada. Some suggested that the inevitable job losses north of the Rio Grande would generate a backlash against Mexican workers and immigrants. That in NAFTA's wake North American labor movements would be able to overcome geographic, linguistic, cultural, and ideological differences to create interests in common seemed improbable.

A Historic Shift

But, contrary to expectations, that is exactly what happened. Far from polarizing workers, this much hated neoliberal free trade agreement actually brought them together. NAFTA's effects on trilateral coalition and relationship building were unprecedented. Labor unions' participation in anti-NAFTA coalitions that included organizations devoted to many different issues reflected a significant shift in the history of union relations in North America. For the first time, and practically overnight, North American labor unions engaged in an active struggle not only with environmental and other progressive organizations but also with their counterparts across the continent. And some unions even began to build formal relationships with their counterparts that transcended coalitional goals.

NAFTA—the concrete embodiment of globalization in North America—had the unanticipated consequence of catalyzing labor transnationalism, defined as ongoing cooperative and collaborative relationships among Mexican, U.S., and Canadian unions and union federations.⁴ After years of struggle against free trade, North American labor unions, which for

² Evans (2002). See Rupert (1995) and O'Brien (1998).

³ See Davis (1993), Neal (1993), and Farrell and Putzel (1993).

⁴ Here I focus on labor unions and not other labor advocacy organizations such as NGOs, worker centers, etc.

decades had been isolated and estranged across national boundaries, emerged with new ties of cooperation and networks of protest. But NAFTA's effects went far beyond catalyzing labor transnationalism. The trade agreement also stimulated significant organizational changes within unions and union federations. Union leaders realized that in order to survive the vagaries of regional economic integration, they needed to create departments and positions to deal with trade, amend official policies to promote internationalism, and chip away at racist attitudes against Mexicans and immigrants that permeated their organizations. Thus, for many North American unions, NAFTA began to erode policies and discourses rooted in racism and economic nationalism.

The rarity of labor transnationalism makes its emergence extremely significant. Since the formation of the International Workingmen's Association (or First International) in 1864, workers and labor unions have articulated the need for a global working-class movement, yet the goal remains elusive. Labor scholars point to the multiple geographical, cultural, and political obstacles to labor transnationalism, while some economists insist that the interests of labor unions in developed and developing countries are antagonistic and therefore preclude cooperation (Bhagwati 2000). The Cold War exploits of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) in Latin America created significant distrust and alienation among unions in North America.⁵ And northern unions' tendency to discriminate against Mexicans and immigrants also did little to build trust with Mexican counterparts. For decades unions employed racialized rhetoric not only to respond to competition from immigrants at home but also to deal with competition from foreign factories and imports. Some U.S. and Canadian labor leaders responded to the threat of job loss by blaming foreign workers for "stealing" jobs and undercutting nonimmigrant workers by accepting lower wages. Racial scapegoating amounts to a racialized "foreign worker myth" that is often married to racist rhetoric about the abilities of foreign workers (e.g., foreign workers do not produce high-quality products and are not as skilled, productive, or capable as the workers from whom the work was "stolen"). Northern unions' international policies, dictated by Cold War politics, and their domestic policies, clouded by racism, combined to form a weak foundation for transnationalism. As a result, a lack of trust and permanence characterized contacts among North American unions prior

⁵ See Cantor and Schor (1987), Spalding (1992), Morris (1967), and Herod (1997).

to NAFTA through various international and regional organizations.⁶ Union interactions were not equitable, lacked long-term goals and programs, and rarely involved grassroots participation.⁷

The interactions that emerged in NAFTA's wake among North American unions stand in stark contrast to the sporadic and formal contacts that preceded them. Unions began to build and nurture relationships of a certain nature and quality. If the interactions in the pre-NAFTA era were like noncommittal dating, those after NAFTA were marriages. Most were written commitments to permanent, consistent interactions based on joint action and grassroots participation. But the most important characteristic of these nascent relationships was their unprecedented rootedness in equality and collective interest. And, although the process of chipping away at stereotypes was not uniform across the continent, divisive attitudes that blamed foreign workers and immigrants for potential NAFTA-related job loss north of the Rio Grande surfaced infrequently among labor leaders in the United States and Canada – and were frequently censured when articulated by the rank and file. The shift from Cold War era interactions was therefore quite striking.

The end of the Cold War, however, was not responsible for the emergence of transnational relationships among North American unions. There was a significant lag time between the end of the Cold War and the reconfiguration of the AFL-CIO's priorities and institutional structures. Although some changes did occur beginning in the early 1990s, more significant changes came after John Sweeney was elected president of the AFL-CIO in 1995. Sweeney reorganized the international department and eliminated the controversial American Institute for Free Labor Development (AIFLD) in 1997.⁸ Many Cold War era staffers were replaced or left the federation, undermining its Cold War strategy. Thus the effects of the end of the Cold War within the AFL-CIO came years after initial transnational relationships were forged in the early 1990s.⁹ According to

⁶ Such as the World Federation of Trade Unions, the International Confederation of Free Trade Unions (ICFTU), and international trade secretariats (now called global unions, or global union federations, GUs and GUFs).

⁷ For a discussion of the history and limitations of international labor organizations, see Stevis (1998) and Boswell and Stevis (1997). I characterize union relations in the pre-NAFTA era as similar to what Tarrow (1998) terms "contingent political alliances," which are based on ephemeral transnational "relays" or exchanges between social activists.

⁸ Critics argue that AIFLD helped the U.S. government oust radical Left labor leaders, unions, and regimes, particularly in Latin America. For more on AIFLD, see Chapter 2.

⁹ Some critics argue that the Cold War strategy has not died completely because a few influential Cold War era staffers remain, and the Solidarity Center continues to accept funds from the U.S. government.

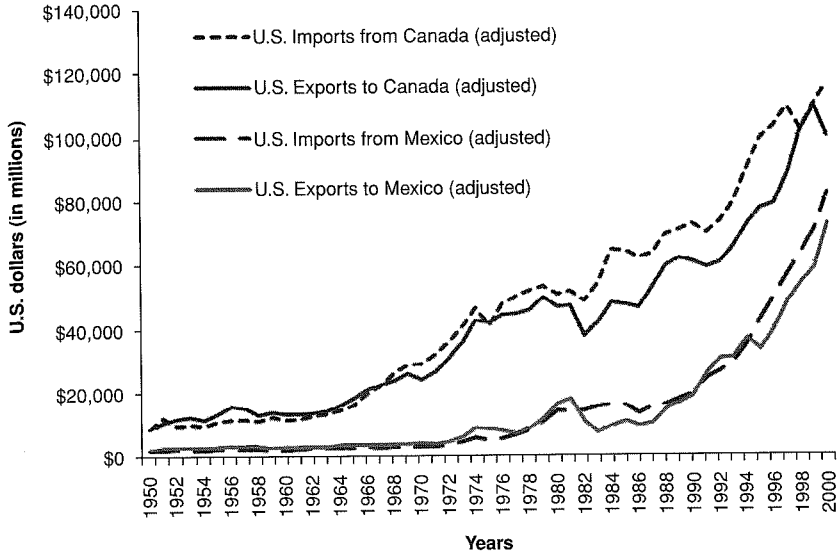


Figure 1.1. North American Trade, 1950–2000. The trade data come from the “Direction of Trade” dataset compiled by the International Monetary Fund and have been adjusted by the U.S. Consumer Price Index (1982–1984=100) to correct for inflation. The following discussion is based on these data.

AFL-CIO officials, NAFTA actually helped to undermine the federation’s Cold War priorities by forcing leaders to deal with the threats posed by regional economic integration. And, ironically, it was NAFTA itself that helped unions across the continent define and develop collective “North American” interests.

NAFTA as Catalyst? Alternative Economic Explanations

What, then, was unique about NAFTA? Some critics argue not much, and offer an economic explanation for the emergence of labor transnationalism in its wake: it was not NAFTA per se that catalyzed transnational relationships but rather the increased trade and market openings it stimulated. This explanation is problematic because although trade and investment have characterized the relationships between North American countries for decades, labor transnationalism has not. As Figure 1.1 shows, the long-term trend in North America is toward increased trade.

In 1950, U.S. exports to and imports from Canada were at parity; each figure hovered at just over \$8 billion (all dollar figures in U.S. dollars). By 1980, U.S. exports to Canada reached almost \$47 billion and U.S. imports from Canada reached approximately \$50 billion. In

1950, Mexican exports to the United States were at \$1.6 billion, and U.S. exports to Mexico were at \$1.9 billion. In 1965, the Mexican government decided to boost the economy by introducing an export-oriented assembly industry program, which stimulated tremendous growth in trade. Mexico further solidified its commitment to export strategies in 1986 when it joined the General Agreement on Tariffs and Trade (GATT, which later became the World Trade Organization, WTO). Between 1970 and 1990, Mexican exports to the United States increased more than sevenfold from \$2.6 billion to \$19 billion, and U.S. exports to Mexico rose from \$3.9 billion to more than \$18 billion. Increasing trade has also characterized the relationship between Canada and Mexico. Between 1950 and 1990 Canadian exports to Mexico rose from \$55.2 million to \$336 million, and Mexican exports to Canada surged from \$72.1 million to \$653 million.¹⁰

If market openings alone are responsible for generating transnational relationships, we would expect to see a surge in transnationalism at critical historical moments of market expansion such as after Mexico implemented its export program or joined the GATT. But these openings did not generate transnational labor relationships, and neither did neoliberal state policies intended to stimulate trade and investment. As Table 1.1 shows, privatization and deregulation have proceeded at a gallop in North America since the 1980s, and although many unions opposed and fought these policies, they did not coordinate their opposition as a united transnational labor movement. Nor did they direct their ire against North American neoliberalism, which seemed to be sweeping the continent. Rather, they focused inward and tried to influence their respective states.¹¹

NAFTA's Effects on Transnationalism

The emergence of labor transnationalism in North America therefore presents compelling sociological and political puzzles. First, how did

¹⁰ Because these lines hover on the x axis, I do not include them in Figure 1.1.

¹¹ Moreover, many privatization and deregulation strategies were implemented in the mid-1990s, years after transnational labor relationships emerged. And, the majority of transnational relationships that emerged in the early 1990s occurred among unions that were not subjected to privatization or deregulation efforts. There is one exception, however. The breakup of the Bell system in 1984 forced the CWA to create ties with its Canadian counterpart in order to deal with increasingly recalcitrant management policies. The transnational relationship, however, did not include the Mexican telecommunications union (STRM) until NAFTA became a significant threat in the early 1990s.

Table 1.1. *Privatization and Deregulation in North America*

	United States	Canada	Mexico
Telecommunications	1984 (deregulation)	1998 (deregulation)	1989–1991 (privatization)
Airlines	1978–1986 (deregulation)	1988 (Air Canada)	1988 (Aeromexico) 1989 (Mexicana) (privatization)
Electric utilities	1992	varies by province; unions currently fighting efforts at deregulation and privatization	unions currently fighting efforts at privatization
Road transportation			1989 (trucking)
Rail industry	1976–1980 (deregulation)	1995 (privatization)	1997–2000 (privatization)
Banking	late 1970s, early 1980s (deregulation)		1989

NAFTA catalyze labor transnationalism? And, why did some unions more readily engage in transnational collaboration and embrace internationalism than others? Although the evidence supporting an economic explanation for NAFTA's effect is not terribly convincing, that for a political explanation is quite compelling. The answers to these questions about NAFTA's effect on labor transnationalism lie not simply in what NAFTA symbolized to North American labor activists – the concretization and institutionalization of neoliberal economic policies and the downward harmonization of wages and labor standards across the continent – but rather in what NAFTA *created*. NAFTA, an emergent “multilateral regime,”¹² a particular kind of global governance institution, catalyzed labor transnationalism by creating two new transnational institutional arenas through which North American labor activists could engage each other.¹³ These new arenas were critical because they provided a space to mobilize collective action while constituting as transnational actors the very activists that would engage that space.

¹² For a discussion of multilateral regimes, see Krasner (1983) and Ruggie (1993).

¹³ NAFTA is more accurately a regional governance institution, but for simplicity and consistency with the term used in the literature, I will refer to it as a global governance institution.

Here I refer to these new arenas as fields, defining a field as a “local social order”¹⁴ of actors “who take one another into account as they carry out interrelated activities”¹⁵ and *that is characterized by an orienting principle or goal* (Evans and Kay 2008).¹⁶ The first new institutional field NAFTA created in 1990 was a transnational trade-negotiating field in which state officials and labor representatives in the United States, Mexico, and Canada hammered out the nature and scope of the substantive trade agreement and ultimately the labor side agreement. Although dominated by trade and business officials, the negotiating field also included labor representatives who participated directly through advisory committees and indirectly through allies in the U.S. Congress with access to negotiators. This new institutional field was critical to stimulating labor transnationalism during NAFTA’s negotiation because it provided labor activists with a concrete target of engagement and protest that straddled the borders of North America. Labor unions in Canada, the United States, and Mexico, which for years had been isolated and estranged, could target not only nation-states and the general public but also a new and viable transnational institutional field.

During the prepassage contestation over NAFTA, activists’ ongoing interactions in this field helped constitute them as transnational actors and enabled them to forge collective interests. NAFTA stimulated this process by serving as a collective threat to North American unions, which began to see their futures as linked, bringing them into contact and helping coalesce their interests, and compelling them to define and defend what they considered to be North American labor rights. During all stages of NAFTA’s negotiation, unions worked in trinational coalitions lobbying their individual nation-states and mobilizing popular support to demand that the agreement have teeth.¹⁷

Debates over fast-track reauthorization provided an early opportunity for unions to mobilize politically, as well as for members of Congress to signal their demands to trade negotiators. Granted by Congress, fast-track privileges enable the president to negotiate trade agreements while restricting Congress’s ability to amend them. Although fast-track extension was accepted in May 1991, labor activists working with sympathetic members of Congress forced President George H.W. Bush to develop an

¹⁴ Fligstein (2001, p. 5).

¹⁵ McAdam and Scott (2005, p. 10).

¹⁶ See also DiMaggio and Powell (1991) and Fligstein (2001) for discussions of fields.

¹⁷ As will be discussed, official Mexican unions such as the CTM, however, supported NAFTA.

action plan to deal with labor concerns.¹⁸ When substantive negotiations concluded in August 1992, they were profoundly disappointed by the enormous 900-page document that included no labor rights protections and primarily reflected business interests. Both House Ways and Means Chair Dan Rostenkowski and House Majority Leader Richard Gephardt discussed the possibility of renegotiating the agreement because its passage appeared unlikely. The timing of the final negotiations catapulted the issue of free trade into the 1992 presidential election campaign and presented a problem for presidential candidate Bill Clinton. Whoever won the election could renegotiate the agreement, or would have the arduous task of garnering congressional support for it. But Clinton knew that labor and other anti-NAFTA activists would vigorously resist the agreement as negotiated by his predecessor and that without more stringent labor and environmental protections Congress probably would not ratify it.

Under intense pressure from labor and environmental activists, Clinton announced on the eve of the election his support for supplemental labor and environmental agreements. In November 1992, Clinton was elected president, and under his administration environmental and labor side agreements were negotiated to salvage NAFTA beginning in March 1993. Although they had pushed him to commit to stronger labor protections, many labor activists did not support a side agreement because they feared a political bait and switch; the administration could codify – before the outcome of supplemental negotiations would be determined – unacceptable policies in the primary agreement that would be difficult if not impossible to amend (Kay and Evans unpublished ms.)

Clinton, however, stirred unions' hopes that the labor side agreement would have teeth, proclaiming in a 1992 speech that a commission "should be established for worker standards and safety. It too should have extensive powers to educate, train, develop minimum standards and have similar dispute resolution powers and remedies. We have got to do this. This is a big deal."¹⁹ Persuaded by administration officials who promised to address their concerns and heed their input, some unions – including the AFL-CIO and many of its affiliates – waited until side agreement negotiations had almost concluded to pass judgment. When the final agreement was unveiled in August 1993, they expressed their outrage over its inadequacy, and at their betrayal by a president they had helped elect.

¹⁸ The action plan also addressed environmentalists' concerns. See Evans and Kay (2008).

¹⁹ Clinton (1992).

Despite unions' efforts to kill the agreement, President Clinton cobbled together enough votes to secure its passage. An underlying distrust, however, characterized labor leaders' relationship with the president and the NAALC for the next eight years.

When NAFTA went into force on January 1, 1994, it created a second transnational institutional arena for activists to engage – a transnational legal field. This field consisted of nascent legal mechanisms, including the North American Agreement on Labor Cooperation (NAALC, NAFTA's labor side agreement), and National Administrative Offices (NAOs) in each of the three NAFTA countries. These new institutions were critical to stimulating new transnational relationships and nurturing existing ones because they enabled labor activists collectively to invoke and demand protection for newly defined North American labor rights claims. The NAALC created eleven North American labor principles or rights recognized by the three countries and established new rules, procedures, and venues to adjudicate complaints of labor rights violations in North America. But most significantly, by requiring submitters to file complaints outside of their home countries, the NAALC forced labor activists to seek assistance from counterparts in another NAFTA country and thereby catalyzed transnational relationships that had not previously existed.

The transnational institutional arenas NAFTA created were unprecedented, and so were their effects. But their potency lies in their constitutive functions: in the political mobilization period during NAFTA's negotiation, transnational interests and actors were created, and during the period of NAFTA's implementation, actors and rights claims were legitimized. The NAFTA story, then, is about how political-institutional fields serve as new transnational political opportunity structures for emergent transnational social movements. Faced with a trade agreement that could potentially undermine labor rights and standards in North America, labor unions entered these new political-institutional arenas to mobilize. Through their interactions, they began to develop not only a collective strategy and agenda for changing the rules of regional economic integration but also a sense of their collective interests as North American workers.

Variations in NAFTA's Effect

Despite the strength of NAFTA's effect, not all unions developed transnational relationships in its wake. The NAFTA story, then, has a sequel. The first part of the story centers on how NAFTA's institutional structures

created new transnational opportunities for labor unions. The second part of the story focuses on how unions responded differently to those opportunities. As economic integration proceeded, North American unions and labor federations were differentially constituted as transnational actors. The majority of union leaders recognized that they shared some common interests with their counterparts across the continent, but the degree to which they embraced labor transnationalism varied significantly. Moreover, unions' adoption of strategies that furthered mutual interests through concrete action was not uniform. The obvious question then, is what explains the variation in the emergence of labor transnationalism in North America?

The most significant predictors of cross-border engagement are not economic but rather political; unions with progressive leadership that granted key players the authority to direct and nurture relationships were more likely to engage in transnationalism than unions in which NAFTA was simply perceived as a threat. Key actors in these unions – many of whom participated in the struggles around the Vietnam War and civil rights – altered the calculus of support for transnationalism by seeking out and nurturing relationships and educating and including the rank and file. Unions' cultural and organizational characteristics therefore had a tremendous effect on the emergence of labor transnationalism. The consistency of transnationalism with a progressive agenda helps explain its emergence among progressive unions. Ideologically left-of-center unions are more likely to value solidarity in theory and in practice, and to have key staff people that prioritize cooperation and manage relationship building. Moreover, unions that aggressively try to purge racism at home are less likely to tolerate it as part of their international policy.

In order to understand NAFTA's catalytic effect on North American unions, then, we must examine not only the nature of the transnational political opportunity structure it created but also the unique characteristics of unions poised to take advantage of it. It is important to emphasize that although I examine unions' central role and activities in the anti-NAFTA struggle – arguably the most significant social movement in North American history – much of my analysis centers on the emergence of trinational labor coalitions and campaigns, and relationships among unions. It would be too strong to claim the emergence of a coherent and well-defined North American labor movement in response to NAFTA. The process of coalition and relationship building it generated, however, richly informs and expands our understanding of transnational social movement emergence. Its analysis both benefits from and extends the

theoretical tools employed in social movements scholarship. The remainder of this chapter will examine how studying NAFTA's effects on labor transnationalism helps us create better models to understand transnational social movements and governance institutions. Specifically, it will reconceptualize the dimensions of political opportunity structures and explore the constitutive effects of transnational institutional fields on social movements.

Transnational Institutional Fields: Connecting the Global and Local

A study of NAFTA offers a promising arena for developing a theory of political opportunity structure and mobilization that can link routine and contentious actions at both the domestic and transnational levels. In order for labor unions to build transnational relationships, however, they must begin to see their interests as mutual. Although it is possible for unions to do this outside the context of institutional fields, the NAFTA story shows that the creation of a new transnational field can be a quite powerful catalyst for labor transnationalism. The case therefore allows us to build theories about the emergence of transnational social movements in relationship to institutional fields.

Organizational scholars have focused on the creation of new fields, competing logics within fields, and the effect of outsiders on fields (see Armstrong 2002; Clemens 1993; Lounsbury 2007; Schneiberg and Soule 2005; McAdam and Scott 2005). Despite extensive scholarship on internal field dynamics, however, there has been little work on transnational fields and how they shape social movement activities and mobilization. And yet the institutional fields that NAFTA created cross national boundaries and serve as sites where social actors and their organizations frame issues, mobilize, build networks and coalitions, and contest or advocate particular policies or practices.

Theorizing the dynamics of transnational fields is critically important because they straddle transnational and national arenas. That is, actors are simultaneously rooted in a transnational context and their national context. This is particularly relevant for the labor movement, which, unlike other movements, has a unique institutional relationship with the state. In all three NAFTA countries, labor unions have obligations and responsibilities vis-à-vis the state, which in turn has obligations to unions, particularly in countries that have a corporatist structure, such as Mexico. Labor movements across the continent are therefore constrained by laws that dictate the strategies workers may use and the institutional

mechanisms they must engage in their struggles against employers and the state.

Whereas other social movements are relatively autonomous from the state and can choose to eschew legal-institutional strategies altogether and focus primarily or solely on disruptive politics (as the environmental and antiglobalization movements can do), the labor movement must invoke legal-institutional mechanisms as part of its tactical repertoire. Failure to do so constitutes a violation of labor laws (e.g., if a U.S. union initiated a wildcat strike and refused to bargain in good faith). The ability of social movements to use disruptive noninstitutionalized tactics such as protests, strikes, boycotts, and the like can be critical to their success. It is hard to imagine that the U.S. civil rights movement would have been as effective without the bus boycott and the sit-in. Indeed, these strategies were crucial to the movement's success: they enabled activists to create openings in unfavorable political environments in which institutionalized grievance mechanisms were blocked. And yet effective strategies such as these are often denied to labor movements in all three NAFTA countries by legal restrictions and limitations. The relationship between the labor movement and the state is therefore contained within a prescribed and historically contingent national institutional field.

In many respects, labor movements are therefore quintessential *national* movements; they look to their states for protection and to redress what are usually local or national grievances. Because labor movements are primarily oriented toward their own nation-states, the emergence of labor transnationalism is unexpected and therefore quite compelling. Theorizing the dynamics of transnational fields illuminates the competing logics within them that emerge from their links to both domestic and transnational arenas. It also addresses a growing debate among scholars regarding the relevance of the nation-state in an era of globalization and, by extension, the efficacy of local versus global (or regional) social movement strategies.

The model of transnational fields I offer here suggests that constructing the local and global in opposition to each other is misguided. For labor unions with institutionalized relationships to the state, participating in a transnational labor movement that is completely autonomous from national arenas is not possible; when engaging transnationally, labor movements always straddle domestic *and* transnational arenas. Moreover, for unions to gain maximum leverage across fields that link domestic and international institutions, they must apply pressure locally (nationally) *and* internationally. Understanding transnational fields therefore

helps reconcile the local–global dichotomy and social movement strategies that simultaneously target domestic and transnational institutions (such as nation-states and regional or global governance institutions).

Unions' rootedness in their national contexts also helps explain why not all unions exposed to NAFTA's institutional fields developed transnational relationships. Unions with less progressive leaders who constructed their interests nationally in relationship to the state were unable or unwilling to forge transnational ties. The strong pull of the national means that breaking out of its confines in order to build relationships transnationally can be extremely difficult. Transnational relationship building requires not simply economic incentives but an ideological vision and a strategic plan. Prior to NAFTA, North American labor unions framed their struggles primarily in nationalistic terms. But NAFTA's negotiation and passage helped constitute a core group of North American labor activists, who began to build a new understanding of their struggles not only as inextricably linked but also as shared. It was only when regional economic processes were infused with concrete political consequences that labor activists were moved to act trinationally. But it was only when NAFTA created new transnational institutional fields that they were able to mobilize effectively.

National and Transnational Political Opportunity Structures

The NAFTA story therefore shows that transnational institutional fields can serve as new transnational political opportunity structures, or openings for transnational movement building. The idea that transnational institutional fields span the domestic and the transnational helps ground a theory of transnational political opportunity structure in relationship to transnational social movement emergence. The concept of political opportunity, defined as "consistent – but not necessarily formal, permanent, or national – signals to social or political actors, which either encourage or discourage them to use their internal resources to form social movements," helps explain how political systems are challenged and how new political actors emerge.²⁰ Very little is actually known about the emergence of transnational social movements and the transnational political opportunity structures that affect them because political process theory developed almost exclusively in relationship to national

²⁰ Tarrow (1996, p. 54). For detailed discussions of political opportunity structures, see Tarrow (1994) and Kriesi et al. (1995).

social movements and nation-states. How well, then, does political process theory explain the emergence and strategic nuances of transnational social movements? Specifically, can theories of national political opportunity structures simply be applied whole cloth to transnational political opportunity structures, or do they need refinement to account for the particularities of transnational social movements and their unique relationship to nation-states and global governance institutions?

Scholars are only beginning to tackle these questions. Whereas some account for "multilayered" opportunity structures and "multilevel politics," others dismiss the idea of transnational political opportunity structures because they assume social movements target sites of institutionalized power leveraged through national, not transnational, arenas.²¹ This assumption is problematic, however, given the proliferation of global governance institutions and social movements' frequent targeting of them (such as the antiglobalization movement's targeting of the World Trade Organization and International Monetary Fund). Keck and Sikkink's (1998) work adds empirical weight to the idea that institutionalized power is embodied in global governance institutions. The authors show that activists use global governance institutions to leverage states and provoke changes in state policies and practices. Although their analysis illuminates the relationship between social movements and global governance institutions, it does not offer a clear articulation of a theory that could be used to explain the *emergence* of transnational labor movements in relationship to global governance institutions.²²

The NAFTA story sheds light on this theoretical lacuna by showing how global governance institutions serve as transnational power structures for emergent transnational social movements. But NAFTA's stimulation of labor transnationalism also suggests that the model of national political opportunity structures cannot simply be mapped onto the transnational level because there are critical differences in the way power is constituted at the transnational and national levels. The theoretical payoff of examining labor transnationalism is that it allows us to refine the concept of political opportunity structure and explore its efficacy at the transnational level.

Political process theorists generally highlight what McAdam identifies as four primary "dimensions of political opportunity" at the national level: (1) the relative openness or closure of the institutionalized political

²¹ Khagram, Riker, and Sikkink (2002, p. 18). See also Tarrow (2005) for a discussion.

²² Keck and Sikkink do not discuss labor movements among their cases.

system; (2) the stability or instability of elite political alignments; (3) the presence or absence of elite allies; and (4) the state's capacity and propensity for repression.²³ Although these variables allow for a rich analysis of national social movements, they lack explanatory power when applied to the transnational arena. Unlike nation-states, global governance institutions have neither democratic electoral accountability nor repressive capacity. A polity's relative accessibility is therefore largely irrelevant at the transnational level. Electoral politics, which Tilly (1984) cites as the primary engine behind national social movements' engagement with the nation-state, also lacks relevance in the transnational arena. Transnational elites are not elected, nor do they belong to transnational parties subject to voter sanction. At this stage of labor transnationalism in North America, the effect of transnational elites is therefore minimal.²⁴

And, while power at the national level can be constituted through repression, global governance institutions lack repressive powers. NAFTA and the NAALC, for example, have no military power and little ability to impose severe sanctions. Moreover, all four dimensions of political opportunity structure at the national level presume the existence of one nation-state. But what if the political opportunity structure involves three nation-states (in North America) and one nascent global governance institution (NAFTA)?

I offer a new model of political opportunity structure at the *transnational* level to accommodate the uniqueness of how power is constituted in this realm. In this model, transnational institutional fields create transnational political opportunities by serving three constitutive functions: (1) constituting transnational actors and interests; (2) defining and recognizing transnational rights; and (3) adjudicating rights at the transnational level.²⁵ New opportunities therefore emerge from transnational institutional fields. The focus here is on mechanisms: what institutional fields *do* to create transnational political opportunities.

The first constitutive function of transnational institutional fields suggests that the constitution of regional actors with regional interests is critical to the emergence of transnational social movements. Political process theory assumes that, at the national level, the interests of movement activists emerge and coalesce prior to mobilization and are reinforced through ongoing interaction. Because transnational social movements

²³ McAdam (1996, p. 27) synthesizes key scholars' conceptualization of the term.

²⁴ National elites however, were critical to the passage and structure of NAFTA and the NAALC.

²⁵ This does not imply that there could not be more, only that these emerged from my data.

must overcome geographic and cultural barriers, their interests are frequently forged *through* mobilization. Global governance institutions can assist in this process. In North America, spurred by concerns about the havoc NAFTA would wreak in their own countries, labor unions began to mobilize against the agreement. Only after coming together to discuss their individual concerns did they begin to articulate North American interests and develop cooperative transnational networks and relationships to advance them. NAFTA actually facilitated the constitution of North American actors with North American interests (as opposed to national actors with national interests). This *does not* imply that social movement actors no longer retain national identities and interests but rather that these exist simultaneously and are compatible with their nascent transnational identities and interests.

Labor transnationalism is nearly impossible to cultivate unless racist attitudes and ethnocentrism are significantly undermined or eliminated. Efforts to build labor solidarity across national borders have been historically stymied by these attitudes; labor activists in different countries frequently see themselves as competitors for scarce jobs and construct their interests in opposition to each other. The elimination of racism and ethnocentrism is therefore critical to the process of establishing transnational actors and interests. NAFTA created not only a common market but also transnational institutional fields through which national unions in North America could temper racism and ethnocentrism and identify their common interests as *North American unions*.

The second constitutive function of transnational fields expands upon the first by emphasizing the importance of defining and recognizing transnational actors' and social movements' rights in the transnational arena. This dimension is similar to Tilly's (1984) assertion that national social movements target nation-states because they have the power to grant or deny legitimacy. In the transnational arena, global governance institutions have the same power. That is, they make and enforce rules that, however weak, establish transnational rights, standards, and norms (Kay 2005). By laying out eleven North American labor principles and recognizing transnational social movements' right of standing through the NAO submission process, the NAALC creates a set of North American labor rights to be protected in all three countries. Moreover, their violation allows for redress by any North American "citizen."²⁶ Thus the

²⁶ The NAALC actually allows any party, regardless of national origin, to file public submissions. As of this writing, no party outside North America has filed a public submission.

NAALC grants a legitimacy to North American labor unions and their grievances that did not exist prior to NAFTA's passage.

The third constitutive function of transnational institutional fields emphasizes the importance of adjudicating grievances at the transnational level. The NAALC, for example, not only defines and recognizes transnational rights but also adjudicates complaints of labor rights violations at the transnational level. And its procedural rules facilitate cooperation among North American labor unions in that adjudicative process. Whereas national political opportunity structures have both electoral and adjudicative dimensions, transnational political opportunity structures lack the former. At the transnational level, political opportunity structures are embedded in rules and bureaucratic processes rather than electoral processes. This is another reason for the minimal role of the polity and elite alignments at the transnational level.

Developing Collective Interests: The Constitutive Effects of International Law

The emergence of labor transnationalism in North America not only demonstrates that cooperation among unions in different countries is possible but also raises compelling questions about how unions can overcome seemingly opposing interests.²⁷ The first function of transnational institutional fields – the constitution of transnational actors and interests – is therefore the foundation for the two others. Scholars have not fully fleshed out the *process* by which workers in different countries recognize and develop mutual interests and how new legal structures and mechanisms facilitate their creation. While they have been concerned with the development of working-class consciousness and solidarity (Voss 1993; Katznelson 1985; Hattam 1992; Aminzade 1979), the importance of cohesive collective identities for social movements (Melucci 1985), and the creation of cultures of solidarity among workers (Fantasia 1988),

²⁷ The burgeoning literature on labor transnationalism tends not to focus on this question but rather on the history of labor transnationalism (Sikkink and Smith 2002; Herod 1997; Stevis 1998; Howard 1995) and the causes of success and failure of particular transnational campaigns that are possible once interests coalesce (see Armbruster 1995, 1998; Cohen and Early 1998; Jessup and Gordon 2002; Zinn 2002; Anner 2002; Wilson 2002). Although scholars suggest that NAFTA's labor side agreement facilitates labor transnationalism, they have not fully fleshed out the process by which this occurs (see Alexander 1999; Carr 1999; Damgaard 1999a, 1999b; de Buen 1999; Compa 1999; Cook 1997; Kidder 2002; Thorup 1993; Luján 1999).

we know very little about how collective identities are developed across borders and how the obstacles to their formation are overcome.

This dearth of knowledge is surprising given the importance Karl Marx and his successors ascribed to the development of an international proletariat. Marx's suggestion that serial crises in capitalist accumulation would catalyze international solidarity as the bourgeoisie searched out new markets for its products has obviously not come to pass. Economic crisis does not necessarily generate collective interests. The emergence of labor transnationalism in North America suggests that reconfigurations in governance structures among nations can facilitate interest-building processes. That is, international laws and legal mechanisms can have constitutive effects on transnational social movements by imbuing transnational actors with collective interests.²⁸

Sociolegal scholars have devoted significant attention to how the law constitutes legal actors and interests at the national level. In contrast to more traditional approaches that construct law as formal sets of rules that people conform to, a constitutive approach highlights the law's dynamism and plasticity in shaping how individuals view themselves in relation to the law and to each other. It conceptualizes law as "a complex repertoire of discursive strategies and symbolic frameworks that structure ongoing social intercourse and meaning-making activity among citizens."²⁹ A constitutive approach illuminates the law's effects on social movement building – particularly how the law promotes and constrains collective interests and action. Some of the earliest efforts focused on the labor movement and its relationship to labor law. Scholars linked the bureaucratization of the labor movement to labor legislation, which tempered class struggle by privileging collective bargaining rights (see Klare 1978; Stone 1981; Rogers 1990). As Klare explains, labor legislation resulted in the "creation of the rudiments of what later became an increasingly formalized and regulated institutional structure for the state administration of the class struggle" (Klare 1978, pp. 268–69). The law, then, helped "contain" the U.S. labor movement by limiting the nature and scope of labor struggles and constituting activists as bureaucratic actors with particular roles and obligations.

²⁸ I use the terms international and transnational law interchangeably. Although NAFTA applies to only three countries, political scientists would use the term international law. See the distinctions in Tarrow (2005).

²⁹ McCann (1994, p. 282). See also Merry (1990), Ewick and Silbey (1998), Silbey (1992), Sarat (1990), and Minow (1990).

Although the law can undermine collective action, it can also have the opposite effect by constituting social movement actors in ways that build social movements. As studies of the civil rights, women's rights, pay equity, gay rights, and other movements have shown, the law can help catalyze movements, recruit members, promote rights consciousness, and nurture solidarity among movement activists (McCann 1994; Schneider 1986; Andersen 2005). According to McCann, the law helps constitute social movement actors in particular ways. It can help nascent movements "name" and frame their grievances in relationship to particular rights violations they experience and seek to redress. Even unsuccessful attempts at legal mobilization can galvanize activists by highlighting the need for political or legal reform (McCann 1998). The law and the rights claims it articulates can therefore provide a concrete mechanism that helps form cohesive collective identities and interests that are so crucial for social movement development.

Sociolegal scholarship on the law's constitutive effects reveals much about how legal consciousness develops within social movements. But, like political process theory, it is limited by a focus on these processes at the national level. Although the emergence of labor transnationalism is surprising, particularly given labor activists' derision of the NAALC itself, its analysis opens a theoretical window onto the processes and mechanisms by which social movement building occurs at the *transnational* level in relationship to the law. Here I suggest that, at the transnational level, legal rules and mechanisms help constitute transnational actors with collective interests. Legal rules then legitimize transnational actors and their interests by granting them rights and grievance mechanisms at the transnational level. NAFTA provides us with an interesting case to examine the law's constitutive effects at the transnational level. The introduction and negotiation of a legally binding trade agreement allowed labor unions to recognize the common threat to wages and health, safety, and environmental standards. It enabled them to build common agendas and proposals for dealing with the threat. During the initial political mobilization period, transnational activists developed their collective interests by working together to try to kill the agreement. After NAFTA's implementation, the NAALC defined and legitimized their rights in the transnational arena.

The NAFTA story shows, however, that the strength of the NAALC's adjudicatory mechanisms is critically important for unions' long-term participation in the legal field. Although many unions were willing to come to the new legal mechanisms the NAALC built, they were not

always willing to stay. During the first seven years of its existence, the NAALC process was one of the key arenas of cross-border labor cooperation and a significant indicator of its persistence. Unions' inability to get meaningful redress, coupled with the election of the more conservative antilabor Bush administration, eroded unions' confidence in the NAALC's efficacy. During the second seven years under NAFTA, unions used the process less frequently. Whereas unions and labor organizations filed fourteen submissions with the U.S. NAO during the first seven years, they filed half that number during the second seven. To the extent that the NAALC fails to provide meaningful redress on core issues such as freedom of association, its ability to serve as a mechanism to build labor transnationalism is compromised.

To summarize my argument, transnational political opportunity structures emerge from transnational institutional fields that create spaces where activists come together, mobilize, and develop their interests and identities in relationship to each other. In order for fields to be catalysts, they must promote or facilitate the constitution of transnational actors and interests and the definition, recognition, and adjudication of transnational rights. The two fields NAFTA created not only helped constitute new transnational actors and interests but also propelled key unions through the process of developing relationships (as will be discussed later in the book). In the course of mobilizing and adjudicating collectively in these fields, activists built trust and began to chip away at racism and ethnocentrism. Their collective activities in the transnational trade-negotiating field helped ensure that labor protections and free trade would be linked. These protections were ultimately embodied in the NAALC itself. Collective action in the transnational legal field helped build networks and support broader labor rights campaigns.

Figure 1.2 provides a visual illustration of how NAFTA helped catalyze labor transnationalism by creating nascent transnational fields that constituted an emergent transnational political opportunity structure.

As Figure 1.2 suggests, transnational institutional fields are the sites through which political opportunities are manifested and exploited.

The constitutive power of transnational institutional fields, however, is not absolute. NAFTA's institutional structures created new transnational opportunities for labor unions, but unions responded differently to them. Thus, whereas the first part of the NAFTA story is about structure, the second part is about agency. Only progressive leaders who constructed their interests to embrace transnationalism developed cross-border

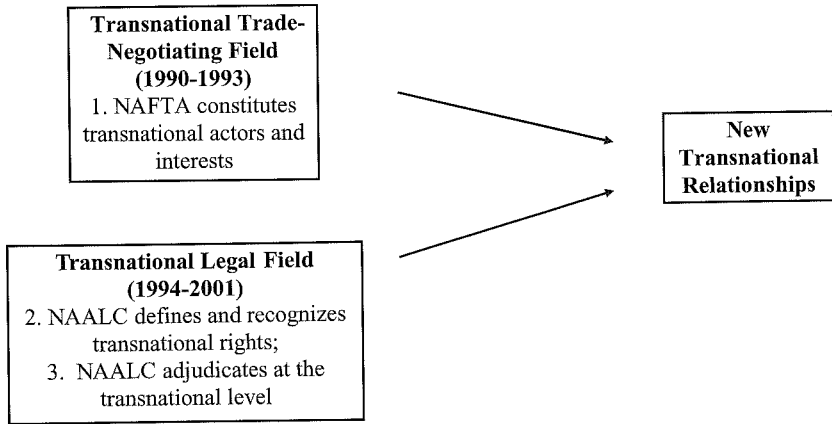


Figure 1.2. NAFTA and Labor Transnationalism

relationships and nurtured a culture within their unions to support them. Individual union leaders therefore had significant effects on transnationalism outcomes.

NAFTA and Governance

Although globalization has generated intense public and scholarly debate, we know little about the web of institutions and policies that advance and regulate it.³⁰ And we know even less about how these institutions and policies operate and interface with state and nonstate institutions, and the social movement actors that try to influence them.³¹ The relationship between NAFTA and labor transnationalism reveals much about the processes and mechanisms by which power is constituted and contested at the transnational level. And it suggests that all governance institutions and structures are not created equal – equally useful to social movements, that is.

³⁰ Here I use Tarrow's definition of globalization, influenced by Keohane (2002): "increasing volume and speed of flows of capital and goods, information and ideas, people and forces that connect actors between countries" (Tarrow 2005, p. 5). Tarrow sees globalization and internationalization as two parallel processes that, in part, overlap. Distinguishing between the two is quite useful because it allows us to draw distinctions between institutions and treaties that advance and regulate globalization. Tarrow defines internationalism as "a dense, triangular structure of relations among states, non-state actors, and international institutions, and the opportunities this produces for actors to engage in collective action at different levels of this system" (Tarrow 2005, p. 25).

³¹ For exceptions, see Tarrow (2005), Keck and Sikkink (1998), O'Brien et al. (2000), and Smith and Reese (2008).

Governance institutions that have concrete mechanisms to engage and enable nonstate actors to participate, the NAFTA story shows, are much more efficacious for transnational movement building. For example, popular resistance to World Trade Organization, International Monetary Fund, and World Bank policies is usually manifested in large transnational demonstrations precisely because these institutions have no public adjudicative processes that activists can engage. Activists cannot file complaints of labor rights violations with the World Trade Organization or World Bank, and they fervently criticize these institutions for their lack of adjudicatory mechanisms, transparency, and democratic participatory processes. By providing some of these mechanisms in North America, NAFTA galvanizes resistance to globalization processes in different ways than global governance institutions that lack these functions. The *kind* of governance mechanisms a particular global or regional governance institution provides is therefore critical to social movements' ability to resist policies that undermine rights.

But the nature of these mechanisms is also critical to processes of movement building. As NAFTA shows, legal mechanisms that require transnational contact and collaboration through procedural rules can be essential to the stimulation of transnationalism. Governance institutions that lack rules to promote collaborative filing of complaints generally have not fomented transnational relationships among North American unions. The procedural rules of the International Labor Organization (ILO) and the Inter-American Court of Human Rights (of the Organization of American States) (IACHR) require central filing of complaints, do not encourage complainants to file jointly, and do not permit public hearings.

Like the NAALC, the ILO and IACHR procedures lack enforcement mechanisms. And instead of encouraging North American unions to file complaints together, the labor clause of the Generalized System of Preferences (GSP) actually pits them against each other; U.S. unions file complaints unilaterally against other governments, requesting the United States to withdraw trade preferences from nations that do not comply with their labor laws. This unilateral mechanism did little to build collective power among North American unions.³² Although unions utilized the ILO, IACHR, and GSP mechanisms prior to NAFTA's passage, they

³² Schrank and Murillo (2005) and Piore and Schrank (2008) suggest that some countries improved labor rights under the threat of losing trade preferences. NAFTA eliminated the use of GSP preferences for and complaints against Mexico.

generally did not use them collectively or as part of larger transnational campaigns for North American workers' rights.³³ Most important for the analysis here, unions' use of these transnational mechanisms did not help catalyze transnational relationships.

A comparison of the NAALC to NAFTA's environmental side agreement, the North American Agreement on Environmental Cooperation (NAAEC), highlights the importance of institutional structure on transnational social movement building. Unlike the NAALC, the NAAEC does not have NAOs or their equivalents in each country, and submitters *are not* required to file in a country other than the one in which the violation occurred. Rather, submitters file complaints of environmental law violations with one entity, the Secretariat of the Commission for Environmental Cooperation (located in Canada).

Although environmental activists filed more than twice the number of NAAEC submissions than labor activists filed through the NAALC, they rarely did so jointly. Of the sixty-five NAAEC submissions filed between 1994 and 2008, only two were filed by submitters from all three NAFTA countries. Thirty-three submissions were filed by Mexican environmental organizations and/or individuals alone, and eleven were filed jointly by U.S. and Canadian organizations. In addition, very few of the submissions emerged from or developed into large trilateral environmental campaigns with grassroots involvement. And, of most relevance to the analysis here, there is little evidence that any strong permanent transnational relationships among environmental organizations emerged and developed in response to the NAAEC.³⁴ According to Jonathan Graubart, who analyzed the NAAEC submissions and interviewed environmental activists across North America: "No one was talking about the importance of collaboration."³⁵ Research suggests that the most significant results of the NAFTA struggle and the NAAEC process have been the stimulation of environmental activism and the creation of new environmental NGOs and organizations within Mexico.³⁶ The very different

³³ A few U.S. unions however, worked with their counterparts in other Latin American countries on GSP petitions to deal with extreme violations of labor and human rights (e.g., under dictatorships).

³⁴ Although I did not conduct interviews with environmentalists as I did with labor activists. A few organizations, such as Greenpeace, have Mexican affiliates or chapters.

³⁵ Personal communication with Jonathan Graubart on September 24, 2009. See Graubart (2008) for an analysis of the efficacy of the NAALC and NAAEC submissions.

³⁶ Of course, these are very significant outcomes in their own right but remain understudied and undertheorized.

outcomes of the two NAFTA side agreements suggest that the construction of transnational governance institutions has effects on transnational movement building. The NAALC, which requires collective adjudication, has helped stimulate it.

My argument is *not* that North American labor activists should applaud the passage of NAFTA or that the NAALC improved labor conditions across the continent. NAFTA undermined labor's bargaining power, stimulated capital flight in North America (see Campbell et al. 2001; Bronfrenbrenner 1997), and has done little to improve labor standards and conditions. Rather, I argue that despite the negative effects of free trade and the NAALC's many flaws and inadequacies, NAFTA helped generate labor transnationalism. NAFTA shows that even institutions with weak enforcement and policy outcomes can have strong movement outcomes. For scholars and activists who view the NAALC as useless, my suggestion that NAFTA had unintended positive consequences – by helping undermine racism and forging transnational solidarity – could be disconcerting. Illuminating reasons for optimism, however, is not a blind endorsement of free trade agreements. Rather, it is a warning that how governance institutions are structured *matters* for activists and their ability to maneuver in ever-changing regional and global economies. Moreover, to dismiss NAFTA on its face because its outcomes are not optimal prevents the telling of a very important historical story about how North American workers not only resisted free trade collectively but also fought to change the internal dynamics of labor unions that had prevented transnational cooperation in the past.

The NAFTA story also suggests the importance of transnational institutions and institution building for transnational social movement *emergence*. I probe this link by examining NAFTA as a case of a global governance institution that spurred unions to collaborate across North American borders. In the process of examining NAFTA's concrete effects on labor transnationalism, we can develop a better understanding of the relationship between global governance institutions, the emergence of labor transnationalism, and the development and idiosyncrasies of transnational institutional fields. If the development of national social movements requires nation-states (Tilly 1984), the case of NAFTA implies that statelike entities in the international arena can play a pivotal role in the development of transnational social movements. Thus, the creation of new global governance institutions that provide mechanisms for social movement engagement and participation should help stimulate the growth of transnational social movements. Once NAFTA's institutional

mechanisms were built, a critical number of labor activists came to engage them. NAFTA therefore provides a heuristic lens through which to examine how international laws and governance institutions constrain and expand transnational social movements.

Of course, it is important to underscore that I am not arguing that trade agreements are necessary conditions for stimulating transnationalism or providing a general explanation for how all cases of labor transnationalism emerge. There are many examples of labor transnationalism emerging at different historical moments and in different parts of the world that are unrelated to free trade agreements in general, much less NAFTA. My analysis focuses on why and how labor transnationalism emerged in North America in the early 1990s. However, my institutional argument about how new fields can generate transnationalism has implications for a wide range of governance institutions and social movements. The book shows how a new institutional structure – in this case, a transnational system for adjudicating labor conflicts – can create an arena that helps stimulate transnational movement building. My analysis of this case should alert analysts and activists to the potential effects of other new international governance structures emerging in other contexts on different kinds of social movements, from environmental movements seeking climate change regulation to investors lobbying for corporate governance reform.

Research Focus, Strategy, and Book Organization

This book examines a particular historical case of labor transnationalism: the emergence of *transnational* labor cooperation in North America in the early 1990s. Because it analyzes *what caused the initial shift* toward transnationalism, the book focuses on the decade after the emergence of the first transnational relationships – from the end of 1990 to 2001 – and devotes less attention to transnational relationships after 2001. The analysis I present here allows us to understand the processes by which labor transnationalism emerged and developed from the pre-NAFTA period (1950–1989) into the post-NAFTA period (1990–2001),³⁷ distinguish between different types of labor interactions, and mark the trajectory of particular relationships. Examining negative cases (i.e., unions that did

³⁷ I define the post-NAFTA period as between 1990 and 2001 because although it was not passed until 1993, NAFTA posed a threat that stimulated union mobilization across the continent, beginning when negotiations were announced in September 1990.

not develop transnational relationships) enables us to isolate the factors that stymie these processes.

NAFTA created a sea change – a big institutional shift for unions – because of the new institutional fields it created. Although the political environment changed after 2000 with the election of conservative pro-business presidents in the United States and Mexico and the events of 9/11, the new institutional equilibrium created by NAFTA remained in place. Since 2001, labor transnationalism has stagnated; the relationships that were established during NAFTA continue, but few new relationships have emerged. Post-2001 events, however, do not affect my argument about *what caused the initial shift* toward transnationalism. As a point of comparison, the decline of the civil rights movement in the early 1970s does not undermine the history of how and why it emerged in the mid-1960s. North American labor transnationalism will continue to ebb and flow and develop – as does civil rights activism – as time progresses and political environments change. But careful analysis of the roots of its initial emergence remains crucial.

The NAFTA case suggests that labor transnationalism is a *process* of relationship and institution building. Using the transnational relationship as a unit of analysis illuminates labor transnationalism not only as an outcome but also as a process of creating a transnational union culture based on cooperative complementary identities – defined as shared recognition of mutual interest coupled with a commitment to joint action. I measure the quality and intensity of unions' relationships by distinguishing between three types. Relationships that involve periodic interactions based on mutual interest, trust, and equality are identified as moderately developed. Those that involve ongoing interaction based on mutual interest, trust, and equality *and* are semiformalized and/or institutionalized are identified as partially developed. Relationships that involve ongoing interaction based on mutual interest, trust, and equality, are fully formalized and/or institutionalized (e.g., through joint programs and permanent staff positions), *and* achieve cooperative complementary identification among counterparts are recognized as fully developed. A transnational relationship is quite distinct from what I refer to as a transnational contact. Transnational contacts are not necessarily based on mutual interest, trust, and equality and tend to be short-term and one-sided. Contacts are similar to what Tarrow (1998) terms "contingent political alliances," which are based on ephemeral transnational "relays" or exchanges between social activists.

A fully developed transnational relationship can be defined as such even if participants are not able to fully exercise the potential of their relationship and achieve its maximum capacity. For example, two unions may have a good working relationship and commitment to mutual support but lack a transnational organizing campaign. The full capacity of their relationship is therefore not realized. Similarly, fully developed transnational relationships cannot be defined by traditional notions of success such as winning campaigns and contracts. It is excruciatingly difficult to overcome the state and employer opposition that unions face in all three countries. Relationships must therefore be measured by their strength and potential rather than by their results. I do not make grand claims about extraordinary successes among North American labor unions. Rather, I illuminate the development of labor transnationalism as a process of relationship and institution building that has the potential for success (in the traditional sense) in the future.

Broadly speaking, this book focuses on processes of labor transnationalism among union federations and the largest unions in the communications, electronics manufacturing, auto, trucking, steel, and garment/apparel industries in North America (not the history of how U.S. and Canadian internationals formed³⁸ or binational campaigns between U.S. and Mexican unions). I selected the largest industrial unions across North America as cases because they were in key industries most likely to be affected by trade and were more likely to embrace nationalistic protectionist strategies and eschew transnationalism (as had been the case historically up until NAFTA). Examining service and agricultural unions, whose workers are less susceptible to being replaced overseas, would reveal much less about processes of transnational relationship building than studying unions faced with imminent job loss. Moreover, agricultural and service unions were marginally involved in the anti-NAFTA struggle – precisely because they had little stake in the outcome. Also, much of the transnational cooperation among these unions involves unionizing immigrant workers in the United States (or those in Mexico seeking to enter the United States).

Table 1.2 lays out both the positive cases (i.e., union triads that participate in transnational relationships; see rows one through seven) and the negative cases (i.e., unions that do not have transnational relationships;

³⁸ In the United States, “international unions” generally refer to U.S. unions, usually with Canadian affiliates.

see rows eight through thirteen) among the sample of eighteen unions and union federations.³⁹

Because the study measures a shift in the nature of the relationships among unions, it required a qualitative and comparative approach. I conducted in-depth interviews with key informants in each union.⁴⁰ In-depth interviews were essential because archival materials are incomplete. The AFL-CIO, for example, has not released or made public documentation of its involvement in Latin American union politics (despite numerous calls from scholars and activists to do so). Moreover, because more equitable relationships were not a priority in the pre-NAFTA era, there are few written records, and key individuals in each union usually manage international relations. I was able to collect more substantive documentation of transnational relationships after 1990 as priorities began to change.

Because of the lack of recordkeeping on this issue, a survey would have generated innumerable blank responses. Memories needed to be gently prodded, and documents locked away in files needed to be consulted to verify dates and places. Determining the key players was not difficult – they were inevitably labor leaders or union elites. Between 1999 and 2001, I conducted over 140 interviews with Mexican, Canadian, and U.S. labor leaders and union staff, government officials, NAALC officials, labor activists in NGOs, and labor lawyers representing over fifty-three individual labor federations, unions, and labor advocacy organizations across North America.⁴¹ The timing of the initial interviews and data collection is a strength of the analysis because they were proximate to the process of creating the institutional shift that generated transnational relationships.

In 2009 and 2010, I conducted a small set of follow-up interviews with key labor leaders to gauge whether the landscape of labor transnationalism had changed significantly since my initial interviews. They revealed that it has not: industrial unions that developed relationships during the NAFTA struggle maintain them, and with the exception of the USW,

³⁹ Rows nine through thirteen represent hypothetical cases, or triads among U.S. and Canadian unions and a hypothetical CTM counterpart in the same industry.

⁴⁰ See the bibliography for a list of interview respondents. For confidentiality, I list respondents in the text as anonymous when they request or when, by my own judgment, I deem material to be sensitive.

⁴¹ This number is larger than the number of unions in the sample because it includes union affiliates and locals, NGOs, law firms, and other entities.

Table 1.2. *Unions, Industries, and Transnational Relationship Outcomes*

Unions	Industry	Transnational Relationship
1 UE, CUSWA, FAT United Steelworkers in Canada (CUSWA) ^a United Electrical, Radio and Machine Workers of America (United States) Authentic Labor Front (FAT, Mexico)	Electrical manufacturing	Yes: fully
2 CWA, CEP, STRM Communications, Energy, and Paperworkers Union (Canada) Communication Workers of America (United States) Mexican Telephone Workers' Union (STRM)	Telecommunications	Yes: partially
3 AFL-CIO, CLC, UNI Canadian Labour Congress American Federation of Labor and Congress of Industrial Organizations National Union of Workers (Mexico)	Labor federations	Yes: partially
4 AFL-CIO, CLC, FAT 5 UAW, CAW, STIMAHCS National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW) United Automobile, Aerospace & Agricultural Implement Workers of America International Union (UAW, United States) Union of Workers in the Metal, Iron, Steel, and Related and Similar Industries (STIMAHCS, Mexico)	Labor federations Auto	Yes: partially Yes: moderately

6	UNITE, UNITE (Canada), FAT Union of Needletrades, Industrial and Textile Employees (UNITE, United States and Canada) ^b FAT (Mexico)	Garment/apparel	Yes: moderately
7	IBT, IBT (Canada), FAT International Brotherhood of Teamsters (IBT, United States and Canada) FAT (Mexico)	Trucking	Yes: moderately
8	AFL-CIO, CLC, CTM Confederation of Mexican Workers (Mexico)	Labor federations	No: contacts
9	UAW, CAW, CTM	Auto	No: contacts
10	UNITE, UNITE (Canada), CTM	Garment/apparel	No: contacts
11	IBT, IBT (Canada), CTM	Trucking	No: contacts
12	UE, CUSWA, CTM	Electrical manufacturing	No: contacts
13	USW, CUSWA, CTM United Steelworkers of America (USW, United States)	Steel	No: contacts

Notes: Rows nine through thirteen represent hypothetical cases, or triads among U.S. and Canadian unions and a hypothetical CTM counterpart in the same industry. There are no national auto, garment/apparel, or trucking unions in Mexico. The FAT presents an interesting case because it is a union federation but also resembles and acts like a national union would in the United States or Canada. That is, as one of the only independent Mexican labor federations prior to 1997, the FAT had unions in key industries such as auto, garment/apparel, and electronics. Each of these unions acted as a national independent union in its respective industry.

^a The United Steelworkers in Canada does not use the acronym CUSWA. I employ it to distinguish between the United Steelworkers in Canada and the United Steelworkers in the United States, both of which belong to the USW.

^b In 2004, UNITE and the Hotel Employees and Restaurant Employees International Union (HERE) merged to form UNITE HERE.

which developed a new and quite strong relationship with a Mexican mining union (as discussed in Chapter 4), industrial unions that did not prioritize transnationalism have not developed new relationships. Labor leaders also reaffirmed their position that the NAALC is a weak and insufficient mechanism for redressing labor rights violations across the continent, confirmed that under the Bush administration its enforcement deteriorated, and revealed that they planned to test new NAO submissions under the Obama administration.

The NAFTA story unfolds in two distinct parts divided into eight chapters. Part One explores the *emergence* of labor transnationalism in relationship to NAFTA. Part Two examines *variations* in unions' engagement in transnational activities in response to NAFTA. The first half of the book therefore focuses on the overarching shift to transnationalism, whereas the second half focuses on variations in that shift among different unions. Chapter 2 explores the history of labor transnationalism prior to NAFTA – a history of diplomatic “relations” among unions. It examines the political-economic context in which these relations occurred, particularly the effects of the Cold War. It also briefly describes North American unions' pre-NAFTA policies on a variety of issues, including trade and immigration.

The next three chapters explore NAFTA's catalytic effects on labor transnationalism: the processes by which NAFTA constituted transnational actors and interests, created a North American labor rights regime, and stimulated transnational relationships and shifts in union ideologies and internal structures to facilitate relationship building. Chapter 3 details how anti-NAFTA coalitions and nascent transnational relationships emerged in the transnational trade-negotiating field and began to develop collective North American interests and identities. Chapter 4 focuses on how the NAALC stimulated and strengthened labor transnationalism by establishing new transnational labor rights standards and legal mechanisms to adjudicate complaints of labor rights violations. It discusses the NAALC process, various NAO submissions, and collaborative activities related to NAO submissions. Chapter 5 explores unions that took advantage of the transnational political opportunities NAFTA created to nurture relationships after its negotiation.

Part Two examines *variations* in unions' engagement in transnational activities in response to NAFTA. Chapter 6 focuses on unions that missed the opportunities NAFTA provided and did not develop relationships after NAFTA's passage. Chapter 7 illuminates the relevant variables to explain the variation in NAFTA's effect on unions. Although all unions

were exposed to NAFTA as a potential catalyst of labor transnationalism, NAFTA did not generate relationships among all unions. That is, it only generated transnational relationships among those that had certain ideological and organizational characteristics. This raises compelling questions about the necessary and sufficient conditions for the development of labor transnationalism, and its limitations. This chapter reveals how some unions and labor federations were differentially constituted as transnational actors during NAFTA's negotiation and in its wake.

The conclusion, Chapter 8, suggests how the book's theoretical and empirical findings can inform our understanding of transnational political opportunity structures and institutional fields more generally, and teases out the implications of this study for future research on transnational social movements and global governance institutions. The dimensions of transnational institutional fields, political opportunity structures, and global governance institutions I identify as being the most salient to labor transnationalism provide a useful yardstick by which to measure other global governance institutions and their potential to serve as catalysts for various types of transnational social movements. Although it is too early to predict the impact of labor transnationalism on unions' power, influence, and success, it is probable that the role of transnational social movements poised to contest inequalities wrought by processes of globalization will only become more important as these processes proceed across the globe.