

Labour market reforms in the light of a new justice principle: from redistribution to equal access

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This paper is concerned with the legitimacy of decreasing employment stability in Germany. The empirical analysis reviews differences in the acceptance of further deregulations of the Dismissals Protection Law (DPL) within the working population. The focus is on the impact of justice and reciprocity on the acceptance of more flexible dismissals protection legislation. A 2004 representative telephone survey is used to test hypotheses.¹

A central finding of labour market research is that employment relationships remained surprisingly stable on the German labour market throughout the 1990s (Erlinghagen 2006; Erlinghagen, Knuth 2004; Grotheer, Struck 2006a). Yet, slight changes in internal career opportunities and differences in the development of the East and West German labour market could be observed (Grotheer, Struck 2006b; Struck, Köhler 2004). If we look at the development of the individually perceived job insecurity on the basis of the *German Socio-Economic Household Panel (SOEP)*, findings are in line with the development of objective job stability: only for the last few years an increase in average concern about job security can be observed (Goetzelt et al. 2006). This shift is partly due to economic factors, but it is also enforced by recent reforms of the German labour market.

After the change of government in 1998, the newly formed Red-Green coalition initiated far-reaching reforms in social and labour market policy. The persistently high rate of unemployment constituted a main concern of reform strategies regarding the labour

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market. Especially the East German working population was hit by long-term unemployment. Two key strategies were pursued to address this problem: a more activating labour market policy and the improvement of flexible employment conditions. One central aspect of the latter was the deregulation of the DPL. Employment stability is known to be relatively high on the German labour market (Köhler et al. 2006). Deregulations challenge objective job stability and subjectively felt job insecurity alike.

The individual and organisational costs of increasing job insecurity in terms of mental and physical health constraints, lower subjective well-being, negatively affected work performance and organisational commitment have already been subject to a variety of comparative empirical analyses (see, e.g., Badura et al. 2005; Sverke et al. 2005, 2002). In contrast, this paper concentrates on the perceived legitimacy of increasing job insecurity. Therefore, the acceptance of a more flexible dismissals protection legislation by the working population and the impact of justice expectations on this attitude are analysed empirically. As a first step, the empirical analysis concentrates on the determinants rather than possible consequences of attitudes towards the future of dismissals protection legislation. To this end, the justification of recent labour market reforms as given within political debates is confronted with the justice attitudes actually held by the working population. Up to now, studies on the prospects for success of the recent shift in German social and labour market policies carried out by political scientists and sociologists have concentrated on the institutional level, whereas an attitudinal perspective has rather been neglected.² Thus, the empirical analysis presented in this paper provides information not only about the conditions under which the working population accepts deregulations but also about the prospects for success of recent labour market reforms vis-à-vis the public.

However, the political debate on the justice of activation and deregulation strategies in labour market policies only serves as a starting point. To explain the variance in the acceptance of further deregulations by the working population, the paper draws on sociological and psychological explanations of social attitudes, focussing on distributional preferences, and on the theory of psychological contracts. Theoretical hypotheses are tested empirically on the basis of a representative telephone survey. This survey was conducted in 2004 and comprises 3033 observations. It is representative of the East and West German working population and covers justice attitudes towards layoffs and wage

² At the end of 2005, the German Opinion Research Centre *TNS Infratest* conducted a CATI survey questioning 937 employees to capture the opinion of the working population towards recent labour market trends. In this context, employees were also asked about their acceptance of further deregulations of dismissals protection legislation (TNS Infratest 2006). Moreover, the *Friedrich Ebert Foundation* investigated the acceptance of Hartz IV (the tightening of unemployment benefits in amount and duration) within the German population (Eichhorst, Sesselmeier 2006).

cuts as well as attitudes towards dismissals protection and distributional justice in general (Struck et al. 2006).

The paper proceeds in five steps. First, the political debate on the justice of labour market policies is described. Secondly, key features of the German DPL and its recent reforms are briefly sketched. In a third step, the theoretical background is developed, and research hypotheses are formulated. Then, key empirical results are presented. Finally, the strengths and limitations of the empirical analysis are discussed and conclusions are drawn about the findings' relevance for the ongoing political debate on the legitimacy of labour market reforms in Germany.

1 – Activating labour market policies and equal opportunities – a shift in justice principle

A key aspect of political reform debates on the German welfare regime and labour market is the demand for a new justice principle. Social democrats and conservatives agree in that a focus on equality of outcomes, i.e. redistribution, is no longer convenient to meet new challenges. Instead, the idea of equality of opportunities has gained in importance in the political arena. In 2000, Wolfgang Clement called the problem of social exclusion one of the most serious deficits of social justice on the German labour market. Following this line of argumentation, any means to increase employment is considered just (Wolfgang Clement 2000, at that time vice-chairman of the national Social Democratic Party).³

The chairman of the CDU federal party and chancellor Angela Merkel also stresses the social exclusion of the unemployed as basic justice concern. She criticises the lobby of the employed citizens to be disproportionately strong as compared to the unemployed (Merkel

³ „Eines der größten Defizite sozialer Gerechtigkeit liegt heute in der Ausgrenzung aus dem Arbeitsmarkt und, damit verbunden, häufig auch aus dem gesellschaftlichen Leben. Deshalb gilt: Mehr Beschäftigung und alles, was die Einbeziehung von Menschen in das gesellschaftliche Leben fördert, bedeutet mehr Gerechtigkeit.“ (Clement 2000). The speech was held on a workshop about the contemporary meaning of justice held by the Social Democratic Party in Berlin on April 26th).

2006).⁴ The shift from equality of outcomes to equality of opportunities puts the social democrats closer to the conservatives in their understanding of social justice (see the programmatic debate within the Social Democratic Party). On the one hand, the debate on social justice taking place since 1998 strongly reminds of the *Third Way* debate held within the British Labour Party to develop a contemporary understanding of social democracy a few years earlier, and indeed, under chancellor Schröder, the Social Democratic Party explicitly drew upon the British experience (Blair, Schröder 1999). However, a key difference between the British situation in 1996 and the situation of Germany in 1998 was that British citizens had gone through a period of far-reaching retrenchments when the labour party came back into power in 1997. In Germany, only at the change of government in 1998 first steps had been initiated to fundamentally reform the German labour market.

Next to the shift from redistribution to equality of opportunities in political justice debates, another normative change can be observed within discussions about employment security: here, the conventional understanding of employment security as the right of continuance in the current job as still institutionalised within the German DPL, has changed fundamentally. ‘Employability’ and ‘flexicurity’ are the concepts now shaping debates. Overall, the debate on a just distribution of labour market opportunities as it has taken place since 1998 searches for a conception of social justice adequately responding to the challenges of globalisation, tertiarisation, new technologies and European integration.

Within political debates, the need to more strongly orient labour market policies towards equality of opportunities instead of status protection is usually being justified by two lines of argumentation. First, it is emphasized that social citizenship does not only imply individual rights but also individual duties towards the polity, and it was only throughout the Golden Age of the welfare state that the part of individual responsibilities could be widely neglected. Secondly, referring to the persistently high unemployment rate, the danger of social exclusion as faced especially by the long-term unemployed working population in East Germany is given priority over status protection. Therefore, several instruments have been adopted to stimulate higher labour market activity and to facilitate new hires. To name only two, income-based unemployment benefits have been cut and dismissals protection legislation has been deregulated.

⁴ „Wenn wir über neue Gerechtigkeit sprechen, hat das auch etwas damit zu tun, dass die Lobby verschiedener Gruppen in unserer Gesellschaft unterschiedlich stark ist. Die Lobby der Arbeitnehmerinnen und Arbeitnehmer ist immer noch eine stärkere als die Lobby derer, die arbeitslos sind. Es kann nicht sein, dass die einen relativ gut vertreten werden und die anderen sozusagen in die vergleichsweise anonyme Verantwortung des Staates gepackt werden und gesagt wird, dass diese uns nicht interessieren.“ (Merkel 2006: 8, speech held at a meeting of the CDU federal management committee on February 20th).

The orientation of labour market policies towards the principle of equality of opportunities obviously challenges the legitimacy of existing employment securities: As the main task of labour market policy is now defined as enabling (*re*)access to the labour market for as many citizens as possible, reasonability criteria for unemployment benefits were tightened.⁵ Moreover, the individual is expected to take higher responsibility for his or her labour market opportunities.⁶ Judging from the normative principle of equality of opportunities, losses in status protection of the labour market insiders are legitimate since labour market reforms in return aim at establishing equal labour market opportunities for the outsiders as well.

In light of increasing poverty and a growing risk of social exclusion within society, labour market policies, which focus on equal opportunities, are generally appreciated in sociology and political science (Kronauer 2002; Lessenich, Möhring-Hesse 2004; Strünck 2005). As Kronauer puts it, a growing share of German citizens faces a situation of *inclusive exclusion* („einschließende Exklusion“): citizens dispose of full political and social rights but, due to high and long-term unemployment, often are restricted in their opportunities to actively making use of their rights (Kronauer 2002: 120). However, it has been doubted to what extent reforms initiated so far not only establish a precarious inclusion at least of the lowly skilled unemployed (Häußermann, Kronauer 2005; Urban 2004; Strünck 2005).

Economic analyses, which have been investigating dismissals protection legislation in more detail, have concentrated on the employment effects to be expected by further deregulations (see, e.g., Franz, Rütters 1999). On the one hand, it has been questioned whether deregulations will actually stimulate any significant additional employment at all (Jahn 2004). On the other hand, deregulations were shown to reduce long-term unemployment (Clark, Postel-Vinay 2005).

Whereas the aforementioned studies concentrate on the institutional level of analysis, this paper focuses on the level of public acceptance. As public protests prior to the adoption of the *Agenda 2010* reforms in 2003 and growing disenchantment with politics demonstrate, voters doubt reform strategies to be successful and feel their understanding of social justice to be violated. Therefore, to analyse the attitudinal level can provide valuable insight into the mechanisms shaping employees' attitudes towards labour market deregulation. Moreover, the role justice really plays within the working population when evaluating

⁵ „Unter dem Gesichtspunkt der Teilhabe und der Chancen ist selbst schlecht bezahlte und unbequeme Erwerbsarbeit besser als transfergestützte Nichtarbeit.“ (Olaf Scholz, at that time secretary general of the Social Democratic Party, Frankfurter Rundschau, 07/08/2003)

⁶ „Wir nennen das „Fordern und Fördern“, oder: Wer Rechte hat, der hat auch Pflichten. Zu einem zeitgemäßen Verständnis von Gerechtigkeit gehört eben auch eine veränderte Verantwortungskultur.“ (Clement 2000)

reforms can be studied empirically. Thus, it can be analysed whether legitimising strategies that were up to now applied to justify labour market reforms are consistent with empirical results.

Before moving to the theoretical part of this paper, the next part briefly sketches the German DPL, key changes that have taken place since 1998 as well as further plans pursued by the big coalition now in power.

2 – The German Dismissals Protection Law

It applies to firms with at least ten full-time employees. This threshold value had been increased from five to ten on January 1st of 2004. For layoffs to be legal, management requirements for staff reduction have to be shown. In this regard, employees' rights are subordinated to the employers'. However, the employer has to show the urgency of layoffs for management reasons. Thus, the commensurability of staff reductions is respected (Schaub 1997: 23). Finally, layoffs have to be unavoidable to be legally binding. Thereby, employees' right of continuance is taken into account.

When selecting those employees who will be laid off, management has to follow social criteria. These are tenure, age, financial obligations and severe disability (KSchG §1(3)). The 2004 reform eased this regulation, e.g. by exempting particularly important employees from it.

If employees file an action against a notice of cancellation, severance payments can be judicially imposed. Moreover, works councils possess several participation rights in the case of layoffs (BetrVG, especially §§102, 112). Here, the 2004 reform introduces the possibility for employers to determine in the work contract compensation to be paid in case the employee abandons his or her right to file an action (KSchG §1a).

Finally, collective agreements often grant further rights to employees as e.g., that relocations within the company take priority over layoffs and relocations to equivalent jobs over relocations to jobs that are less well paid (Büdenbender, Strutz 2003: 293).

To sum up hitherto existing deregulations of the DPL, the threshold level increased to ten employees, performance evaluations gained in importance throughout the selection process, time limits for proceedings were shortened, and restrictions for start-ups were eased. Moreover, the big coalition of CDU/CSU and SPD aims at extending probation periods from six months to up to two years (CDU/CSU, SPD 2005: 37). Finally, although it is often emphasised that the effect of these deregulations essentially depends on the degree to which employers make use of numerical flexibility (Jahn, Walwei 2004), further reforms to generally replace the existing right of continuance by compensation rights are already discussed (Jahn, Walwei 2003).

The tightening of entitlement criteria regarding unemployment benefits and cutbacks in the amount and duration of income-related unemployment benefits has increased the pressure on the unemployed to re-enter the labour market, even at a lower employment status than before unemployment. Thus, job and income insecurity have increased whereas the overall unemployment rate remains high. The next part investigates the importance of job stability at the attitudinal level of social reality and the impact of individually perceived justice on perceptions of employment stability.

3 – The need for job security and the acceptance of dismissals protection deregulations

Not only political debates on justice, but also empirical justice research and research on ‘psychological contracts’ in work organisations indicate that justice might play a key role in shaping attitudes towards dismissals protection legislation. Thus, this section discusses three explaining factors: the social position, justice ideologies and the psychological contract.

It is a key assumption of sociological theories on social inequality that social attitudes depend on the social position which is either defined as social class or as social stratum (see, e.g., Wright 1997; Geiger 1932). Following Geiger, to understand the relationship between the observable statistical differences in society and different social mentalities constitutes a key task of sociology (Geiger 1932: 77). Geiger explicitly distinguishes the sociological analysis of mentalities from that of political ideologies: whereas we can speak of ideologies as false consciousness no false mentality exists (ibid. 78). Although Wright as a prominent proponent of social class theory concentrates his theoretical reflections on political attitudes in the sense of class-consciousness, he emphasises class positions, by differences in the ownership of production means, in formal qualifications and in authority, to structure the relationships across class boundaries. This class structure shapes individual interests. Two of the mechanisms, Wright assumes to produce patterns of attitudes and behaviour on the basis of class membership are intentionality and individual choice (ibid. 383ff.). In general, sociological analyses of attitudes rely on socialisation as well as interest formation as the basic mechanisms to shape social attitudes (see, e.g., Delhey, Böhnke 199X).

Coming back to the acceptance of dismissals protection we then have to consider the way in which differences in social positions shape employees’ preferences towards the DPL. In general, in applying social criteria to select the employees to be laid off, the DPL protects employees depending on age, tenure, financial obligations towards family members and

severe disability.⁷ Furthermore, individual job security directly depends on the form of work contract a person has. By definition temporary contracts provide only a limited degree of job security. This might affect preferences towards DPL. However, the self-employed have a direct interest in a less rigid DPL providing extended options for layoffs. Secondly, justice ideologies are supposed to play a major role in shaping attitudes towards dismissals protection. The DPL concedes employees the right to protect themselves against the loss of employment. Therefore, the state restricts employers' options to carry out layoffs so that certain terms and procedures have to be respected.⁸ Thus, the negative outcomes of layoffs are distributed in a specific way between employer and employees. The just distribution of social benefits and burdens constitutes the basic concern of any social justice perception. Thus, political debates on the future of the social justice concept hit the problem right on. However, we know from sociological justice research that egalitarianism is still supported within the German population (Wegener 2003). Thus, attempts to politically justify reforms on the basis of the principle of equality of opportunities run counter to what the majority prefers.

Two "justice ideologies" dominate modern welfare regimes: *egalitarianism and individualism* (Kluegel et al. 1995; Haller et al. 1995; Liebig, Wegener 1995). A different social institution might be capable of producing a just distribution of social goods and burdens in these two justice perceptions. Egalitarianists highly trust in governmental redistributions to increase social justice. Thus, social justice goes hand in hand with the reduction of social inequalities produced by market mechanisms. Individualists, in contrast, emphasise individual efforts at the market as key mechanism to guarantee social justice. As a consequence, social inequalities tend to be interpreted to reflect individual merits and therefore considered just. Regarding attitudes towards DPL, we will have to show the effect that egalitarianism and individualism have on preferences towards dismissals protection. Furthermore, the paper assumes justice perceptions to play a second role in the context of DPL. It is plausible to assume attitudes towards DPL to vary according to the perceived justice of layoffs employees have experienced in the past. The theory of psychological contracts, which will be briefly sketched in the next step, provides a theoretical argument to support this ad hoc assumption.

To the extent that employers make use of deregulations to increase numerical flexibility, the number of layoffs increases. As a consequence, in the long run, average job security

⁷ Unfortunately, the influence of severe disability cannot be tested empirically on the basis of available survey data.

⁸ We have to distinguish this aspect from the economic, legal or social functions of DPL. As Jahn points out, no generally accepted economic or legal theory of dismissals protections has been developed, so far (Jahn 2004: 178).

decreases. This, in turn, affects the psychological contracts that exist between employees and management.⁹ From the perspective of social exchange theory and organisational psychology, employment relationships not only comprise an economic level of exchange, but also subjective and normative components. Firstly, subject matters of contracts are always subjectively perceived. Due to bounded rationality, the contractual partners can ignore subject matters of contracts. Differences in cognitive frames of reference lead to different interpretations of subjective matters of contracts (Farnsworth 1982, Rousseau 1995: 18ff.). Therefore, the basic function of psychological contracts is to avoid reliance losses between contractual partners and to increase security (Rousseau 1995, Grote 2006).

„In the relationship between employer and employee, *mutual obligations* are the central issue. These mutual obligations are partly put on record in the written formal contract of employment, but are for the most part implicit, covertly held and only infrequently discussed.” (Anderson/Schalk 1998: 637)¹⁰

Long-term employment has a double function in psychological contracts. On the one hand, the implicit promise to provide long-term employment stability established a reciprocal relationship between management and employees. On the other hand, the psychological contract becomes more stable over time.¹¹

Furthermore, job security constitutes a key element of traditional psychological contracts (Millward, Brewerton 2000: 6; Raeder, Grote 2004: 150). Generally, psychological contract violations have increased due to globalisation and organisational restructuring: employers more frequently introduce instruments of flexibilisation. Thus, one-sided

⁹ Job insecurity could be discussed as a fourth explaining factor. Unfortunately, up to now, job security has mostly been investigated on the level of the firm (see, however, Gallie et al. 2004). In this context, in contrast, a high social unemployment rate and increasing general social job insecurity are supposed to play a key role.

¹⁰ Following Rousseau, the psychological contract constitutes a mental model employees use to perceive their mutual relationship with the firm (Rousseau 1989, 1995). According to other authors, psychological contracts do not develop in a one-sided process but on the basis of reciprocal behaviour (Herriot, Pemberton 1997; Raeder, Grote 2004).

¹¹ „Policies creating „permanent employees“ after a 90-day trial period, a public image as a stable employer, and organizational commitments to reward loyalty and hard work with indefinite employment can send a message of reciprocal obligations to employees and create a relationship between the organizations and the individual (Leonard, 1983; Lorber *et al.*, 1984). The longer the relationship endures, with repeated cycles of contribution and reciprocity, the deeper the relationship the employee perceives and the broader the array of contributions and inducements that might be involved. In the context of a termination following corporate restructuring, a twenty-year veteran employee asks, “How many hours is eight per day for fifty-two weeks times twenty years?” (Hirsch, 1987, p.94). What obligations has the employer incurred in the eyes of that veteran trying to fathom the meaning of the contributions he had made?” (Rousseau 1989: 125)

changes in implicit contracts occur (Robinson 1996: 574; Turnley, Feldman 1998). Regarding cutbacks in staff, the implicit promise of job security and internal promotion is violated which employees expect in exchange for loyalty and their 'going the extra mile' (Millward, Brewerton 2000: 6). Contract violations might increase turnover rates or lead to performance losses (Raeder, Grote 2004). Therefore, it has been discussed for several years, now, to reduce negative costs by actively introducing a new psychological contract which focuses on employability and individual responsibility instead of job security and loyalty (Herriot, Pemberton 1997; Hiltrop 1995; Raeder, Grote 2005). Moreover, the justice of relationships between employees and management in the eye of the employee reduces the likelihood of contract violations to lead to a contract breach (see, e.g., Rousseau 1995).

On the basis of our theoretical reflections we can now develop hypotheses to be tested empirically. Coming back to the impact of the social position on attitudes towards DPL, we will focus on the selection criteria and the form of employment contract. First of all, we can assume employees with financial obligations to be more likely to favour the status quo as being particularly protected by the present regulation. From this it follows

Hypothesis 1: Employees with financial obligations towards family members have a higher probability to reject deregulations of the status quo than employees without any financial obligations.

Employees with high tenure enjoy higher dismissals protection. Moreover, in Germany, seniority constitutes a generally recognized distribution principle as to be applied in the case of layoffs (Engelstad 1998, 1999; Pfeifer 2006). Finally, with increasing tenure, employees develop stronger psychological contracts with the firm and are less likely to have experienced the new, flexible psychological contract in which job security only plays a minor role. From this it follows

Hypothesis 2: Tenure positively influences the probability to vote for the status quo or extension of dismissals protection.

Older employees profit as well from existing regulations. It follows

Hypothesis 3: As compared to other age categories, older employees are more likely to vote in favour of rigid dismissals protection legislation.

Temporary contracts are usually interpreted as atypical employment. Indeed, temporary employment is more frequently related to lower wages (Giesecke 2005). Thus, we can assume employees in contemporary employment to prefer their work contracts to become permanent and thus to prefer a high dismissals protection. On the other hand, temporary contracts cannot adequately be interpreted as precarious employment situations if chosen deliberately to increase individual flexibility (as described by Sennetts's flexible individual). From this point of view, dismissals protection discriminates against those temporarily employed. Moreover, employees in temporary contracts are more likely to

develop transactional psychological contracts with job security having only minor importance. Thus, from this perspective, layoffs are less likely to be perceived as contract violations (Rousseau 1995; Millward, Brewerton 2000). From this it follows

Hypothesis 4a: Employees in temporary employment are more likely to prefer the status quo or the extension of DPL as compared to employees in permanent employment.

Hypothesis 4b: Employees in temporary employment are more likely to prefer further deregulations of DPL as compared to employees in permanent employment.

Part-time is usually also considered precarious employment. However, part-time employees often have permanent work contracts and frequently are no principal earner within the household. Therefore, as compared to full-time employees, part-timers depend less on their income. In the latter case, no significant difference in response behaviour between part-time and full-time employees can be expected. From this it follows

Hypothesis 5a: Part-time employees are more likely to vote in favour of a rigid DPL than full-time employees.

Hypothesis 5b: No significant difference in response behaviour between full-time and part-time employees can be observed.

Self-employed with more than ten employees directly profit from further deregulations of DPL. Moreover, self-employed are usually better informed about managerial reasons to carry out extern-numerical flexibilisations. Finally, as Kluegel and Miyano argue, self-employed, managers and professionals usually reject welfare state regulations and are more likely to accept social inequalities (Kluegel, Miyano 1995: 83). It follows from this

Hypothesis 6: Self-employed are more likely to prefer further deregulations of dismissals protection.

Deregulations restrict the regulatory power of the state and more closely relate employment to the market principle. Thus, from the perspective of egalitarianism, the deregulation of dismissals protection is to be questioned as from this perspective, state regulation is regarded necessary to guarantee social justice. In contrast, individualists consider the market principle as just. From this point of view, social inequalities are interpreted to reflect individual merits. Thus, individualists should prefer deregulations of the DPL to the status quo or extension of DPL.

From this it follows

Hypothesis 7a: Egalitarianism negatively affects the acceptance of further deregulations of the DPL.

Hypothesis 7b: Individualism positively affects the acceptance of further deregulations of the DPL.

Finally, we can assume the justice evaluation of past own experiences with layoffs to influence attitudes towards dismissals protection. If employees feel they can trust in management behaviour to be fair, their need for state regulation will be lower as compared to those employees who do not expect management behaviour to be fair (Lengfeld, Krause

2006). Moreover, layoffs that are perceived as just are less likely to violate employees' psychological contracts. Again, the lack of state regulation perceived by the employee will be lower. From this it follows

Hypothesis 8: Own experiences with layoffs that were perceived as just positively affect the acceptance of further deregulations of the DPL.

The next part documents the multivariate analyses carried out to test hypotheses.

4 – Empirical Findings

The data analyses are based on a telephone survey conducted in 2004. Respondents were asked about their justice attitudes towards layoffs and wage cuts as well as dismissals protection and social justice in general. 3033 valid observations are available.

Regarding dismissals protection, respondents were asked the following question:

Over the past years, the Dismissals Protection Law has been widely discussed. What do you think: should it be extended, retained unchanged, further restricted or completely abolished?

The descriptive analysis reveals that almost half of the working population prefer the DPL to be retained without any changes. 23% vote for its extension. In contrast, 30% would support further deregulations. 8,5% of this group would even prefer the DPL to be abolished completely.

To explain the observed differences in the acceptance of dismissals protection, hierarchical ordered probit models are estimated. The four response categories of the dependent variable represent an ordinal scale. Therefore, an ordered probit model is estimated. The ordered probit constitutes a generalization of the binary probit model. It is built around a latent variable (see Zavoina, McElvey 1975; Greene 2003).

Altogether, three hierarchical models are estimated. In a first step, the sample of employed and unemployed respondents is used to analyse the impact of general socio-demographic variables, employment status and the two justice ideologies on the dependent variable. Secondly, the sample of employed respondents is used to control for the effect of organisational variables, as e.g. firm size and sector, in addition to socio-demographic variables and justice ideologies. The third step, finally, includes the justice evaluation of layoff experiences into the model. Subsequently, only the third model will be discussed in more detail. Nonetheless, the second model will be referred to, as well, in order to investigate the robustness of the final model. This is especially important as the number of observations decreases considerably when layoff experiences are included into the model.

As regards the first model, a striking finding is that the effect of employment status (employed versus unemployed respondents) turns insignificant when justice ideologies are controlled. Obviously, the insider-outsider theory does not hold in this context (see Pfeifer

2006). Moreover, financial obligations, tenure, temporary and part-time employment do not significantly influence the dependent variable. Hence, they are excluded in the final regression model. Nevertheless, they are also being discussed when multivariate results are interpreted at the end of this part.

Table 1 documents the results of the third hierarchical model. The two justice ideologies are factors obtained from a principal component factor analysis. The factor structure is documented in Appendix A. As the effect of egalitarianism and individualism on the attitude towards the DPL is non-linear, only quartiles are used as independent variables. In both cases, the first quartile is the reference category.

Table 1: Attitudes towards the future of the Dismissals Protection Law in East- and West Germany, working population in 2004

	Attitude towards future of DPL					
	West Germany			East Germany		
	<i>1st model</i>	<i>2nd model</i>	<i>3rd model</i>	<i>1st model</i>	<i>2nd model</i>	<i>3rd model</i>
36 to 50 years of age (Reference category: 20-35)	0,012 (0,09)	0,076 (0,49)	-0,004 (0,02)	-0,035 (0,27)	0,042 (0,31)	0,141 (1,01)
51 to 60 years of age	0,428* (2,12)	0,530* (2,45)	0,437* (1,97)	-0,222 (1,35)	-0,230 (1,34)	-0,119 (0,67)
Male	0,356** (2,74)	0,205 (1,44)	0,107 (0,73)	0,445*** (4,02)	0,187 (1,51)	0,118 (0,92)
Degree (Reference category: apprenticeship)	0,465** (3,27)	0,374* (2,38)	0,391* (2,43)	0,265* (2,05)	0,237 (1,69)	0,171 (1,17)
No formal qualification	0,378 (1,20)	0,640 (1,95)	0,691* (2,04)	-0,845 (1,42)	-0,522 (0,86)	-0,345 (0,57)
1001 - 2000 Euro (Reference category: up to 1000 Euro)		0,445* (2,36)	0,519** (2,70)		0,201 (1,52)	0,138 (1,02)
> 2000 Euro		0,650** (2,98)	0,628** (2,83)		0,083 (0,37)	-0,094 (0,40)
Residual cat. of income		0,457 (1,58)	0,394 (1,32)		0,068 (0,25)	0,084 (0,31)
Self-employed		0,611** (3,00)	0,534* (2,51)		1,247*** (5,85)	1,140*** (5,13)
Union member		-0,500** (2,86)	-0,498** (2,73)		0,002 (0,02)	0,074 (0,49)
Firm size < 50		0,329* (1,97)	0,342 (1,96)		0,482*** (3,35)	0,471** (3,13)
Public sector		-0,041 (0,21)	0,060 (0,31)		-0,193 (1,30)	-0,164 (1,08)
Easy to find similar job		0,341* (2,24)	0,153 (0,96)		0,244 (1,54)	0,222 (1,36)
Egal., 2nd quartile			-0,155 (0,89)			-0,061 (0,35)
Egal., 3rd quartile			-0,495* (2,56)			-0,502** (2,81)
Egal. 4th quartile			-0,649** (3,19)			-0,473* (2,54)
Indiv., 2nd quartile			0,368 (1,78)			-0,069 (0,44)
Indiv., 3rd quartile			0,195 (1,00)			0,028 (0,17)
Indiv., 4th quartile			0,614** (3,27)			0,093 (0,59)
Justice of layoffs (1=just)			0,145 (1,02)			0,411*** (3,48)

Affected by layoffs (1=yes)			-0,107 (0,63)			0,073 (0,52)
Cut point 1	-0,361* (2,41)	0,094 (0,43)	0,017 (0,06)	-0,605*** (4,59)	-0,355* (2,04)	-0,487 (1,91)
Cut point 2	0,888*** (5,76)	1,451*** (6,29)	1,452*** (5,10)	0,680*** (5,17)	1,022*** (5,73)	0,962*** (3,72)
Cut point 3	1,845*** (10,43)	2,500*** (9,89)	2,565*** (8,41)	1,403*** (9,87)	1,838*** (9,61)	1,815*** (6,74)
N	291	291	291	401	401	401
Log-Likelihood	-353,11	-332,99	-319,71	-494,50	-466,67	-452,04
Mc Fadden's R ²	0,034	0,089	0,125	0,024	0,079	0,108

Dependent variable: 1=extend, 2=retain unchanged, 3=further restrict, 4=abolish completely; |t-values| in brackets; *p<0,05; **p<0,01; ***p<0,001.

As in the binary probit model, we are not allowed to directly interpret coefficients as changes in probability in the ordered probit model. Moreover, in an ordered probit, signs can only be interpreted for the marginal groups (see Greene 2003). Therefore, marginal effects are estimated as well. Only dummy variables are used as independent variables. Thus, marginal effects cannot be calculated on the basis of partial derivatives. Instead, models are compared in which the variable of interest either equals 1 or 0. The marginal effects are reported in table 2. They are only reported for the full model.

Table 2: Marginal effects, full model

	West Germany				East Germany			
	extend	retain	further restrict	abolish	extend	retain	further restrict	abolish
36 – 50 years of age	0,147 (0,02)	-0,096 (0,02)	-0,046 (0,02)	-0,005 (0,02)	-4,825 (0,98)	1,034 (0,55)	2,555 (1,01)	1,235 (0,97)
51 – 60 years of age	-16,960* (2,01)	8,781 (1,65)	7,027 (1,67)	1,152 (1,13)	4,348 (0,67)	-1,520 (0,59)	-2,003 (0,67)	-0,824 (0,65)
Male	-4,277 (0,73)	2,667 (0,74)	1,427 (0,69)	0,183 (0,61)	-4,046 (0,92)	0,922 (0,59)	2,117 (0,91)	1,007 (0,83)
Degree	-15,270* (2,49)	8,158 (1,91)	6,141 (1,85)	0,971 (1,16)	-5,788 (1,19)	1,141 (0,58)	3,112 (1,14)	1,535 (0,98)
No formal qualification	-25,677* (2,29)	10,666 (1,57)	12,477 (1,55)	2,534 (0,95)	13,043 (0,55)	-5,802 (0,43)	-5,301 (0,66)	-1,939 (0,74)
1001 to 2000 Euro	-19,885** (2,67)	9,684 (1,70)	8,681* (2,42)	1,521 (1,46)	-4,712 (1,01)	1,020 (0,58)	2,491 (1,01)	1,201 (0,94)
More than 2000 Euro	-23,637** (2,90)	10,458 (1,64)	11,054* (2,30)	2,125 (1,34)	3,410 (0,40)	-1,152 (0,35)	-1,593 (0,41)	-0,665 (0,42)
Residual category	-15,354 (1,36)	8,191 (1,34)	6,184 (1,15)	0,979 (0,86)	-2,913 (0,31)	0,718 (0,34)	1,497 (0,30)	0,697 (0,29)
Self-employed	-20,433** (2,63)	9,825 (1,81)	9,009 (1,87)	1,599 (1,16)	-26,116*** (3,60)	-14,145 (1,37)	18,742*** (4,63)	21,520** (2,67)
Union member	18,997** (2,85)	-14,234** (2,64)	-4,357 (1,92)	-0,406 (1,16)	-2,556 (0,50)	0,645 (0,47)	1,307 (0,48)	0,604 (0,46)
Firm size: < 50	-13,404* (1,98)	7,392 (1,66)	5,218 (1,66)	0,794 (1,15)	-14,413** (2,80)	0,036 (0,01)	8,897** (3,04)	5,479 (1,95)
Public sector	-2,386 (0,31)	1,518 (0,31)	0,772 (0,30)	0,096 (0,29)	6,002 (1,07)	-2,220 (0,83)	-2,699 (1,08)	-1,083 (0,98)
Chance, labour market	-6,088 (0,96)	3,717 (0,95)	2,093 (0,89)	0,277 (0,75)	-7,383 (1,39)	1,234 (0,50)	4,071 (1,31)	2,079 (1,07)
Egal., 2nd quartile	6,147 (0,89)	-4,227 (0,88)	-1,731 (0,85)	-0,189 (0,74)	2,202 (0,35)	-0,709 (0,34)	-1,048 (0,34)	-0,446 (0,34)
Egal., 3rd quartile	18,889** (2,58)	-14,144* (2,57)	-4,339 (1,74)	-0,405 (1,11)	19,277** (2,87)	-9,640* (2,01)	-7,185* (2,33)	-2,452 (1,55)
Egal., 4th quartile	24,048** (3,20)	-18,510** (3,26)	-5,088 (1,87)	-0,451 (1,13)	18,119** (2,64)	-8,887* (2,07)	-6,861* (2,10)	-2,370 (1,47)

Indiv., 2nd quartile	-14,393 (1,82)	7,808 (1,61)	5,700 (1,49)	0,885 (1,05)	2,502 (0,44)	-0,815 (0,42)	-1,185 (0,43)	-0,502 (0,42)
Indiv., 3rd quartile	-7,748 (1,00)	4,635 (0,98)	2,739 (0,94)	0,374 (0,79)	-0,977 (0,17)	0,271 (0,17)	0,488 (0,17)	0,219 (0,17)
Indiv., 4th quartile	-23,172** (3,28)	10,388 (1,68)	10,743* (2,57)	2,040 (1,45)	-3,218 (0,59)	0,778 (0,48)	1,663 (0,59)	0,778 (0,57)
Justice of layoffs	-5,760 (1,03)	3,531 (1,01)	1,970 (0,94)	0,260 (0,79)	-12,853** (3,11)	0,572 (0,13)	7,736** (3,24)	4,544 (1,94)
Affected by layoffs	4,262 (0,64)	-2,886 (0,62)	-1,237 (0,64)	-0,139 (0,61)	-2,547 (0,52)	0,643 (0,48)	1,302 (0,51)	0,602 (0,48)

First of all, effects are highly stable over models. One difference between models two and three is striking: only in the third model, income has a significant influence on the dependent variable. Additionally, due to the small sample size (*West Germany*: n=291 as compared to n=883 in the second model and n=1038 in the first), standard errors slightly increase in the third model. Thus, some effects, as e.g. self-employment and individualism (*West Germany*) as well as firm size (*East and West Germany*), lose significance, now being significant only on a 10% probability level.

Coming back to the hypotheses formulated in the previous section, two general conclusions can be drawn: first of all, the work context turns out to be more important than general socio-demographic characteristics in explaining the acceptance of DPL. Secondly, justice does matter in shaping attitudes towards dismissals protection, although differences occur between East and West Germany that will be discussed subsequently.

As regards the impact of the social position on the dependent variable, all hypotheses except hypotheses 3 and 6 have to be rejected: only age and self-employment significantly discriminates between respondents. Instead, union membership and firm size have a significant effect on the acceptance of dismissals protection. Especially in East Germany, self-employment shows the expected effect with self-employed respondents having a significantly higher likelihood of voting against the extension or the status quo of dismissals protection and in favour of its further deregulation. 25% even prefer to abolish it completely. In West Germany, the self-employed show a significantly higher probability to reject the extension of the DPL. Regarding age, older employees (51 to 60 years of age) differ significantly from the reference group (20 to 35 years of age). However, the direction of effects partly contradicts hypothesis 3: older employees are more likely to vote against further extensions of the DPL and in favour of its deregulation. One possible interpretation is that, facing high unemployment risks when entering the labour market, young employees vote for higher state regulation to be better protected against the loss of entry jobs.

Moreover, union membership negatively influences the probability to vote in favour of further extensions of dismissals protection, which is plausible. The fact that this effect is significant only in West Germany can be explained by the low rate of unionisation in East Germany. Finally, firm size has a significant effect in both parts of Germany. Here, employees in small firms tend to vote against further extensions and in favour of deregulations. On the one hand, employees tend to be more egalitarian in small firms (Lansberg 199X). So, empirical findings are counterintuitive. On the other hand, long-term employment is especially important for employees in internal labour markets. Internal labour markets, in turn, usually exist in large work organisations. Moreover, as compared to large firms, employees in small firms can be expected to be better informed about management decisions. The latter two arguments support the observed effect.

Not only regarding union membership and firm size, but also with respect to self-employment, the impact of the second category is almost significant in West Germany. This is problematic as the independent variable not only discriminates between the first and second category of the dependent variable on the one hand, and the third and fourth category on the other, but also between the first and second response category. As this problem does not occur in the second model, this instability is plausible to result from the small sample size of the last model. Generally, the fact that the majority of respondents vote for the second response category so that extremes play a major role for discrimination, might also be important.

Regarding the influence of justice attitudes, results are generally in line with hypotheses 7 and 8: Egalitarianism and individualism do show the expected effect on the attitude towards dismissals protection, i.e. egalitarianists are significantly less likely to vote in favour of deregulations and more frequently prefer the DPL to be extended. Individualism only discriminates within the West German sample and only in the marginal quartile. In contrast to egalitarianists, individualists are more likely to vote against further extensions and in favour of deregulations. Again, and this time for both sub samples, we find the justice ideologies to discriminate not only between the first and second category on the one hand and the third and fourth on the other, but to significantly discriminate between the first and second response category as well. Here, the same argument holds as put forward above that this effect is due to both the small sample size and the fact that the majority of respondents are located in the second category. Finally, regarding the influence of own layoff experiences, the results are perfectly in line with hypothesis 8: Employees who have experienced layoffs they evaluate as just are more likely to vote against further extensions of dismissals protection and in favour of deregulations instead. This result remains stable if we control for the fact of whether respondents were themselves laid off or only experienced colleagues to be laid off. Significant effects only occur in East Germany.

5 – Conclusions

First of all, as the significant effect of egalitarianism on attitudes towards dismissals protection shows, political debates get to the core of the matter when criticising the egalitarian principle and trying to establish a new legitimising principle: equality of opportunities.

However, the majority of the working population does not accept further deregulations of the DPL. Thereby, the outsiders of the labour market do not have a higher preference to reform the DPL showing that they do not believe deregulation would create more jobs.

To work in a small firm significantly increases the acceptance of reforms. In East Germany, moreover, positive justice experiences with layoffs significantly increase the preference for reforms as well. Finally, the effect of self-employment indicates that information about the managerial reasons for layoffs as well as justice on the level of the firm might help to increase the perceived legitimacy of further deregulations (Struck et al. 2006).

As we know from empirical justice research, the justice evaluation of layoffs strongly depends on the degree to which management is perceived to apply just procedures, to give sufficient information about its decisions and to involve employees into the decision process. In the long run, to increase procedural justice at the level of the firm, and especially participation rights, might constitute a successful means to replace employees' need for job security to a certain degree. In line with this argument, organisational psychologists point out that a new employment contract emphasising employability and flexibility rather than continuity will only be successfully implemented if reforms not only cut previous security standards but also provide higher opportunities to take higher individual responsibility for career management (Raeder, Grote 2005).

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Appendix A

Table 1: Fator structure of justice ideologies (factor analysis; N= 2940)

	Egalitarianism	Individualism	h²
The government should provide a job for everyone who wants one (five-point scale).	0,808	-0,009	0,653
There is an incentive for individual effort only if differences in income are large enough (five-point scale).	-0,023	0,754	0,570
The government should guarantee everyone a minimum standard of living (five-point scale).	0,808	0,009	0,653
It is all right if businessmen make good profits because everyone benefits in the end (five-point scale).	0,023	0,755	0,571
Eigenvalues	1,307	1,139	