



Inside The Storm's Eye : Companies Taken over by workers. Political and party strategies. *

Efimia Lagiu
Carlos Solero
Mirta Tavella
Norma Valentino

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Teachers - investigators, members of the Center of
Investigations and Work studies (CIET)
Facultad de Ciencia Política y Relaciones Internacionales.
Universidad Nacional de Rosario.

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E-mail: efimia@arnet.com.ar

Introduction:

Our intention is to analyze the conflict, in the cases of the companies recovered productively by its workpeople, so much that one generated in the interaction to the interior of these companies, as in the relations (ambiguous, ambivalent and contradictory) with the state power. And how are you tension situations have sharpened with the incursion of the groupings that assemble these companies like the Movements of Convalescent Companies. We will cover for it, texts that form the discursive formation of these actors and that are articulated about the relation of the work with this new

form of production which innovation exceeds not only the current legal frame but the socialization and the corresponding wage-earning social representations, affecting inclusive to the forms of trade union representation and politics of these workpeople. The textual and its development will realize of the enunciations of the proper workpeople with regard to the mentioned questions, as well as that of the leaders in its ideological position recorded in different media of communication oral and writing or assembled in scientific reports. In the same sense, we have analyzed the action of the State in its politics relative to the sector across the analysis of the current normative frame and of reports and juridical analyses about the legal gaps that this one presents.

We think about how to understand to what extent the interaction between the workpeople of these companies, the movements that group them and the State, appears like contradictory when not traumatic.

When the experiences of the workpeople are studied in the processes of recovery of companies left by its owners after its damage, it is necessary to take into consideration the importance of the obstacles that the market puts up against these initiatives. It already does more than one century in its book Reform or Revolution, Rosa Luxemburgo (1971:66-67) analyzes the tensions that are generated between the cooperatives of workpeople and the capitalist forms, affirms that:

"As for the cooperatives, very particularly those of production, they represent, due to its internal extract, a hybrid inside the capitalist economy; a production socialized in child inside the capitalist diet of change. But in the capitalist economy the change dominates to the production, converting, considering the concourse, the

*excessive development, that is to say the finished subjection of the process of production to the times of the capital, in necessary condition of the company (...) For it in the production cooperatives there happens the contradictory need for that the workpeople, proprietors of the company, have to govern with all rigor, even against themselves, to be able to redeem the role of capitalist businessmen. In this contradiction the production cooperative perishes stepping back towards the capitalist company, or dissolving, in case the interests of the workers were stronger."*¹

In a study realized about the changes produced in the world of the work in the last decades, To. Bialakowsky (2003:2) affirms: *"The Argentine context of the 90s has been sealed by a deep transformation of the labor relations that were applying until middle of the 70s, being characterized by processes of labor relaxation, deregulation of the labor market and the significant increase of the valuation of unemployment. The transformation of the universal, proper worker of the industrial model (Taylor's - Ford's), it is faced towards the shape of a new worker, in the frame of an investment of the rules of labor regulation and of dematerialization of the group like avenging instrument."*² *"In this context the contractual, formal and informal rules, falter. There takes place a material regression of the labor actor opposite to the managerial one, who simultaneously accompanies of a weakening of its symbolic - referential (...) base The current changes they introduce peculiarities so much at micro level as macro. Between the micro aspects, the vision of the product is sent to an individual vision, of opportunities, of needs, of competition between pairs. He does not know then, the product as result of the group (...)"*³

It is necessary to point out that apart from the mutations described, by the ends of the years '90 and beginning of 2000 there arise these processes of the capture and/or recovery of companies on the part of the workpeople. These processes present proper characteristics, which do not send us necessary to the shape of cooperatives of work like those impelled from the dawns of the XXth century to instances of the anarchists.

In effect, the first question to be considered is that these workpeople were thrown to the alternatives search in order to preserve their work sources. Or said otherwise, of what to they were allowed to obtain its subsistence means. As *subjects of need*, were opposite to the option to increase the lines of the unemployed persons or to take the management of the company in its hands.

On The Self-Management: desires, illusions and reality

When we analyze the topic of the self-management we do it always considering the same one to be a *process*, (and not a finished *product*), and therefore dynamics, in the state of permanent change, in transit towards new horizons that will be the result of the diverse actions of the protagonists.

Historically its essentials go back to the dawns of the socialistic ideology (R. Owen, Ch. Fourier) and also to the precursors of the anarchism (P.Proudhon, M.Bakunin and P.Kropotkin).

The experiences most extended as for its duration and the number of involved persons, happened in Russia from 1917 until 1921 in Ukraine and Kronstadt taken forward by workers and peasants in the context of the Soviet Revolution. But it was in Spain between 1936 and 1939 where the self-management received dimension of more transcendent social experiment. There millions of industrial, rural, educational workpeople and of the public health, they led the only experience with concrete results of fulfillment of targets and technological innovations.

In Latin America, during the XXth century in the 50s, 60s and 70s, with the Bolivian Revolution, the stage of Juan Velasco Alvarado in Peru and in Chile with the government of the Popular Unit headed by Salvador Allende productive experiences were realized: industrial, agrarian, mine-layers and mass media.

Although it is necessary to mark differences between these historical experiences and the current ones of the convalescent factories and companies without boss, it corresponds to index them so, in certain questions, common elements exist beginning for the continuous efforts of its members to strengthen democratic decision mechanisms.

Nevertheless, the current experiences show pronounced tension between the initiatives you would auto manage and certain inertia *delegate* own of the practices learned by the wage earners in the ethos of the capitalist company.

From this perspective we adhere to the A.M sayings. Fernández and S. Borakievich (2007:3) when they indicate *"The knowledge production about the experiences of the convalescent factories enables, ..., to mean self-management as a **moment** in one to occur and not like the place / way / state to which one gains access or comes out not like a substance that it identifies, defines or bases one to gesticulate group. In this sense, one might affirm that **self-management** nominates one of the poles in tension in these groups, **delegation** might nominate other. The tension self-management / delegation operates in to connect / to disconnect with diverse tensions that put themselves in game in simultaneous opposite to every decision to be taken ... When the permanent intergame of these tensions is not born in mind, an imaginary one usually settles about the self-management that supposes it like the state that must settle at once forever. The illusion of the state in self-management usually evicts the possibility of visibilizar(one makes see and notice) the diversity of ways in which the tensions between self-management and delegation, in its potential connections, operate in the singular events of every factory without boss at present."*⁴

Following this analysis line we might say that the doubts, contradictions and certain ambiguities with regard to the cooperative practices in the labor field appear in concrete and specific situations of the reality. As example we quote the sayings of a woman who for years has fighting for the recovery of a company in the Rosary area. Its experience of active participant in a cooperative of work and production does not prevent from saying: "I do not

know why but the cooperative us was sounding like a bad word ... were not qualified by us to support the survival of what is a cooperative."

Now then, it is necessary to point out that one of the questions, to bear in mind in our investigation, is that of trying to understand until point proves for the workpeople difficultly to break with the habits of delegating learned in the industrial discipline and where there begin the inventions, the new and different thing.

We share the affirmation of Fernández and Borakievich when they raise: "*Them and the workers of the factories without boss not only have replaced to bosses and trade unions, but they **have invented another factory** and they also are today **different / different workers**. As it was indicated earlier, not only they have recovered the productivity of its company, also its dignity, on having recovered its producers capacity. ... Putting in game the potency of the multiplicity, they have covered the limit of the possible thing, inventing to counterhand of a **destination of expulsion**, not only constituting other ways of social bonds, but - as it was said previously - inventing other ways of work and organization.*"⁵

It is convenient to insist that these workpeople *should* have invented another factory, another organization, another work. *Should* be had reinvented themselves. Paraphrasing K. Marx (1986:39) "they do not know it but they do it"⁶. Certainly, in its daily practices these men and women, sentenced informally, ideally to populate the army of the unemployed men, fight to twist this cruel course.

"*In its originals appropriation there are demonstrated how are you practices that every day they invent they have checked certain naturalizations that support the practices of the traditional factory. In the same movement on having uncoupled aspects that usually operate in block, they invent new connections, they forge new forms.*"⁷

It is important to take into consideration that in the process of recovery of companies on the part of the proletarians there is a fundamental moment, that of the stage of the restructuring of the worker as Bialakowsky says: "*the realization on the part of the workpeople about the working conditions and the dangers that they must face, and the participation in a process of resistance and intense mobilization to the advantage of the conservation of the source of work for its survival.*"⁸

The same investigator presents the testimony of a worker of Metal Industry and Plastic Argentina (IMPA)⁹ who says "We like old men take conscience with the cooperative does five and peak of years when it began the new movement because previously we were giving him not even five of ball to the cooperative that's why what it spent to us: he was a worker - boss. We had not knowledge of the internal part of the silver and all these things, of what it was selling and was not selling ... As we were never asking and nobody was answering anything. It was interesting to them to take the string, we what less we were thinking age about the cooperative."¹⁰

When the workpeople tackle the starting of its cooperatives of work and production there appear before them in simultaneous challenges that imply a wider and heterogeneous group, for what it is necessary to re-define the ancient forms of cooperation and of the organization of the process of production. Hardly this process is free of conflicts as we will analyze in the points that they continue.

Its socialización¹¹ in the wage society of certain workpeople and its consequences.

The term socialization: it recounts to the process of incorporation of proper values of a culture, (that of the wage society, in this case) in the system of personality of the involved actors, across the interaction. In this process there are prepared social representations that are understood like both individual and collective symbolic constructions, that the subjects create to interpret the world, to reflect on its situation and that of others as well as to measure passing of its actions; and to which one appeals continuously. These representations suppose cognitive and discursive processes that constitute interpretive models of the reality to face the social action, granting him meaning and felt.

For the case of the convalescent companies, big part of the workpeople who have remained, to guard or to "take" the factory, they have been employed by stable employment, antiquity and qualified (they handle machines – hardware).

We clarify that not all those who were used shared the struggle: some of them initiated judgment, others "did not see it" that is to say, they lost heart, others obtained another employment (this depends on its qualification and on the economic growth from the year 2003) others obtained "odd jobs" and they reappear in intermittent form, and others for fear of the countermeasures on the part of the management one or favoritism, they did not join. This happens between the most well-known options.

The already mentioned characteristics of the workpeople are joined at the age (more than 40 years), if they are males or women, and in what percentage, if they support the familiar group or if it is the one that has major revenue inside this group and, also, for being recognized between the pairs in the employment, by the work that is realized; anyway, for different belongings that do to the identity; there is said, for example "to be of such a factory ..."

Let's remember that in the wage society the Social State was working with a national and popular stamp where the workers participation in the GNP was 50 % approximately in the year 1952 and in 1974 it approached again this percentage. This Social State was regulating the Cardinal relation – Work promoting and guaranteeing economic and social rights known till then (1945 – 1975).

It does not turn out to be idle to stop in the consequences of the socialization in the above mentioned epoch since he would help to explain some current situations. To know:

- a) These workpeople demand to recover the "worthy work", associating with the *work itself* the dignity that is part of "the dignity of every human being". And this links to the values of effort, sacrifice and responsibility. Namely it is the *merit* achieved to be in the society; there is there a perception of inclusion, integration, cohesion.

It also happens with regard to the working group who is a giver of social identity and therefore of recognition. This one is fundamental for the constitution and permanence of the identity.

So that together with the employment there was greatly for losing, not only the money. If not: why were they remaining there where they were owing them wages, per months and months?. Also there would be in game the illusion of which it might arrange something. After everything and with the hope in shipwreck, nobody still signs its own death.

- b) What did they want to recover? "The source of work". It will be for it that many people say that of having had a reasonable offering on behalf of the management one they had accepted it: they *were not thinking about how to work without boss*.
- c) but in the cases in which the boss committed swindle or fled, they felt indignant, betrayed.
- d) they did not choose the capture of *fábrica*¹²; to be called "re-turned", "recovered", "self managed" ¹³. These names were proposed by the movements and certain parties of left as the ideological point of view of each of them.
- e) smithereens were done the saying of my house to the work and of this one to my house and together with him the certainties. Which?. That there were laws that were protecting it, which one could make ill, retire, could send their children to the public school and ask his wife "not to work out", these were the proper expressions of the values of the wage-earning socialization that also were joining vital projects: to have the "small house", an "small car", to order to his children to the University, or to learn his office and to enter the factory.
- f) opposite to having stability proper of the wage society, the unemployment appeared before them like the abyss. Two faces of the same currency: the capitalism. Is it necessary to remember here how were the Latin-American of the theory of the dependency explaining the development unequal and combined for the periphery of the south?, necessary for this economic system.
Is it that perhaps it has eliminated the dependency?.
For the socialization about which we speak, the threat of losing the job was meaning to lose everything what we have recorded in the point e.
They occur this way fastened of *the need with loss of citizenship* and fear to be transformed in picketers. This social category is connoted negatively in the investigation that it realizes J. Rebón (2004:128), since "its gesticulating is political and slightly worthy" ¹⁴ – even accepting social plans of the State. And this happens although they have been helped by them, but they would prefer to be carton sellers "because it is worthy".
Piqueteros (social protest riots) here is not thought-out / represent like *unemployed person*, but the one that bothers how well Rebón says according to the speech of the means.
The one that reappears the dignity in the carton sellers shows the strong stamp of the wage society, which also it does not question to the current economic system and where the work operates like a value in itself.
- g) In general terms, this socialization did not make them *combative* since the trade unionism *was dealing with them* and now he has lied them and/or left, or defrauded. We say "in general terms", since we can point out that on ends of the decade of 1960 and beginning of '70 emerges a strong revolutionary and labor movement opposite to the capitalism that questions the domination.
That's why the current struggle for many has been a discovery (in many senses) of what they can do together. In other cases there is memory of working struggle originated from that classist and combative trade unionism (To. Coarse, R. Ongaro, C.Kristoff).
- h) Their elections have been *pragmatic* that is to say, have depended of "who was helping them". "We fight with the left because it was the only thing that we had. If it had come to help the *justicialismo* (Political party), we would never have gone for left".AA.VV. (2004: 54) ¹⁵

Of Movements and Political Parties

The groupings that shape movements and certain left political parties, in accordance with its ideological vision have proposed to the workers two possibilities for the companies' recovery.

1. They aspire that the State expropriates without indemnifying the company. This position is supported by the **National Commission of Convalescent Companies and in Struggle**: The nationalization is proposed with management and working control of the production (Zanon, Brukman, in the beginning, Junín Clinic from Cordoba). The principal parties have been the Working Party (PO) and the Party of the Workpeople for the Socialism (PTS). These have had big public participation adhering to different types of conflict and with many mobilizations in the streets. Nevertheless they did not use institutional mechanisms that could make proposals viable and obtained the round rejection of the State to the slogan.
2. The election of the juridical route and the shape of cooperatives of work has been the proposal of some others. Inside this position we distinguish between the National Movement of Convalescent Companies (MNER) and the National Movement of Convalescent Factories (MNFR)¹⁶, with differences between them. Nevertheless, both supported the resistance the emptying, the preventive contest and/or it breaks simultaneously that thought about how to modify the Law of Failures in its art. 191, so that the companies could be declared of public interest and to expropriate them. It is necessary to point out that the expropriation stays in charge of every Provincial Term that decides case for case the *temporary expropriation* for two years of the goods of the same ones. In our province the Law 12.167 of 20-01-04 modifies the diet of expropriation established by the Law 7.534, in its articles 15, 17, 26 and 28.
3. Not all the companies have affiliated to some of these movements. It is interesting to support the difference that it indicates J. Rebón (2004:68): "*... we distinguish movements and workpeople of the companies, because the first ones are not a direct consequence of the action of the second ones. Also the borders between the "movement" and the "company" rarely disappear. To belong to a company articulated to the movement does not mean to belong mechanically to the same one*"¹⁷.

a. The speech of the leaders and the struggle for the political power

We must attract attention on the way in which these leaders "construct power" to turn into representative organizations inside the problems. For it they use a critical speech towards the system being defined as "against the capitalism", although with different conceptions for this term:

From the MNFR¹⁸, its representative, Dr. Luis Caro says: "*Yes, because we have a united social base. For us the most important thing there is the Assembly where everything is decided*" (Resemblance between what it is opposed to the capitalism with the horizontal thing in the decision).

And from the MNER¹⁹, its representative E. Murúa affirms: "*I, at least, yes. And the Movement also, because he wants the abolition of the system that it oppresses... But in case of most of the ER we are not affecting the interest of the private ownership: we did not have opposition of the banks since when the company is liquidated they do not receive almost anything...*"

In another occasion and being that it defines to the movement like independent from the parties and opposing critics the government, he affirmed "... They got lost more than four months in steps with the Bank Nation... The target of the delay and the denial of the Bank Nation was to take the workpeople at the edge of the desperation and to generate an ambience of internal division"²⁰. This factory was said by Murúa, E. immediately after IMPA, that it processes about aluminum that for having lost competitiveness on the market asked the *State for a fund or subsidized and a credit to the Bank Nation* to pay the basic accounts, especially

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the wages. Without bearing in mind that the Bank Nation, it is we who would indicate, it is... a *Bank*.

On the other hand, said Dr. Caro, of the MNFR that it is "apolitical" and "I am sent of the national government, if you put me like lawyer of IMPA, the government puts the silver that they need..."²¹

But IMPA realized elections on May 15, 2006, there appeared three lists, the headed one by Murúa, other one for Expensive and the third one of self employed. It was the last one the one that triumphed.

Those who offer to us a synthesis of the fragmentation to which it is practical drive, it is Naomí Klein and Avi Lewis (2004: 26)

"... they turn out to be discontinuous and sabotaged by political parties that centralized the power... I believe that the factories are resisting this process, but it is a difficult struggle because also they need very much support..." "... There appear those who want to use it like political base... But it needs a quantity of incredible courage to face not only the State, the proprietors, the police, the judges and legislators, but also anyone that wants to enter a factory, divide the people and say to them what is what they must do. Be based on a political party, or that they are trying to construct their own power from the factories. This is the saddest thing that we have seen on having returned..." "I see the risk that in the movement there are features. They speak to me about the factories "of the PTS" (Parties of Socialistic Workpeople to that they belong for example Raúl Godoy, of ZANON), or of factories "of Murua" or "of Expensive" (Presidents of two movements that more companies and convalescent factories congregate). Is it like that? When speak with the workers, they identify with the workers of other convalescent factories, and they are against of any attempt of keeping them divided... The factories have differences, but the most important thing is that they have its resemblances".²²

b. Ancient recipes for the unpublished thing

"... we had gone to the Department and had said to them... that it was not good that the money of the State is used to convince the workpeople to do things that it is not convenient for them, which flatten its conscience..."²³ (And Murúa.2005)

The worrying thing is that these: leaders? Do they know what is convenient for others and what help to its realization or not? They lose this way its workpeople position to turn into intelligentsia of: "what to do?" And when those interests stake to the interior of the groups of workpeople, followers try to manage at the cost of sacrificing heterogeneities of its members and dividing about the strategy to be continued regarding its relation with the State.

The Difficult Social Relations

Neither the elegy of the self-management nor the opposite thing to the capitalism

So that the temporary expropriation is granted them, the convalescent companies will have to adopt in most cases, the juridical form of cooperative and also present a project of viability and practicality of the company. At the end of the above mentioned term, the expropriation will be able to be renewed if it is demonstrated that it has been successful.

In fact these steps, they indicate the limitation that imposes the capitalism and the subjection of the workpeople to suspense situations since they must bet, for anticipated to the success of the production and of the management on the market and after their obtains the money for the return to the State the one who will pay to the failure for using the building.

Also it forces the workpeople to confront the self-management, since now they are associated.

The self-management supposes an exercise of direct democracy, not known to the interior of the factory and perhaps in the civil society. Neither "the capture" they was imaginable, well-known, nor foreseeable, but they did it. The bibliography on this matter coincides in pointing out that these two forms have been proposed to them by leaders or by other convalescent companies (E.R). in functioning.

These requisites work on the one hand like obstacle, since they are crossed by the need to take the sustenance to their families and also to demonstrate that they are profitable. On the other hand they must create new forms of organization like the self-management, breaking with the hierarchic forms of the previous company and doing of the Assembly, as associates a concrete practice of the respect to the horizontal thing.

This stage forms for itself a situation in paradox excellent to know: how to occur capitalist (for the market) with not capitalist methods (for the way of producing, there being no wage relation)?.

The problem would not be to create and to practise the self-management but occurring of the interpersonal relations from the same one: now there is no silence but words that come from different subjects that have another type of discipline (they can light the radio, they can share the lunch in the same table). This shows us other forms of relation with a diversity that earlier were not allowed and that never needs also of a practised equality. This situation already shuts a difficult knot up, namely: having eliminated the proper disciplinary elements of the previous industrial hierarchy, these workpeople have to invent devices of coordination that assure the equitable distribution of the efforts and the individual contributions for the collective ends. And this not always is achieved.

In a recent work, one of the interviewed workers was expressing that it is difficult to recover a factory but more difficult it is still to recover the people who works there. It is not only the company, but the collective action.

The Vith - Public Politics and Conflict in the Convalescent Companies₂

To the first glance, gesticulating of the convalescent companies seems healthily framed by a multiplicity of dispositions and governmental devices that support them in its development. The state aid that expresses the commitment of the different governmental instances, Nation, Provinces and Municipalities seems to articulate its action in this sense (National Plan Hands to the Work of the Department of Social Development, technical assistance from the INTI, the SEPyme and the INAES, as well as of different National Universities) ²⁴. Nevertheless, the second look, this time from the perspective of the problematic situations in which at present these companies are debated, shows us another panorama marked by conflicts so much at level of the Recovered Companies as of its representative organizations, conflicts in which there are not foreign the action and inaction of the State. In the report of the INAES of 2002 and with the intention of justifying the creation of the "Executing Unit of Recovery of Companies in Crisis" the State was assuming that:

"The experience indicates that, despite counting both the Department of Labour and the corresponding areas of the Legislature, with elements of assistance and advice, these are not in conditions to receive and to impel to the new phenomenon of the convalescent or re-turned companies, for lacking the technical and practical knowledge, and of the aptitude to solve these problems in real times. It stems from these lacks that, despite the political will and the consensus have existed to sanction and to promulgate or to sign decrees, many norms have not been applied. Therefore the convalescent companies, still continue without consolidating its effort and at the risk of disappearing - not already for the managerial crisis - but for the traditional operative bureaucracy and for the dispersion of tasks and rolls in the different organisms participants."

The same report was adding between its targets:

*" (the) Optimization of the resources of the State: At present, there exists an oversupply of resources, which might use in the companies recovery in crisis, case of the different dispersed capacities of technical assistance in several organisms and departments, offers of financial support, plans work, etc. that for not having a coordinating management of the same ones, practically turn out to be inaccessible, or accessible in partial form, being that with its use, the recovery times would be shy geometrically "*²⁵

E. Fontenla (2007) assures that:

*"The technical staff who directed and integrated the executing unit was linked to the cooperative of work Cootrafriya Ltda., National Federation of Cooperatives of Workpeople of Re-turned Companies (Fencooper) ²⁶ constituted by ex-500 - workpeople of the refrigerator Yaguané, in the year 1995. As part of its management they signed an agreement of technical collaboration and support for cooperatives with the INTI and developed an operating system for the companies salvataje in crisis. Given its intimate attachment politics with the conduction of that time of the INAES, it did not survive the changes of conduction of the Institute, since at the beginning of the year 2004 the political support was withdrawn from the group from the organism and the executing unit was dissolved ... "*²⁷

We wonder if another cast "took the relay" in order to solve the problem of the fragmentation of public politics (at level the national State) and the dismantling between Nation, Province and Municipalities, as well as the duplication (and I squander) of consistent efforts, and what is still worse, the difficulties of the companies recuperadas.²⁸

In this point we will tackle the effects of the public politics referred to this sector. On having used the term "public politics", we include like fundamental part of the same ones to the developed normative frame – principally - from the year 2002. We think that the same one expresses the contradictions that cross the State with regard to the Convalescent Companies and, from these contradictions, it establishes the conditions for the development of big part of the conflict that characterizes the multiple problematic situations that these face. It is from these contradictions that there are explained the different bankruptcies or legal gaps that, to almost a period of five years of development of the phenomenon, support the instability in which these must develop its action, sharpening the dependency towards the political power.

In previous points we were referring to the difficult knots that appear not only in these companies and the different instances of the political power (included judicial device) but between the movements that group them and the ideological position (sometimes) or partial politician (most of the occasions) of its leaders. And the biggest or minor proximity of these with different currents / parties, proximity that there marks so much its gesticulating like its speech. It is in this speech in which they emerge two poles that tense its positions: the recognition of its dependency towards the State on the one hand and the claim of its autonomy for other.

Nevertheless, as we say in a previous paragraph, it is from the contradictions that they cross the politics of the State with regard to this sector that establish the conditions for this conflict.

At the risk of sinning for obvious, it seems necessary to set off in this analysis of the principal contradiction that crosses the State, that one that tenses it between the recognition of the legitimacy of the demands of these workpeople - and of the political and social debt that the political power supports with the same ones - on one hand, and for other one, the defense of the legal foundation of the liberal capitalist system, the right to property deprived at any cost to us.

This contradiction remains shown in the normative frame that frames any process of productive recovery of companies for its workpeople: the same one develops between the established thing, on the one hand, for the *Law of Failures and Contests* (Nº 24552 and its modification, Nº 25589) – recounted to the legal form / institutional in that the workpeople must collaborate, to the obligation to present a productive program, to the period by which the tenancy is granted them / he guards, anyway, to the responsibility for the goods and its productive use, between other things, but that *do not inhibit the continuity of the credits of the frustrated*

company. And for other, the provincial laws of Expropriation and Public Utility, which although they *recognize the public utility of the recovery* (with which they *recognize to the conservation of the source of work like foundation of the public utility*), these expropriations are sanctioned by the terms to *title onerous* and *nurseries in tiempo*²⁹, generally in a term of two years.

Again the public power gets entangled in its philosophical-political contradictions: it is not necessary to be expert in economy to know that this term is to all lights insufficiently to start – productively - any company. And less still, with the *original handicap* that these present for having arisen from the process of failure of the previous company (in many cases still indecisive), as a consequence of which clients and providers have lost, lack credit and few instruments of work that they have had left generally are severely damaged.

And nevertheless, this is the term granted by the provincial terms to these expropriations and that, conquered the same one, it puts the State in the *need* (not already in the political, economic or moral obligation) of postponing the expirations of the same ones in order not to be exhibited to judgments of *inverse expropriation* on the part of the expropriated businessmen demanding the payment of the indemnification corresponding

This contradiction between the essentials of both laws: the protection to the right of private ownership of the different actors involved by the failure and the recognition of the public utility of the recovery, it is *conciliated* by the respective judges and receivers of the cause, generating a suspense space for the workpeople that is translated in its juridical vulnerability. Juridical vulnerability that appears with two immediate effects: the economic *instability* opposite to the market that, as a prediction to itself the same fulfilled, will reverberate immediately on the possibility of the production and, perhaps less visible but not less important, the everyday occurrence of which big part of its efforts is assigned to different steps opposite to the public powers, instead of be using in the productive processes. They raise difficult situations of that time themselves so much between the different movements representative of the Convalescent Companies, tensed between the desire to be able and the vulnerability that returns them clerks, as to the interior of the same companies where the "bonus" of work destined to produce and to manage the legality, fragments functionally and jointly to the work groups in processes in which one ranges between the delegation and the self-management.

Notes:

- (1) LUXEMBURGO, Rosa. *Reforma o Revolución*, Nativa Libros. El subrayado es nuestro, Montevideo, 1971.
- (2) BIALAKOWSKY, Alberto y otros. *Los trabajadores y el trabajo en la crisis*. Ponencia presentada en el 6º Congreso Nacional de Estudios del Trabajo (ASET). Bs As, 13 al 16 de agosto 2003. La cursiva es nuestra.
- (3) BIALAKOWSKY, Alberto, ROSENDO Ernestina. "Salud mental y flexibilización laboral: una perspectiva antropológica" en *Vertex*,. *Revista Argentina de Psiquiatría*, Volumen IX, Nº. 51 Bs. As., 1998.
- (4) FERNANDEZ, Ana María, BORAKIEVICH, Sandra. *La anomalía autogestiva* en Campo Grupal Año 10. Nº 92, agosto 2007. Las cursivas son nuestras.
- (5) *Ibidem*, pág.3.
- (6) MARX, Karl. *El Capital*, Fondo de Cultura Económica, cap. I, pto. 4, México, 1986.
- (7) FERNANDEZ, Ana María. *op.cit.* pág.3.
- (8) BIALAKOWSKY, Alberto. *op. cit.* pág.4.
- (9) Industria Metalúrgica y Plástica Argentina (en adelante IMPA).
- (10) BIALAKOWSKY, Alberto. *ibidem.*, pág.4.
- (11) Socialización: tal proceso consiste en incorporar los valores, símbolos expresivos y creencias de una cultura al sistema de la personalidad y depende de la interacción social ejecutando roles altamente institucionalizados.
- (12) No nos referimos a los casos "pioneros".
- (13) Reconvertidos: fue usado por organismos estatales para aludir a la re-instalación de la producción, sin mencionar la expropiación.
- (14) Recuperadas: este término presenta una polisemia que va desde el sentido revolucionario-"apropiarse de lo expropiado"- a "recuperar la fuente de trabajo".
- (15) Autogestión: refiere a la forma que adquiere la dirección del proceso productivo, es muy utilizado por los intelectuales. Si bien su origen se encuentra en experiencias reformistas o revolucionarias; el neoliberalismo neutralizó el sentido original y desde los '90, lo utiliza aludiendo a cierto tipo de gestión, tanto en el ámbito privado como estatal; responsabilizando a los trabajadores por el éxito de la misma (ganancia-eficiencia) por ejemplo hospitales autogestionados en nuestra provincia.
- (16) REBON, Julio. *Desobedeciendo al desempleo*, Ed. Picaso-La Rosa Blindada, Bs. As., 2004.
- (17) AA.VV., Sin Patrón, Lavaca, Bs. As., 2004.
- (18) En adelante, MNER y MNFR respectivamente.
- (19) REBON, Julio. *ibidem*.
- (20) AA.VV., *ibidem*, pág.102.
- (21) AA.VV., *ibidem*, pág.99.
- (22) GUERRERO, M., SENCAMER, publicado en www.aporrea.org , "Argentina: IMPA bajo la etapa superior del Menemismo", 27/04/05.
- (23) *Ibidem* 23/04/05.
- (24) Conversación con N. KLEIN y A. LEWIS, periodistas canadienses, realizadores del documental sobre Empresas Recuperadas – "La Toma", En AA. VV., *ibidem*.
- (25) Declaraciones de MURUA, Eduardo, en un programa radial refiriéndose a los preparativos del Ministerio de Trabajo (Exposición de Fábricas y Empresas Recuperadas) a raíz del 1ro. de mayo de 2005. Citado por MERCAU, P. "Cuando el gobierno mete la cola" –publicado en la web: Red Eco Alternativo.
- (26) INTI: Instituto Nacional de Tecnología Industrial; SEPYME:Secretaría de la Pequeña y Mediana Empresa; INAES: Instituto Nacional de Economía Social. En adelante, consignados por sus siglas.
- (27) 25. INAES: Informe de Gestión febrero 2002 – julio 2003 Unidad Ejecutora de Recuperación de Empresas en Crisis (Uerec).
- (28) FENCOOTER: Federación Nacional de Cooperativas de Trabajadores de Empresas Reconvertidas, ligado al duhaldismo y a la FECOOTRA (Federación de Cooperativas de Trabajo). Su propuesta era la conformación de cooperativas de trabajadores. El término "reconvertidas" en su designación en vez de "recuperadas" marca la pretensión de este sector de despojar de connotaciones revolucionarias a este movimiento.
- (29) FONTENLA, Eduardo. "Cooperativas que Recuperan Empresas y Fábricas en Crisis", www.anter.org.ar, ANTER (Agencia de Noticias de Trabajadores de Empresas Recuperadas), (02-03-07).
- (30) O la lógica racional-burocrática de la Administración Pública ha quedado subordinada a otra lógica, basada en principios de mezquindad política partidaria.
- (31) La fórmula jurídica concreta es "de utilidad pública y sujetas a ocupación temporaria", expresión que a los profanos de la lógica jurídica suena como una contradicción en si misma. O tal vez, la noción de utilidad pública se refiera a un estado pasajero, pasible de ser superado por el devenir de la economía capitalista.

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- (3) VASILACHIS, Irene: Discurso Político y Prensa Escrita. Gedisa, Barcelona, 1997.
- (4) VASILACHIS, Irene: Pobres, pobreza, identidad y representaciones sociales. Gedisa, Barcelona, 2003.