The Enduring Labor Movement: A Job-Conscious Perspective

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Nobody in this audience needs to be told that the American labor movement has suffered a calamitous decline in recent years. The depth of its crisis is best captured in the numbers. In 1975, membership stood at an all-time high of 22 million. That translated into a union density in the nonagricultural sector of 28.9 percent, down only by 3.1 points from the peak of 32.3 percent in 1953. Today, union density stands at roughly 16 percent, a dropoff by nearly half in fifteen years. In absolute terms, membership is down by four million from the 1975 high mark. But for the surge in public employee unionism since the 1960s, the labor movement would find itself in an even more parlous state. In the private sector, labor unions represent about 12 percent of the nonagricultural workforce, perilously close to pre-New Deal levels.

Back in the recession of 1982--probably the darkest year for the labor movement since 1932--the business analyst Peter Drucker wrote a column for the Wall Street Journal (9/22/82) entitled "Are Unions Becoming Irrelevant?" There was something very particular--and prescient--about how Drucker put the question. It suggested some fundamental disjuncture: the industrial order had gone off in one direction, the labor movement in another, and, in so doing, was in danger of becoming "irrelevant." Drucker's question defines a dominant strain of current thinking about the problems of American labor. And, from that perspective, there seems to have developed a broad consensus about the locus of that fatal disjuncture. It is on the shop floor. Thus Kochan, Katz and McKersie write:

[O]ver the course of the past half century union and nonunion systems traded positions as the innovative force in industrial relations . . . . An alternative human resources management system . . . gradually overtook collective bargaining and emerged as the pacesetter by emphasizing high employee involvement and commitment and flexibility in the utilization of individual employees.(1)

Involvement, commitment, flexibility--these are the watchwords of the new industrial relations, and they are required, Ben Fischer

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tells us, "by very new forces in the patterns of ownership, management and market behavior, along with radical new technology . . . . The type of work being performed by workers is changing. The manner in which performance is sought contrasts drastically with yesterday's strategies." (2) The conclusion drawn by a distinguished panel of business and labor leaders for the Economic Policy Council (1990) is that

[A] "them and us" system of workplace relations [is] simply inadequate in today's social and economic environment. Finding the common interests of employees and employers, of unions and managers, and developing a process for overcoming the division between workers and managers, is the critical challenge that labor and capital must address in the decade ahead. (3)

The foregoing quotations, which could be replicated many times over, I think fairly convey a broad consensus of what might be called "progressive" thinking (including inside the labor movement) about the obsolescence of the adversarial system of workplace relations.

In what follows, there will be no attempt to determine whether (or to what degree) the adversarial system is in fact to be credited for the recent decline of the labor movement. That would require an altogether different (and more daunting) kind of exploration than the one I, as a labor historian, feel competent to pursue. My concern is with the programmatic implications of the attack on the adversarial system. The way Peter Drucker initially defined the question--are unions becoming irrelevant?--embodied the most important part of the answer: namely, it identified the unions as the problem. And if the gap between institution and environment was wide enough, then it would follow--as indeed Drucker says--that "the labor union will have to transform itself drastically." And those who have focused on the workplace (as Drucker himself did not) draw the same conclusion. To adapt to the new industrial relations, says Ben Fischer, "will dictate a redefinition of what is a union." (4) Likewise, Morton Bahr, president of the Communications Workers and co-chair of the EPC panel: "[B]usiness and labor, the leaders as well as the institutions, must change the way we've been doing business with each other over the last forty to fifty years, if we are to regain our competitive edge." (5) So labor's crisis has brought the movement to a juncture where this question is seriously contemplated: should institutional change be undertaken of the scope needed to promote a shift from adversarial to cooperative workplace relations?

That is a question of deep historical resonance. It goes to the issue of what has been enduring about the labor movement up to now. And, in more dynamic terms, it asks how the American movement made itself "relevant" to earlier industrial environments. How, so to speak, did it pass through comparable crises in the past?
To begin with, we have to take a long view of the subject. In *A Theory of the Labor Movement* (1928), Selig Perlman coined the term "job-consciousness" to characterize the American movement. By Perlman's definition, job-conscious unionism was maximalist in two specific ways: first, in advancing the job interests of workers, and, second, in placing the union at the center of that effort. In this formulation, wages and hours mattered, but so, at least equally, did work rules. Indeed, it was over job rights that Perlman found the basis for specifying the distinction he was trying to make between German and Anglo-American unionism. The former concerned itself "only with wages, hours, and watchful scrutiny of the operations of the governmental bodies administering labor laws and social insurance . . . [but] utterly failed to put in any bid for the dozens and dozens of the job control rules achieved by American and English unions and designed to give the membership a right to the job, freedom from overwork and arbitrary discrimination, and the protection of their bargaining power . . . ."(6)

The burden of Perlman's book was to argue that this was not an accidental or minor feature of American trade unionism, but a fundamental characteristic that was historically rooted and central to its vitality. Perlman was of course describing the trade unions of the 1920s, but the job-consciousness he attributed to the American movement remained a distinguishing feature into the recent era. In western Europe, by contrast, unions characteristically left shopfloor issues to state-mandated works councils, with oversight and appeal functions lodged in labor courts or other public agencies. Elsewhere, as in Australia, work rules were informally regulated within the plant or, as in England (notwithstanding Perlman's Anglo-American category), through negotiation with autonomous shop-steward structures. In a sense, the current crisis over the adversarial system provides the ultimate validation of the continuing saliency of Perlman's insight. Workplace relations are a core union-management problem precisely because they are so intrusively a function of American trade unionism.

The long historical view ought also, however, to make us relativists concerning the specifics of work-rule systems. There was probably a great divide stretching across the nineteenth century between artisan production, in which work rules were a form of self-regulation, and industrial production, in which work rules pressed up against managerial control. In that latter stage, there was an enormous variety of workplace systems. How various is evident in Sumner Slichter's great study of union-management relations as practiced just prior to the emergence of the particular system that dominates our own industrial world. Although *Union Policies and Industrial Management* was published in 1941, Slichter was concerned not with the emergent CIO unions, but with the many kinds of workers--miners, machinists,
railroaders, garment workers—long organized and experienced in collective bargaining. We can see, in the case of miners, for example, an elaborate system of workplace regulation utterly different in the issues covered from those applying to factory workers. Mine agreements focused on how the coal was to be weighed, what maintenance work was compensable (that is, not the deadwork that was the responsibility of the miner), the price for powder and blacksmithing, the fair distribution of coal cars. The forms of restitution in such agreements centered on a complex system of fines. Matters such as seniority, job classifications, regulation of the workplace were matters notably absent from mine agreements—at least until the introduction of coal-loading machinery transformed the miner from a tonnage to a day worker and changed the labor process from unsupervised individual work to the team labor of specialized operators.

Yet, in the midst of a bewildering array of workplace arrangements, Slichter identified common underpinnings that he dignified with the term "industrial jurisprudence," by which he meant "a method of introducing civil rights into industry, that is, of requiring that management be conducted by rule rather than by arbitrary decision." American workers, Slichter wrote, "expect management to be conducted in accordance with rules . . . and to have an opportunity to appeal to the proper person." Thus, to take the case of the tonnage miners I have described, the specific job issues that concerned them became enforceable work rules: a formal grievance procedure began at the mine site and rose by steps to the district level, with noncompulsory arbitration as the final step; a pit committee represented aggrieved miners; and all this was incorporated into a collective-bargaining contract.

So here we have the context in which the adversarial system of our own time took shape. The locus was of course the advanced mass-production sector; the time, the 1930s. If past experience held, one would expect the process to yield a workplace system matching the particularities of the mass-production regime, and understood to encompass what Slichter called industrial jurisprudence. Indeed, when the process was over, that was precisely how mass-production workers did perceive their workplace system. Consider the advice contained in a small booklet (dated January 1949) handed out by Local 7 of the United Auto Workers to new hires at the great Chrysler plant—now defunct—on Jefferson Avenue in Detroit.

If you think justice is not being done you . . . see your steward about it . . . . The grievance structure functions like a court of appeals—an agency to which the worker can appeal his case when he feels an injustice has been done him.

The advice to new hires concludes, in italics, marvelously: Remember! Your union is your best friend. It is that wonderful defense lawyer, at the point of production, that
every worker needs and desires. (9)

Let me try now to describe the historical process by which that adversarial system took shape. In my view, the battle over the shop-floor rights of production workers stands at the very heart of the industrial-union history of the 1930s—not only as a stimulus setting that movement in motion, but as the problematic at the core of the union building process of the New Deal era. Industrial workers were not fighting for workers' control—notwithstanding the vogue this idea has enjoyed in recent labor scholarship. Too much had changed in the mass-production industries—the ministries of Henry Ford and Frederick W. Taylor had gone too far—for workers to aspire to—perhaps even conceive of—regaining the kind of craft control and autonomous work that had earlier characterized American industry. What they did demand arose out of a sense of the rightness of things as shaped by the new bureaucratic, rationalized system of mass production within which they labored. Where tasks were minutely subdivided and precisely defined by job description, for example, there arose the characteristic demand of pay equity across the job classification system. Time-and-motion study meant objective—that is, testable—standards for setting the pace of work. When workers complained of speed-up, it was now less out of outrage that the foreman was a "pusher." They believed that the system itself was being violated or manipulated. And finally, the internal labor markets developed by corporate employers to counter high turnover implied uniform rules governing layoff, recall, even promotion.

We have to bear in mind that in this period industrial workers were overwhelmingly immigrants, the children of immigrants, or migrants from the South. In their experience, job opportunities came and went through family and kin networks. (10) It is a remarkable moment—rarely captured—when consciousness changes, when one set of values is replaced by another. Such a moment occurred when these ethnic workers begin to say no, it's not right for one worker to be laid off while another keeps his or her job because of "pull"; everyone should be treated uniformly by some impartial criteria that applies equally to all of us. One historian actually recorded such a moment among French-Canadian textile workers in Massachusetts. (11) But one does not have to capture the precise circumstances to know that, in the consciousness of U.S. workers, it happened. It is astonishing how consistent on this point are the oral histories by auto workers that I have read. Nearly every one has a story of arbitrary or capricious layoff, of the "red apples" who received favored treatment (occasionally the informant himself!). These stories are intended to show how unfair the pre-union regime had been. And there is an entire mythology of favors granted to foremen—sexual in the case of women, bottles of whiskey, lawns mowed, houses painted, in the case of men—by workers desperate to keep their jobs after the Great
Depression struck.

In a fundamental sense, employers could not dispute the legitimacy of these grievances, which, after all, arose from and were defined by the very industrial system they had created. This was true both in relation to the particular mechanisms—job classification, time-and-motion study, internal labor markets—and also more broadly in that the systematic labor management they espoused unquestionably required that workers be treated according to fixed, uniformly applied rules. The problem was that corporate managers did not carry through on their own logic. It was the imperfection of the system that brought it into crisis. There was too much resistance from foremen and first-line supervisors, and, in the 1920s, too little counterpressure from an unorganized workforce. And, once depression struck, there were strong incentives to squeeze something extra out of workers through speed-up and jimmied job classifications—likewise, as with arbitrary layoff, complaints cited repeatedly by workers in their oral histories.

The coming of the New Deal, however, concentrated the mind of management wonderfully. The occasion was the passage of the National Industrial Recovery Act (1933), and, more specifically, the famous Section 7a of that act, which guaranteed workers the right to organize and engage in collective bargaining. Corporate employers across the board responded by setting up employee representation plans—company unions, so-called. This was a cynical maneuver, certainly, calculated to satisfy Section 7a while forestalling the independent unionization of workers. But employee representation—a works council system—was not a new idea. It had been around for twenty years, espoused, experimented with and legitimizied by many progressive employers as a nonunion alternative for giving a voice to workers. And now, under pressure from angry workers, from the NRA, and from the outside unions, the employee representation plans—toothless initially—began to evolve in some places into prototypes of the modern system of workplace representation—with a shop-steward structure, a formal grievance procedure, and some consensus on key workplace rights. Such rights addressed in particular the characteristic mass-production grievances I have already specified: pay equity, speed-up, and seniority. Where seniority came from as the impartial rule governing layoff and rehire is a particularly fascinating and revealing story, but one unfortunately that I cannot relate here; nor, for that matter, can I say anything further about the complex struggle that over the course of the NRA period brought into being the basic elements of modern workplace representation. Suffice it to say, first, that corporate managers (if under some duress) accepted this system as legitimate, and consonant with the mass-production regime they had created; and, second, that all this happened between 1933 and 1936 and before collective bargaining began.
Only at this point—beginning with the great Akron strikes by rubber workers in 1936 and the revolutionary General Motors sit-down strike of early 1937—did the industrial unions force recognition from corporate employers and negotiate the first collective bargaining agreements. "Negotiate" is actually not a very apt description of what happened, which was essentially that existing conditions—including the workplace system I have just described—were incorporated into the first contracts. General Motors was not kidding when it said (it was of course trying to put the best face on things) that it had not given anything away in the first contract it signed with the United Auto Workers in March 1937: not the committeeemen designated to represent workers inside the plants, not the concept of a formal grievance procedure, and not the principle of seniority. But these were now contractual matters, agreed upon by two parties through collective bargaining—an adversarial proceeding—and enforceable as contractual rights, likewise an adversarial proceeding. This is where the specifically adversarial character of workplace representation enters the picture, although it should be recognized that, in its essential characteristics—that workplace rights would be specified, adjudicated through a formal grievance process, carried forward by designated representatives—this system already implied the adversarialism of any legal proceeding as understood in American jurisprudence. Although they would have preferred it to have been otherwise, corporate employers accepted the absorption of this system—much of it their own handiwork—into their contractual relations with outside unions. There was this advantage: the unions, as parties to the contract, were obliged to enforce it on their members. In a time of raging wildcat strikes and shopfloor turmoil, this was no small advantage, and it quickly evolved into something of fundamental value—the union as disciplining agent on its members.

Remarkably, no faction, however militant (excepting perhaps a Trotskyite fringe), denied that unions had this responsibility and should honor it (although in fact they had a lot of trouble doing so initially). General Motors had ample opportunity to walk away from the union contract. The UAW was extremely weak—it lost the bulk of its members in the 1938 recession and virtually broke apart in factional confusion—and in any case, since it had not yet demonstrated its majority standing, it had no legal standing as a bargaining agent. There is no evidence that General Motors ever contemplated reversing history. It had accepted the fact that the adversarial system—so-called—was appropriate to its mass-production factory regime.

The story as I have so far described it sounds like a private transaction among employers, unions, and workers. But there was a fourth party—the state. It was after all in these middle years of the New Deal that basic and enduring decisions were being made regarding a national collective bargaining
policy. The cornerstone was the National Labor Relations Act of 1935, the Wagner Act. As one reads that law in light of what I have said, one is struck by a remarkable omission. Extraordinarily intrusive as it was in other ways, the Wagner Act was absolutely silent about how workplace relations should be structured. This is curious on two counts. Interventionist labor policy of comparable scope almost everywhere else—Australia's compulsory arbitration system comes to mind as the other exception—provided for some form of works council system. Even more curious, it was not that such provision had never been contemplated in the shaping of American labor-relations policy. On the contrary, a works council system was precisely what had been evolving—as the employee representation plans became increasingly subject to state regulation under NRA labor boards—up to the time the National Industrial Recovery Act was declared unconstitutional in May 1935. In fact, the furious debates over a national labor policy of the NRA period really turned on a systemic question: works councils (which is what employers, as an outgrowth of their employee representation plans, advocated), or collective bargaining (which the American Federation of Labor insisted on)? The Wagner Act represented a total—truly a stunning—victory for the unions. The objective of the law, stated in its first section, was to promote "actual liberty of contract" and to remedy the "inequality of bargaining power." Everything in the law itself—including the express guarantee of the right to strike—was calculated to foster independent employee organization and collective bargaining to a contract. It was not that the law did not contemplate some form of workplace representation, but rather that it assumed that this would be the outcome of—the creature of—collective bargaining. So that, in a quite fundamental sense, it was the state itself that mandated the adversarial character of our system of workplace relations.

And not only that. Once the specifics of that system emerged—and, it needs remembering, those specifics were in place prior to the start of collective bargaining and had arisen out of the very same systemic struggle that had led to the Wagner Act—the state moved to legitimize the adversarial system. This happened because of a daunting legal issue raised by the new legislation. In the past, collective bargaining agreements had no—or only dubious—standing as enforceable contracts because trade unions themselves had no—or only dubious—standing as corporate entities. The new legislation gave unions a definite legal standing insofar as, under the provisions of the law, they became certified bargaining agencies with whom employers were obliged to bargain in good faith. Any ambiguity on that score was definitively settled by the Taft-Hartley Act (1947): suits for violations of contracts arrived at under the provisions of the National Labor Relations Act were actionable and fell within the jurisdiction of the federal district courts. The trouble was that there was no federal law or precedent on
which the courts could proceed. Rather than remedy that formidable oversight, the courts did a remarkable thing. They shifted the responsibility to the privately-created grievance procedures of the collective bargaining agreements. By this time, the 1950s, these agreements almost invariably included binding arbitration as the final step. In the Steelworkers Trilogy (1960), the Supreme Court ruled that, insofar as arbitration covered disputes arising out of the contract, to that degree the finding of the arbitrator was binding and legally enforceable by the courts without review (save where it was "apparent" that an award did not arise from the terms of the agreement). In effect, this private arrangement of dispute settlement was elevated to quasi-legal status, and that carried with it powerful legitimating benefits for the larger system of workplace representation within which the grievance procedure rested. The collective-bargaining agreement, pronounced the Supreme Court, is "more than a contract." It is "an effort to erect a system of industrial self-government" and "calls into being a new common law—the common law of the particular industry or a particular shop."(14) What the Court of 1960 was describing, of course, is the embattled adversarial system of our own day.

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Let us assume, for the sake of argument, that the mass-production regime to which that adversarial system was responsive is in fact coming to an end. Why should we believe that the succeeding regime will not in its turn set in motion a process that, like the one we have just surveyed, will end with a new adversarial system, a postmodern version, so to speak, of what Sumner Slichter half a century ago called industrial jurisprudence? The answer, at its most basic, would have to be that past experience no longer applies. Indeed, that is precisely what Ben Fischer does say about "the new face of much of industrial relations": it "is not a replay of history."(15)

If that is true, then of course the historical analysis in which I have been indulging can have utility only of a negative kind. It can do no more than underline and assess the historically-rooted constraints on union adaptation to the new industrial relations. But we need to specify quite precisely the historical discontinuity that must transpire: namely, that the new industrial relations not give rise to a crisis over industrial justice.

Proponents do indeed make that assumption. New modes of flexible production and knowledge-based operation, they argue, require an abandonment of the Taylorist reliance on hierarchical control and a rationalized division of labor. The emerging post-Taylorist system of industrial relations is characterized by what
Charles Heckscher calls "managerialism," whose aim it is "that every employee be a manager, involved in decisions and contributing intelligently to the goals of the corporation."(16)

To achieve these results, corporations have enlisted a sophisticated human-resources science that Kochan, Katz and McKersie assure us has mastered the mysteries of employee motivation. Under its guidance, a wide range of programs have taken shape—all-salaried compensation, profit-sharing, work sharing, flexible work schedules, payment for knowledge, autonomous work teams, ingenious systems of communication and grievance handling. "At its best," concludes Heckscher, "the managerialist order offers genuine improvements in the situation of employees as well as in the effectiveness of the organization."(17)

If the managerialist order at its "best" becomes the norm, what are the prospects for the labor movement? The critical question is really not how successful the existing unions can be at transforming their relations with organized employers. Let us suppose every union matched the inventiveness of the United Steelworkers of America in the face of the steel industry's extraordinary collapse during the early 1980s.(18) The Steelworkers came out of that crisis with its union-management relations intact, but with a membership half the size of 1975. In basic steel, the number of production jobs fell from half a million to 120,000, and is likely to shrink still further. The USWA calls to mind the most robust of the old-line unions of the pre-New Deal era—successful within their own jurisdictions, but increasingly out of the mainstream of the dynamic mass-production economy of the 1920s. Only today it is the mass-production sector that is falling out of the mainstream. Without penetrating the new dynamic sectors, as it did in mass production fifty years ago, the labor movement can look forward only to stagnation and decline. In these sectors, no amount of union enthusiasm for cooperative relations and employee involvement is likely to persuade employers that collective bargaining is preferable to a union-free environment. And if Heckscher's managerialist order lives up to its promise, what incentive would their employees have for joining a union?(19)

Elsewhere in his stimulating book The New Unionism, Heckscher offers us a possible answer. He reports a startling rise in the levels of dissatisfaction in all categories of white-collar employees in recent years. Consider what the Opinion Research Corporation found in surveys among managers at about 200 companies over a thirty period from the 1950s to the early 1980s. Those who rated their companies favorably in terms of fair application of policies and rules dropped from almost 80 percent to less than 40 percent, those who felt secure in their jobs declined from nearly 100 percent to 65 percent, those who thought their company was a better place to work than when they had started stood at a little higher than 25 percent. Among clerical
workers, ORC figures indicated an approval rating of company fairness down from 70 percent in the 1950s to 20 percent in 1979. This is happening, Heckscher suggests, partly because of a new spirit of entitlement to state-mandated due process and anti-discriminatory rights, and even more because of the injury that corporate restructuring in its various guises(20) has inflicted on the privileged status of white collar and semi-professional employees. Heckscher sees signs of an emergent movement, still inchoate and divided among many interest groups, but acting "on a single premise: that corporations, while they may have property rights, have no right to abuse their employees."(21)

But then Heckscher adds: "This is quite different from the premise that fueled industrial unionism."(22) Heckscher's error here is absolutely fundamental, masking as it does a vital continuity between past and present. Recall the moment at which industrial unionism crystallized during the 1930s. There had been a prior period of struggle driven, as now, by a deepening sense of industrial injustice. That its roots may have been somewhat different from those animating the incipient movement that Heckscher describes seems to me not especially germane, so long as we are not prepared to deny that injustice can be as potent a conception for industrial workers as for middle managers and semiprofessionals, and as potent if it arises from the factory regime as from a sense of legal entitlement (although, with the adoption of Section 7a, there developed in the minds of industrial workers as well a strong sense of legal entitlement).(23) During the battles over employee representation of the NRA period, the terms of a just workplace system took shape and gained the broad assent of all parties (including, in large measure, management). Empowered by the Wagner Act, the industrial unions then seized that system, gave it contractual form, and, in short, made themselves the institutional embodiment of the job interests of the mass-production workers.

In this achievement resides the essential historical continuity on which I am insisting: that what made trade unionism compelling to American workers in the past--and is likely to do so in the future--was its job-conscious capacity to link itself to their aspirations for industrial justice. The labor movement cannot itself define those aspirations, nor very much influence the processes that give rise to them. This was true for the industrial workers of the 1930s, and true likewise of the incipient movement for employee rights to which Heckscher calls our attention. Should that movement reach crisis proportions, however, the stage would be set, so to speak, for the next CIO. Precisely how that process would develop is of course not knowable, but it could be expected to take place within a comparable cycle of robust economic and political struggle and to contain analogs to what was essential in the rise of the first CIO--the construction of a mutually accepted system.
of workplace rights, (24) a major revision of the labor law, (25) and the fashioning of new union structures.

American industrial relations has arrived at an odd juncture. How can we be moving at once toward a cooperative labor-management system and also toward a deepening crisis over employee rights? The explanation would seem to be that basic structural forces are in contradiction. Postindustrial technology demands involvement and commitment from employees, but the competitive market and corporate restructuring now deny to all but the most sheltered firms the means for assuring the job security and predictable treatment on which employee commitment depends. How that contradiction is resolved remains to be seen, but on its resolution probably rides the future of the American labor movement. Insofar as the outcome favors managerialism, to that extent labor's prospects are surely foreclosed. It was because the contrary happened in the 1930s—because welfare capitalism failed under the stress of the Great Depression—that the occasion was provided for the rise of the industrial unions.

Embattled as it is, the labor movement hears on all sides today calls for an end to "adversarialism." Insofar as this means responsiveness to the logic of a post-Taylorist system of production, the advice is sound, and altogether consistent with historical experience. It bears repeating that, after all, the "adversarial" work-rules system now so roundly condemned was adopted not in opposition to, but directly in conformity with the logic of the mass-production regime. But retreating from "them and us" as a basic orientation is a different matter. The labor movement will not prevail by trying to persuade nonunion employers. It is their employees that have to be persuaded, and, if and when that time comes, what will persuade them will be the only kind of appeal that has worked with American workers since the early days of Samuel Gompers: namely, the identification of the union with their demand for industrial justice. The source of that appeal is the abiding job-consciousness of American trade unionism. In this sense, labor's past is deeply and irrevocably implicated in whatever future it has.

ENDNOTES


7. These details are drawn from Louis Bloch, Labor Agreements in Coal Mines, . . . of Illinois (New York, 1931), and apply to the UMWA Illinois district.

8. Union Policies and Industrial Management (Washington, DC, 1941), 1-3.

9. "Welcome, Fellow Workers" [booklet, UAW Local 7, January 1949], Box 3, Nick DiGaetano Collection, Walter Reuther Archives, Wayne State University, Detroit, Michigan.

10. See, for example, John Bodnar, Roger Simon, and Michael P. Weber, Lives of their Own: Blacks, Italians, and Poles in Pittsburgh, 1900-1960 (Urbana, IL, 1982).


15. Fischer Speech, D-1.


18. For the details, see especially Hohn P. Hoerr, *And the Wolf Finally Came* (Pittsburgh, 1988).

19. The AFL-CIO hopes to answer that question, in the immediate term, by offering associate memberships to individuals and, through its Union Privilege program, providing them with credit cards, group insurance, mail-order pharmaceuticals and other useful services. Some observers see in this the beginnings of a transformation of organized labor from an economic to a human services movement. What the associate-member program surely does reveal is the uphill struggle which the unions know they face in the organizing field. *New York Times*, August 19, 1990.

20. Most obvious of course are the layoffs and early retirements of hitherto secure employees in nonmanufacturing and high-tech firms. The top three companies in announced layoffs for 1991 are, in descending order, Sears Roebuck, IBM, and General Dynamics. In the list of the sixty leading layoff firms, the high-tech (led by Digital Equipment), banking (led by Citicorp) and insurance (led by Aetna) industries are liberally represented. Nor are white collar employees any longer a privileged group. General Motors, for example, projects the elimination of 15,000 of 99,000 white collar jobs between 1991 and 1994. *New York Times*, April 15, 1991. More insidious on employee trust are the consequences of the restructuring process of the 1980s, as in the following case. In 1986 the Pacific Lumber Company was acquired in a hostile takeover by the Maxxam Company, financed by junk bonds issued by Drexel Burnham Lambert. Drexel sold $343 million of the Maxxam bonds to the First Executive Insurance Company. Maxxam then stripped Pacific Lumber's pension fund of its excess capital and refinanced the remainder by the purchase of annuities from First Executive. In April 1991, as First Executive's heavy investments in junk bonds turned increasingly sour, California and New York regulators took over the insurance company's state affiliates, and the soundness of its obligations, including annuities sold to dozens of companies like Pacific Lumber, was very much in question. Pacific Lumber's employees are suing. *New York Times*, April 15, 18, 1991.


24. In discrimination and just-cause termination cases, many employers have sought to escape litigation by utilizing arbitration systems, but, as a required method of dispute resolution, these remain on shaky legal grounds. There is nothing legally shaky about the binding effect of arbitration in
collective bargaining agreements, however, and one could well imagine the incorporation of the legally-defined job rights into a future system of contractual workplace representation. See, for example, the op-ed piece by a labor lawyer for management in the New York Times, April 14, 1991. And for a major case now before the courts on the use of arbitration over age discrimination, see New York Times, March 25, 1991.

25. The AFL-CIO has concentrated on the immediate problems it has encountered in the labor relations law, and, at the moment, especially the freedom of employers to hire permanent replacements during strikes. But penetration into white-collar and high-tech sectors will call for a major redrawing of the boundaries of the law, for example, concerning the kinds of employees covered, the issues subject to mandatory bargaining, and the prohibitions on employer participation in labor organizations.

26. Whether the industrial unions are incapable of transformation, as Heckscher is inclined to believe (p. 237), seems to me something of an open question. After all, old-line AFL unions like the Teamsters, Machinists, and Meat Cutters proved extraordinarily resilient once challenged by the CIO. But it does not actually matter very much whether this happens, or new institutions emerge, or, as in the public sector, professional associations evolve into unions, so long as the end result is trade unionist in function.