

## **Re-Framing US Labour's Crisis: Reconsidering Structure, Strategy, and Vision**

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# Re-Framing US Labour's Crisis: Reconsidering Structure, Strategy, and Vision

Joseph A. McCartin

THERE CAN BE LITTLE DOUBT that the US labour movement is in the midst of its most profound crisis in a century. Private sector unionization rates have dipped below 10 per cent, to levels not seen since the early 1900s. Once-strong unions such as the United Automobile Workers have been forced by employers into a never-ending string of concessions. And in 2005, US labour witnessed a serious rupture, as several of the largest US unions, led by the Service Employees and the Teamsters, disaffiliated from the American Federation of Labor-Congress of Industrial Organizations [AFL-CIO] to form a new federation called Change to Win [CTW]. Critical of the AFL-CIO for failing to persuade many of its unions to devote more resources to recruiting new members, the CTW promised to wage more vigorous organizing campaigns. Whether the CTW can revive US labour's fortunes remains to be seen. But one year after the birth of the new federation, there has been no appreciable turnaround in labour's situation. And no great breakthroughs seem to be in the offing.<sup>1</sup>

At this point it may be fruitful to step back from the debates that swirled around the labour schism in order to ask some questions about the nature of labour's current problems, the strategies that have been advanced by the rival federations to deal with those problems, and the way labour is framing its vision for its members and other workers.

<sup>1</sup>For some assessments of the US labour split, see Harold Meyerson, "Hard Labor," American Prospect on-line edition, 19 June 2006, at <<http://www.prospect.org/web/page.ww?section=root&name=ViewWeb&articleId=11669>> (7 August 2006); Jeff Crosby, "Can Anything Good Come From This?," *New Labor Forum*, 15 (Spring 2006), 29-37; and Ruth Milkman, "Divided We Stand," *New Labor Forum*, 15 (Spring 2006), 38-46.

A great deal of sound and fury attended the split between the AFL-CIO and the CTW. With personal ambitions, institutional rivalries, reputations, deeply held principles, and, perhaps above all, power at stake, each side in the squabble had an interest in emphasizing its differences from the other and the superiority of its own position. But the differences between the rival federations were in many ways exaggerated by the politics of the moment. Below the surface of the separation, unionists on both sides of the US labour split tended to share three common assumptions, even if they operated differently in response to them.

The first assumption is that labour's main problem is its need to reverse declining union density. For all of their differences in style and tactics, both the AFL-CIO and the CTW seem to agree on the fundamental importance of declining union density to labour's crisis. Union density in the United States is now at roughly 12 per cent, or roughly one-third of what it was in the mid-1950s. Leaders of both federations speak in similar terms about the problem. "We must increase the size of our membership and restore union density," argues the AFL-CIO, "or no other strategies to strengthen our movement will work." "We need to do everything we can to reverse the decline in living standards for American workers, which has been brought about by declining union density," counters one of the leaders of the CTW.<sup>2</sup> Although they seek to address the same fundamental problem, the rival federations have adopted different strategies. The AFL-CIO proposes to push up union density through a combination of new organizing initiatives and efforts to strengthen the flimsy protections of workers' rights to organize currently in force in US labour law. To strengthen workers' rights to organize, the AFL-CIO and some of its allies in the Congress are promoting the Employees Free Choice Act [EFCA], which would eliminate some barriers to organizing and increase penalties against employers who subvert workers' rights. In order to improve chances for its passage, the AFL-CIO continues to engage in efforts to elect legislators pledged to enact the EFCA. The CTW is equally determined to reverse the slide in union density, but it largely eschews legislative battles and places less emphasis on electoral politics. Believing that there would be little chance of getting labour law reform through a Senate filibuster even if Democrats were to retake the US Congress, the CTW instead emphasizes the need for coordinated multi-union organizing drives in strategically selected economic sectors. Their approaches may differ, but building the ranks of union members is the first priority for both federations and each tends to analyse labour's plight or measure its progress primarily in terms of union membership figures.

<sup>2</sup>"We must increase the size of our membership and restore union density — especially in key industries — or no other strategies to strengthen our movement will work," argues the AFL-CIO. *Washington Post*, 29 April 2005; *New York Times*, 19 February 2005.

A second assumption that animates both federations is that organizing is the key to turning around US labour's fortunes. As one CTW defender explains, labour's "most urgent priority must be increasing the percentage of unionized Americans." AFL-CIO president John Sweeney agrees that organizing "has to be our number one priority."<sup>3</sup> Having defined labour's problem primarily in terms of sagging union density, both labour federations are implementing strategies that are meant to remove obstacles to organizing. Yet the federations rank the significance of these obstacles differently. The AFL-CIO is more concerned than the CTW with removing external obstacles to organizing — thus it focuses more on labour law reform. The CTW, meanwhile, has focused on removing barriers to organizing that are internal to the labour movement itself — specifically problems in the structure of the US labour federation. Fed up with the AFL-CIO's inability to compel many of its smaller affiliates to commit more resources to organizing, the CTW unions decided to form a labour "coalition of the willing" in a new federation dedicated to organizing. The strategies of the AFL-CIO and CTW may diverge in important respects, but they share in common a search for ways to recruit new members.

A third assumption shared by both of the rival federations concerns how best to frame the labour movement's vision for Americans. Having defined declining union density as the key problem to be solved, and strategized around ways to improve labour's organizing capabilities, US unions have increasingly framed their vision in the language of "workers' rights" to organize. The "workers' rights are human rights" slogan has assumed a prominent place in US labour circles over the past few years as a way of calling attention to abuses of the right to organize in the United States. Labour's coordinated protests on International Human Right Day (10 December) in recent years have drawn attention to some appalling facts. Recent studies suggest that employers fire pro-union workers in 30 per cent of organizing drives and in nearly half of all campaigns companies threatened to close shop or relocate if workers choose a union. As AFL-CIO president John Sweeney puts it, a worker's right to organize is a "fundamental freedom that has been eroded beyond recognition" in the United States. Sweeney's rival Andrew Stern of the Service Employees uses similar language, arguing that in the US people see the right to organize "as a spectator sport, not a basic right."<sup>4</sup> Organizations such as Human Rights Watch and American Rights at Work have now joined with unions of both the AFL-CIO and the CTW to demand that US workers' rights to organize be protected. Embattled in their efforts to organize, US labour unions are increasingly framing their struggles in the rights language that was popularized in the US civil rights

<sup>3</sup>Ruth Milkman, "A More Perfect Union," *New York Times*, 30 June 2005; Sweeney, quoted in *Washington Post*, 25 August 2004.

<sup>4</sup>Sweeney, quoted in *Houston Chronicle*, 7 December 2005; Stern, quoted in *Seattle Times*, 12 February 2001.

struggle. Both the AFL-CIO and the CTW alike have embraced this rights discourse as the most effective way to articulate labour's vision.<sup>5</sup>

The assumptions that have guided the AFL-CIO and the CTW in naming labour's main problem, strategizing in response to it, and framing their vision in the language of human rights discourse are grounded in obvious realities. Who can ignore the problem of union density or the need to remove obstacles to organizing? And who can fail to appreciate the moral power of the critique of workers' rights abuses that labour has constructed in recent years? Yet it is unfortunate that the partisans in the US labour split did not put these widely shared assumptions on the table for fuller examination in the debate surrounding the labour schism. Now that a year has passed since that split without a significant turnaround in the fortunes of the movement, it seems an appropriate time to raise questions about these guiding assumptions.

Here I want to question these three assumptions by bringing the perspectives of a labour historian to bear. I want to suggest that declining union density is not US labour's main problem today, so much as it is a *symptom* of larger structural problems with which all labour movements in advanced economies are wrestling — a vast worldwide economic restructuring that has subverted nearly all forms of labour market regulation, especially unions. Unfortunately, US unions tend to view their problems in a way that Americans too often view problems — that is, as if what is happening in the rest of the world is not significant. As a result US unions tend to evaluate their plight as exceptional and conceive strategies that respond primarily to particularly American aspects of the problem — such as regressive labour laws or presumed flaws in the structure of the US labour federation. Having conceived of their problems and strategies this way, US unions have gone on to embrace a rights discourse which ultimately makes it harder for them to address the structural economic dynamics that are contributing to labour's present woes. As it is most often advanced, the workers' rights formulation, in my view, will serve labour poorly in any effort to revive forms of labour market regulation that will be essential for rebuilding unions in the developed economies. In what follows I will elaborate this critique by suggesting alternative answers to the three most pressing questions that face the US labour movement today.

#### *What is US Labour's Main Problem?*

A review of the mainstream press, or of labour's own publications, would seem to make the answer to this question quite simple. A consensus has taken shape around

<sup>5</sup>On the rights revolution and labour, see Nelson Lichtenstein, "The Rights Revolution," *New Labor Forum*, 12 (Spring 2003), 60-73; Lichtenstein, *State of the Union: A Century of American Labor* (Princeton 2002); Lance Compa, *Unfair Advantage: Workers' Freedom of Association in the United States under International Human Rights Standards* (Ithaca 2004); James A. Gross, ed., *Workers' Rights as Human Rights* (Ithaca 2003).

the idea that US labour's main problem is declining union density. Indeed, this reading of the problem contributed directly to the schism which led CTW unions to disaffiliate from the AFL-CIO. The nub of the conflict between the two federations concerned how best to deal with the problem of declining union density: the two-front struggle in legal reform and organizing advocated by the AFL-CIO versus the labour movement reorganization advocated by the CTW.

Clearly both federations have identified a glaring problem. Unless US labour can reverse declines in union density, it will be impossible to reenergize the labour movement. But there is good reason to believe that US labour's problems run much deeper than falling union density. The fact is that many of the explanations most often cited for declining union density — including inadequate labour laws, aggressively anti-union American employers, unimaginative labour leaders, and rivalries among American unions — are being exacerbated by a larger problem that is less frequently discussed. A vast economic reorganization more fundamental than anything experienced since late 19th-century industrialization — driven by container ships, computers, collapsing regulatory regimes, a crumbling industrial base, rising service economies, and changing corporate structures — has transformed the world's economy over the last quarter-century.<sup>6</sup> The impact of that transformation has magnified all other problems experienced by US unions. Indeed, even if unions were to somehow solve their most immediate problems, patch up labour's internal divisions, unify around new organizing strategies, and strengthen workers' rights to organize, they would still face huge obstacles to their revival unless they also address the altered structural dynamics brought on by global economic transformation. There are at least three reasons to believe that these deeper structural realities may hold more of a key to US labour's future than the right to organize.

First, a review of US labour history reminds us that most past labour upsurges were affected less by the extent to which workers' rights to organize were protected by law than by the larger economic and political context within which workers asserted their rights. Indeed, as labour historians well know, most of US labour's past spurts of growth took place under conditions in which workers lacked clear protections of their rights to organize. The Great Upheaval of the 1880s occurred at a time when labour was still subject to prosecution under conspiracy laws in some states. The upsurge of the World War I era erupted without any clear protection of workers' rights to organize. The first National War Labor Board proclaimed that right for the duration of that war, but it proved no more capable of protecting the right to organize in practice than today's National Labor Relations Board. The re-

<sup>6</sup>The literature on globalization and its impact on labour in general is of course extensive. For some background on this question, see Jeremy Brecher, Tim Costello, and Brendan Smith, "International Labor Solidarity: The New Frontier," *New Labor Forum*, 15 (Spring 2006), 9-18; Jeff Faux, *Global Class War: How America's Bipartisan Elite Lost Our Future and What It Will Take to Win It Back* (New York 2006); William Greider, *One World, Ready or Not: The Manic Logic of Global Capitalism* (New York 1997).

vival of labour in the 1930s took place under the weak protections of Section 7a of the National Industrial Recovery Act. The CIO made its first big breakthroughs in rubber, steel, and auto plants before anyone knew whether the Wagner Act's protections of workers' rights to organize would withstand the scrutiny of the US Supreme Court. And, finally, public sector unions increased their membership ten-fold in the years between 1955 and 1975 under conditions in which the vast majority of government workers lacked many basic rights — such as the right to strike.<sup>7</sup>

While workers' rights were incompletely protected in each of these periods, political and economic developments favoured worker organization in ways that overrode the weakness of those protections. In the past, the degree to which workers' rights to organize were protected by the law was thus less decisive in shaping labour upsurges than the larger context within which workers asserted their rights. If strong protection of the right to organize was not the decisive factor in shaping past union upsurges, why should we believe that it is a decisive factor today? By the same token, if the larger political-economic context within which workers asserted their rights was crucial in the past, shouldn't we also suspect that this context may be crucial today? Context, as we historians are always reminding our colleagues in the social sciences, is everything. In this case, putting the problem in a transnational context would be helpful.

This brings us to a second reason why we should doubt that US labour's problem is primarily a union density issue brought on by shoddy labour laws or a history of ineffectual union organizing. The problem of falling union density is not an American problem only; it has global dimensions. It is a phenomenon that is taking place across the industrialized world, in nations whose labour laws, unions, and political histories vary. Transnational trends in union density are unmistakable: virtually everywhere in the advanced industrialized world labour movements are shrinking. In Australia, union density dropped from 51 per cent in 1971 to 23 per cent in 2002. In New Zealand, the fall over the same period was equally dramatic. Gross union density in Germany dropped from 37 per cent in 1969 to 19 per cent in 2003 (if one excludes pensioners and the unemployed). In Canada, the figure dropped from 37 per cent in 1984 to 30 per cent in 2004. In the United Kingdom, union density fell from 44 per cent in 1969 to under 30 per cent by 2000 (and only

<sup>7</sup>On the upheaval of the 1880s, see Kim Voss, *The Making of American Exceptionalism: The Knights of Labor and Class Formation in the Nineteenth Century* (Ithaca 1993); on the weak labour protections of the World War I era, see Jeffrey Haydu, *Making American Industry Safe for Democracy: Comparative Perspectives on the State and Employee Representation in the Era of World War I* (Urbana 1997); on the CIO and its relationship to the Wagner Act, see Robert H. Zieger, *The CIO, 1935-1955* (Chapel Hill 1995); on public sector organizing prior to legal recognition of public sector unions, see Joseph E. Slater, *Public Workers: Government Employee Unions and the State, 1900-1962* (Ithaca 2004).

about 19 per cent in the British private sector).<sup>8</sup> The fact is that union movements in advanced industrial nations are declining across the board. If that is the case, then why should we believe that labour law reform or a reorganized labour federation will turn around the situation in the United States?

In recent years, analysts have offered a variety of explanations for the continuing decline of American unions. Some blame US union leaders' lack of vision or commitment to organizing. Others, like critics in the CTW, have cited the relatively loose structure of the AFL-CIO federation, which has been unable to compel its affiliated unions to devote more resources to organizing. Still others point to the lack of a strong tradition of independent labour politics as reasons for US labour's decline. But a look at union membership figures in the industrial world indicates that unions are also losing membership in nations that have historically enjoyed a more visionary union leadership, tighter and more disciplined labour federations, and a strong tradition of independent labour politics. This should raise significant doubts about the extent to which union decline in the US can be explained by reference to specifically American dynamics, and invites us to consider the extent to which this process is being driven by transnational dynamics.

This leads to a third reason why we should doubt falling union density is US labour's key problem today. When we look at measures of union power other than membership figures, it becomes clear that labour is facing a crisis that goes well beyond organizing. The fact is that the power of unions both in the United States and around the industrial world has been declining at a rate far steeper than declines in union density. How can union power be measured? Arguably, there is no single barometer that can more effectively register workers' own sense of their collective power than the strike. The strike has been labour's most basic weapon from the first days of union organization. Once labour movements became institutionalized and learned the "rules" of collective action, as Eric Hobsbawm once put it, strikes became less spontaneous and increasingly came to indicate workers' degree of confidence in either pushing demands upon their employers or resisting employers' demands for concessions.<sup>9</sup> If that is the case, then strike figures indicate that work-

<sup>8</sup>Australian Bureau of Statistics, *Trade Union Members*, Cat. 6310.0 (Canberra 2006); Robyn May, Pat Walsh, and Raymond Harbridge, "Unions and Union Membership in New Zealand," *New Zealand Journal of Industrial Relations*, 28 (2003), 314-325; Heiner Dribbusch, "The Sword in the Wall: Strikes in Germany, 1969-2004," paper presented to the Strikes in International Perspective, International Institute for Social History, June 2005 (in the author's possession), 3-4; Susan Johnson, "Canadian Union Density 1980 to 1998 and Prospects for the Future: An Empirical Investigation," *Canadian Public Policy*, 28 (September 2002), 333-349; Stephen Machin, "Union Decline in Great Britain," *British Journal of Industrial Relations*, 38 (2000), 631-645; Alex Bryson and Raphael Gomez, "Why Have Workers Stopped Joining Unions? The Rise of Never-Membership in Britain," *British Journal of Industrial Relations*, 38 (2005), 67-92.

<sup>9</sup>Eric J. Hobsbawm, *Labouring Men* (London 1964), 144.



ers' confidence levels are reaching historic lows, both in the United States and in other advanced economies. By all indications, the strike seems to be dying. In the United States, the incidence of strikes has been plunging at a rate far out of proportion to declines in union density. Indeed, since 1960, there has been no direct relationship between union density and strikes. US union density fell substantially between 1960 and 1980 (going from over 30 per cent down to 23 per cent); but strike rates remained fairly constant across most of this period. Indeed the average number of major work stoppages was actually higher in the 1970s (at 289 per year) than it was in the 1960s (283 per year), even though union density had slipped. Since 1979, though, US strike rates nosedived even though union density continued to erode at a slow and steady pace. During the 1980s, the average annual number of major stoppages fell to 83 per year; in the 1990s to 35 per year; and in the current decade to 23 per year. By 2003, it seemed as though the US strike was nearly extinct. In February of that year no major work stoppage was recorded anywhere in the country — a first. The number of US workers participating in major work stoppages in 2002 was only 1/60th of the 1952 figure.<sup>10</sup>

Some have suggested that the perversity of American labour law, which allows employers to permanently replace economic strikers, is to blame for the decline of US strikes. There may be some truth in this. But the strike, like union density, is declining not only in the US but across the industrial world, even where employers do not enjoy that right. The number of strikes in Australia fell by nearly 70 per cent between 1981 and 2001. During the 1950s, British workers averaged more than 2200 strikes per year. During the years between 1990 and 2001 the annual average was 228. In the years 1990-1994 France lost only one-fifth the number of work days to strikes as in the years 1970-1974. In 1976, the equivalent of 17 per cent of all Canadian employees participated in at least one strike. By 2001 the number had plummeted to 1.5 per cent.<sup>11</sup> Surely, strikes are not declining in any of these settings

<sup>10</sup>I have calculated the averages cited here from figures collected by the US Bureau of Labor Statistics. To see the figures on work stoppages, consult the BLS website at: <<http://www.bls.gov/news.release/wkstp.t01.htm>> (18 April 2006). Monthly data can be found at: <<http://www.bls.gov/news.release/wkstp.t03.htm>> (18 April 2006). For interpretations of the decline of the strike in the USA, see Peter Rachleff, "Is the Strike Dead? An Historical Look at the Future," *New Labor Forum*, 12 (Summer 2003), 87-96; Joshua B. Freeman, "The Strike Weapon: Can It Still Work?," *Dissent* (Spring 1997), 60-65; Josiah Bartlett Lambert, *"If the Workers Took a Notion": The Right to Strike and American Political Development* (Ithaca 2005).

<sup>11</sup>These strike figures are taken from papers presented at a conference on the recent history of the strike organized by the International Institute for Social History, Amsterdam, Holland, June 2005. These papers are forthcoming in a book to be published in 2007 by the IISG and Aksant Publishers and edited by Sjaak van der Velden. The papers are Linda Briskin, "Strikes, Lockouts, and Wildcats: Canadian Workers Militancies, 1966-2001"; Dave Lyddon, "Strikes in the United Kingdom, 1970-2000"; Brigitte Lestrade, "Strike Activities in France, 1970-2000"; Chris Briggs, "Strikes and Lockouts in the Antipodes: Neo-Liberal

because workers are growing more satisfied with their lot. Workers would be striking more often if they thought it made sense. The unavoidable truth is that strikes are declining because workers and unions increasingly doubt their efficacy. This in turn indicates that even when they are organized workers today wield less leverage than they did a generation ago. Undoubtedly, this realization discourages non-union workers from assuming the risks of organizing. This suggests that no matter what happens to US labour law, unions may not recoup membership losses unless they can also recover the capacity to strike and the leverage that comes with it.

A good deal of evidence, then, suggests that US labour's main problem may not be declining union density related to weak protections for the right to organize or ineffectual organizing campaigns. Rather, the main problem may be that unfolding global economic processes have exacerbated the particular conditions that the US movement faces, including weak and poorly enforced labour laws, aggressively anti-union employers, uninspired labour leadership, and inadequate coordination among unions. By subverting previous methods of labour market regulation, globalization has starkly altered the economic and political landscape on which workers assert their rights, eroding union density across the industrialized world, and effectively taking the strike weapon out of workers' hands. Unless US labour frames a strategy that takes consideration of this fact seriously, campaigns for labour law reform, or the creation of new labour federations may not change labour's status much. This leads us to a second question.

*What Strategy Should Labour Follow?*

If US labour's problem today goes beyond labour law reform, new organizing, and the need to build union density and is rooted in the collapse of an old regulatory order, then it follows that strengthening workers' *rights* to organize will not be enough to meet the present crisis. To turn things around, labour will need to find ways to strengthen workers' *capacity* to employ their collective power. That in turn will require that new organizing initiatives and efforts to reform weak legal protections of workers' rights must be accompanied by significant changes in the present structure of US and world political economies. Organizing efforts, such as the ones sponsored by the able organizing departments of the AFL-CIO and the CTW, are essential, of course. Labour can make no progress without such efforts. But organizing initiatives alone are likely to be insufficient to meet labour's current crisis unless they are also accompanied by efforts to create a more worker-oriented political economy and a broad-based politics supportive of worker security. Again, there are at least three reasons to believe that organizing must proceed hand in hand with

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Convergence in Australia and New Zealand," paper presented to the Strikes in International Perspective, June 2005; and Heiner Dribbusch, "The Sword in the Wall: Strikes in Germany, 1969-2004."

a larger political-economic strategy of the sort that neither federation has advanced at this point.

First, as labour historians well know, US labour's two major breakthroughs in the 20th century were marked not only by organizing successes but also by the implementation of political economies supportive of these successes. Exactly 100 years ago, US labour was in a position much like its present state: it was divided; it claimed a narrow slice of US workers as union members; and it was being driven out of some previous strongholds such as iron and steel making. In many ways its future looked as bleak as labour's future today appears. But two major breakthroughs in the 20th century revitalized the US labour movement. The first came during the 1930s and 1940s, when the unions of the Congress of Industrial Organizations [CIO] finally succeeded in organizing mass-production workers. The second occurred during the 1960s and 1970s, when unions began to organize public sector workers, increasing membership in that sector by ten-fold between 1955 and 1975.

Each of those 20th-century breakthroughs was supported by public policy and the elaboration of a political economy that was if not always clearly advocating unionism at least indirectly supportive of unionization and collective bargaining. It is difficult to imagine the success of the CIO in the 1930s without not only the Wagner Act, but also the Social Security Act, minimum wage and child labour laws, the jobs creation programs of the Works Progress Administration, and a host of other policies that made a more level playing field for workers. Such policies enhanced workers' sense of security, improved their ability to forge solidarity, and encouraged them to take the risks associated with organizing a new movement. It is also difficult to imagine the CIO's consolidation of its gains in mass-production industry during World War II without cost-plus contracts and the government's endorsement of union organization. Similarly, it is difficult to imagine the success of public sector unions in the post-war era without considering the policies that led to the dramatic expansion of employment in that sector (which rose from 5.5 to 11.6 million during the period of public sector labour's rise), or without the taxing, borrowing, and pension policies that made it possible for governments to meet the demands of their organized employees. If US labour's most recent big gains have been accompanied by important shifts in political economy, it is likely that its next big breakthrough may also require such a shift.

A second reason to believe that new organizing initiatives or labour law reform must be coupled to the advancement of a larger political economy also flows from a truth familiar to labour historians: workers are most willing to take the risks of organizing and acting collectively when they perceive the larger constellation of power relations to be shifting in a favourable direction. In 1953, economist Everett Kassarow was commissioned to figure out why the CIO was losing organizing momentum. One interview with a veteran CIO organizer proved particularly revealing to Kassarow. Workers joined unions in the CIO's early days, this organizer explained, not because organizers' techniques were better, but because "the worker

assumed up till 1941-42 that labour was on top and management was underneath and you might as well be with the winner.”<sup>12</sup> There is still a good deal of wisdom in these words. Workers tend to be fundamentally cautious. They have good reason to be, given that they rarely have a large cushion against potential losses of income or jobs. They are most willing to organize when they feel that the potential rewards of action and the likelihood of success justify the risk. Rebuilding the US labour movement will demand more than the devotion of greater resources to organizing. It will also require public policies that reduce workers’ perception of risk and increase their expectation of success.

Some sophisticated commentators sidestep the union density question entirely. They argue that community-based unionism, or the organization of strategically important non-exportable sectors of the service economy, such as home health care aides, or the “commanding heights” of the economy such as trucking distribution hubs, can significantly enhance labour’s leverage without dramatically increasing national unionization rates.<sup>13</sup> There is much to commend such thinking as an organizing strategy. Yet it is hard to imagine how gains made in any sector, no matter how strategically vital, can be translated into broad leverage for the labour movement without the creation of economic policies that improve the security of less strategically vital workers.

This leads to a third point. Many of the problems creating insecurity for workers today transcend the ability of unions by themselves, no matter how well organized or progressive, to solve or control. US workers, like workers elsewhere in the industrialized world, are witnessing the profound erosion and near collapse of a host of structures that once provided stability and predictability to their lives. American corporation-funded pension plans governed by the 1974 Employee Retirement Income Security Act [ERISA] are being swiftly dismantled, and defined contribution plans have largely replaced those that once offered defined benefits. The costs of employer-funded medical coverage plans are sky-rocketing, and are increasingly being dumped on the shoulders of workers. Real incomes for most wage earners have been stagnant. The minimum wage has been destroyed as a viable income floor by decades of legislative neglect. Household debt is at an all-time high. US trade deficits have reached unprecedented levels. Jobs and capital now flow across borders with only a few computer keystrokes. Trade policies like NAFTA (North American Free Trade Agreement) and CAFTA (Central American Free Trade Agreement) are sowing chaos in workers’ lives all over North America. In short, the economic insecurity of US workers’ everyday experience is increasing month by month.

<sup>12</sup>Quoted in Zieger, *The CIO*, 344.

<sup>13</sup>See arguments by Dorothy Sue Cobble and Nelson Lichtenstein in this vein at <<http://www.aflcio.org/aboutus/debatinglaborfuture.cfm>> (7 August 2006).

In an environment in which workers' lives are becoming profoundly less secure in a variety of ways, not only are workers less willing to risk unionization, but the worker's act of unionizing becomes less significant as a way to win greater security and power. Anyone who needs an illustration of this point need only consider the US airline industry today. The industry has among the highest levels of union density. Yet airline unions are in retreat across the board: pensions and wages have been cut; hard-won work rules have been abrogated. Some have argued that the failure of airline unions to unite as one and use their collective power to draw the line on concessions to management is to blame for this state of affairs. But these arguments ignore the larger problems of an industry undergoing a vast restructuring and competitive shake-out. The truth is that unions by themselves do not have the strength to solve that industry's problems and bring it stability. Unions need public policies that will provide greater security and stability to airline workers' lives. What is true of the highly unionized US airline industry is even more true in the weakly unionized US economy. Even if the American labour movement does expand union density in the next several years, it will not be in a position to substantially improve the lot of US workers unless it can also solve the problems that are increasing the insecurity of their lives and livelihoods.

US labour's strategy, then, must encompass much more than organizing. It must also include efforts to change patterns in the current political economy. It may strike some as unrealistic to think in such terms when labour is as politically weak as it is at this historical juncture. But it ultimately may prove more unrealistic not to attempt to link organizing to a larger economic vision in the present moment. Nothing illustrates this as well as the failure of either labour federation to successfully connect recent demands for US immigration reform to a refurbished minimum wage, job training for the chronically unemployed, health care portability, and other reforms. In the absence of such a linkage, efforts to reform immigration policy may end up increasing insecurity for workers on both sides of the US-Mexican border.<sup>14</sup> In immigration policy and a host of other issues, North American unions will ultimately need to confront neo-liberal policies that have enhanced capital's mobility at the expense of workers' security if labour is to experience a broad revival.

#### *How Should Labour Best Articulate Its Vision?*

Given the structural dimensions of US labour's current problem and its need to develop a political economy more supportive of workers' security, labour's recent tendency to frame its vision in terms of strengthening workers' rights to organize is

<sup>14</sup>See, for example, Stephen Steinberg, "Immigration, African Americans, and Race Dis-course," *New Labor Forum*, 15 (Spring 2006), 48-58. One need not share Steinberg's particular analysis of the impact of immigration on African Americans to agree that US labour missed an opportunity by failing to link solutions to immigration to efforts to improve the lot of unemployed African Americans.

likely to be inadequate to the task at hand. The rights framework may work well to dramatize the very real obstacles that currently make it difficult for US workers to organize, but it also has some major deficiencies as a language of labour, particularly once we look beyond immediate organizing strategies.

What I mean by this may be best expressed by comparing the “workers’ rights are human rights” formulation, which is often used by today’s labour activists, with the concept of “industrial democracy,” which was the US labour movement’s most prominent ideal in the first half of the 20th century. The rise of US labour in the past century was accompanied by the call for industrial democracy.<sup>15</sup> There was no coincidence in this, for the ideal of industrial democracy worked effectively as a simple, potent, and broadly uniting concept that accomplished some things for labour that the present-day workers’ rights formulation does not. Briefly reviewing the way the concept of industrial democracy functioned in the past helps us establish some useful criteria against which to measure any effort to frame labour’s vision today.<sup>16</sup>

First, the call for industrial democracy made the demand for democracy central to labour’s language. This was crucial, for the ideal of democracy spoke directly to and legitimized what unions claimed to do. Democracy is at the root of what unions fight for: the ability of a majority of workers in a given setting to approve the conditions under which they are to labour. Unions are not mere voluntary associations. They are also governing bodies whose rules are binding upon individuals. This is what solidarity means. And the concept of industrial democracy served to vocalize solidarity’s claims in a way that the rights-based formulation — which can be

<sup>15</sup>On the history of industrial democracy in the USA, see David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865-1925* (New York 1987); Joseph A. McCartin, *Labor’s Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations* (Chapel Hill 1997); Milton Derber, *The American Idea of Industrial Democracy, 1865-1965* (Urbana 1970); Jeffrey Haydu, *Making American Industry Safe for Democracy: Comparative Perspectives on the State and Employee Representation in the Era of World War I* (Urbana 1997); Howard Dickman, *Industrial Democracy in America: Ideological Origins of National Labor Relations Policy* (LaSalle, IL 1987); Steve Fraser, “Dress Rehearsal for the New Deal: Shop-floor Insurgents, Political Elites and Industrial Democracy in the Amalgamated Clothing Workers,” in Michael H. Frisch and Daniel J. Walkowitz, eds., *Working Class America: Essays on Labor, Community, and American Society* (Urbana 1983); Henry P. Gudza, “Industrial Democracy: Made in the U.S.A.,” *Monthly Labor Review*, 107 (May 1984), 26-33; Gary Gerstle, *Working-Class Americanism: The Politics of Labor in a Textile City, 1914-1960* (New York 1989); Daniel T. Rodgers, *The Work Ethic in Industrial America, 1850-1920* (Chicago 1978).

<sup>16</sup>Nelson Lichtenstein and Howell John Harris, eds., *Industrial Democracy in America: The Ambiguous Promise* (New York 1993); Joseph A. McCartin, “What Happened to Industrial Democracy? Thinking Beyond the Current Rights-Based Defense of Organized Labor in the Workplace,” *Willamette Journal of the Liberal Arts*, 14 (Winter 2004), 19-40.

wielded with as much ease by the anti-union “right to work” movement as by the labour movement — cannot do as effectively.<sup>17</sup>

To grasp the shortcomings of the rights-based formulation, consider the justification that Bruce Raynor of UNITE-HERE, the union of needletrades, hotel, and restaurant workers, recently offered for the use of card checks, rather than National Labor Relations Board-supervised elections, as a method of achieving union recognition in the United States. Protesting Republican efforts to eliminate the card check option, Raynor drew the following analogy: “A worker can join a church or synagogue or the Republican Party by signing a card,” he said. “That’s how people join organizations in the United States. The idea that workers can’t join a union by signing their name is ludicrous.”<sup>18</sup> Raynor’s defense of the card check option is fully justified — the effort to destroy that option is clearly intended to undermine unions. But the nature of his defense reveals the logical outcome of labour arguments that rely only on the language of freedom and rights. By likening the union to a church, political party, or another voluntary organization in which citizens freely associate, Raynor reduces the union to the same status as any other voluntary association. But of course effective unions cannot operate on that model. Unions ask their members to willingly surrender some degree of personal freedom in order to take advantage of group strength. If one does not like what one hears from the pulpit or political rostrum, one can withhold one’s financial support or join another church or party. Unions cannot work that way. Strong unions require solidarity and solidarity in turn demands that workers must forego some degree of individual freedom in order to take advantage of the greater freedom they can win when they act as one. Labour’s problem today stems less from the fact that workers lack freedom of association, as Raynor implies, than from their inability to win significantly greater freedom *through* association. It is power that is really at issue. By reinforcing the centrality of democracy to labour’s vision, the ideal of industrial democracy once put the question of power and its distribution on the table in a way that present-day “rights talk” does not and cannot do.

The ideal of industrial democracy also once fostered salutary tendencies within the labour movement itself. By making democracy central to its language, labour gave its activists a potent ideological weapon with which to challenge autocratic tendencies within the union movement. As a coal miner argued in 1918, while “fighting for the great principal of democracy, it behooves us to preserve that same democracy within the ranks of our own organization.” Or as an auto worker in the same period argued, there must be “DEMOCRACY in the labour movement as well as in politics and industry.” In the hands of activists like these, the language of industrial democracy was a powerful counterweight to what one union militant called “Czar Gompers and his bunch of Grand Dukes.” Andrew Stern of the CTW

<sup>17</sup>For more on this point, see Joseph A. McCartin, “Democratizing the Demand for Workers’ Rights: Toward a Re-Framing of Labor’s Argument,” *Dissent* (Winter 2005), 61-66.

<sup>18</sup>Quoted in *New York Times*, 11 March 2006.

may be right when he says, "Workers want their lives to be changed. They want strength and a voice, not some purist, intellectual, historical, mythical democracy."<sup>19</sup> But labour history suggests that workers are better equipped to win lasting improvements in their lives when their institutions are accountable to them. Unions must deliver the goods; but they do so more effectively when rank-and-file workers feel empowered within their organizations. Because it does not elevate the ideal of democracy, the "workers' rights are human rights" formulation implies little about the internal life of unions. Labour needs more than the rights formulation offers: it requires a way of stating its vision that resonates within the House of Labour as much it does in the streets.<sup>20</sup>

Finally, and perhaps most important, given the nature of labour's current crisis, the ideal of industrial democracy made explicit the connection between workplace governance and political governance. "Political democracy is an illusion unless ... guaranteed by ... Industrial Democracy," one of labour's allies once argued.<sup>21</sup> Efforts to connect the shop floor and the state were vital to labour's progress in the first half of the 20th century, and the ideal of industrial democracy evoked such connections powerfully. The ideal helped activists illuminate the multiple ties between work and politics, and legitimized their claims on both the public sphere and the "private" workplace. On the one hand, activists who employed this ideal insisted that democracy must be fostered on the shop floor if democracy were to thrive in government. On the other hand, activists could use the ideal to justify a wide range of public policies that supported workers' interests, including social security, the minimum wage, and more: a political economy consistent with durable mass production unionism. That vision of political economy, which labour fought for during the New Deal, was built on the notion that in both the workplace and in social policy markets must be made accountable to the common good.

If US labour is to be revived, it must rehabilitate the notion that economies should be accountable to the workers who make them productive. Unions must also re-legitimize the idea of labour market regulation that has been severely weakened by the global march of neo-liberalism. There are reasons to doubt that the workers' rights formulation can help in this re-legitimizing project. To be sure, labour has a long and proud tradition of invoking the language of human rights on behalf of its efforts to build solidarity.<sup>22</sup> But the language of workers' rights works poorly as a

<sup>19</sup>Workers quoted in McCartin, *Labor's Great War*, 136, 200; Stern, quoted at <<http://www.fightforthefuture.org/blog>> (15 March 2004).

<sup>20</sup>For an outstanding treatment of the need for keeping union democracy central to labour's thinking, see Jeff Crosby, "Democracy, Density, Transformation: We Need Them All," a position paper drafted by IUE-CWA Local 201. It may be found at <<http://www.cwa-union.org/issues/new-directions/>> (1 August 2006).

<sup>21</sup>Frank P. Walsh, quoted in McCartin, *Labor's Great War*, 8.

<sup>22</sup>On this point see Dorothy Sue Cobble's response to an earlier version of this paper at <<http://www.aflcio.org/aboutus/debatinglaborfuture.cfm>> (7 August 2006).



counterweight to corporate power in the emerging neo-liberal order. By casting unions in the role of free associations, rights talk inevitably, if unintentionally, perpetuates a libertarian dialogue at odds with unions' need to construct a new regulatory framework protective of worker security. In a world defined by globalization, multinational corporations, and the erosion of decades-old instruments of market-regulation and social welfare provision, it is becoming too easy for capital's freedom of movement to trump workers' freedom of association. Labour thus needs to find new ways of linking its drive for a "voice at work" to demands for economic accountability and security, without which even improved protections for the right to organize will likely amount to little.

Industrial democracy once worked as a union-building and regulation-legitimizing concept. It validated solidarity, internal union democracy, and efforts to connect workplace and state. Arguably, these remain essential criteria for any concept meant to frame US labour's vision today. But that is not to say that US labour ought to resurrect the ideal of industrial democracy. To the contrary, that term is an artifact of the past, and its utility has faded away with the conditions that produced it. It cannot be revived. However, it is imperative that US labour find an adequate replacement for the industrial democracy ideal, one that will help labour make its case for a new regulatory order that preserves a measure of worker security. It is doubtful that the language of workers' rights can serve as that substitute.

What the future holds for the US labour movement, no one can say. But one year after the AFL-CIO/CTW split it seems increasingly clear that the fate of the US movement is not in its own hands alone, but rather is tied to the changing structure of the global economy and to the prospects of workers' movements elsewhere. This is all the more reason why it is time for US trade unionists and their allies to reexamine the central assumptions that have guided them recently. This essay is a small effort in that direction. Without doubt, labour must continue to make organizing a top priority. But, as I've suggested here, US labour faces more than a daunting organizing problem. It is grappling with a global economic reorganization that is bedevilling other labour movements, a reorganization that is creating problems for workers that US unions by themselves may not be able to solve. Until US labour develops a vision that takes better account of the structural realities it faces, and begins to speak to these more directly, there is little reason to believe that recent trends will soon be reversed.

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