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une certaine résilience des territoires sont à l’origine de ces deux scénarios possibles pour la région de Naples. Enfin, au chapitre 12, l’auteur présente l’abandon d’une industrie de Marseille par la classe entrepreneuriale parce que la tendance à la désindustrialisation est apparue irréversible.

Les travaux d’analyse comparée présentés dans ce volume font ressortir le caractère multiforme des stratégies des acteurs et des ressources des territoires qui peuvent mener à des trajectoires de désindustrialisation profondément différentes, ce qui rend la comparaison historique et analytique d’autant plus intéressante. Les auteurs insistent sur le rôle des acteurs sociaux dans la trajectoire de désindustrialisation et la mise en œuvre de politiques publiques. Cet ouvrage collectif atteint son objectif de fournir au lecteur des pistes de réflexion au sujet de la désindustrialisation qui ne serait pas nécessairement une fatalité, mais plutôt un processus graduel. La principale limite du livre est l’ordre des chapitres qui sont présentés sans tenir compte des niveaux socio-économiques macro, méso, et micro. Il aurait été intéressant de placer les chapitres en ordre décroissant: d’abord, le macro, ensuite, le méso et, enfin, le micro. Il n’en demeure pas moins que ce livre se révèle particulièrement stimulant, non seulement pour les historiens, mais, aussi, pour les chercheurs en relations industrielles et les décideurs politiques.

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Hard Labor: The Battle that Birthed the Billion-Dollar NBA

Professional team sports need to co-operate for teams to play against each other to derive income in what are known as league competitions. By definition, such leagues operate as cartels or monopolies. Economic theory and public policy abhor cartels/monopolies because they are inefficient/waste resources and provide rents for insiders. They pass on problems they experience to consumers in the form of higher prices, or inferior products, or to their workforce and suppliers in lower payments, or not paying them at all, are ‘lazy’ and antipathetic to change and innovation. Economics postulates that breaking up cartels, making them more competitive, will enhance economic welfare; it will provide a better product for consumers, increases in production and income.

How does one go about taking on and breaking up a cartel? This is a problem, which has confronted the players of professional team sports across the globe. They have been subject to a variety of labour market rules, which have restricted their economic freedom and income earning ability. In American basketball, for example, the two major rules historically utilised were the draft and option or reserve clause. The draft precluded players from negotiating with clubs for their services when they were first employed; clubs selected (drafted) players in turn. Players, once selected, signed a contract, which contained an option clause, which could be exercised by the club to employ the player for an extra year, thereby ‘reserving’ their ability to employ the player in perpetuity. These ‘rules’ denied players the ability to test the market and obtain employment with other clubs. There were also rules that said that clubs could not draft players from college/university until they had completed college, denying younger players the ability to obtain income.

Leading players of the 1960s and 1970s were dissatisfied with their lot and turned to collective action to take on the basketball establishment. They saw themselves as pioneers who would improve the income and welfare of players to come. Sam Smith’s focus is on the players associated with the Robertson litigation¹, which sought to block a merger between the National Basket-
ball Association (NBA) and the American Basketball Association (ABA) as a breach of the Sherman Antitrust Act 1890. The ABA commenced operations in 1967. This rival league provided both additional employment opportunities for players and a source of leverage in contract negotiations with NBA clubs. A merger between the two leagues would reduce such leverage.

This period in basketball’s history is also complicated by the issue of race; but then again race is and always has been an issue in any aspect of American history! The period after World War II was associated with the emergence of black or African American players. Colleges in the South slowly began to overcome their reluctance to recruit talented African American schoolboy players. As African Americans worked their way into the game, clubs operated unofficial quotas on how many they would recruit, would start a game or be on the court at one time. Some clubs experienced problems with white players ‘accepting’ African Americans, with the ‘smart’ clubs who ‘simply’ choose players on the basis of talent being the most successful. This was a period or racial slurs, African American players being denied access to hotels, restaurants and experiencing problems with obtaining housing in white neighbourhoods and so on. Smith refers to an incident where Celtic players were given ‘keys to the city’ by the Mayor of Marion, Indiana which they returned when African American members of the team were denied entry to a local restaurant (p. 56).

Sam Smith was a child/teenager in the 1960s and spent much of his youth at Madison Square Garden watching the various litigants and other great players of that era. He was enthralled with their talents, of how they transformed the game with their dash and daring, and has spent the rest of his life as a basketball journalist. What is distinctive about these players is how they came from families wracked by poverty or were the children of migrants escaping from the perils associated with World War II. For them, basketball was an escape from the ghetto.

*Hard Labor* does not follow a neat time line narrative of events, nor is it organized thematically. As he examines the role of the various litigants and other major figures in their orbit the narrative goes backwards and forwards in time as it unpacks various aspects of basketball’s journey in America. In doing so he takes readers into basketball’s inner workings and its ramshackle history as it sought to establish itself as a Major League sport.

Players formed the National Basketball Players’ Association (NBPA) in 1954. For the next decade it was little more than a bug which the NBA spent little time swatting away. In 1957, a possible merger with the American Guild of Variety Artists resulted in the NBA agreeing to a grievance procedure to resolve player disputes, abolish arbitrary fines ‘imposed’ by umpires during games and an increase in *per diem* payments from $5 to $7; remember players spent large parts of the season on the road. In 1964, players threatened to not play in an All Star game, which was to be televised for the first time, in obtaining increases to pension/retirement payments. Smith maintains this threat, which was only resolved at the last minute, constitutes the first example of successful collective action by players in American sport. It predated what happened in baseball after Marvin Miller assumed the leadership of Major League Baseball Players’ Association in 1966 and transformed Major League Baseball.²

In 1967, the NMA and NPBA entered into a collective bargaining agreement which established a minimum salary for rookies (first year players) of $10,000, increases to pensions and reductions in the playing schedule.³ In 1970, the Robertson litigation commenced attacking the draft and the option/reserve system in an attempt to block the merger of the NBA and ABA. In 1971, the United States Supreme Court found that the rule restricting college players from being
drafted was in violation of the Sherman Anti-
trust Act 1890. The NBA subsequently intro-
duced a rule enabling players who had spent
one year in college entry into the NBA.

Following a positive ruling for the litigants in Robertson in 1975, the parties negotiated
a settlement. The merger between the NBA
and ABA proceeded with the NBPA agree-
ing to delay the granting of free agency for
five years, with ‘compensation’ to be paid
for players who changed clubs during this
period, with the level of such compensation
being overseen by a court.

Since this settlement, the NBA, despite
some hiccups along the way in the form of
lengthy lockouts, has grown in leaps and
bounds. In 2014, the NBA negotiated a ten
year broadcasting deal worth $24 billion. For
the 1967-1968 season, Staudohar esti-
mated that the average NBA salary was
$20,000. The minimum was $10,000 (see
above). By the 2017-2018 season, the aver-
age salary had jumped to $7.1 million and
the minimum to $816,000.

A constant theme that pervades Hard Labor is that current players, with their multimillion dollar
salaries have no knowledge or appreciation
of the sacrifices of players in the past. This
has been partially rectified with the 2017
Collective Bargaining Agreement increas-
ing pension, health and welfare benefits of
past players.

The major strength of Smith’s account is
how he recreates basketball off, on, and in
the courts in this period of fundamental trans-
formation. His is a “warts and all” account of
the larger than life players, owners, manag-
ers and others that strutted their stuff across
the firmament that is basketball. Smith
says of Oscar Robertson that, when he and
his fellow players commenced their litiga-
tion, “ownership was absent, management
erratic, working conditions substandard” (p. 308). By taking on and defeating owners,
by breaking down the cartel/mobopoly that
was basketball, players forced the owners to
be innovative, to work out how to success-
fully manage and operate a ‘professional’
league, search for and employ the best
players, manage issues of race which have
so dogged America, and turn the above
observation on its head in transforming the
National Basketball Association into the
multi-billion dollar business that it is today.

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Notes
1 Robertson v National Basketball Association,
389 F. Supp. 867 (1975); Robertson v Nation-
al Basketball Association, 72 F.R.D. 64 S.D.
N.Y. (1976); Robertson v National Basketball
Association, 556 F. 2d 682 (2nd Cir. 1977);
Robertson v National Basketball Association,
622 F 2d 34 (1980).
2 M. Miller (1991) A Whole Different Ball Game:
The Sport and Business of Baseball, New York,
Birch Lane Press; C. P. Korr (2002), The End of
Baseball as We Knew it: The Players Union,
1960-81, Urbana and Chicago, University of
Baseball Revolutionary, Urbana, Chicago and
Springfield: University of Illinois Press.
3 M. Schiavone (2105) Sports and Labor in the
United States, Albany: State University of
4 Haywood v National Basketball Association,
5 Schiavone (2015) Sports and Labor…., p. 89-
124.
6 CBC Sports (2014) “NBA TV Deal: How the
New $24B Contract Stacks up against other
Leagues”, 8 October.
7 P. D. Staudohar (1986) The Sports Industry
and Collective Bargaining, Ithaca, New York:
ILR Press, p. 106.
8 C. Gaines and S. Lee (2017) “NBA Players
Have the Highest Salaries in the World, but
the NFL Spends the Most on Players”, Busi-
ness Insider, Australia, 28 November.
2017/18”, HOOPS rumors, 26 June.
10 National Basketball Association-National Bas-
ketball Players’ Association (2017) Collective