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BOOK REVIEW

WORKING CLASS HERO: A NEW STRATEGY FOR LABOR. By Stanley Aronowitz, New York: Pilgrim Press, 1983. Pp. xviii, 229. \$18.95.

*Reviewed by David L. Gregory**

Leftist legal academics have criticized incisively the traditional modalities of twentieth century labor-management relations in the United States.¹ Essentially, these leftist scholars have argued that the capitalist ownership class utterly has dominated workers and has vitiated labor interests. This artificial hierarchy—owner domination of a subordinated labor—is profoundly inimical toward effectuation of the left's core goal: full democratization of the work place, with workers in responsible control of their employment destinies and working lives.²

Labor's subordination to ownership interests has not occurred through a series of dramatic pitched battles in which workers struggled valiantly but futilely before succumbing to the capitalist juggernaut. Rather, since World War II, organized labor consciously has decided to maximize economic gains for its established constituency.³ Consequently, ownership elites have thoroughly co-opted labor. Enticed by ownership's offer to enjoy a larger share of

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1. See J. ATLESON, *VALUES AND ASSUMPTIONS IN AMERICAN LABOR LAW* (1983); Klare, *Critical Theory and Labor Relations Law*, in *THE POLITICS OF LAW* 65 (D. Kairys ed. 1982); Klare, *Labor Law As Ideology: Toward a New Historiography of Collective Bargaining Law*, 4 *INDUS. REL. L.J.* 450 (1981); Klare, *The Public/Private Distinction in Labor Law*, 130 *U. PA. L. REV.* 1358 (1982); Stone, *The Post-War Paradigm in American Labor Law*, 90 *YALE L.J.* 1509 (1981).

2. See Klare, *Labor Law As Ideology: Toward a New Historiography of Collective Bargaining Law*, *supra* note 1.

3. "[T]he idea that an expanded pie is the key to progress has deeply mystified workers' consciousness of their own class position, or, to be more exact, has powerfully influenced the choice made by unions to enter a partnership with capital rather than engage in class struggle." S. ARONOWITZ, *WORKING CLASS HERO: A NEW STRATEGY FOR LABOR* 189 (1983); see also Stone, *supra* note 1.

the immediately tangible economic pie, labor abandoned its broader social and political visions. Labor may be its own worst enemy; it consciously has defaulted.

These greater economic gains promised to labor in exchange for the abandonment of a broader political vision have proven to be amorphous, hollow, and transient. Without an integrated social-political program, labor has had no recourse against the deliberate and systematic initiatives of ownership to expand and solidify capitalist hegemony. Employers have strengthened and broadened their managerial prerogatives. Concomitantly, the judiciary, closely allied with the controlling capitalist interests, has perverted labor's statutory protections⁴ and has endorsed sweeping expansions of ownership power over labor.⁵ Thus, by greedily and myopically accepting the employer's specious offer of greater economic gains, labor ultimately has fallen on its own mercenary sword. Yet, despite perceptive and often elegant criticisms of this prevailing hierarchy of labor-management relations in the United States, leftist legal scholars thus far have failed to articulate a coordinated alternative program that both would militate against the artificial hierarchy and would democratize the workplace.⁶

Stanley Aronowitz, leftist labor historian and veteran union organizer, has made a significant contribution toward a fuller understanding of the history of labor-management relations in the

4. See Klare, *Judicial Deradicalization of the Wagner Act and the Origins of Modern Legal Consciousness, 1937-1941*, 62 MINN. L. REV. 265 (1978).

5. For example, the Supreme Court's decision to exempt an employer's decision to close business operations for "economic" reasons from the statutory duty to bargain with unions can be viewed as such an endorsement. See *First Nat'l Maintenance v. NLRB*, 452 U.S. 666 (1981). In turn, *First National Maintenance* contributed to the even more overtly employer-oriented jurisprudence of *NLRB v. Bildisco & Bildisco*, 104 S. Ct. 1188 (1984). The Supreme Court endorsed the employer's unilateral ability to abrogate its collective bargaining agreement without first bargaining with the union and without securing prior court approval during business reorganization pursuant to the Bankruptcy Code. Fortunately, four months later Congress legislatively overruled these most pernicious elements of the *Bildisco* decision via The Bankruptcy Amendments and Federal Judgeship Act of 1984. By § 1113 of the new Bankruptcy Amendments to the comprehensive Bankruptcy Code of 1978, 11 U.S.C. § 101, both prior bargaining with the union and prior court approval now are required in order for the employer ("debtor in possession" or "trustee") to reject the collective bargaining agreement. For a comprehensive discussion of *Bildisco* and the consequent remedial legislation, see, respectively, Gregory, *Labor Contract Rejection in Bankruptcy: The Supreme Court's Attack on Labor*, 25 B.C.L. REV. (forthcoming, 1984) and Gregory, *Legal Developments Since NLRB v. Bildisco: Partial Resolution of Problems Regarding Labor Contract Rejection in Bankruptcy*, 62 DEN. L.J. (forthcoming, 1985).

6. See Gregory, Book Review, 1983 ARIZ. ST. L.J. 205 (reviewing *THE POLITICS OF LAW* (D. KAIRYS ed. 1982)); Gregory, Book Review, 62 TEX. L. REV. 389 (1983) (reviewing J. ATLESON, *supra* note 1).

United States. From an intelligent historical perspective he selectively explicates the broader political, social, and economic factors contributing to the current malaise afflicting American labor. He thus affords the reader a comprehensive contextual understanding of the devolution of the labor movement. More importantly, he attempts to articulate a future program for labor. Unfortunately, Aronowitz' "new" strategy for labor is largely a reiteration of rather tired and shopworn Democratic Party proposals coupled with predictable utopian litanies. While Aronowitz' proffered new strategy for labor is thus anything but new, and for the most part, disappointingly anticlimactic, *Working Class Hero* is nevertheless a worthwhile contribution to contemporary labor scholarship. Although Aronowitz offers only derivative utopian suggestions for a future labor political agenda, at least this fitful articulation transcends pure criticism and begins the ultimately more important task of formulating a responsible labor agenda for the next century.

From the outset of *Working Class Hero*, Aronowitz makes no apologies for his overtly radical political and social program for labor. He explains that the instrumentalist view of labor has been dominant since World War II. This view emphasizes tangible economic gains through structured collective bargaining, with little attention to political, historical, or class ideology.⁷ Instrumentalism, however, has been superseded by economic and political developments. Aronowitz concludes, therefore, that labor must return to a refined "heroic" theory, symbiotically amalgamating politics, economics, sociology, and history, as well as more immediately tangible labor objectives, into a unified class vision.⁸ This heroic vision

7. Day to day struggle is accorded primacy in all actions of workers, and political action is merely an extension of the slow fight to win decent living standards and working conditions. Far from addressing history, workers address their own immediate needs. In the United States they discover through their activity as well as reflection that they can dispense with alien ideologies as long as the economic system makes room for meeting their demands. Further, the instrumentalist view more or less ignores the larger workers movement, holding instead that the trade unions are the genuine and most representative movements of the workers and that collective bargaining replaces politics as the major site of labor conflict. According to the instrumentalists, workers are not a class, but a series of groups that are constituted of the industry of craft within which they work. At best, the labor "movement" fights for the interests of its members, especially those recruited in the unions.

S. ARONOWITZ, *supra* note 3, at ix.

8. Within this broad historic task, the working class movement is defined as much more than the trade unions fighting for the day to day gains of workers within the context of social and political change; it also comprises the major political parties representative of the working class; informal work and community groups at the base of

of labor "consists of the task of transforming society—to abolish exploitation and hierarchy and establish a new social order based upon equality."⁹ Aronowitz disclaims any reliance on teleological historicism as support for his heroic theory of labor. Rather, pragmatic considerations impel his theory. Unless and until labor begins to coordinate political, economic, and sociological objectives into a holistic agenda, labor is destined to remain thoroughly subordinate to ownership. *Working Class Hero*, therefore, represents the continuing development and refinement of Aronowitz' theory that labor history cannot be told solely through the history of the trade unions.¹⁰ More importantly, Aronowitz argues that labor's future agenda cannot be dictated solely by the constraints of organized labor's immediate collective bargaining goal of higher wages. An inextricable and undeniable synergy exists between politics, sociology, history, economics, and labor. If labor neglects any of these elements, Aronowitz concludes it is doomed to a wholly compromised and retarded future. He states, "The history of the labor movement demonstrates that the fate of labor struggles are [sic] as dependent on the shape of political relations as on the economic climate."¹¹ Unlike its counterparts in England and European countries, the labor movement in the United States never has formed its own political party. American labor, however, has demonstrated repeatedly an ability to further its objectives through the legislative initiatives of the Democratic Party. This ability is perhaps best exemplified by the New Deal coalition of labor and Roosevelt that resulted in the passage of the National Labor Relations Act¹² and the Fair Labor Standards Act.¹³ Unfortunately, labor victories through politics have become increasingly fragmented and spasmodic because of the failure of labor to maintain a political agenda with any real continuity. *Working Class Hero* expressly calls for a coordinated and consistent political program. Aronowitz refers to this program as "social contract unionism." He defines this unionism as "a theory of the labor movement that combines economic struggles with political action in defense

society; and youth, women, and movements of national and racial minorities that have strong ties to the working classes.

Id.

9. *Id.*

10. For an earlier expression of this theory, see ARONOWITZ, *FALSE PROMISES* (1973).

11. S. ARONOWITZ, *supra* note 3, at xiii.

12. 29 U.S.C. § 151 (1982).

13. 29 U.S.C. § 201 (1982).

of labor as a particular group within society."¹⁴ He sees this new labor agenda as an imperative counterbalance to the monolithic corporate power of multinational capitalist elites.

The first portion of the book deals with the rise of the labor movement in the United States. Aronowitz devotes primary emphasis to Samuel Gompers, the first president of the American Federation of Labor (AFL). Gompers had the prescience to combine some elements of social unionism with specific trade union objectives. After Gompers, however, American labor was left for decades without effective leadership. Labor was beset by near-fatal warfare between the skilled craftsmen of the AFL and the larger unskilled proletariat of the Congress of Industrial Organizations (CIO). It was not until labor and the Democratic Party forged an effective alliance through the legislative initiatives of the New Deal that labor emerged as a viable force in American politics. This political development was enhanced by the eventual rapprochement and amalgamation of the rival labor factions into the AFL-CIO as a single, coordinated labor federation under George Meany. John L. Lewis, autocratic president of the United Mine Workers Union for four decades, furthered this vision of "One Big Union." Unfortunately, Lewis was all too willing to grant the mine owners the right to implement major technological innovations without concomitant safeguards for protecting the jobs of the miners. Thus, improved productivity through mechanization resulted in permanent and devastating layoffs. Therefore, a much smaller constituency of miners, those fortunate enough to have kept their jobs, shared in the promised greater economic returns. Yet, Lewis also brought overt political considerations into the mainstream labor agenda. As Aronowitz states:

On the political and social level he was an architect of labor's historic compromise with the Democratic Party which produced a viable national coalition that set the agenda for American politics for thirty years, especially the struggle for legislative and social equality; this helped labor become a major force in many state and local governments.¹⁵

By the 1960s, this political activity led to the labor "statesperson." Unions became increasingly active in legislative lobbying and political campaigns, concentrating support for Democratic presidential candidates and political action funds. Public sector unions have adopted many of these tactics in recent years.

14. S. ARONOWITZ, *supra* note 3, at xv.

15. *Id.* at 37.

Unfortunately, international economic developments and the activities of multinational corporations have more than offset these political initiatives. Labor's political and legislative gains primarily have been confined to national borders. Thus, at most, unions have had partial success in passing domestic content legislation to protect union jobs from foreign competition. No proposed legislation placing a moratorium on plant closings, however, has reached the floor of Congress. This failing, coupled with overtly pro-ownership decisions by the United States Supreme Court¹⁶ and the changes implemented by the Reagan Administration, have rendered the political gains achieved by labor through the legislative auspices of the Democratic Party increasingly illusory.

The second part of the book focuses on the deleterious fundamental compromises labor has made with ownership—the “devolution” of the labor movement—with special emphasis on relevant developments since World War II. American trade unionism primarily regards “labor” as those workers already within established, organized union constituencies. While unions pay attention to organizing, and increasingly, to resisting union decertification campaigns mounted by “union-avoidance strategists,” the major historic focus of the trade union movement has been to expand the economic benefits of its present constituency. By renouncing broader ideological politics in favor of contract gains,¹⁷ trade unionism has been fatally trapped by its solipsistic outlook. Labor has failed to appreciate the overtly ideological base and objectives of its political and corporate opposition. Aronowitz focuses on the unsuccessful Professional Air Traffic Controllers Organization (PATCO) strike¹⁸ to illustrate the fundamental weaknesses of narrow contract unionism. PATCO's economic power miserably failed

16. See *supra* note 5.

17. “The business of gaining higher wages, better working conditions, and social benefits for union members through contract bargaining, has become identical with what we mean by the labor movement.” S. ARONOWITZ, *supra* note 3, at 65.

18. In early August 1981, President Reagan ordered the discharge of thousands of striking air traffic controllers from their employment with the Federal Aviation Administration. With the collapse of settlement attempts regarding collective bargaining agreement negotiations, the air traffic controllers' union (PATCO) called an illegal strike against the federal government. The strike was supported actively by approximately 13,000 of the 16,400 air traffic controllers within the bargaining unit represented by PATCO. This strike against the federal government by these federal employees was in patent violation of the express no-strike oath required of each federal employee prior to the commencement of federal employment. 5 U.S.C. § 3333 (1982). For a comprehensive analysis of the strike and the legal ramifications, see Meltzer & Sunstein, *Public Employee Strikes, Executive Discretion, and the Air Traffic Controllers*, 50 U. CHI. L. REV. 731 (1983).

to translate into political and ideological victory. The union focused on only economic demands and the melioration of working conditions. Yet, the success of the most significant labor struggles instead has been founded on principles, not on immediate economics. Aronowitz states:

Relying on its economic power, the union failed to understand that Reagan was an ideologue speaking for a fraction of capital prepared to reverse the legacy of the New Deal along a broad front even if it meant temporary and deep economic losses.

. . . . Reagan in effect trapped PATCO in labor's own ideology of contract unionism.¹⁹

The disastrous PATCO strike is a pointed warning to labor. Labor must turn away from narrow instrumentalist contract gains and return to an integrated broad agenda, comprised of political, social, and economic initiatives.²⁰ Aronowitz posits that the absence of meaningful labor ideology has contributed to the dominance of rightist political corporativism. Labor ideology does not occur in a vacuum. Rather, its existence or nonexistence creates multifaceted ramifications; "the fundamental reason for the Right's ascendancy lies in the decline of the labor movement. . . ."²¹

The remainder of the book is devoted to explicating a forthright political agenda. Aronowitz wants to reawaken the heroic mission of labor—to transform society according to a radically egalitarian social blueprint. Aronowitz argues that with less than twenty percent of the work force unionized, labor must concentrate on expanding organization efforts. Because of the decimation of heavy manufacturing industries caused by complex international economic forces, major unions permanently have lost millions of members in less than a decade.²² This loss has contributed to a bunker mentality as unions concentrate efforts on preserving remaining membership.²³

One encouraging development has been the significant growth

19. S. ARONOWITZ, *supra* note 3, at 70-71.

20. "[T]he union followed labor's general tendency to separate economic struggle from political and ideological struggle, a legacy that has become all the more disastrous with the emergence of ideological right-wing politics as the cutting-edge of the new fractions of capital . . ." *Id.* at 71.

21. *Id.* at 116.

22. *Id.* at 128.

23. "The hard fact is that the American labor movement has been too preoccupied with the survival of its traditional jurisdictions to pay much attention to the growing sectors of the economy." *Id.* at 126 (citation omitted).

of public sector unionism. The American Federation of State, County and Municipal Employees, the major public sector union, has achieved remarkable organizing success by concentrating on the historically disadvantaged classes and advancing their broader social and political agendas. Minorities, women, the poor, and recent immigrants in public employment have been the special targets of public sector unionization. This success is not a new phenomenon. The public sector unions merely have resurrected and adapted strategies successfully utilized decades earlier by private sector trade unions.²⁴

Clerical, administrative, financial, technical, health, and professional workers—the “salaried”—remain especially ripe for unionization. Simple appeals to economic gain, however, will not suffice to organize the “salaried.” The focus instead must be upon workplace democracy and obtaining meaningful worker control over the job environment. Aronowitz maintains that revitalizing the American “labor movement is the key task for revising the agenda for American politics.”²⁵ The old social contract theory is no longer adequate; it would involve labor in a vicious and bottomless downward spiral of endless concessions. Labor no longer can identify with capital nor “cooperate” with ownership. In the past this “alliance” has resulted in the perpetuation of labor’s subordination.²⁶

Aronowitz trumpets the call to “class struggle unionism.” Unfortunately, Aronowitz offers little more than a rapid and tired socialist formula as the “new” hope for labor that appears utterly incapable of realistic implementation. Aronowitz’ formula is composed of equal parts of 1960s liberalism, standard Democratic Party platform planks, tepid socialism, and fanciful, idealized utopian visions. This “new” formula will inspire anything but “class struggle unionism.” Even if Aronowitz’ formula somehow were capable of effectuation, the plan fails to address the power of the multinational corporations. Even if American labor resorted to protectionism, multinational capital readily could close unionized United States production facilities for more economically attrac-

24. The best tradition of trade unionism has been to regard the unions as a means to bring millions of workers into the democratic economic and political process. Apart from the achievement of a higher living standard, unions once sought to advance the cultural and political power of the workers through union organization.

Id. at 149.

25. *Id.* at 172.

26. *Id.* at 173.

tive manufacturing locations in international markets. Plant closing moratorium legislation and tax penalties only would constrain temporarily capital flight and might even serve to exacerbate entrepreneurial concerns that would hasten abandonment of more expensive domestic operations.

Although aware of the many problems besetting the moribund Democratic Party, Aronowitz advocates an interim, transitional strategy to ally the labor "class struggle" with the Democratic Party. He maintains that this alliance would be only a stop-gap measure to preserve the social safety net from further reductions. Aronowitz argues that his list of labor's political objectives is obtainable through Democratic Party initiatives: expand unemployment insurance coverage to two years, reduce the standard work week to thirty hours, stop all reductions in social security, initiate massive public works with the federal government as the employer of last resort, guarantee an absolute right to strike, open immigration, "ecologically mediate" industrial development, make federal funds available to finance worker purchases of plants and facilities, pass domestic content legislation, and promote passage of the Equal Rights Amendment.²⁷ "The basic ideological orientation of all these short-term measures must be anti-militarist and redistributive."²⁸ Predictably enough, Aronowitz does not offer the slightest clue how to finance this conglomeration of demands, other than to propose the standard panacea of raising corporate and personal income taxes.

Beyond this "transitional" labor political program, Aronowitz offers the "old dream of the whole person . . . a wider vision of ending social domination in all aspects of social relations."²⁹ Of course, no one will quarrel with such noble objectives, but this dream is in reality a facile avoidance of difficult problems. Any pretense at reasoned analysis and articulation of a realistic program for labor collapses with the book's final chapter. Aronowitz concludes by offering the left wing of the British Labor Party, combined with segments of British trade unions, as a viable model. This proposal is particularly outlandish when one considers that well before the Thatcher government's rise to power, the influence of Mr. Ben's Labor Party had been reduced substantially.³⁰ Rather

27. *Id.* at 199-200.

28. *Id.* at 201.

29. *Id.* at 203.

30. See, e.g., Broder, *The Resurgent Right; Britain's Tories Flaunt Their Ideology*, *Washington Post*, Apr. 29, 1979, at B1, Col. 1.

than present the standard socialist diatribe, Aronowitz should have proffered a few well-reasoned programs capable of realistic implementation. This crucial failure thoroughly undermines the final sections of his work. Undoubtedly, some traditional liberal Democrats will find his recommendations attractive, but Aronowitz' recommendations for labor political action will be an anathema to any true labor radicals. Of course, this cadre perhaps is trapped in an even more unrealistic theory. One readily can agree with Aronowitz' main premise that "the revitalization of the American labor movement depends, now as before, on its ability to forge a political alliance with new social movements."³¹ Aronowitz, however, has not elucidated a viable agenda for labor's socio-economic, political alliance. Aronowitz' egalitarian politics, whether categorized under the rubric of liberal, radical, or socialist, unfortunately dominate and thus compromise his scholarship.

It is very rare to find a worthwhile book so fraught with fundamental weaknesses. Fortunately, Aronowitz' flawed conclusions readily can be separated from his fine historical and political analysis of the American labor movement. The first two sections of the book are a legitimate contribution to historical progressive labor scholarship. The broader perspective posited by Aronowitz, the union organizer, may enhance future labor scholarship. The crucial task, however, remains: Progressive labor scholars must move from criticism of conventional labor relations modalities to a formulation of realistic plans for the achievement of full human dignity in the employment environment. *Working Class Hero* is an incremental step toward that goal. It is a pointed illustration of how difficult the task is and of how much work remains for progressive labor scholars. Aronowitz concludes by expressly recognizing the formidable nature of the problem and by encouraging hope for the future:

[A] crisis exists in the labor movement and . . . it has profound political and ideological dimensions. Some take refuge in building better economic mouse-traps, but many others are engaged in the difficult and often frustrating process of rethinking. It is to these dedicated, radical, and militant bearers of the new workers' political culture that this book has been dedicated.³²

31. *Id.* at 208.

32. *Id.* at 211.