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**Shifting Axes of Social Mobilization and
Regimes of Workplace Governance in America**

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This is one of series of papers exploring the shift in the regime of workplace governance and labor market regulation in the United States in the last decades of the twentieth century. The shift is basically from a collective bargaining regime where employment conditions were set through negotiations between unions and management to an employment rights regime where the terms and conditions of employment are governed by substantive legislation, administrative regulations, and court decisions. The change in regimes has been accompanied by, and appears to reflect, a shift in the axis of political organization and social mobilization from economic identities such as class, craft or profession, industry and enterprise to social identities rooted in race, ethnicity, sex, sexual orientation, physical handicap, and age. The shifts, in regimes of governance and in the axes of mobilization, are detailed in earlier papers. This paper explores the relationship between the two phenomena: Are the two axes of mobilization necessarily in conflict, and how and why did they come to be associated with different regimes of workplace governance. We do not offer a complete theory of this relationship, but instead provide a series of insights, drawn from the literature and from our own research, which appear to be suggestive of the processes through which the changes with which we are concerned came about and the forces that are at play.

The Historic Relationship Between Class, Race and Ethnicity in U.S. Labor Relations

In a sense, American society has always contained within it two very different structures of identity, one based on economic roles, the second based on social categories like race and ethnicity that seem independent from the economy. Varying circumstances tend to bring one or another of these identities to the fore and the economic and political actors then to play upon them in their battles for predominance. In the late nineteenth century, employers self-consciously recruited different ethnic groups and distributed them within the enterprise so as to forestall unionization. This strategy has been well documented in the case of Steel and Automobiles but it is known to be true in other industries as well. Companies also recruited black and Mexican workers as strike breakers. Unions, on the other hand, have historically attempted to organize around ethnic identities; the garment industry is particularly well known for creating separate Italian and Jewish locals, when business was generally conducted in the immigrants’

native languages. The progressive coalition in the late 19th and early 20th centuries was finally broken by playing on racial divisions in the South. The Great Depression gave impetus to economic identities and the institutions growing out of that period by recognizing them, and by giving them a functional role, reinforced them. The black civil rights movement of the 1960's gave new emphasis to the second group of social identities: The new institutions which grew out of that period reinforced these identities and created incentives for people to organize around them in the way that the New Deal institutions had reinforced economic identities earlier. The revival of foreign immigration which coincided (perhaps not coincidentally) with the civil rights movement gave further impetus to these new social forms. At the same time, employers tend to use these identities as a way of circumventing the system of collective bargaining which they found onerous (although there is no smoking gun here in the way there is of 19th century personnel policies). Finally, unions themselves have been forced to give greater weight to these identities in their organization campaigns and internal structures to counter employer influence.

The Civil Rights Movement and the NAACP Legal Defense Fund

In understanding the new identity politics, the black civil rights movement of the 1960's is key. It catalyzed action by a number of other socially stigmatized and economically disadvantaged groups: Any number of activists in other movements trace their consciousness and involvement to the civil rights movement. In addition, the movement provided institutional models and templates for the groups that followed. But in understanding employment policy and the relationship between that policy and the new axes of social mobilization, the key is the NAACP Legal Defense and Education Fund.

The new employment policy grew out of Title VII of the Civil Rights Act of 1964, which was the fountainhead of equal employment opportunity policy. This section of the Act was something of an afterthought, added at the last minute to a statute that was principally concerned with voting rights and public accommodations. The labor movement was a critical force in developing this Title and lobbying for its inclusion in the Act. The relationship between that statute and the National Labor Relations Act which provided the framework for the old regime was never fully thought out. The

legislative history is extremely brief, but it does suggest that Congress anticipated that conflicts between the two pieces of legislation were to be resolved in a way which protected and gave priority to collective bargaining. There are explicit statements to this effect with regard to seniority—an issue which came to be one of the focal points in the conflict between organized labor and the new identity groups. But the text of the legislation and the brevity of the legislative record left the relationship between the new statute and existing labor law open to be worked out on a case-by-case basis through litigation. And in the development of the litigation strategy, the NAACP Legal Defense Fund played the key role. In order to understand this strategy and why it took the particular course it did, one needs therefore to understand the Legal Defense Fund and the place it occupied in the civil rights movement.

The Legal Defense Fund began as the legal department of the NAACP. The NAACP is one of the oldest black organizations. It was, and is, a mass membership organization (although up until the 1960's much of its membership was clandestine and therefore unable to play an active role in the organization) with a stable dues paying base. The Legal Defense Fund drew virtually all of its financial support and its plaintiffs in litigation from the NAACP. Its greatest achievement was *Brown vs. The Board of Education*, the Supreme Court ruling which made segregation in public schools illegal and set the stage for a process of desegregation which was orchestrated by the courts through a series of cases, almost all of which were brought before them by the Legal Defense Fund. In this process, the Fund became increasingly focused on constitutional litigation, to the exclusion of other legal issues facing the NAACP, and, as it did so, it came to operate more and more as a separate and distinct organization within the NAACP itself. A new legal department was created to handle problems tied directly to the NAACP's own activities. The process of separation was gradual, but the Legal Defense Fund eventually came to have its own board of directors, at first with a membership that overlapped with that of the NAACP, but then with a composition which was increasingly distinct from its parent organization. The original motivation for separating the two organizations was to obtain for the Legal Defense Fund a tax-exempt status. But the Fund then developed its own sources of funding, relying increasingly on foundation grants and contributions from corporations, whose executives also served on its board,

and less and less on contributions from the NAACP itself. In this process, the Legal Defense Fund became an elite law practice, concerned exclusively with precedent-setting cases which were destined to reach the Supreme Court. As such, it was freed from the need to maintain a membership base and from pressures to cultivate alliances with other groups and organizations (or at least with groups and organizations not contributing directly to its own financial base). Because it was committed to a litigation strategy, moreover, it had minimal interest in the legislative process. The Legal Defense Fund's employment strategy was apparently modeled on its approach to education and was aimed at developing Title VII as a policy instrument through appropriate case law.

The Legal Defense Fund was initially headed by Thurgood Marshall, whose role in *Brown vs. The Board of Education* and later appointment to the Supreme Court, gave the organization considerable visibility and prestige, particularly in the legal profession, and served as a career model, attracting high ranking graduates from top law schools to its staff. Marshall's successor as director of the Fund was Jack Greenberg, and he describes in an extensive autobiography the evolution of the Fund as an organization. Employment policy receives very little attention in the book, which itself is revealing given the Fund's pivotal role in the evolution of the legal foundations of the emergent employment rights regime. Considerable attention is devoted however to the separation of the Fund from the NAACP and its increasing organizational (and strategic) autonomy. He places particular emphasis upon the importance of the first foundation grant, which he saw as a turning point because it provided a kind of legitimization of the Fund as an organization and served as a template which attracted continuing foundation (and corporate) support thereafter.

But perhaps the most revealing passages in Greenberg's account concern the development of an independent board of directors. One of the issues in creating this board was the potential conflict of interest between the board members and the policies of the Fund. At one point, Greenberg reports, he considered writing a code of conduct to govern in cases of conflict of interest, but somehow the code of conduct fell through the cracks; he never got around to developing it. This did not prove to be a problem because, he concludes, in practice such a conflict never arose.

Given the corporate executives who served on the board and the conflicts which emerged between equal employment opportunity obligations under from Title VII of the Civil Rights Act and collective bargaining obligations under the NLRA – to say nothing of the way in which employers seem to have used identity politics within their organizations to offset potential union organization – it is hard to know how to interpret these remarks. At the very least, they reflect an incredible naïveté about the underlying issues involved in the Fund’s employment strategy. They are consistent with a view, widespread among the American economic and intellectual elite, that the push for equal employment opportunity reflects values that are fundamental to American society, or human rights more broadly, and are completely independent of class or economic position. But they also reflect the structural characteristics which insulated the Legal Defense Fund from those parts of the civil rights movement that were closely allied with the labor movement. These included the NAACP itself, but even more so, the other civil rights organizations. Martin Luther King, it will be remembered, was in Memphis supporting a strike by the sanitation workers when he was assassinated. And the famous March on Washington was organized by Bayard Rustin, closely allied with the black Sleeping Car Porters Union, and sponsored by several other AFL-CIO unions, and in its economic program was pursuing an agenda which, as we will argue below, implied a very different strategy from that pursued by the Legal Defense Fund.

In terms of the broader problem with which we are concerned, i.e., the relationship between the shift in the locus of social mobilization and the emergence of an employment rights regime, the most interesting part of the Legal Defense Fund story as told by Greenberg is the way in which it served as an institutional template for the other identity groups that emerged in the wake of the civil rights movement. In the course of the 1970s and 1980s, most of these groups (one is tempted to say all) established comparable organizations, and there emerged The Women’s Legal Defense Fund, the Gay Advocates and Defenders, the Latino Legal Defense Fund, etc. Greenberg’s autobiography describes how these groups came to him for advice, how they adapted his model, and how the template he had created for foundation support served to garner support for these other groups as well. One might dismiss many of his claims as an exaggerated notion of his own importance were it not for the fact that several of the most

prominent of these Legal Defense Fund offshoots came to be housed as tenants alongside the Legal Defense Fund in an office building owned by the Fund and built with foundation and corporate support.

The nature of the institutions that were ultimately produced by Legal Defense Fund strategy is suggested by a vignette which emerged from a series of small exploratory studies we have been conducting of identity groups within and among the engineering and management professions in the Boston area. The studies were prompted by the observations that such groups can be found within virtually every professional association which one looks up on the web. They are also found within many of the country's major corporations these days, where they are the subject of a separate literature. We are talking here of a different segment of the labor market than one in which collective bargaining governed when that regime was dominant, but a segment which is expanding rapidly and which unions would have to organize if the collective bargaining regime is to be revived.

One of the goals of these studies was to identify the attraction of these groups for their members. This, however, has proven to be a difficult mission. The members are motivated by a mixture of social and, more narrowly, economic interests and concerns, and it is difficult to separate these out. People find it easier to talk, however, about these organizations in terms of career networking than they do as a social support group or a place to find a sexual partner. And the groups have certainly come to play an economic role.

Gays, Lesbians and Wall Street Banks

Exactly what that role is, and how it has emerged is suggested by one particular vignette which emerged in our interviews: The fact that several of the major Wall Street banks and investment companies hold recruiting dinners for the gay and lesbian students at the Harvard Business School and MIT's Sloan School of Management. With most other groups, one could understand these dinners as a response to pressures for equal employment opportunity, but gays and lesbians are not among the groups covered by EEOC policy; indeed Congress has considered extending coverage to them and has rejected that policy. How then did these dinners come about?

The banks' recruitment dinners are the product of the efforts of the president of the Harvard Gay and Lesbian Student Association, reacting to a series of articles in a national gay magazine about the pressures of the closet on Wall Street. What he did was to call the placement office of the Harvard Business School to demand that they do something about this. His complaint invoked a whole series of institutional templates which had been created in response to equal employment opportunity legislation and designed to prevent discrimination against other identity groups. Because of the long history of EEOC, there was a person in the Harvard placement office specifically charged with handling complaints of this kind; there was also a set of standard procedures which were used to respond. As a result, the Harvard office began to call the banks in New York City who recruited on campus. These corporations also had personnel specifically assigned to handle this kind of complaint with their own list of standard responses. That list included looking for members of the complaining group within their organization and sending them to host a recruiting dinner at the institution where the complaint originated. One of the New York banks actually had an nascent gay and lesbian organization, which the placement office was aware of, and that organization was enlisted to send members to Cambridge. The mission served to catalyze the new groups and solidify its organization. A second bank did not have a gay and lesbian organization – or at least not an organization known to the recruiting office. The office contacted the Harvard association to ask if there was any other way in which they could indicate their interest and support, and they ended up contributing to support the annual conference of Gay and Lesbian Business Students, which focuses on entrepreneurship.

These conferences and the focus on entrepreneurship is another template which guides the new social mobilization that emerged in the course of our studies of identity groups within the engineering and managerial profession.

Indian and Other Entrepreneurs

Of the groups we studied, we looked most intensively at TIE (The Indus Entrepreneurs), and it was there that the model emerged for us most clearly. The organization has both a monthly meeting, which takes place at a hotel on Route 128 (the circumferential highway around Boston from which the high tech industrial district takes

its name), and a national conference that it organizes in cooperation with other TIE chapters once a year. The theme of both the monthly meetings and the national conference is entrepreneurship. The monthly meeting features a speaker, generally a successful entrepreneur speaking about his career and/or a series of would-be entrepreneurs presenting their business plans and looking for collaborators in the form of investors, key employees, consultants and the like. The annual meeting takes the form of a series of workshops and panels; the focus is on forming a business, developing a business plan, raising capital, and so on. Almost all of the speakers at the monthly meeting and many (but not all) of the panelists at the annual meeting are recognizably from the Indian subcontinent, although not always first generation immigrants. The speakers are not necessarily the main attraction of the meetings (although they are listened to with a great deal of respect and interest). All of the meetings involve extensive networking or socializing. In conversation (we interviewed all of the charter members formally and talked with many of the rank-and-file at the monthly meetings informally) discussing their motives, the members mention economic motives, chiefly job networking and business development. But it is clear from overhearing conversations and from the number of young single men and women who attend these events that there are strong social motives as well. Annalee Saxenian, who studies the local chapter of the same group in Silicon Valley, argues that a major motive for the organization there was to overcome the Indian equivalent of the glass ceiling. But this motivation was not mentioned in any of our interviews. Indeed, the charter members of the organization have been by any standard extremely successful, and that success has been achieved in mainstream organizations surrounded by “white” colleagues.

The centrality of the entrepreneurship theme is perhaps not surprising at TIE since that is ostensibly the purpose of the organization. But TIE is actually more of an engineering organization than it is an entrepreneurial one. Its first meeting attracted Indian businessmen from other industries and professions, but immediately thereafter the restaurateurs and hoteliers dropped out, and the attendees are all from IT and biotech. For a great many of them, moreover, their own business is quite a remote idea. But, more strikingly, all of the engineering groups seem to have adopted a similar format. The

annual meetings of the gay and lesbian business students and the Latino engineers differ only in terms of the ethnic origins of the panelists.

Where does this format come from? It actually resembles very closely various clubs and organizations not directly tied to any ethnic community. In the 1980's, we studied a venture capitalist club which also met monthly at a motel on Route 128 (in that case for breakfast). The networking was a little more formal in the sense that a microphone was passed around the room at the beginning of the meeting and each person was given two minutes to describe what he or she was there for. But there was a similar mix of people looking for jobs and business support. After the speaker, the group broke up into informal networking, which, at the time, we described as a kind of spot market in firm creation. There were at that time (and probably still are) similar clubs in other cities on the East Coast. In New York City, they specialized in theatrical ventures. And there are other networking entrepreneurship organizations in the Boston area (the MIT Entrepreneurial Forum, for example).

The discourse surrounding entrepreneurship, in the United States at least, is complex, and takes on somewhat unexpected connotations in the context of these identity groups. On the one hand, successful entrepreneurs feel an enormous sense of individual accomplishment, and our discussions with them inevitably suggest that their experience offers important (and unique) generalizable lessons which they are not shy about propounding. On the other hand, they are quick (almost too quick) to acknowledge that they could not have achieved their success without the support of the broader community in which they operated, and there is continual reference among successful entrepreneurs about their obligation to repay the community. The theme is particularly important in raising venture capital and most entrepreneurs with whom we have talked contribute to venture capital funds, although they do not need the investment outlet, indeed many feel that the money could earn a higher return in their own business under their own management. This reference to the community is pervasive, even though the actual role of a community (above and beyond a kind of permissive economic and social environment) is not obvious in the stories the entrepreneurs tell. Looking at the successful entrepreneurs in these identity organizations, one is obliged to feel that one of the purposes these organizations serve for them is that they become the community which

the entrepreneurs can repay for their success. This is especially paradoxical given fact that these groups as communities had nothing to do with the success in the first place, in fact, in some cases (perhaps the Indian case, certainly in the case of gays and lesbians), the identity was more frequently a handicap, but since the reference to community in most entrepreneurial success stories is very general and abstract, perhaps this does not really matter.

The importance of these identity groups as a venue for registering success is perhaps more understandable. Listening to the speeches, and watching the audience at some of these meetings, one is reminded of Hannah Arendt's discussion of the active life in ancient Greece. She describes the *Vita Activa* in ancient Greece as motivated by the desire to build a unique story out of one's life, a story which captures the attention and imagination of your community, and for that reason, would be retold again and again after your death, giving you a kind of immortality. (Looking at the rapt expression on the faces of the audience listening to what are actually quite trite tales of business success, one can easily believe that the stories will indeed be retold.) The *vita activa* for this reason was organized in a community of equals, for only people who started out with the same life material would be able to recognize the uniqueness of what one of its members made out of their life experience. Where identity is a handicap to success, it is certainly members of one's identity group who are most apt to understand what it takes to be successful. At any rate, the search for such a community is reinforced today by the way in which so many entrepreneurial firms are eventually absorbed into a larger company. When this is not the case, the entrepreneur has a kind of captive audience in his own firm for the story of his success, and in telling the story and drawing out its lessons, he builds the managerial ethos of the firm, creating and embedding it through storytelling in the corporate culture. Watching the audience at these meetings, one has the feeling that these experiences are creating the ethnic culture as well, or in the case of the Indus Entrepreneurs, at least, a hyphenated ethnic culture, since another theme at these meetings is evangelical, the implantation of an entrepreneurial culture developed in the United States in the Indian subcontinent where it can serve as a vehicle for economic development.

Interpreting the Stories

What do these vignettes add up to in terms of a story about the relationship between the identity groups, the unions, and the shift in the regime of workplace governance?

From one point of view, our vignettes seem to reflect and illustrate a process which economic sociologists call institutional isomorphism. This concept has been particularly well developed by Frank Dobbin in a series of papers focusing precisely on the emergence of the new employment rights regime and showing how this regime was propelled by human resource managers and became a force spreading among major corporations, independently of the legal rights themselves, and (although he does not push his argument in this direction) independently of the identity groups which pressured for these rights. The recruitment of gays and lesbians by the Wall Street banks is a perfect illustration of this process.

But ultimately, institutional isomorphism is more a characterization of the process than an explanation. It does not explain where these templates came from in the first place or why these particular templates and not others. Nor does it explain why the new employment rights regime spreads and not the old collective bargaining regime, or, our basic question, why employment rights and identity politics came to be associated with each other. Here one seems forced back to an older position, that there are more basic forces in play here which the institutions themselves are expressing (a position against which institutional isomorphism and the “new institutionalism” with which it is associated is a reaction).

In a companion paper, which we are also presenting in this conference, we explore the theory of identity. The argument there is that there is an interaction among social mobilization, institutionalization and identity. Identities constitute the fulcrum for social mobilization, but the relationship is circular, identities are also sharpened and defined in the process of social mobilization and by the institutions to which it gives rise. We are also concerned with multiple identities. People think of themselves as belonging to and being defined in terms of more than one group. The evolution of the economy and the social structure work to pick out and highlight particular identities and to make them the focus of social mobilization, but institutionalization may freeze that focus in a way

which is incompatible with the way in which the accent upon one or other axis of identity shifts over time.

The particular vignettes we have presented here do not really show how identity initially becomes the focus of social mobilization. Rather, they illustrate how once that focus is established, institutional templates grow up which solidify the focal identities as a fulcrum for further development. But an important point that emerges from these vignettes is how the institutionalized roles which the social identity groups are coming to play in the context of work are in no sense exclusive. These groups serve as employment networks, both for workers looking for jobs and employers looking for workers. And their role is no doubt reflective of shifts in the economy which make such networks increasingly important for the effective functioning of the labor market. But any number of other networks have grown up in recent years, and the actors seem to participate in and draw upon several of these networks at the same time. In a study which we have been conducting of the job generation process in a major financial services company, for example, the networks include the identity groups which we have been looking at in a different context, but also college alumni networks, networks organized by former employees of major companies (IBM, Proctor and Gamble, AT&T), web-based networks such as the Monster Board, temporary help services and “headhunting” firms. Similarly, serious venture capitalists and would-be entrepreneurs who attend meeting of TIE also participate in the groups upon which the TIE meetings are modeled, such as the MIT Entrepreneurial Forum.

The first vignette about Jack Greenberg and the NAACP Legal Defense Fund does suggest a bias in the system toward identity and employment rights and against unions (of course, there is plenty of other material to suggest that American managers have a strong anti-union bias and, although I know of no smoking gun, that they have encouraged other forms of organization as an alternative). But the naïveté with which the Fund’s evolution in this regard is presented by Greenberg in his writing makes it hard to believe that this was part of a deliberate strategy. Moreover, it is unclear why other strategies could not have been pursued at the same time. Indeed, if one thinks of those other strategies as basically twofold – changing the characteristics of existing jobs through, for example, unionization and collective bargaining, and creating new (and

better) jobs through economic development – the civil rights movement actually tried both. One needs an argument very different from any we have presented here to understand why they have not been more successful.

Moreover, it appears that while EEOC activity has provided an institutional template which has encouraged identity organizations, the active role of these identity affiliations in the emergence of the new system is limited. Rather, what seems to be in play is that people engage in the same activity in a number of different venues. Thus, there are a number of job networks, on the internet, among the alumni of large corporations (Citigroup, IBM, AT&T, Proctor and Gamble), college and professional alumni groups, etc. Similarly, as we have seen, there are multiple venture capital clubs and entrepreneurial organizations; some specializing in particular industries and/or areas and open to all comers, some formed by successful entrepreneurs, associated with given particular universities. Identity acquires its salience not from any unique capacity to organize these activities, because it is there to constitute the fulcrum for the organization of any one of these activities. And because the members of these identity groups have an affinity to each other for other reasons, it becomes a somewhat privileged fulcrum. And then as these other activities become organized around it, they serve to reinforce the role of identity in the society.

In writing about the TIE dinners, I was reminded of a very different hotel dining room. In my youth, we used to spend the summer with my grandparents in a bungalow colony in the Catskills attached to what had once been a socialist summer resort. Next door was Unity House, a resort owned and operated by the International Lady's Garment Workers Union. On a couple of occasions we were invited to dinner there by the president, David Dubinsky, who presided over a dining room filled with what I remember as Jewish families (although there must have been a lot of Italians there too) on their two-week summer holiday. At the tables, people chatted animatedly in Yiddish accents and ate Eastern European Jewish food, but if you were a participant observer rather than a participant, a researcher looking at ethnicity, it could just as well have been the Indian dinners at the Marriott on Route 128, presided over by the entrepreneurial president of TIE. Later, as an adult, I visited a farm run by the Seamen's International Union on the eastern shore of Maryland, where Paul Hall, the notorious union president,

presided over a home for retired sailors. I have read that the UAW had a similar resort in Western Michigan. I think such resorts were more part of the standard institutional repertoire of American unions than the exception.

I do not know what has become of the other union resorts (the UAW one is I think now a training center). Unity House closed down long ago. The old Jewish and Italian labor force has long been replaced by Latino and Asian workers – many offshore, but quite a few in New York City itself and dues paying members of UNITE (the successor of the old ILGWU). The President of UNITE, however, is not one of them; he is still Jewish. Perhaps not ethnic enough to want to spend his vacations in the Catskills but certainly Jewish enough so that he would not feel at home presiding over a dining room of Asians chattering away in Cantonese and eating with chopsticks.

There is a long history of conflict between the unions and the new identity movements, stretching back to the interpretation of the Civil Rights Act of 1964, immigration legislation, trade, and although it had nothing directly to do with either of them, the war in Vietnam and the 1968 Democratic National Convention. This history is certainly enough to make one believe that the two are fundamentally in conflict; that economic and social identities are profoundly different and are competing axes of mobilization, at least in American society. But when I think of the ethnic dinners I attended, I cannot help but think that another factor – maybe the major factor – is not that there was no space for these identities in the labor movement, but rather, that that space was already filled. That, and the fact that the labor movement was so well institutionalized by the structures created in the 1930's that the space could not be adjusted rapidly enough to accommodate the new forces as they emerged in American society. The problem would not be then that economic class and social identity are fundamentally at odds with each other, but that at some earlier moment in history, they were completely compatible.