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**The Class Idea:
Politics, Ideology, and Class Formation
in the United States and Canada
in the Twentieth Century**

by Carl Boehringer Eidlin

A dissertation submitted in partial satisfaction of the
requirements for the degree of

Doctor of Philosophy
in
Sociology

in the
Graduate Division
of the

University of California, Berkeley

Committee in Charge:
Professor Kim Voss, Chair
Professor Neil Fligstein
Professor Dylan Riley
Professor Margaret Weir
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Abstract

The Class Idea: Politics, Ideology, and Class Formation in the United States and Canada in the Twentieth Century

by
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Doctor of Philosophy in Sociology
University of California, Berkeley

Professor Kim Voss, Chair

Why are class politics more prevalent in Canada than in the U.S., even though the two countries share similar cultures, societies, and economies? Many view this cross-border distinction as a byproduct of long-standing differences in political cultures and institutions, but I find that it is actually a relatively recent divergence resulting from how the working class was politically incorporated in both countries before, during, and after World War II. My central argument is that in Canada, this incorporation process embedded “the class idea”—the idea of class as a salient, legitimate political category—more deeply in policies, institutions, and practices than in the U.S.

Out of the social and political struggles of that period emerged two working class movements that, although bearing a surface resemblance, were organized along different logics. In Canada, the working class was incorporated as a class representative, whereas in the U.S. it was incorporated as an interest group. That difference in political incorporation enabled or constrained labor’s legitimacy and organizational capacity in different ways in both countries. Canadian labor’s role as a class representative legitimized it and expanded its organizational capacity, while U.S. labor’s role as an interest group delegitimized it and undermined its organizational capacity.

I show this through a detailed analysis of trajectories of labor movement strength in both countries over the course of the twentieth century, as measured by unionization rates, or union density. Starting from the observation that union density was very similar in both countries until the mid-1960s, then diverged, I first examine competing explanations for this divergence. Having illustrated their strengths and limitations, I then develop an argument showing how the divergence in working class organizational strength was the outcome of struggles for political incorporation.

I identify two key moments that shaped these different processes of political incorporation. The first was the restructuring of party-class alliances in both countries in the 1930s and 40s, where U.S. labor decisively abandoned the project of building an independent working class party in favor of an alliance with the Democratic Party, at the same moment that Canadian labor forged an independent class alliance with

progressive agrarian forces under the banner of the CCF. The second was differences in the effects of postwar Red scares on the relationship between labor and the left in both countries. While anti-Communism took its toll on working class movements in both countries, the labor-left alliance was severed in the U.S., but only strained in Canada. The outcome of these processes was a U.S. labor movement that conceived of itself more as an interest group representing a specific constituency within the Democratic Party, and a Canadian labor movement that conceived of itself more as a class representative with closer ties to a broader social movement.

Differences in labor's political incorporation also shaped the formation and development of the regimes governing labor-management relations in both countries. The Canadian labor regime was created as a result of working class upsurge from below, whereas the U.S. labor regime was created as part of an elite reform project from above. This original difference influenced the organizing logics of each regime. Whereas the Canadian labor regime was organized around recognizing the existence of class conflict and seeking to mitigate it, the U.S. regime was organized around protecting workers' individual rights. Although this created a more interventionist Canadian system that restricted labor's scope of action in important ways, it also reinforced a collective, oppositional class identity vis-à-vis both employers and the state. Meanwhile, the U.S. system's focus on rights led to a stronger focus on legalistic proceduralism and imposing a formal equality between labor and management that obscured the power imbalance inherent in the employment relationship. Additionally, labor drew different lessons from these different processes of regime formation. Whereas Canadian labor learned the value of winning gains through disruptive mass mobilization, U.S. labor learned the value of winning gains through sympathetic politicians and favorable legal precedents.

The combination of a more protective and institutionally stable labor regime and a labor movement more accustomed to winning gains through mass mobilization, Canadian labor was better positioned to defend itself than its U.S. counterpart when employers began a counter-offensive beginning in the late 1960s. While U.S. labor spiraled into decline, Canadian labor proved more resilient, leading to the divergence in union density rates.

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While nobody would mistake what appears in the following pages as anything other than an academic study, the central problems I deal with initially emerged out of my time prior to graduate school working as a full-time union organizer. Most of those years were spent with Teamsters for a Democratic Union (TDU), the rank and file reform movement inside the Teamsters Union. In those formative years I developed what I consider to be an extended political family, which shaped my thinking and pointed me towards the key questions to ask. First and foremost I must thank TDU National Organizer Ken Paff for somehow having faith that an idealistic college kid could survive in the trenches of Teamster politics, and for teaching me what it really means to be an organizer. In my early days as an intern at *Labor Notes* magazine, Kim Moody, Mike Parker, and Jane Slaughter took time to teach me the labor history we don't learn in school, and why the working class matters. Mark Brenner, Steve Early, Dianne Feeley, David Finkel, Barbara Harvey, Peter Landon, David Levin, Stephanie Luce, and Charlie Post have all provided education, inspiration, and guidance for many years, and continue to do so. More broadly, I would like to thank the many labor leaders and activists, both rank and file and elected, I have had the pleasure of meeting and working with through my work with TDU, *Labor Notes*, and the political organization Solidarity. While anyone can point to the many reasons to be pessimistic about the future of labor

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Introduction

This is a study of class, politics, and the relation between the two. While the concepts themselves may seem vague and abstract, they have very real and powerful consequences for people's everyday lives. Class and politics play a big role in determining how healthy we are, what we do and how much time we spend at work, how much time we have to ourselves outside of work, what kind of education we can provide our children, what kinds of neighborhoods we live in, and more.

The fact that politics plays a key role in shaping our everyday lives may be uncontroversial, but the role of class is less so, particularly in the U.S. The idea of the U.S. as a "classless society" continues to be a powerful part of the national mythology, the stories we tell about who "we" are as Americans. According to the story, we live in a society where we are born equal, where anyone with the proper work ethic and motivation can get ahead. While there may be some of us who are richer than others, this is largely the result of individual achievement, not social distinctions. "Class" differences, in this view, are a relic of a distant feudal past, one that the colonial settlers who founded the U.S. rejected in declaring their independence from the British.

Of course, this is only a story, not a statement of reality. To the contrary, reams upon reams of data and studies by social scientists of various stripes have told a radically different story. They have shown that class divisions exist in the U.S., that they are growing, and that intergenerational class mobility, i.e. the likelihood that someone might achieve a class position higher (or lower) than their parents, is shrinking, and is already less than mobility levels in many other capitalist democracies. Moreover, this research shows that class divisions are taking a toll on Americans' health, their educational opportunities, even their overall levels of happiness (Beller and Hout 2006; Gamoran 2001; Hout 2003; Neckerman and Torche 2007; Olafsdottir 2007; Pappas et al. 1993; Wilkinson and Pickett 2009). Yet, in spite of the data, the story of the U.S. as a classless society persists.

To the extent that we speak of class in the U.S., there is only one class: the "middle class." It is by definition a vague and all-encompassing term, embracing everyone from janitors and autoworkers to lawyers and business owners. It is an identity closely associated with another powerful national idea, namely the "American

Dream.” The “middle class” is made up of those who either have achieved, or can reasonably expect to achieve, the “American Dream. This dream, in turn, is generally associated with a distinct but evolving set of benchmarks related to consumption and economic stability. Central to this dream is the stable “middle class” job, which provides a family-supporting wage, health benefits, and a pension. It also enables the purchase of certain tell-tale “middle class” consumer goods, such as a TV, a car, and a private home.

Politicians will routinely speak of “standing up for the middle class” or “defending the American Dream,” but no mainstream American politician, no matter how liberal, would dream of speaking of “the working class.” Even U.S. labor union leaders, heads of organizations that almost by definition are working class, will rarely utter the term. They will speak of defending “the middle class,” “working families,” or “workers’ rights,” but not “the working class.”

The one time where it is still appropriate to use the term “working class” is during election season, when it becomes a convenient short-hand for pollsters and strategists to refer to blue-collar white men. The fact that this particular constituency comprises only a small fraction of the actual working class of today is largely irrelevant. What is relevant is the idea attached to the term: In the U.S., “working class” is largely code for individuals who are white, male, and blue collar (Edsall 2012).

Talking substantively about “the working class” in American politics is difficult because it conflicts with the story of the classless society. After all, in a country ostensibly without classes, engaging in “class politics,” i.e. mobilizing politically around class identities or class demands, appears as a divisive act. It seems to create cleavages and conflicts where none existed before. Politicians will routinely accuse opponents advocating even mildly redistributive policies of engaging in “class warfare.” The epithet is used not simply to characterize the opponent’s policy, but to delegitimize it. Class politics is considered out of bounds of legitimate U.S. political discourse.

Why is this? Why is the myth of the classless society so persistent, and why is class politics considered so far out of bounds in the U.S.? For many, these characteristics are central aspects of “American Exceptionalism,” the idea that the U.S. is somehow unique and different from other countries.¹ Looking at the U.S. today, this idea seems plausible. Compared to other advanced industrialized countries, the U.S. does in fact stand out across a broad array of social and political metrics. It has a smaller public welfare state, meaning that it has fewer and less generous state-funded social programs (Esping-Andersen 1990; Flora and Heidenheimer 1981; Huber and J.

¹ Whether this uniqueness is seen as a good or bad thing depends heavily on one’s political orientation. To some towards the right of the political spectrum, it can be a sign of America’s unique, God-given greatness. To others on the left, it is evidence of America’s false promise to many of its citizens. And still others, like Lipset himself, prefer to see it as a “double-edged sword” (Lipset 1996).

D. Stephens 2001).² It also has higher rates of social and economic inequality (Alderson and Nielsen 2002; Alderson, Beckfield, and Nielsen 2005; Atkinson 2003). Fewer U.S. workers are members of unions (Visser 2006). Additionally, it famously lacks a socialist or labor-based political party (Archer 2007; Lipset and Marks 2000; Sombart 1976).

According to the exceptionalist narrative, these characteristically American features derive from values and traditions that trace back to the nation's founding. As Lipset argues,

Born out of revolution, the United States is a country organized around an ideology which includes a set of dogmas about the nature of a good society. Americanism...is an "ism" or ideology in the same way that communism or fascism or liberalism are isms.... [T]he nation's ideology can be described in five words: liberty, egalitarianism, individualism, populism, and laissez-faire.... The American Revolution sharply weakened the *noblesse oblige*, hierarchically rooted, organic community values which had been linked to Tory sentiments, and enormously strengthened the individualistic, egalitarian, and anti-statist ones which had been present in the settler and religious background of the colonies.... America has been dominated by pure bourgeois, middle-class individualistic values (Lipset 1996:31-32).

Thus, Americans' anti-statist concern with individual liberty checked the growth of the kinds of expansive welfare states seen in other countries. Americans tolerate higher levels of inequality out of an egalitarian belief that everyone has a shot at success, combined with an individualistic belief in the power to shape one's own destiny. Americans join unions less because their laissez-faire individualism is incompatible with the communitarian logic that underlies trade unionism. And Americans don't support a socialist or labor party because such a party's basic ideology conflicts directly with the Americanist ideology that underpins their entire values system.

The myth of the classless society, therefore, is quite literally programmed into the cultural DNA of the country. To engage in class politics then, to mobilize collectively around an idea that implies structural and unequal social divisions, is to violate the American Creed. As such, it makes sense that class politics would be considered beyond the pale in the U.S. political arena.

This study takes a different view. While not denying the U.S.' current outlier status relative to other advanced industrialized countries, it offers a different account of how we got here. The exceptionalist "cultural DNA" narrative is admittedly compelling, especially as it appears to map on to the current-day political terrain. However, as is often the case when we create stories about the past based on our knowledge of the present, the cultural account is too neat and tidy. It ignores too much inconvenient evidence, dismisses too many paths not taken. Granted, any effort to understand large-scale processes of social change must by definition gloss over complexities in the interest of clarity and comprehension. Any story necessarily highlights certain

² The relative difference in welfare state size shrinks considerably when we consider the U.S.' "private welfare state," which is far larger than that of any other country (Gottschalk 2000; Hacker 2002). However, this configuration of public- and private-provided social benefits is in itself a feature unique to the U.S.

elements and downplays others. But in so doing, these stories often obscure compelling alternate narratives.

This study is an attempt at recovering and retelling one of those alternate narratives. It is one wherein American “Exceptionalism,” to the extent we can speak of it, was made, not born. And in many crucial respects, it was made relatively recently, around the middle of the last century to be precise. When it comes to understanding class politics in the U.S., it is in fact more useful to look back to the crucible of the Great Depression and World War II than to the purported legacy of the American Revolution. While U.S. working class politics and organization certainly had their own peculiarities prior to that, they looked far less exceptional than they did in the years afterward. This study is about figuring out what changed.

The Canadian Comparison

The very idea of “exceptionalism” implies comparison. Something can only be “exceptional” in relation to an imagined “normal”—an exception to the rule. Thus, any examination of what makes the U.S. different requires a comparative reference point. As already referenced above, the U.S. is usually viewed as “exceptional” in relation to other so-called “advanced industrialized” countries. This generally includes the countries of Western Europe, Great Britain, Japan, and former British settler colonies, including the U.S. It is by comparison to these other countries that the U.S. appears as an outlier, in terms of the size and shape of its welfare state, its levels of inequality, its weak labor unions, and its lack of class-based political organization.

But while such broad-level comparisons are useful for establishing overall patterns of similarity and difference, they are less useful for developing explanations. The problem is that there is so much variation across the countries that make up the reference group that it is impossible to identify any specific causal factors with any degree of confidence.³ Indeed, there is an entire literature dedicated to studying and explaining the causes of variation among groups of advanced industrialized countries (Esping-Andersen 1990; Hall and Soskice 2001).

Paired country comparisons offer a means of more carefully identifying salient differences and the causal processes behind them. Initially, scholars studying American exceptionalism made either implicit or explicit paired comparisons with European countries, such as France (Tocqueville and Goldhammer 2004) or Germany (Sombart 1976). These comparisons highlighted the contrast between societies with or without feudal pasts. But beginning in the mid-twentieth century, scholars such as Lipset and Louis Hartz (1955; 1964) began to expand their comparative inquiry to

³ This heterogeneity across countries has led some scholars to question the degree to which it is in fact possible to speak solely of an American exceptionalism (Zolberg 1986). Depending on the criteria under examination, it is possible to develop accounts of a British exceptionalism, a German exceptionalism, a French exceptionalism, a Swedish exceptionalism, and so on. While keeping this reference group heterogeneity in mind, the U.S. stands out so distinctly along the criteria I have identified (welfare states, inequality, unions, and parties), that for the purposes of this analysis it is appropriate to speak specifically of American exceptionalism.

understand variation among what Hartz referred to as “fragment societies.” This was his term for “new” societies that were founded by social fragments of the old European societies, often minoritarian groups at odds with the dominant social classes. Cut off from the motherland and removed from the social struggles driving historical development there, these fragments became the whole of the new societies. Deprived of ideological challengers, these now-dominant fragment groups “[lost] the stimulus toward change that the whole provides” (Hartz 1964:3). Instead they became “immobilized,” confined within the ideological framework that characterized the cast-off founding groups. So for example, Latin America became a “feudal” fragment, the United States became a “liberal bourgeois” fragment, and Australia became a “radical” fragment. According to this theory, the United States’ status as a “liberal” fragment meant that it was frozen in the political tradition of 18th century Lockean liberalism, deprived of challenges either from a truly conservative, feudal right, or its complement, a truly radical, socialist left.

Aside from the U.S., there was another liberal fragment: Canada, or at least English Canada. Like the U.S., English Canada also lacked a feudal past, and therefore—according to fragment theory—strongly resembled the U.S. as a liberal society. While differences between the two were considered subtle at most, their existence was explained by the relative “impurity” of the Canadian liberal fragment. Compared to the “pure” Lockean liberalism of the United States, Canadian liberalism was tainted by a “Tory tinge” (Horowitz 1968; McRae 1964).

For Hartz, the differences between the U.S. and Canada were relatively insignificant, as he was primarily interested in developing his fragment theory of national development. To this end, the important thing was to outline and emphasize the differences *between* different fragments, rather than the differences *within* the same fragment. But where Hartz downplayed the differences between the two countries, Lipset saw an opportunity in the Canadian comparison to develop a deeper understanding of American exceptionalism, the liberal tradition, and cross-national differences more broadly. As he put it:

Knowledge of Canada or the United States is the best way to gain insight into the other North American country. Nations can be understood only in comparative perspective. And the more similar the units being compared, the more possible it should be to isolate the factors responsible for differences between them. Looking intensively at Canada and the United States sheds light on both of them (Lipset 1989:xiii).

It was precisely *because* Canada was so similar to the United States that the comparison was worthwhile. Based on this insight, Lipset returned time and time again to the U.S.-Canada comparison in his prolific writings. He was not alone in this regard. Several other scholars have pursued this cross-national comparison, building up a vibrant literature in the process (Card and Freeman 1994; Kaufman 2009; Maioni 1998; Orloff 1993).

Building on this body of work, I too have chosen to undertake a comparison of the United States with Canada. Despite strong economic, social, and cultural similarities, the two neighboring countries differ sharply when it comes to class politics. Most noticeably, unlike the U.S., Canada has a mass-based labor party, the New Democratic Party (NDP). In terms of working class economic organization, nearly three times more Canadian workers belong to unions than in the U.S. (Hirsch and Macpherson 2011; Statistics Canada 2010). Canada also has a more expansive public welfare state (Zuberi 2006), and lower levels of economic inequality (Atkinson 2003). Moreover, while the two countries have continued to grow more economically and culturally integrated since Lipset began his comparative inquiries, their political differences have persisted, if not increased (Kaufman 2009).

Whereas this study grapples with many of the same central political differences that Lipset did in his examinations of the U.S. and Canada, it differs when it comes to explaining them. Lipset traces those differences back to differences in national values systems, which in turn developed out of the conditions surrounding the outcome of the American Revolution:

Americans do not know but Canadians cannot forget that two nations, not one, came out of the American Revolution. The United States is the country of the revolution, Canada of the counterrevolution. These very different formative events set indelible marks on the two nations.... The effort to create a form of rule derived from the people, and stressing individualism made America “exceptional”.... The desire to build free institutions within a strong monarchical state made Canada distinctive, different from its mother country but also from its sibling across the border (Lipset 1989:1).

Lipset’s explanation rests on the assertion of an abiding and long-standing political *difference* between the two countries. Again, as with the narrative about American Exceptionalism described above, this assertion of long-standing cross-national difference seems plausible, especially given the sharpness of the current-day differences. They could very well simply be the result of a more communitarian, less individualistic Canadian political culture.

But against Lipset and others, my research found a different story. Rather than being the product of long-standing cultural differences, I found that what we now recognize as significant differences in U.S. and Canadian class politics are actually the product of a relatively recent political *divergence*. And again, the political tumult of the Great Depression and World War II is key to understanding how and why that divergence occurred.

The New Deal and the Demise of Class Politics

This might seem to be an odd moment to highlight for the consolidation of American Exceptionalism. It is, after all, the era of the New Deal, the period in American politics where the U.S. in some ways began to look *less* exceptional. As Lipset writes, invoking Richard Hofstadter, “this period brought a ‘social democratic tinge’ to the

United States for the first time in its history” (Lipset 1996:37). Political scientist Samuel Lubell observed that the New Deal drew “a class line across the face of American politics” (Lubell 1941:9). How then can the most social democratic moment in U.S. history also be the moment of the demise of class politics?

To understand this, we must take a step back and understand what the New Deal was, not simply as a specifically American set of policy reforms in response to the Great Depression, but as a general process in the development of modern nation-states. Although it was building on already-existing state capacities and infrastructures (Bensel 1991; Skocpol 1995; Skowronek 1982), the New Deal marked the definitive arrival of the U.S. welfare state. Within the framework of T.H. Marshall’s (1992) famous typology, it was when the U.S. state moved to extend “social citizenship” to a majority of its citizens.⁴

Within the substantial body of research examining the emergence and development of democratic welfare states, a common finding is that working class mobilization is closely linked to welfare state emergence, or the extension of “full democracy.” In one of the most careful and comprehensive studies of the question, Rueschemeyer et al. (1992) find that “the organized working class appeared as a key actor in the development of full democracy almost everywhere” (p. 270). Elaborating further, they note that “[t]hrough the working class has not proved to be the gravedigger of capitalism, it has very frequently been capable of successfully demanding its own political incorporation and an accommodation of at least some of its substantive interests” (pp. 271-272).

Of course, how that process of working class political incorporation occurs, and how much substantive working class interests are accommodated, varies significantly across countries. Moreover, it is a central contention of this study that the conditions surrounding working class political incorporation powerfully influences how and to what extent working class interests are accommodated.

Viewed within this framework, we can see the New Deal not simply as the arrival of the U.S. welfare state, but also the political incorporation of the U.S. working class. By this I mean that the organizations of the working class, i.e. labor unions, were legalized and brought within the purview of the state; and workers were successfully organized and mobilized politically as workers. This is what lent the New Deal its social democratic tinge.

But this same process of working class political incorporation also laid the groundwork for the decline of class politics in the U.S. The comparison with Canada allows us to see more clearly how this happened. In brief, my analysis shows that these different processes of political incorporation embedded “the class idea,” the idea of

⁴ It goes without saying that this extension of “social citizenship” still excluded many constituencies, including women, African-Americans, and other people of color.

class as a salient, legitimate principle of political organization, more deeply into Canadian politics, policy, and organizational practice relative to the U.S.

In the U.S., the Democratic Party under President Franklin D. Roosevelt's leadership successfully absorbed the working class upsurge of the 1930s and 40s by incorporating organized labor as an *interest group* within a cross-class New Deal coalition. This led to important short-term gains for labor, including increased membership and improved job-based social benefits. But this process of incorporation also decisively weakened the independent left and the political salience of class. In so doing, it cleared the way for McCarthyism and undermined labor's long-term ability to make class-based political demands. Class interests were reduced to "special interests," and remained politically contentious in the postwar decades. In turn, defending those interests became more dependent on negotiating for favors with unreliable allies within the Democratic Party, as opposed to independent mobilization to pressure the party from without. The result was a weakened labor movement, a divided left, and a politicized labor policy constantly subject to erosion over time.

By contrast, the ruling Liberal and Conservative parties in Canada failed to absorb the analogous working class upsurge in that country, instead pursuing a strategy of repression and neglect. This left labor politically excluded for nearly a decade longer than their American counterparts, while also leaving room for a class-based political party, the Cooperative Commonwealth Federation (CCF), to develop. The ruling Liberals only acceded to labor's demands for legal recognition under duress in the mid-1940s, as wartime labor unrest and the growing electoral threat of the CCF forced their hand. As a result, labor was politically incorporated not as an interest group, but as a class representative. Although this was done to keep labor under control, it also had the effect of recognizing and legitimizing class as a political organizing principle. As such, class-based political organization remained stronger, and class representation was built into the new labor regime. The result was a stronger labor movement, a relatively more resilient left, and a more institutionalized labor policy that has retained more worker protections over time.

Social Class, Social Citizenship, and Class Salience

The argument sketched out above focuses our attention on specific instances of a broader process that occurred over the course of the twentieth century across advanced capitalist countries, namely the political incorporation of the working class. This process is fundamentally tied to what sociologist T. H. Marshall (1992) famously referred to as the extension of "social citizenship." By this he meant the development of a set of rights guaranteeing "a certain standard of civilisation" (p. 26) that we recognize today as providing the basis for the modern welfare state. As Rueschemeyer et al. (1992) have noted, it was the organized working class that was the primary force driving formal and substantive democratization, including the establishment of social rights and the welfare state. However, the process of political incorporation played out quite differently across countries, leading to variations in welfare state regimes (Esping-Andersen 1990). One of the key markers that scholars studying cross-national

variations in welfare state policies use to explain those variations is the degree of “class salience,” or the degree to which social class serves as a principle of social and political organization. To the extent that collective interests are organized along class lines, we can expect stronger labor market institutions and more redistributive social policies (Esping-Andersen 1990; Hall and Soskice 2001; A. Hicks and Misra 1993; Huber and J. D. Stephens 2001; Korpi 1980; 1983; 2006; Korpi and Palme 1998; Western 1997; Wilensky 1974).

This is somewhat paradoxical in light of Marshall’s framework, in that the extension of social citizenship implies a degree of universal similarity, as all members of a given society sought “to be accepted as full members of the society, that is, as citizens” (T. H. Marshall 1992:6). But what we see from this body of comparative research is that the extension of social citizenship involved a recognition of difference, specifically a recognition of class divisions, class interests, and the unequal power relations that underlie them. This is because states did not simply grant social rights to all citizens automatically; rather, states extended social rights in response to challenges from the organized working class. As Marshall stated it somewhat obliquely, “in the twentieth century citizenship and the capitalist class system have been at war” (p. 40). More concretely, to the extent that working class power was stronger or weaker, so too were levels of social citizenship (Rueschemeyer et al. 1992). Viewed within this broader context of social citizenship in advanced capitalist countries as a whole, both the U.S. and Canada have low levels of social citizenship or class salience, as measured by state social spending per capita (OECD 2011). Scholars have categorized both countries as “liberal welfare states” or “liberal market economies,” characterized by smaller state expenditures and regulations, and greater reliance on market mechanisms for economic distribution (Esping-Andersen 1990; Hall and Soskice 2001). At the level of political identities and rhetoric, class appeals tend to be based on claims to a universal, undifferentiated “middle class” identity (Perrucci and Wysong 2003; Porter 1965). But in spite of these broad similarities, there remain significant differences between the two countries in terms of politics and social policies, as outlined above. Simply put, levels of class salience are higher in Canada relative to the U.S., as indicated by the presence of a class-based political party, stronger labor unions, less hostile attitudes towards leftist ideologies, and more protective social policy. Returning then to our original problem of explaining U.S.-Canada political differences, we can focus our inquiry by rephrasing the question as such: why is political class salience higher in Canada than in the U.S.? The comparative scholarship cited above focuses on left party strength as a key measure of class salience. This would lead us to suspect that increased class salience in Canada relative to the U.S. is a function of its class-based political party, the CCF/NDP. But this answer simply begs the question of *why* left party strength might be stronger in one country relative to the other. It is also silent on the question of how and why levels of class salience might change over time. More generally, the problem with relying on left party strength as a measure of class salience is that such approaches view parties as indicators rather than agents. Differences in left party strength simply *reflect* differences in underlying social cleavages, political institutions, or class alliances. In contrast, I argue that parties play a pivotal role not only in *reflecting* social cleavages and class alliances, but in actively *articulating* them and shaping them over time. I use the problem of explaining diverging class salience in the

U.S. and Canada as a comparative case study to evaluate this argument. I show how an “articulation” model of political incorporation can better account for variations in left party strength and overall changes in class salience over time than existing “reflection” models.

Class Interests, Special Interests, and Political Organization

While the comparative research highlighted above empirically identifies the organized working class as a key agent for the expansion of democracy and levels of social equality, it says little about why this might be the case. To understand this, we have to look at the political organization of interests, and more specifically the organization of *class* interests. Most theories of interest groups and voluntary organizations tend to view all such groups as governed by similar logics and interests (Moe 1988; Olson 1965). This may be helpful for constructing broad and diverse comparisons, but it comes at an analytical price. As Offe and Wiesenthal (1980) explain,

[D]ifferences in the position of a group in the class structure ... not only lead to differences in power that the organizations can acquire, but also lead to differences in the *associational practices*, or logics of collective action, by which organizations of capital and labor try to improve their respective position vis-à-vis each other; these differences tend to be obscured by the “interest group” paradigm and the underlying notion of a unitary and utilitarian logic of collective action that covers all associations (p. 76).

Simply put, there is something different about working class organizations. Offe and Wiesenthal focus on the negative aspect of this difference, namely the steeper information and coordination costs that working class organizations face under capitalism. But there is also a positive aspect. We know this implicitly from the research studying differences among welfare states, as it specifically identifies left party strength as a critical factor. It does not, for example, point to density of social movement or other voluntary organizations. What is it about working class organizations that makes them stand out? Rueschemeyer et al. (1992) argue that by virtue of its structural position as a socially dominated and economically exploited group under capitalism, the working class has the most to gain from the expansion of democracy, understood as broad political inclusion. Put more bluntly, the working class has an objective interest in not being exploited. In pursuing that interest, it is more likely to pursue policies and strategies that seek to reduce social inequality and improve life quality for broad sectors of society. Thus, in seeking to realize its particular class interests, it is likely to achieve more general social benefits.

The problem with this formulation, of course, is that it is impossible to speak of “the working class” as an undifferentiated, unified actor. Collective actors such as classes do not simply exist; they are formed and re-formed through social struggles. Furthermore, they only act through organizations, particularly parties and unions. Moreover, to the extent that we can ascribe interests to classes, the mere fact that such a class interest exists in no way guarantees that members of that class will either be

aware of it or mobilize in pursuit of it. Interests must be *organized*. It is parties and unions that do the work of organizing interests when it comes to the working class.

The process of interest organization is subject to both internal and external dynamics. Looking first at internal dynamics, organizations must, among other tasks: 1) define group interests; 2) create awareness of those interests; 3) develop a shared understanding of those interests; and 4) mobilize to pursue their interests. Without trivializing the real costs involved, Offe and Wiesenenthal note that organizations of the powerful can accomplish these tasks using fairly instrumental calculations:

The powerful are fewer in number, are less likely to be divided among themselves, have a clearer view of what they want to defend, and have larger resources for organized action, all of which imply that they are likely to succeed in recreating the initial situation [their dominance]" (Offe and Wiesenenthal 1980:78).

But for organizations of the relatively powerless, the organization of interests must go beyond a purely instrumental cost-benefit analysis:

[T]hose in the inferior power position can increase their potential for change only by overcoming the comparatively higher costs of collective action by *changing the standards according to which these costs are subjectively estimated* within their own collectivity. Only to the extent that associations of the relatively powerless succeed in the formation of a collective identity, according to the standards of which these costs of organization are subjectively deflated, can they hope to change the original power relation (p. 78).

Collective identities are not infinitely variable, nor are they infinitely malleable. Once formed they powerfully shape the repertoire and scope of actions available to groups (McAdam, Tarrow, and Tilly 2001). Thus, examining processes of collective identity formation can provide important clues for explaining diverging forms of class organization.

But in order to understand those processes of collective identity formation, we must consider external factors as well. That is, we must consider class organizations within the broader context of the universe of organizations within which they operate and develop. More specifically, we must examine the logic governing relationships among and between these organizations. A central part of my argument is that these environmental-level organizing logics play a critical role in the organization of interests. They do so by "naturalizing" the connections linking sets of actors and organizations in relation to each other, as well as the sets of strategies and actions available to actors and organizations. According to this approach, organizational repertoires and scopes of action will vary depending on the different organizing ideas structuring the environment in question.

The question then arises: where do these different organizing ideas come from? Again, as with collective identities, organizing ideas are not infinitely variable or malleable. While an array of social and cultural factors certainly factor in, my focus in this dissertation is on the decisive role that political conflict plays in shaping these organizing ideas, which in turn shape subsequent political conflicts.

Returning to the question of explaining differences in class salience in the U.S. and Canada, I argue that it was the consequence of differences in how the U.S. and Canadian working classes were politically incorporated over the course of the 1930s and 40s. As stated above, I contend that a key difference driving divergence in both countries was that U.S. labor was incorporated as an *interest group*, whereas Canadian labor was incorporated as a *class representative*. While the difference may seem semantic, the two categories actually tie into two rather different organizing ideas, which I call the “class idea” and the “market idea.” As such, these organizing ideas tied class organizations to different logics for staking group claims and bargaining with other groups, including parties and state agencies. In turn, this shaped labor’s strategies around politics and policy in the postwar period, while also affecting the degree to which labor’s political gains were institutionalized. The key differences are summarized in Table 0.1 below.

What the table outlines is how, by virtue of being classified as an “interest group,” U.S. labor was embedded within an environmental logic governed by a “market idea.” The market idea is organized around a conception of groups as made up of individuals, each with individual rights and particular interests. Interest group bargaining is tied to contract-based rights, whereby groups are free to negotiate with each other, subject only to their respective abilities to extract concessions and/or reach agreement. Importantly, within the logic of the market idea there is little room for labor to stake claims to represent a more universal, general interest. Instead, labor is framed as a “special” interest, one whose claims carry equal weight to any number of other organized interests trying to make claims on the state. Based on this organizing logic, it is possible to see how political and policy gains would remain tenuous, weakly institutionalized, and constantly subject to challenge from rival groups.

Table 0.1—Differences in Organizing Logics

Organizing Logic	Class Idea	Market Idea
Group Claim	Class representative	Interest Group
Rights	Collective	Individual
Bargaining	Group-based	Contract-based
Interests	Class/General	Special/Particular
Institutionalization	High	Low
Politicization	Low	High

In contrast, by virtue of being incorporated as a class representative, Canadian labor was embedded within an environmental logic governed by a class idea. Although not nearly as extensive as corporatist schemes of co-determination in parts of Europe, class as an organizing idea is much more evident in Canada than in the U.S. The class idea is organized around a conception of society made up of a set of groups, each of which should be entitled to representation and consideration from the state. While claims based on individual rights are common, indeed the norm, there is also separate recognition of collective rights. While collective bargaining with employers is based on

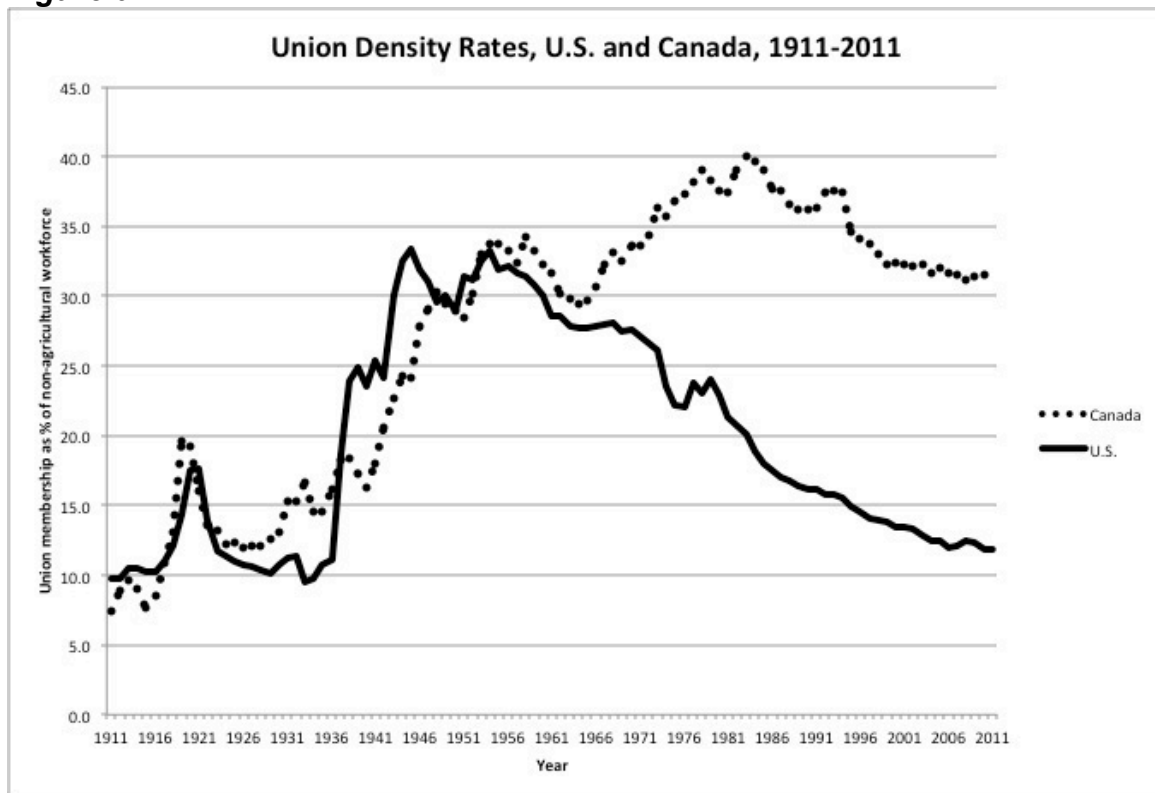
contractual rights, negotiations with the state are more embedded in a discourse of social rights. Because of this, there is greater room within the class idea for labor to represent a general interest beyond its particular membership. Based on this organizing logic, it is possible to see how political and policy gains would become more strongly institutionalized, and less subject to challenge from rival groups than in the U.S.

Focusing the Inquiry: Union Density Divergence

In order to ground the theoretical analysis of diverging trajectories of class politics in the U.S. and Canada, I orient the study around explaining a very concrete, empirical phenomenon: the divergence of U.S. and Canadian union density rates, beginning in the mid-1960s. “Union density” is the term used to denote the percentage of a country’s non-agricultural workers that are union members. It is commonly used as a proxy for working class organizational strength in a given country.

If we compare union density rates in the U.S. and Canada over the past century, as shown in Figure 0.1 below, we see an interesting pattern. Union density rates were very similar in both countries up until the mid-1960s, at which point they diverged sharply. Canadian union density rates are now nearly three times as high as in the U.S., 31.7 percent as compared to 11.8 percent. The questions then arise: why did U.S. and Canadian union density rates diverge after such a long period of similarity? And why did this divergence begin in the mid-1960s?

Figure 0.1



Sources: See Data Appendix.

In unpacking the story of union density divergence in the U.S. and Canada, we will by necessity come to grips with the story of the political incorporation of the U.S. and Canadian working classes. We will explore divergences in party-class alliances in both countries, relations between labor unions and the left, and state efforts to regulate class conflict in the decades following World War II. In short, union density will provide the empirical lens through which we will be able to examine the organization of class politics in the U.S. and Canada.

Sources

Much of the core evidence for this study involves primary materials gathered from eight archives in the U.S. and Canada over the course of 2008 and 2009. These archival collections comprised a wide array of personal and professional materials from key labor, business, and state actors and organizations in both countries. Materials included personal correspondence, office memoranda, speech transcripts, diaries, legislative hearings, case transcripts, official government commission reports and proceedings, pamphlets and other mobilizing and educational materials, contemporary news accounts, and more.

I use a variety of statistical data to trace broad trajectories of social, economic, and organizational processes over the course of the twentieth century. Much of this

statistical data is used to evaluate the validity of competing explanations for diverging union density that comprises the first section of the study. More detailed information on statistical data is included in a data appendix at the end of the study.

Given that the empirics of this comparative case study cover two countries over the better part of a century, I also rely on a wide range of secondary materials to elaborate my account of U.S.-Canada political differences. There is a rich existing historiography examining twentieth century labor and politics in both countries, particularly for the critical period in the 1930s and 40s, and a bevy of high-quality studies of the 1970s have been published in recent years. This allows for a careful evaluation of competing historical interpretations. In developing my argument, I aim to use the primary and statistical data to offer a fresh reinterpretation of existing accounts.

Overview

To explain how the class idea became more embedded in Canadian politics, policies, and organizational practices relative to the U.S., this study proceeds in two steps, each of which comprises its own section.

Using the problem of explaining U.S.-Canada union density divergence as a point of departure, Section 1 examines in detail competing explanations for this divergence. Here I take issue with explanations of density divergence that point to structural factors such as shifts in the sectoral or geographic distribution of employment, or individual factors such as differences in worker and employer preferences.

Next, I examine differences in both macro-economic and labor policies between the two countries. While macro-economic policies seem to have played at best a minor role in explaining union density divergence, differences in labor policies were consequential. However, what I show is that labor laws in both countries have changed over time, and in many respects Canadian labor law was previously *worse* than in the U.S. This raises the question of why labor laws improved over time in Canada, while eroding in the U.S.

I conclude Section 1 with a consideration of explanations that emphasize broad differences in political cultures and institutions as critical factors shaping union density trajectories. Party systems and political institutions certainly played a key role, especially the presence in Canada of a social democratic political party. But as with labor policies, they too evolved over time, and explaining this evolution remains a key question.

Differences in national characteristics may exist, but I find little evidence for the idea that greater commitment to collectivism in Canada protected unions, while U.S. individualist ideology undermined unions there.

Internal union characteristics, for their part, have played an important role, but again, what must be explained is where those different characteristics come from, and

how they changed over time. In particular, what needs to be explained are the different relationships that developed in the postwar period between labor and the left.

Finally, I show that differences in the organization of racial divisions do explain some of the divergence in union density rates. Nonetheless, these differences still leave key questions unanswered.

Having examined the strengths and limitations of existing explanations, Section 2 proceeds to elaborate an alternative explanation for union density divergence, namely the political incorporation thesis. This section is organized around three central questions, each of which comprises its own chapter. First, I take on the question of why party systems changed in both countries. More specifically, I examine why U.S. labor abandoned efforts to form an independent political party in favor of an alliance with the Democratic Party at the very same moment that Canadian workers forged an alliance with farmers to establish their own social democratic party.

Second, I examine the diverging relationships between labor and the left that developed in the U.S. and Canada in the postwar decades. I seek to explain why, despite similar past histories of left repression and rebirth, did Cold War anti-Communism have as devastating an impact as it did in the U.S., but not in Canada?

The third and final chapter of this section examines the formation and development of U.S. and Canadian labor regimes, the set of policies and practices governing labor-management relations in both countries. Here the central question involves explaining why the U.S. labor regime eroded over time, while the Canadian regime remained more resilient.

In each of these chapters, I focus the inquiry on the consequences deriving from U.S. labor's political incorporation as an interest group, compared to Canadian labor's political incorporation as a class representative. Finally, I conclude the study by bringing the analysis up to the present day, examining the challenges that labor has faced in both countries in an age dominated by free market orthodoxy, and offering some considerations and conjectures about the future of class politics in the U.S. and Canada.

Section 1:

Explaining

Union Density Divergence

Chapter 1.

Setting the Stage

In this first section, we will explore in some detail existing attempts to explain union density divergence in the U.S. and Canada. But before getting into the intricacies of each approach, there are a few preliminary steps to set the stage. First, we will explore in greater detail why union density matters, and its relationship to class salience and class politics more broadly. Second, we must take a look at the actual mechanics of measuring union density, so that we can understand its component parts, and how changes in those component parts might affect union density in theory. Third, we will briefly consider the central tenets of each group of competing explanations before examining them in detail.

Why does Union Density Matter?

Scholars often use what is called "union density" to measure union strength. This is a measure of the percentage of the non-agricultural workforce who are either union members or covered by collective bargaining agreements. While not a perfect measure by any means, it does manage to provide a ready and relatively comparable indicator of unions' organizational strength. It doesn't tell the whole story, but it provides a starting point for further investigation.⁵

But why does union density matter? In an era when unions everywhere seem to be in decline, and the very idea of trade unions can seem antiquated, focusing attention on unions' organizational strength may seem hopelessly out of date. This is particularly the case in the U.S., where union density in the private sector now stands below seven percent. Why bother focusing our attention on what appears to be a small and diminishing segment of the overall workforce?

At a basic level, union density matters because union membership powerfully influences workers' everyday lives on the job. On average, unionized workers earn

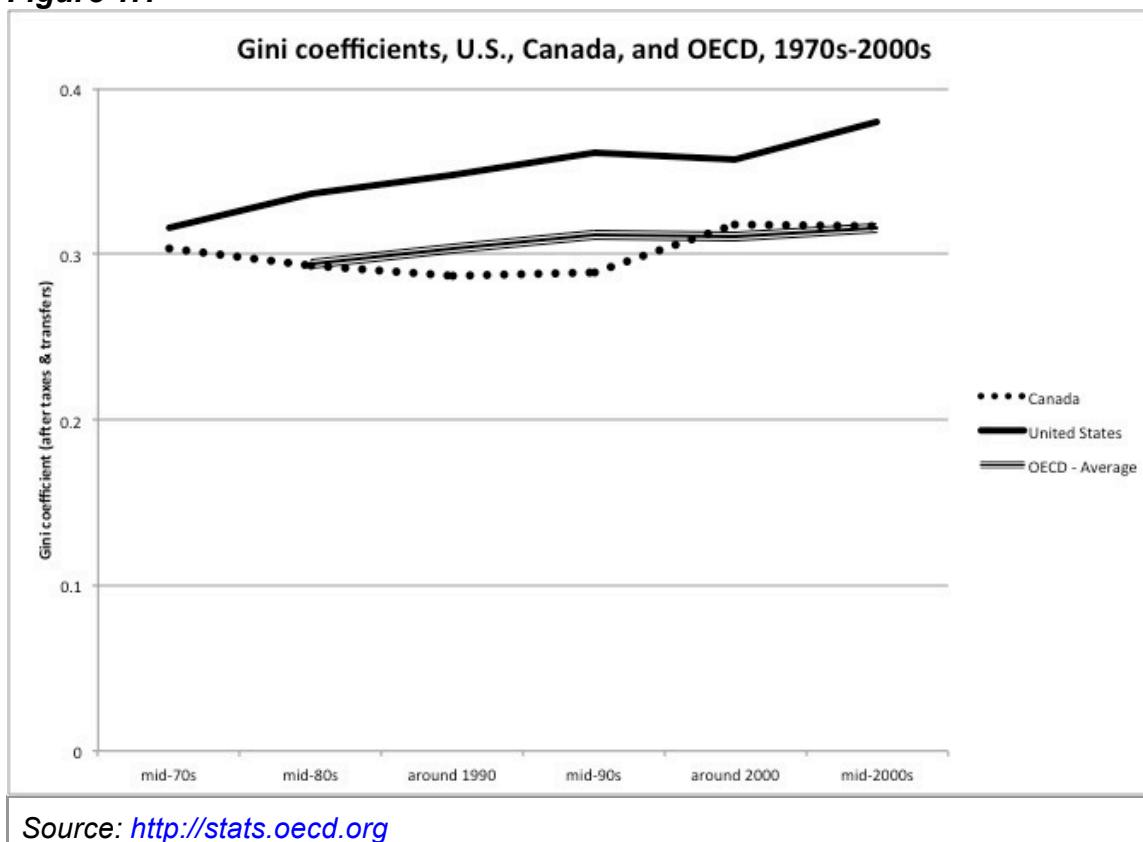
⁵ While recognizing that the two terms are not strictly equivalent, I will use "union density" and "union strength" interchangeably in this chapter.

more, and are more likely to have adequate health insurance, pension coverage, paid leave, and other benefits than their non-unionized counterparts doing similar work (Buchmueller, DiNardo, and Valletta 2002; Budd and Na 2000; Fang and Verma 2002; Freeman and Medoff 1984; Murray 2004). This is particularly the case for countries like the U.S. and Canada, where collective bargaining is largely done at the level of the firm or workplace. This means that contracts negotiated between employers and the unions representing their workers apply only to those specific firms and workplaces, which ties the negotiated wages, benefits, and work rules closely to those specific firms and workplaces. With some exceptions, so-called “bargaining extension” does not apply in either country. This is an arrangement, common in many parts of Europe, whereby provisions settled upon in a collective bargaining agreement between workers and unions in a given industry are extended to all workers in that industry (Traxier 1998).

But union density has important implications beyond the workplace. With a few notable exceptions, higher unionization rates tend to be associated with lower levels of economic inequality (Alderson and Nielsen 2002; Alderson et al. 2005; Atkinson 2003; Western and J. Rosenfeld 2011). Key to this is unions' ability to, as Gøsta Esping-Andersen put it, “decommodify labor,” or limit the degree to which workers' wages and working conditions are set by brute market forces, in the same way that the price of commodities such as oil or corn are set (Esping-Andersen 1990). This decommodification effect generally extends beyond unionized workplaces, so that unions are able to set standards for wages and working conditions that extend more broadly throughout the labor market. Thus, looking specifically at the U.S. case, Western and Rosenfeld (Western and J. Rosenfeld 2011) find that union density decline accounts for roughly one-third of the increasing gap in income inequality between the top and bottom quintiles over the past forty years. This is equivalent to the effect of growing gaps in educational attainment in the same time period.

While comparable data on income inequality is only available going back to the mid-1970s, Figure 1.1 shows that inequality, as measured by Gini coefficients, has grown in both countries over the past three decades, as it has across OECD countries as a whole on average. However, the growth has been over four times larger in the U.S., with the coefficient increasing by 20 percent from the mid-1970s to the mid-2000s, as opposed to 4.6 percent in Canada.

Figure 1.1



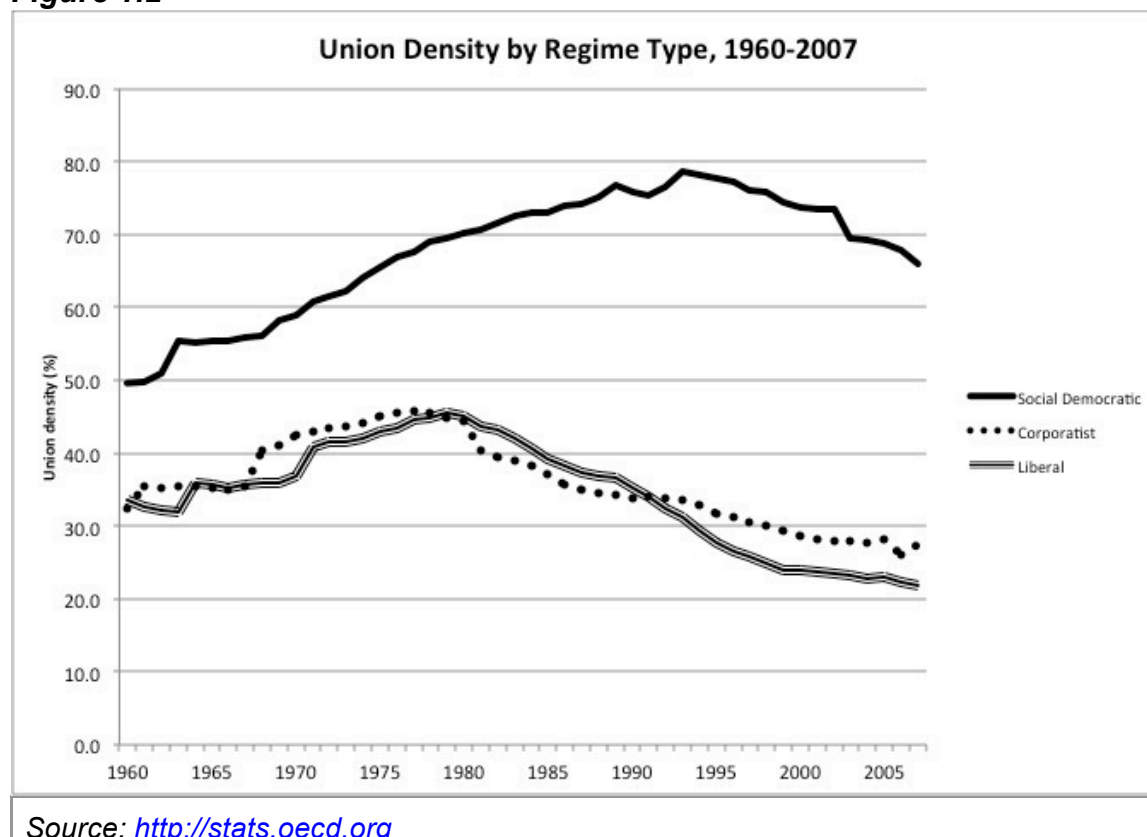
Additionally, stronger unions are generally better able to exert their voice politically, fighting for more redistributive social policies and regulations to rein in employers' power. This power is often exerted through relations that unions have with labor-based or socialist political parties. While party and union interests are not always perfectly aligned, and party-union relations can often be strained, unions that are numerically stronger can generally exert greater political power. Union strength as such has important consequences for the shape of the political and policy landscape more broadly.

In keeping with the theme of this study then, union density serves as a key indicator of class salience, or the degree to which social class serves as a salient and legitimate political organizing principle. As scholars like Bruce Western (1995) and others have shown, there has been a general pattern of union decline across the advanced capitalist democracies, signaling a trend of decreasing class salience overall. But beneath the general trend of decline lies a tremendous degree of between-country variation in union strength, and by extension in class salience. Unsurprisingly, these variations have had important consequences for between-country differences in the shape of politics and social policy. Explaining where these differences in union strength come from is thus a key aim of this study.

Union Density in Comparative Perspective

To get a better handle on the scope and scale of between-country variation we are considering, it is helpful to examine data on union density. Unfortunately comparable data on relevant countries is incomplete and only available as far back as 1960. Nevertheless, the data is suggestive. Figure 1.2 shows union density rates for Anglo-Saxon and European OECD countries from 1960 through 2007. Countries are grouped together according to the three-fold welfare state typology developed by Esping-Andersen (1990): “liberal” or Anglo-Saxon regimes, “corporatist” or continental European regimes, and “social-democratic” or Scandinavian regimes.⁶

Figure 1.2



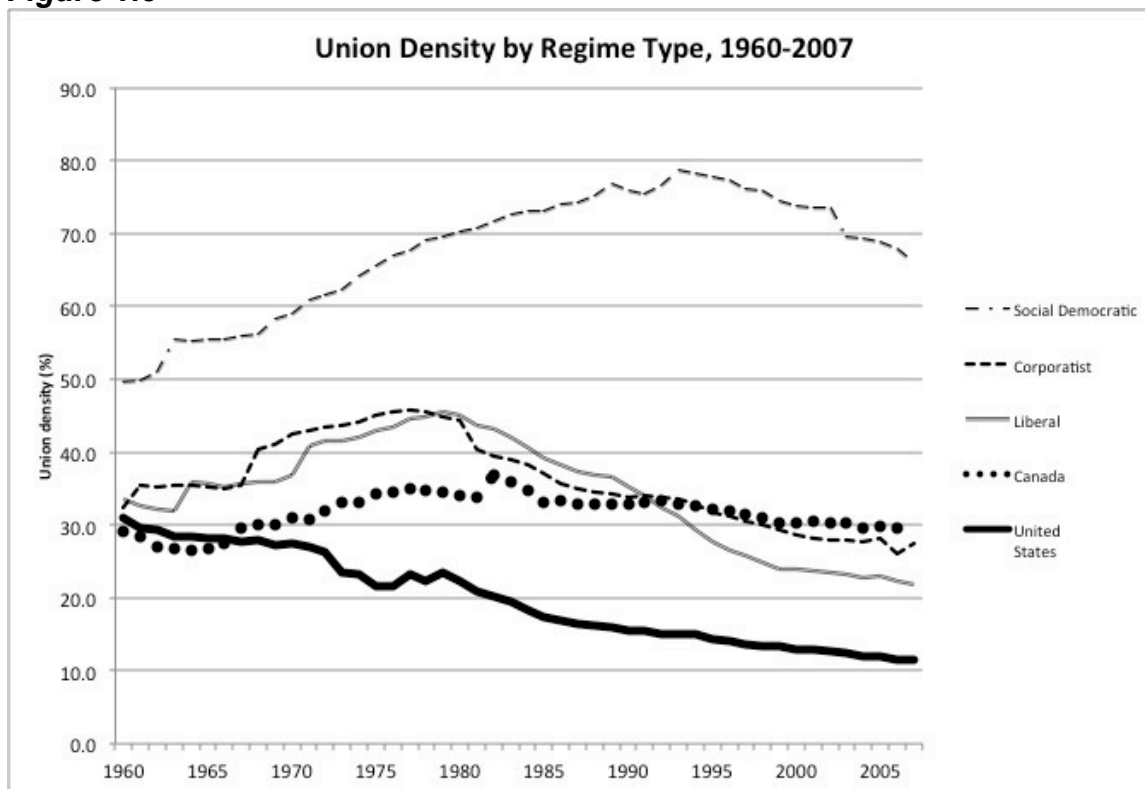
The data clearly show the social-democratic regimes with much higher union density rates than anywhere else, never dipping below 50 percent. Corporatist and liberal regimes are roughly tied for a distant second, with density rates for both climbing from the mid-30s to the mid-40s from the 1960s through the 1980s, and then declining into the 20s by the new millennium. Note that there is a general pattern of decline for all but the Scandinavian countries starting in the early 1980s, and even the Scandinavian

⁶ “Liberal” countries include Australia, Canada, Ireland, New Zealand, the United Kingdom, and the United States. “Corporatist” countries include Germany, France, Italy, Spain, Portugal, the Netherlands, Belgium, Luxembourg, and Switzerland. “Social-democratic” countries include Denmark, Finland, Iceland, Norway, and Sweden.

countries join the downward trend starting in the 1990s. Also note that the spread between liberal and corporatist regimes begins to open up starting in the early 1990s.

Where do the U.S. and Canada fit into this picture? Both are included among the “liberal” welfare regimes. But behind this common label lies an important difference, as shown in Figure 1.3. This graph reproduces Figure 1.2, but also separates out union density rates for the U.S. and Canada individually. This disaggregation shows that both North American countries had well below average union density rates compared to their fellow liberal regimes for much of the period under examination. Additionally, rates for both countries were initially similar in the 1960s, in the high 20s-low 30s. But whereas U.S. Rates followed a pattern of secular decline over the entire period, Canadian rates were relatively stable, and even increased slightly. By 2007, U.S. union density stood at roughly half the average rate for all liberal regimes, whereas Canadian rates had surpassed even the average for corporatist regimes. In fact, if we bring the statistics up to 2011, the U.S. currently stands out as having one of the lowest levels of union density in the entire OECD, at 11.8 percent. Canada by contrast, has density rates nearly three times as high, at 30.8 percent.

Figure 1.3

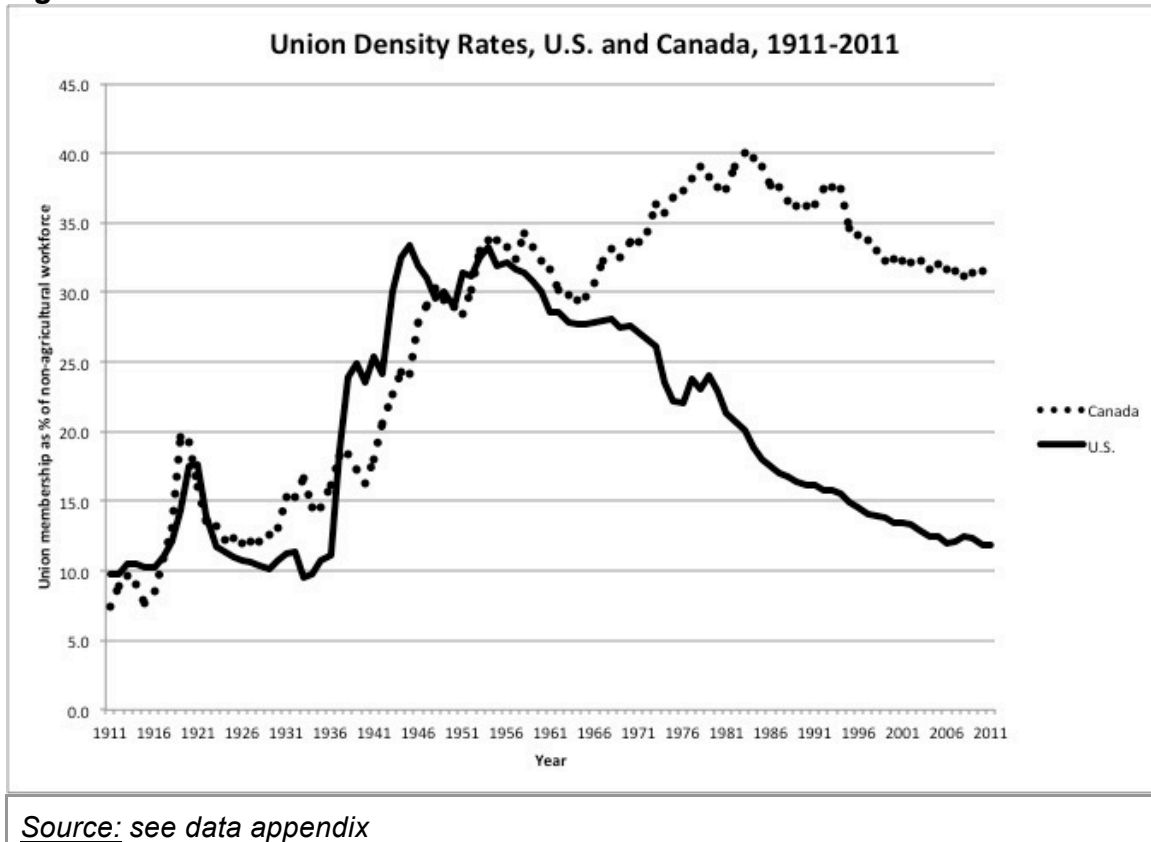


Source: <http://stats.oecd.org>

While this divergence from the 1960s to the present day is quite stark, it becomes even starker when we trace union density trends even further back in time. Figure 1.4 shows union density rates in the U.S. and Canada going back to 1911. There, we see an interesting pattern emerge. Prior to the divergence in the 1960s, we

see that union density rates in both countries were actually remarkably similar. In fact, U.S. rates were often higher than those in Canada.

Figure 1.4



This presents a puzzle: why despite tracking each other closely for much of the twentieth century, did union density rates in the U.S. and Canada diverge so sharply in the 1960s? The numerical divergence is puzzling enough, representing as it does a profound divergence in the structure of both countries' labor markets. However, given our discussion above regarding the relationship between union density and the shape of welfare states, it should come as no surprise that this divergence in union density reflects broader socio-economic divergences. As union density rates have diverged in the U.S. and Canada, so too have rates of economic inequality (DiNardo and Lemieux 1997; Lemieux 1993). Similarly, in the realm of social policy, Canada has developed an array of protective policies that are more extensive than what is available in the U.S., including nationalized health care, more generous unemployment insurance, and more equitable education and community planning policies (Maioni 1998; Zuberi 2006). Explaining why this divergence happened can therefore help to explain broader shifts in politics and policy in both countries.

Beyond the empirical significance of this union density divergence, at a theoretical level it indicates a profound divergence in levels of class salience in the U.S. and Canada. U.S. union decline is one of the clearest examples of declining class salience we have available, whereas Canadian unions' relative stability, even in the face

of broad downward trends overall, is an important counter-example of persistent class salience. In Western's terms, class continues to be a salient and legitimate principle of political organization in Canada, but not in the U.S.

How then do we explain this stark divergence in union density? It is to that question that we now turn.

What is Union Density? How Might it Change?

Before we can evaluate competing explanations for diverging union density, we first have to take a moment to examine what exactly union density is measuring, and how that measurement is calculated. That way we can understand the different ways that union density measurements can change over time, which can then help us identify proximate mechanisms that could affect levels of union density, and exactly how they might do this. Once we understand that, we will be in a better position to evaluate the different explanations.

At a basic level, union density for a given region is calculated by dividing the total number of union members by the total size of the paid non-agricultural workforce. Mathematically, we can represent this as $d = u/w$, where d equals union density, u equals union members, and w equals the size of the paid non-agricultural workforce.⁷ Thus, density can increase either through an increase in u (the numerator), or a decrease in w (the denominator). Similarly, density can decrease through a decrease in u , or an increase in w .

How do u and w change though? Aggregate changes in w are easy enough to understand: the non-agricultural workforce grows or shrinks as the non-farm economy either adds or sheds jobs. Changes in u are a bit more complicated. The number of union members can increase in two ways: *active* growth, where unions organize new, previously non-union worksites; and *passive* growth, where already-unionized firms add more workers to their payrolls. Conversely, the number of union members can decrease in two ways: *active* decline, where union members vote to decertify their union; and *passive* decline, where unionized firms either reduce their payrolls or close.

Taken together, we can see that union density can change as the result of two proximate causes:

⁷ We will set aside here distinctions between union membership and collective bargaining coverage, meaning the difference between the number of workers who are actual dues-paying union members and those whose wages and working conditions are set by collective bargaining agreements. This distinction can be important in some labor regimes, particularly those with centralized bargaining among peak-level associations. However, collective bargaining in both the U.S. and Canada is decentralized to the firm or shop level, meaning that agreements only cover those workers in a given firm or shop, and do not extend to workers in similar jobs at similar firms. As such, differences between union membership and collective bargaining coverage in the two countries are slight, and do nothing to change the character of the dynamics under examination.

- **Passive change:** Employment growth in non-unionized firms can outpace employment growth in unionized firms, or vice versa. In economic terms, the “supply” of union jobs can grow or shrink.
- **Active change:** density can rise or fall as a result of deliberate actions on the part of workers, who can vote either to join or leave unions. In economic terms, the “demand” for union membership can grow or shrink.⁸

The key to understanding why union density rates change, then, is to identify the factors affecting the supply of and demand for unionized jobs. Then, by comparing how these factors influence union density in the U.S. and Canada, we can then evaluate the importance or irrelevance of different factors.

Competing Explanations for Changing Union Density

What then has been affecting changes in the supply and demand of unionized jobs in the U.S. and Canada? Common explanations for this trend point to structural, individual, institutional, and cultural differences.

1. Structural Explanations

Many of the common explanations for U.S.-Canada union density divergence point to different kinds of structural shifts in the countries’ respective labor markets. These include 1) differences in the timing and extent of the shift from manufacturing to service sector employment; 2) differences in the size and level of unionization in the public sector; and 3) differences in the geographic distribution of unionized jobs.

A) The Service Sector Shift

The service sector shift argument holds that union decline is fundamentally the result of the decline of manufacturing jobs due to globalization, combined with the shift towards less-unionized, more difficult to organize service sector jobs. Daniel Bell (1960) pioneered this argument as part of his articulation of the “post-industrial society,” written near the height of U.S. union density in the late 1950s. His contention was that unionization had reached a “saturation” point by then, with unions representing a large majority of workers in blue collar manufacturing industries. It would be difficult for unions to organize white collar and service sector jobs, he argued, due to these workplaces’ smaller size, as well as the unwillingness of white collar workers to identify with “dirty”

⁸ I only use the economic terms of “supply” and “demand” advisedly, as they imply a model that reduces the process of unionization and de-unionization to an aggregation of individual workers’ decisions as to whether or not to join or leave unions. While this may be heuristically useful in beginning to understand how union density works, it can ultimately be misleading. This is because, as we will see, much of the “decision-making” about whether or not to join is far removed from the individual level. That is, the structure of the workplace is such that most workers are never presented with the opportunity to make a decision as an individual about joining a union. Rather, they join or do not join based on whether or not they are or are not employed at a unionized firm. Furthermore, even in cases, such as unionization or decertification campaigns, where individual workers do in fact vote as individuals on the question of whether or not to join a union, that decision is powerfully conditioned by structures that extend far beyond the workplace. Thus, it is crucial to understand changes in union density as the product of broad structural forces that transcend any aggregation of individual decisions.

blue collar workers. Thus, as the industrial workforce declined, so too would unionization rates (pp. 218-219).

Bell's thesis gained increasing currency with the economic restructuring that began in the 1970s. Commenting in 1979 on what was then still a relatively slight decline in union membership, Cornell economist George Hildebrand noted that "there has been an explosive growth in the so-called knowledge and service industries and occupations.... In result, the manufacturing sector, which accounted for nearly 50 percent of the non-agricultural work force in 1955, has dropped to below 25 percent today—not through an absolute decline in employees but through much faster growth in other sectors typically less amenable to unionism" (Hildebrand 1979:115). Hildebrand's view was shared by many leading industrial relations scholars in this period, including many who gathered in Lake Bluff, Illinois, in 1978 to discuss their concern about the "shrinking perimeter" of manufacturing employment for the future of unions (Juris and Roomkin 1980).

As unions were "zapped" in the 1980s by the accelerated onslaught of corporate restructuring, off-shoring, plant closings, and mass layoffs (Bluestone and Harrison 1990), the structural explanation of union decline began to attain the status of received wisdom. Today it is often simply asserted, as when the editorial board of the *New York Times* wrote in 2008 that "Competitive pressures from globalization, deregulation and technological change have resulted in the loss of many union jobs" (New York Times 2008). Similarly, law professor Charles Craver noted that "During the past fifty years, union membership has been significantly affected by the transformation of the American economy from a mass production society to a white-collar and service economy. Automation caused the loss of many production and service jobs" (Craver 2005).

Among labor economists, structural explanations have been viewed with skepticism (Card and Freeman 1994; Doyle 1985; Farber and Krueger 1993; Farber and Western 2000; 2001; Freeman and Medoff 1984), although they retain a core of staunch defenders (Jones 1992; Troy 1990; 1992; 2000). Those who dismiss structural explanations note that almost all advanced capitalist countries have undergone similar economic shifts without experiencing similar levels of union decline, including Canada. Troy et al respond that the apparently steeper level of union decline in the U.S. is an artifact of its status as a leading indicator of macro-economic trends, particularly the shift to service sector employment, combined with its relatively smaller public sector, which tends to be more heavily unionized. According to this view, private sector union decline is a general trend across advanced capitalist countries, with the U.S. unions simply leading the downward spiral. Inter-country variation is the result either of lag effects or differences in the size of the public sector that mask the general trend in the private sector.

If the service sector shift explanation is correct, we would then need to examine what it is about aggregate Canadian union density figures that give the appearance of such a stark divergence. This would involve 1) ascertaining how similar the employment structure is in the U.S. and Canada, particularly with regard to the division between manufacturing and service sector employment, and cross-border differences in the

timing and extent of the shift towards service sector employment; and 2) examining the trajectories of union density to see if there is a lag effect at work in the Canadian private sector.

B) The Public Sector Confounder

Those who support the service sector shift argument maintain that a key reason that the overall pattern of union density convergence between the U.S. and Canada appears to be a pattern of divergence is due to differences in the relative sizes and levels of unionization in the public sector. According to this view, Canada's larger and more heavily unionized public sector conceals an underlying tendency towards union decline and convergence with the U.S. pattern in the private sector. A central assumption of this approach is that the dynamics affecting the growth of public and private sector unionism are so fundamentally different that they should be examined as separate union movements. Likewise, a key corollary of this approach is that, while state policies may play a role in determining union density in the public sector, such interventions are ultimately fruitless in the private sector (Troy 1990; 1992; 2000).

To evaluate the public sector confounder explanation, we would first need to compare the size of the U.S. and Canadian public sectors, along with their respective patterns of union density, both relative to each other and relative to private sector density. If it is correct, we would first expect that public sector employment is in fact a larger proportion of overall employment in Canada than in the U.S. Second, we would expect that the relative trajectories of public and private sector union density would look different in both countries. Not only should Canadian public sector density be higher than U.S. public sector density, but the gap between public and private sector density should be larger than in the U.S.

C) Shifts in Geographic Distribution

The geographic distribution argument holds that union density declined in the U.S. as a result of employment shifting from higher-density states in the Northeast and Midwest to lower-density states in the Southeast and Southwest (Bluestone and Harrison 1982:165). By contrast, the more even distribution of union density rates across provinces in Canada meant that whatever shifts in aggregate employment occurred had little effect on aggregate union density rates there.

If the geographic distribution hypothesis is correct we will expect to see 1) greater inter-state dispersion in union density relative to inter-provincial density in Canada; and 2) a shift in employment from higher-density states to lower-density states.

2. Individual Differences

Another set of explanations views U.S.-Canada union density divergence as a function of changes in individual preferences and behaviors. These explanations generally point either to 1) cross-border differences in individual workers' preference for union representation; or 2) greater employer hostility towards unionization in the U.S.

A) Shifts in Unionization Preferences

The preference shift argument holds that union density has diverged in the U.S. and Canada because U.S. workers want to join unions less than their northern counterparts. For example, labor economist Henry Farber found that “the decline in demand for union representation can be fully accounted for by an increase in the satisfaction of nonunion workers with their jobs and a decrease in their belief that unions are instrumental in improving wages and working conditions” (Farber 1990:103).⁹ Beyond academia, the preference shift explanation tends to be favored by pro-management spokespersons. A typical quote comes from J. Justin Wilson of the Center for Union Facts, who remarked in a *New York Times* piece on the downward trajectory of U.S. union membership that “labor union membership is an outdated concept for most working Americans. It is a relic of Depression-era labor-management relations” (Greenhouse 2010). But regardless of the normative values that one attaches to the change, the central idea is that union decline is the result of changes in individual attitudes towards unions.

If the preference shift explanation is correct, we would expect to see a marked decline in U.S. workers' positive attitudes towards unions, or desire to join unions, combined with a lack of such decline among Canadian workers.

B) Employer Hostility

Employer hostility arguments hold that U.S. employers are exceptionally hostile towards unions, and as such have fought against unionization attempts much harder than their Canadian counterparts (Bronfenbrenner 1994; 2009; Fantasia and Voss 2004; Jacoby 1987; Kleiner 2001; P. C. Weiler 1983). Freeman (1989:14) goes so far as to assert that “most analysts have come to believe that [management opposition] is a, if not the, major cause of the decline in private sector density.”

While many scholars point to aggressive U.S. employers as a factor contributing to union decline, most such arguments are made within the context of employers stretching, bending, and breaking labor laws to their advantage. Such instances of employer abuse of labor laws will be dealt with in the following section on institutional differences. Some however do point to the independent effect of U.S. employer hostility, even outside of legal regimes. Most notable is Sanford Jacoby, who contends that U.S. employers' “hostility toward unions has always been more extreme than that of employers in other nations” and that “this hostility goes a long way toward explaining low union density and the lack of labor radicalism in the United States” (Jacoby 1987:2).

⁹ It is important to note that in subsequent work, Farber has moved away from demand-side explanations in favor of supply-side arguments that pin the blame for union decline on employment growth rates in non-union sectors outpacing growth in unionized sectors. These differential growth rates leading to density decline, he argues, were “due primarily to changes in the economic environment that made union representation of less value to workers or more costly to employers” (Farber and Western 2001:460). Still left to speculation, however, are the social, economic, and political forces that might make union representation of less value to workers or more costly to employers.

According to Jacoby's argument, U.S. employers have traditionally exhibited far higher degrees of anti-union fervor due to historical, economic, and ideological reasons. Historically, early American industrialization and bourgeois class dominance meant that U.S. employers had to make fewer class compromises, and thus had freer rein over a less interventionist state. Economically, the decentralized form of collective bargaining prevalent in the U.S. gives employers strong incentives to resist unionization, as the costs of unionization are borne directly by the individual firm, as opposed to the entire industry as is common in countries that practice more corporatist forms of collective bargaining and wage determination. Ideologically, traditional American values of individualism and meritocratic achievement were especially incompatible with the logic of unionism and collective bargaining. Taken together, these factors both provided motivation for U.S. employers to resist unions more ferociously, and gave them a more powerful arsenal of weapons with which to resist said unions (pp. 6-18).¹⁰

If the employer hostility argument is correct, we would expect to find evidence of greater employer hostility to unions in the U.S. relative to Canada, as well as greater effort to resist unionization on the part of U.S. employers as compared to Canadian employers.

3. Policy Differences

Another popular set of explanations for U.S. union decline points to policy differences, particularly the role of dysfunctional labor law regimes (Bronfenbrenner 2009; Fantasia and Voss 2004; Freeman and Kleiner 1990; Freeman and Medoff 1984; S. Friedman et al. 1994; J. A. Gross 1995). Typical is a finding from Gordon R. Pavy, who argues that "antiunion NLRB rulings and increased opposition from companies made organizing and negotiating first contracts more difficult. This hostile environment, combined with the systematic export of manufacturing jobs by companies, produced a decline in existing union membership" (Pavy 1994:112).¹¹

Unions themselves highlight the perceived unfairness of U.S. labor laws as a key explanatory factor for union decline. This has in fact been the central rationale behind labor unions' periodic but as of yet fruitless efforts to reform U.S. labor law. For example, during the most recent labor law reform fight over the Employee Free Choice Act (EFCA), the AFL-CIO released a fact sheet about "Union Representation and the NLRA [National Labor Relations Act]." In it they stated that "The National Labor Relations Board (NLRB) representation process has become a virtually insurmountable series of practical, procedural and legal obstacles. Instead of a protective shield, the NLRA now acts as a sword that is used by corporations to frustrate employees' freedom of choice and deny their right to collective bargaining" (AFL-CIO 2008).

¹⁰ Note that elements of the employer hostility argument depend on the cultural differences argument, which will be dealt with in greater detail in a subsequent section.

¹¹ Note that Pavy combines a focus on laws and employer resistance with a structural explanation for union decline, specifically the export of manufacturing jobs. This is not uncommon, and reminds us that the distinctions made in this section in terms of separating out different types of explanations are somewhat artificial and made primarily for analytical clarity. In reality many scholars tend to draw on multiple explanatory factors when addressing the question of U.S. union decline.

Explanations highlighting the role of labor laws and employers often include an explicit comparison with Canada, which is viewed as economically and culturally similar, but different in terms of its more favorable labor laws and less virulently anti-union employers (Chaison and Rose 1990; Godard 2003; 2009; Huxley, Kettler, and Struthers 1986; W. C. Riddell 1993; Rose and Chaison 1993; 2001; P. C. Weiler 1983; 1984). For example, amidst the economic restructuring and employer offensives against unions in the 1980s, the AFL-CIO convened a committee to try and grasp the nature of the organizational crisis that faced them. In its report, the committee noted that:

The Canadian experience is especially instructive. Canada has roughly the same type of economy, very similar employers and has undergone the same changes [e.g. labor market shifts] that we previously have described with respect to the United States. But in Canada, unlike the United States, the government has not defaulted in its obligation to protect the right of self organization; rather Canada's law carefully safeguards that right (AFL-CIO Committee on the Evolution of Work 1985:15).

In the academic realm, labor economist Craig Riddell sums up this approach when he states that “much of the Canada-U.S. unionization gap can be attributed to intercountry differences in the legal regime pertaining to unions and collective bargaining and to differences in overt management opposition to unions (itself possibly a consequence of differences in collective bargaining laws and their administration)” (W. C. Riddell 1993:143).

Measuring the net effect of labor laws and employer resistance to unionization is somewhat more difficult than measuring macro-economic shifts or individual attitudes. It requires drawing inferences from representative indicators. Scholars focusing on the role of laws and employers in the U.S. tend to analyze changes in National Labor Relations Board (NLRB) representation election data. The NLRB is the governmental body tasked with overseeing and regulating the procedure whereby workers can become union members. While some unions have given up on the NLRB and are pursuing so-called “non-Board” organizing strategies, which involve pressuring employers directly to grant union recognition and engage in collective bargaining,¹² most private sector non-union workers still become union members via workplace elections conducted by the NLRB. As such, NLRB activity is the most direct and concrete example of governmental labor policy. Scholars can track various aspects of NLRB election procedures over time to measure how smoothly the process is working, how well unions are faring, and how much resistance employers are mounting. Such aspects include the overall number of NLRB elections and number of workers involved in those elections; the union win rate; changes in the time duration from filing the petition for a NLRB election and the election itself; the number of unfair labor practice charges filed in the course of NLRB elections; the number of workers disciplines and/or fired in the course of a union election campaign; and others.

If the institutional explanation is correct, we would expect not only to see significant shifts in labor laws over time, starting in the 1960s, but we would also expect

¹² This is in itself evidence of possible flaws in labor policy, if those for whom the policies are ostensibly developed are opting out entirely.

to see significant differences between U.S. NLRB election activity and analogous union election activity in Canada.

4. Differences in Working Class Power

A fourth set of explanations takes a broader approach. Rather than focusing on specific policy differences, they seek to understand the social and political forces that have shaped those policies by enabling and constraining working class power in both countries in different ways. Scholars working within this framework have focused on three key sets of differences: differences in political institutions, differences in national character, and differences in internal union culture.

Explanations focusing on differences in political institutions point to the presence in Canada of a social democratic political party (first the Co-operative Commonwealth Federation (CCF), later the New Democratic Party (NDP)), as well as its parliamentary system of government and differences in the structure of its state bureaucracy. As Bruce (1989:115-116) argues:

[T]he greater influence of tory and socialist *institutions*, especially governmental structures and political parties, more than tory or socialist cultural propensities, explain why there has been more union growth in Canada. More specifically, [I argue] that stronger labor laws, rather than more favorable attitudes, have been a more important source of Canada's greater union growth.

Delving into specifics of the institutional differences, Block (1993:3-4) identifies five particular areas of difference:

(1) judicial review; (2) the case intake system; (3) tripartism; (4) policy changes through legislation; and (5) board involvement in contract disputes.... all of these, operating together, have, over a long period of time, institutionalized unionization in Canada to a far greater extent than in the U.S. This, in turn, has permitted Canada to maintain a higher unionization rate than the United States.

Explanations focusing on differences in national characters derive largely from classical arguments about American Exceptionalism. These are most closely identified with sociologist Seymour Martin Lipset (Horowitz 1968; Lipset 1986; 1987; 1989; 1996; Lipset and Meltz 2004). As Lipset and co-author Noah Meltz state:

[H]igher union density in Canada, compared with the United States, is rooted in Canada's statist, social democratic traditions, which are in turn attributable to its Tory and decidedly European conservative heritage. The United States has an individualistic, laissez-faire tradition that is generally not supportive of more collectivist approaches. Only in extraordinary circumstances, such as war or prolonged economic downturns, has the United States moved closer to the statist model (Lipset and Meltz 2004:173).

Also related to Lipset's argument is that of Louis Hartz (1955; 1964). The Hartzian analysis focuses more explicitly on the status of the U.S. as a "fragment society" broken off from the Old World of Europe. Its lack of a feudal past reduced the salience of entrenched status hierarchies determined by birth, which proved to be a key

factor preventing the development of a collectivist working class consciousness in the U.S. This in turn limited unions' ability to gain a foothold among U.S. workers.¹³

Drawing on this tradition, Fischer (2010b) stresses what he sees as the characteristically American emphasis on individual choice and voluntary organization. As he puts it, "Perhaps, then, Americans are fine with unions – as voluntary associations like churches or social clubs – but reject compulsory ones. And it may be that unions cannot be really effective if the door to come and go is really open. One of organized labor's burdens then, may be this strand of long-standing American culture" (Fischer 2010a).

Explanations focusing on differences in the internal characteristics of U.S. and Canadian labor unions argue that Canada developed a more politically progressive and inclusive form of "social unionism" that proved more resilient than the more conservative and exclusive "economism" or "business unionism" that predominates in the U.S. (Kumar 1993; Robinson 1990; 1992). As Robinson contends:

[N]ational labour movement character differences are the principal source of Canada/US union density divergence after 1963, both directly and indirectly. Directly, labour movement character has had a major impact on the commitments of actual and potential union members — their willingness to make sacrifices for the cause — and on the potential for building a broad labour movement with strong connections to other social movements. Indirectly, via the successes of the social democratic party that the Canadian labour movement chose to create and support as the principal agent of its political strategy, it has contributed to the labour law differences that became increasingly important from the mid-1970s, as employers in both countries became much more hostile to union organizing efforts (Robinson 1990:13).

Finally, a subcategory of the "national character" explanations emphasizes the unique role that racial divisions have played in shaping the U.S. working class (Frymer 2007; Goldfield 1997; Iton 2000). As Iton argues,

[T]he strength of the popular attachment to racial categories has reduced the appeal of class-based movements. Leftist organizations, consequently, have been marginalized because their efforts to mobilize members of the working classes conflicted with the more deeply rooted and developed racial identifications of these constituencies to such an extent that even those leftist campaigns which did not seek to challenge racial norms were still perceived as threats to the racial status quo.... Thus challenges to the economic status quo have been interpreted...as potential or implicit challenges to prevailing racial understandings (Iton 2000:3).

While there is no clear single metric for evaluating these different cultural explanations, the central challenge they all face is that they must be able to explain a pattern of variation using a cross-national cultural difference that is constant. They must be able to account both for the initial pattern of *similar* levels of union density, and the subsequent pattern of *divergence* starting in the 1960s. This is certainly possible, as the same enduring traits can become more or less salient, or interact in different ways,

¹³ While the Hartzian thesis is important for explaining U.S. union decline, its strict application would actually predict *similarity* between the U.S. and Canada in terms of union density, given that both are "fragment" societies cut off from the British motherland. Indeed, this is precisely what the seminal Hartzian comparison of the two countries argues (also see critique in Horowitz 1968; McRae 1964).

depending on the historical context. The task then is to evaluate the plausibility of the account of the interaction or change in salience.

5. Political Incorporation

The argument I advance in this study is that U.S.-Canada union density divergence resulted not primarily from structural, institutional, or cultural differences, but from different processes of working class political incorporation in the 1930s and 40s. These processes in turn shaped the formation and development of different labor policy regimes and different labor movements in the U.S. and Canada. As a result, the class idea retained greater legitimacy in Canada, allowing Canadian labor to retain greater organizational resiliency as the postwar settlement unraveled beginning in the 1970s.

The central difference was that U.S. labor was incorporated as an *interest group* within the Democratic Party, whereas Canadian labor was incorporated as a *class representative*. This had important consequences for the structure of state labor regimes, the internal organization of labor unions, and state regulation of labor-capital relations.

In terms of labor regimes, this meant that U.S. labor policy and institutions were polarized along partisan lines, instead of being recognized as necessary means of regulating class conflict, as they were in Canada. As a result, the U.S. labor regime was more politicized and less institutionalized than the Canadian regime, and thus more susceptible to erosion over time.

Organizationally, this meant that U.S. labor was more cut off from the political left than in Canada. Deprived of left allies externally, and purged of leftists internally, U.S. labor became increasingly reliant on fighting for influence inside a broad and unstable New Deal coalition, weighed down in particular by a reactionary Southern bloc. As the coalition came under stress amidst the upsurge of the 1960s, U.S. labor found itself largely alienated from the nascent social movements of the period, and focused on defending its own narrowly-constructed privileges, particularly around the defense industry. As the economic boom of the 1960s gave way to the crisis of the 1970s, this isolation allowed labor to be targeted as a narrow “special interest.” This left it vulnerable to an aggressive employer offensive, without any recourse from its ostensible allies in the Democratic Party.

By contrast, the link between Canadian labor and the left, while strained by Cold War anticommunism, was not severed. A significant layer of left-wing leaders and organizers remained within the union ranks. Labor asserted its political independence by formalizing tighter links with the New Democratic Party (NDP), which leveraged its minority position to defend and improve labor laws. Meanwhile, the NDP created a fraught but very real connection between labor and the emerging New Left. The social movements of the 1960s found a more hospitable reception in the Canadian unions than did their U.S. counterparts, infusing unions with a movement tinge. As the state and employers intensified attacks on labor in the 1970s, Canadian labor was better able to counter-mobilize in defense of its postwar gains.

In terms of state regulation, Canadian labor's position as a class representative left it more subject to managerialist state intervention than its U.S. counterpart. While this led to more frequent and aggressive state intervention in labor disputes than in the U.S., it also had a paradoxical galvanizing effect on Canadian labor. By creating a bigger, more unified target for labor's ire, state interventionism spawned a massive mobilization on the part of Canadian labor, which engaged in an unprecedented wave of strikes that provoked a crisis in Canada's system of industrial relations. The proposed remedies to the industrial relations system, although coercive, retained a notion of preserving collective bargaining relationships and shoring up labor's institutional legitimacy. While union membership growth stalled, it did not shrink as in the U.S.

By contrast, U.S. labor's position as an interest group within a system of "industrial pluralism" explicitly de-emphasized the role of the state in regulating labor-capital relations, and did little to establish labor's institutional legitimacy. Instead, it emphasized the idea of a voluntary, contractually-determined relationship between labor and capital. As management began to reassert its self-perceived "right to manage" beginning in the 1960s, the state was noticeably absent. As management's squeeze provoked worker push-back on shop floors across the U.S., it was not interpreted as a crisis in industrial relations. Rather, it was viewed as a crisis of individual worker alienation in a postindustrial society, a case of the "blue collar blues." As such, the wave of industrial unrest of the late 1960s and early 1970s failed to coalesce into a more coordinated counter-mobilization, leaving room for employers to intensify their attack on labor, aided by a *laissez-faire* approach on behalf of the state. Politically weakened and organizationally moribund, U.S. labor's slow decline since the 1950s accelerated into a rout by the late 1970s.

As with cultural explanations, the political incorporation argument as laid out above seeks to explain the dynamics underlying proximate causes. Similarly, it does not lend itself to a clear single metric for evaluating its validity. Rather, the argument must be evaluated by examining the comparative effects of the proposed mechanism in both cases, and how well it does in interpreting the metrics we do have (i.e. union density statistics, NLRB election data and its Canadian analogues, unfair labor practice charges, etc.).

Having laid out the central competing explanations for diverging U.S./Canada union density, we can now proceed to an evaluation of how well each approach explains the data.

Chapter 2.

Structural Explanations

A) The Service Sector Shift

To what extent is diverging U.S./Canada union density simply the result of structural shifts in the economy? For structural shifts to be correct, we would expect to see significant differences in the industrial composition of the U.S. and Canadian economies, particularly with regard to changes in the size of the service sector relative to the manufacturing sector. To the extent that there is difference, we would also want to be attuned to potential lag effects in the employment structure, with the U.S. potentially preceding Canada in its shift to service employment. We also need to examine the extent to which the cross-national divergence might be the result of differences in public sector employment.

The two central problems we face in evaluating this argument lie first in defining what is meant by the “service sector,” and second in locating comparable employment data for both countries. In terms of defining the sector, many invoke the pioneering work on service sector employment done by Victor Fuchs in the 1960s (1968). In particular, this is the work that forms the basis for Troy’s (1990; 1992; 2000) argument, which remains the strongest in favor of the structural shift hypothesis for union density divergence. Fuchs was quick to recognize the difficulty in defining the sector, observing that it is to a great extent a “residual” sector with tremendous heterogeneity (pp. 14-17). In describing the sectors he decided to include in his analysis, he noted that “most of the industries are labor intensive, that most deal with the consumer, and that nearly all of them produce an intangible product” (p. 16). For him, this included “wholesale and retail trade; finance, insurance, and real estate; general government (including the military in most instances); and the services traditionally so designated, including professional, personal, business, and repair services” (p. 16).

Importantly, Fuchs’ analysis did not distinguish between public and private sector employment, a point to which we will return later. The key definitional points of contention for now are those of classifying the transportation, communications, and utility sectors. Fuchs placed them in the “goods producing” sector, along with extractive industries, manufacturing, construction, and agriculture. However, this is a minority

position. Most sectoral analyses of employment limit the goods-producing sector to extractive industries, manufacturing, construction, and sometimes agriculture. The service sector is defined much more residually, encompassing everything left over that is not in the goods-producing sector. This is the approach of the U.S. Bureau of Labor Statistics (BLS) in its Current Employment Statistics survey (CES). The CES is an establishment survey compiled continuously by the BLS since 1939. It is also closer to the approach of David Worton, who produced a study of the Canadian service sector that is contemporaneous to Fuchs' study of the U.S., and published in a volume edited by Fuchs (Worton 1969). Worton placed the transportation and communications sectors in the service sector, but included utilities in the goods-producing sector.

In the interest of assuring maximum data comparability over the longest time frame, I have adopted the BLS' residual definition of the service sector for the purposes of this analysis. This means that the "goods-producing" sector includes only non-agricultural extractive industries, manufacturing, and construction. Everything else, including transportation, communications, storage, and utilities, is included in the service sector.¹⁴

This definition of the service sector is largely determined by considerations related to the second problem, that of locating comparable data. As already mentioned, the U.S. data is taken from the BLS' CES dataset, which is continuous from 1939 to the present. The Canadian data, on the other hand, is pieced together from three different sources. Data for 1931, 1941, and 1951 is taken from Canadian census data, as reported in (Worton 1969:Table 1). To ensure comparability with the U.S. BLS data, I have omitted data on agricultural employment, and reclassified utility workers as part of the service sector. I interpolated data between these data points from 1931 through 1960. From 1961 to the present, I use employment data from Statistics Canada's Labor Force Survey (LFS), which is a household survey. However, the LFS changed significantly in 1976, meaning that I combined two separate data series, one from 1961-1975, published in *Historical Statistics of Canada, Section D: The Labour Force* (Leacy, Urquhart, and Buckley 1983), and another from 1976 to the present, available from Statistics Canada (Table 282-008, <http://estat.statcan.gc.ca>).

Before examining the data, it is worth reviewing the central argument for the structural shift hypothesis, as articulated by Troy. He contends that "the decline of [union] membership and density characterizes the economies of Canada and Western Europe as well as the U.S. and attributes it to structural changes in the labor market" (Troy 1990:111). Specifically, the structural change that Troy identifies is a shift from employment in more heavily unionized jobs in the goods-producing sector to

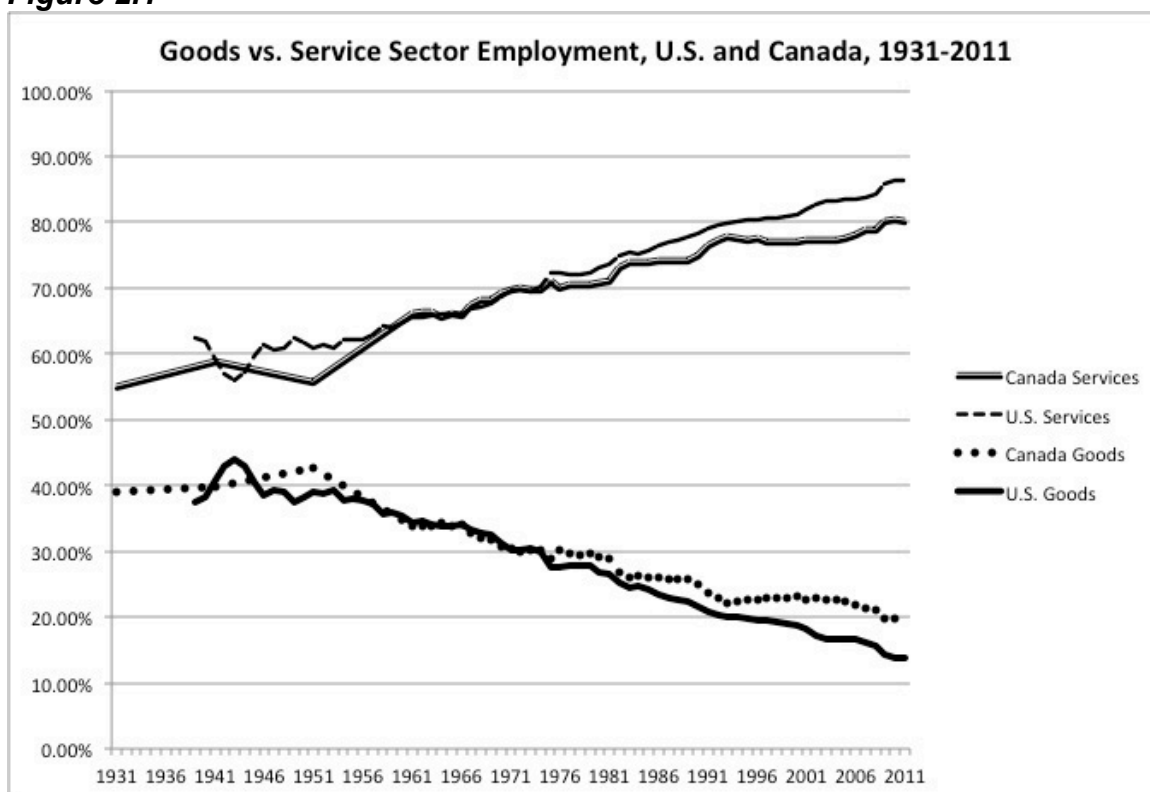
¹⁴ While I use this residual definition of the service sector for the purposes of this analysis, it is important to note that this is purely in the interest of data comparability. In fact, such a residual definition of the service sector is quite problematic analytically, in that it makes the industrial economy appear smaller than it actually is. This in turn feeds into flawed arguments about the "deindustrialization" of the U.S. and Canada, the diminishing importance of the goods-producing sector, and the futility of union organizing in the goods-producing sector. In fact, a more careful analysis shows that the goods-producing economy remains an essential and dynamic part of the U.S. economy, albeit one overshadowed by overblown rhetoric about the rise of the "knowledge economy." See (Moody 2007) for a more expansive elaboration of this argument.

employment in less unionized jobs in the service sector. To the extent that these similar structural changes are not reflected in the union density data, he argues that “[b]ecause of the lagged changes in private sector labor markets, private sector union movements abroad [including Canada] have also lagged the U.S., but not avoided decline” (p. 112).

To what extent then did Canada lag the U.S. in transitioning to service sector employment? Looking at Figure 2.1 below, we see that there was in fact a lag in the growth of service employment between Canada and the U.S. Between the end of World War II and the late 1950s, service sector employment in the U.S. did surpass that of Canada. However, by 1961, this gap was completely erased. This analysis is consistent with that of Worton, who found that “the lag in the relative development of the Canadian service sector...quite important at the beginning of the 1950’s, was substantially eliminated in a single decade” (p. 245).¹⁵

¹⁵ Strangely, Troy himself cites the Worton study in support of his own argument in favor of the service sector lag. He notes that “as late as 1966, public and private services combined still accounted for less than half (49.7 percent) of total employment in Canada” (Troy 1990:114). The figure he cites is what Worton reports in Table 3 (p. 246), using the Fuchs definition of the service sector. This excludes transportation, communication, and utilities (Troy also erroneously claims that Fuchs *includes* these sectors in his definition of the service sector (p. 141, n. 2)). Using this same narrower Fuchs definition of the service sector though, we see in Worton’s Table 2 (p. 244) that U.S. service sector employment stood at 48.4 percent in 1960 (Canadian service sector employment stood at 46.9 percent in 1961). Using the broader definition that Worton prefers, which includes transportation and communication but still classifies utilities in the goods-producing sector, U.S. service sector employment in 1960 stood at 54.6 percent, as compared to 54.9 percent for Canada in 1961. Thus, whatever lag in Canadian service sector employment did exist was largely eliminated by the early 1960s, several years prior to the beginning of the divergence in union density rates.

Figure 2.1



Source: see description above, and data appendix

If the difference in union densities was simply a function of Canada's lag in its shift to service sector employment, we would expect the lag effect to wear off at some point. Once the same structural shift towards service sector employment had occurred in Canada, it should have only been a matter of a decade or so until the inevitable structural effects took hold there, and a trajectory of union density decline manifested itself north of the border.

This is not what happened. Recalling Figure 1.4 from Chapter 1, we see that the union density divergence between the U.S. and Canada began in 1964, at a time when levels of service sector employment in both countries were virtually identical. Then, rather than stabilizing, Canadian union density experienced a period of growth, rising from 29.4 percent in 1964 to a peak of 40 percent in 1983. Canadian union density did then begin to decline through the remainder of the 1980s and 1990s, although not at the same rate as was occurring south of the border. The trend of decline in Canada then leveled off in the 2000s.

In short, rather than observing a classic lag pattern, i.e. a continued upward trajectory in Canada for approximately a decade after the service sector shift occurred in the early 1960s, followed by a fairly steady trajectory of decline, we observe a much more varied trajectory: down briefly, then up for approximately two decades, then decline, then stabilization. During this same time period in the U.S., virtually the entire union density trajectory was downwards, save for a few years in the mid-1970s. Also, as

these two union density trajectories were diverging, employment patterns in both countries continued to move in similar directions, towards more service sector employment and less goods-producing sector employment.

The evidence thus far offers little support for the structural shift hypothesis. While Canada did lag behind the U.S. by roughly a decade in shifting to service sector employment, this lag was erased by the early 1960s. But Canada's union density trajectory did not simply lag behind that of the U.S. Instead, it diverged sharply from that of the U.S. in the mid-1960s, and has remained both distinct—and distinctly higher—ever since.

For his part, Troy is well aware that the aggregate numbers don't appear to support his argument. He counters that two factors have intervened to mask an underlying cross-border convergence in union density trajectories, dictated by labor market forces. First, he argues that more "intrusive" labor relations policies in Canada, paired with more protectionist trade and currency exchange policies, shielded Canadian unions from the full brunt of shifts in the global labor market, but that "these policies cannot indefinitely immunize private sector unions from market forces" (Troy 1990:140; 1992:8-9). Second, he argues that Canada's larger and more heavily unionized public sector conceals a trend of union density convergence in the private sector.

The first response is somewhat odd, in that it implicitly acknowledges that those against whom Troy is arguing are right, and that it is government policies, not market forces, that shape union density trajectories. Against Troy's assertion that "[o]ver time, competitive markets 'repeal' the legal protection bestowed by governments on unions and collective bargaining" (Troy 1990:140), the Canadian comparison seems to show that government policies can and do in fact play an important role in mitigating market forces. Union density trajectories have now been divergent for close to 50 years, and show little sign of converging. Moreover, to the extent that there is erosion of Canadian policy protections over time, as will be shown in greater detail later on, this has had far more to do with political battles than with immutable economic forces. Troy seems to acknowledge as much in his concluding prediction that "[t]hese competitive processes... will accelerate and intensify as the new Canadian-American trade agreement [a precursor to NAFTA] unfolds and the globalization of markets continues" (p. 140). Such trade agreements are, after all, fundamentally *political* agreements about *policies* related to regulating economic exchange. Even decisions to remove state regulations are themselves a form of government regulation, not an absence of regulation.

That Troy views this argument as a defense of his structural shift/market forces thesis seems to derive from an understanding of markets that views them as fundamentally autonomous and self-regulating, and views any government intervention in this market as an outside intrusion that distorts the "true" market dynamics. Within this framework, the U.S. appears as a relatively "pure" free market, whose unions have been subject to the strict discipline of market forces, and thus represents the "normal" case of what should happen to unions in a self-regulating market: they become irrelevant and are swept aside. By contrast, Canada (and the European cases he examines) appear as markets "contaminated" by government "intrusion." In these

countries, well-meaning but misguided legislators have sought to protect unions against market forces through interventionist trade and labor policies. As such they represent the “deviant” case of what happens to unions in a market “distorted” by government regulation. While such policies may offer temporary sanctuary to unions and unnaturally prolong their lifespan, they are ultimately doomed to fail in the face of the relentless logic of the free market.

The problem with such a view, as countless economic sociologists have shown, is that the idea of a stark separation between a self-regulating market and the state is a fiction. Rather, states play a central role in creating and reproducing markets (Fligstein 1996; Lindblom 1977; Polanyi 2001). The idea, implicit in Troy’s argument, that market forces would have exerted similar forces on unions outside the U.S. *if only* state intervention hadn’t protected them is based on a false dichotomy. The choice is not between whether or not to regulate a free, autonomous market, but rather *what kind* of regulations to develop to establish governing parameters for a given market. Once we understand the fundamentally constitutive role that states play in creating and reproducing markets, it becomes clear that the ostensibly more interventionist Canadian trade and labor policies, far from being viewed as “distortions” that obscure the true underlying trends when compared to the more *laissez faire* U.S., must instead be viewed as part of a different approach to market regulation. Both approaches shape markets in different ways, and it is precisely this relation between state policies and market functioning that must be analyzed and explained.

Thus, Troy’s counter-argument that protectionist government policies mask an underlying convergence in U.S. and Canadian union density rates ends up shoring up his opponents’ argument that state policies, not some false conception of autonomously functioning “market forces,” play a key role in shaping union density trajectories.

B) The Public Sector Confounder

While government “intrusion” into Canadian private sector labor relations does not seem to be covering up a convergence of union density trends, could Troy be correct in asserting that cross-border differences in the size and level of unionization in the public sector are responsible for such a cover-up in the private sector?

As with analyses that seek to disaggregate between service and goods-sector unionization, there are difficulties involved with disaggregating between public and private sector unionization. Defining public sector employment is relatively straightforward, as it simply involves determining whether or not a particular job is situated in a government or government-funded entity. For both countries, this includes all employees in the federal, state/provincial, and municipal civil services, as well as public education. For Canada, this also includes health care and government-owned enterprises (Ponak 2001).¹⁶ For the U.S., health care employment is largely excluded,

¹⁶ Historically this has included enterprises such as Air Canada, Petro-Canada, and Hydro Québec. However, Canadian federal and provincial governments have largely divested themselves of most of these enterprises over the past two decades, further complicating the disaggregation of public and private sector unionization.

even though the health care industry receives a large amount of public funding. The one problem area is the Transportation, Communications, and Utilities sector, which can contain a mix of public and private sector workers. In estimating disaggregated statistics, different scholars decide to place this sector in either the public or private sector.

The main definitional problem with public sector employment is that most of the jobs performed in the public sector are similar to jobs performed in the private sector. However, official employment statistics until relatively recently have focused on distinguishing between different types of jobs, rather than on determining whether those jobs were performed in the public or private sector. For the U.S., the Bureau of Labor Statistics' (BLS) Current Population Survey (CPS), a household survey, began including questions intended to determine whether respondents were employed in the public or private sector in 1973. For Canada, Statistics Canada's Labor Force Survey (LFS), a similar household survey, only began including such questions in 1997. Prior to this, efforts at disaggregating public and private sector employment involved developing estimates based on certain sets of assumptions. For the U.S., The most extensive series of such estimates is that compiled by Troy and Sheflin (1985). Their series includes disaggregated estimates of public and private sector union density from 1929 to 1983, with a break in the series in 1962. For Canada, there are only periodic estimates of public sector unionism prior to 1997. Rose (1984) compiled disaggregated membership estimates going back to 1911, but did not calculate disaggregated union density statistics based on these numbers. Lipset and Meltz (2004) reported density statistics going back to 1960. Bergeron (1993) calculated disaggregated density statistics for select years between 1961 and 1989.

For both countries, the estimates involved calculations and assumptions based on union jurisdictions, i.e. the types of workers represented by a given union. This involves examining membership data as reported by individual unions. So for example, the membership of the Canadian Union of Public Employees (CUPE) or the American Federation of Government Employees (AFGE) would be classified as public sector union membership. The problem is that many unions represent members in both the public and private sectors. Thus, calculating public sector membership requires developing assumptions about the percentage of a given union's membership that is employed in the public sector. For the U.S., Troy and Sheflin developed a percentage estimate of public sector membership for each individual union based on calculations from an unpublished 1978 BLS survey. They then applied this percentage to each union's membership, as reported in federally-mandated forms, for the period from 1962-1982 (Troy and Sheflin 1985:3-2—3-3). For Canada, Rose sent out surveys to private sector unions to develop estimates of their public sector membership, which he then used to disaggregate the Canadian statistics (Rose 1984:88-89). Lipset and Meltz do not specify their methodology. Freeman et al. (1988) discuss the mechanics, as well as the advantages and drawbacks of different methods of calculating public sector union membership in detail.

A second problem with disaggregating public sector unionization involves defining what constitutes union representation. Collective bargaining in the public sector

takes a wide variety of shapes, and has changed significantly over time. Initially, many public sector unions began as employee associations, and only later began engaging in more traditional union activities such as collective bargaining. A classic example of this is the National Education Association (NEA), which was founded in 1857 as a professional association, but only began engaging in collective bargaining in the 1960s (Troy and Sheflin 1985:3-3). There are also a wider variety of collective bargaining relationships in the public sector than in the private sector. In particular, there are more workers in so-called “agency shops” where membership is not required to be covered by the terms of a collective bargaining agreement. Reflecting this diversity of forms of unionization, the BLS’s CPS survey began asking respondents whether they were members of “a union or an employee association similar to a union” beginning in 1977. By contrast, the Canadian LFS survey only asks respondents if they are union members. The U.S. CPS data also reports data on union membership and collective bargaining coverage, in order to account for workers in agency shops who are covered by the terms of a collective bargaining agreement, but are not members.

Keeping these limitations in mind, these calculations remain our best estimations of disaggregated public and private sector unionization in the U.S. and Canada. To create roughly comparable datasets, I have included both the Troy and Sheflin and CPS data for the U.S., and the Lipset and Meltz and LFS data for Canada. I also use CPS data on public sector collective bargaining coverage, not membership, as this is the only measure available from the Canadian LFS. The difference between the two was fairly significant in the 1970s and 80s, between 7 and 9 percent, but has since shrunk to under 4 percent.

Due to limitations in the Canadian data, I begin the data series in 1960, the first year with data reported for both countries. While a more comprehensive data series would be preferable, beginning the series in 1960 is sufficient for two reasons. First, we know from Troy and Sheflin’s and Rose’s membership numbers that public sector unionism in both countries was not a significant portion of overall union membership prior to the early 1960s. In neither country did it surpass 13 percent of total union membership until the early 1960s, and for the majority of that period public sector membership was firmly in the single digits. As such, public sector union membership did little to drive overall union density statistics until the 1960s. Second, as we know from the aggregate union density data, the divergence between U.S. and Canadian union density only began in 1964. Thus, beginning the series in 1960 does capture the complete period of density divergence, as well as the period immediately preceding it.

Figures 2.2 and 2.3 report union density statistics for the U.S. and Canada, disaggregated into public and private sector membership, between 1960 and 2011.¹⁷

¹⁷ The CPS series begins in 1977, the year in which the survey began asking whether respondents were members of a union “or an employee association similar to a union.” Also, beginning in 1977 for the U.S., and 1997 for Canada, union density refers to collective bargaining coverage, not membership. This is to ensure compatibility between countries, as LFS data only includes collective bargaining coverage. The difference between aggregate U.S. density by membership and by collective bargaining coverage is between 1 and 2 percent, depending on the year. Much of this variance is due to agency shops in the public sector.

Looking first at public sector density, we see significant growth in both countries from the early 1960s through the mid-1970s. U.S. public sector density is falling behind somewhat in this period, but still growing at a healthy pace. The clear divergence occurs in the mid-1970s. At this point, U.S. public sector density peaks at 40 percent, then flatlines for the remainder of the period in the high-30 percent range. Meanwhile, in Canada, public sector density continues its upward trajectory, reaching the mid-70 percent range by the mid-1990s, then stabilizing in that range for the remainder of the period.¹⁸

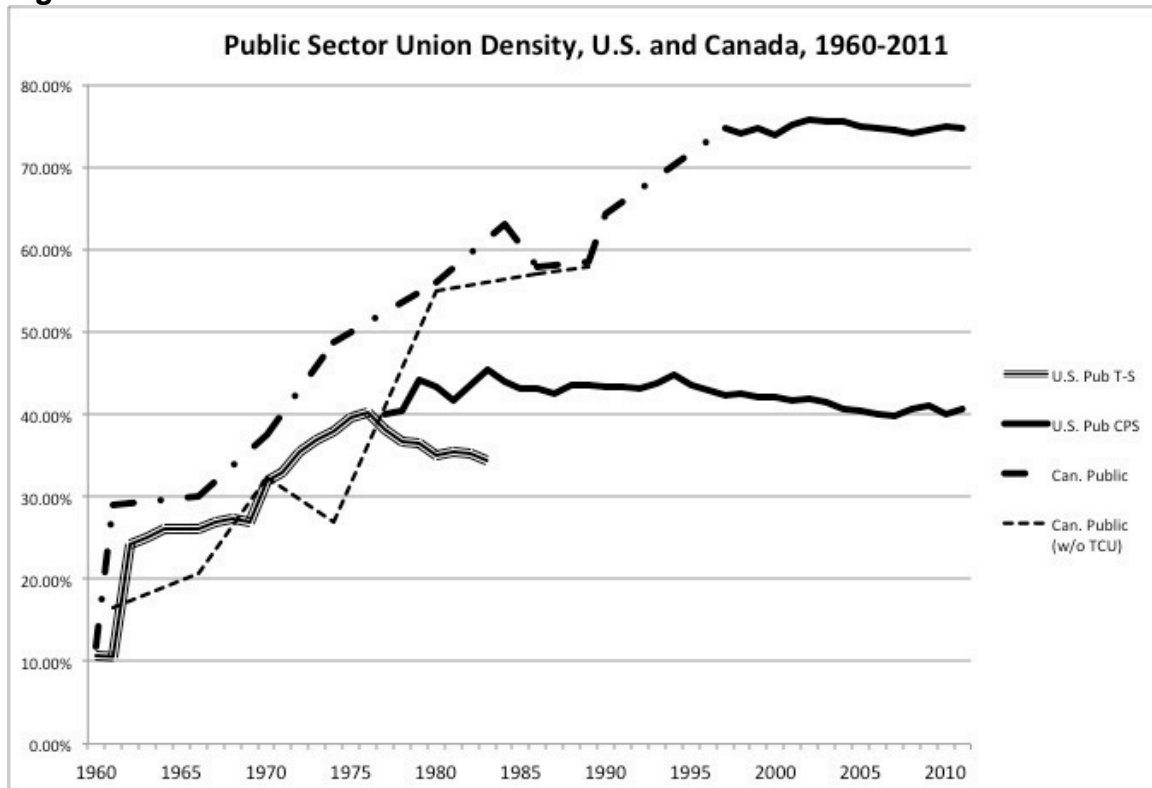
Over the entire 1960-2011 period, the difference between U.S. and Canadian public sector union density rates increased from 1 percent in 1960 (10.8 percent in the U.S. compared to 11.8 percent in Canada) to 34 percent (40.7 percent in the U.S. compared to 74.7 percent in Canada). In terms of ratios, Canadian public sector union density rates went from being virtually identical to those in the U.S. in 1960, to being 183 percent higher, or nearly twice as high, in 2011.

For the Canadian data, the main trendline reports figures for the years between 1961-1989 as calculated by Bergeron (1993). However, Bergeron includes in his definition of the public sector the entire transportation, communications, and utilities sector, an assumption he himself acknowledges is problematic (pp. 2-3). To provide a sense of the difference that this assumption makes, I have adjusted Bergeron's figures to reclassify transportation and communications as being in the private sector (utilities remain in the public sector). The adjusted figures appear as the light dashed line in both charts. While it does depress the Canadian public sector density figures and inflate the private sector density figures, overall the adjusted numbers do little to alter the overall trajectory for Canadian union density over the period in question.

Comparing the Bergeron estimates of public sector union membership with the later direct measurements of public sector union membership in the LFS survey data suggests that Bergeron's figures overestimate the size of the public sector. He estimates public sector membership to be at 2.2 million in 1986, and 2.3 million in 1989. But the first year of LFS data that directly disaggregates between public and private sector membership measures public sector membership as being under 2 million in 1997, with public sector membership only surpassing Bergeron's 1989 estimate in 2005. Given the overall growth of the workforce in this time period, such a precipitous drop in public sector membership seems improbable. More likely, the actual public sector membership lies somewhere between the Bergeron estimates and my adjustments.

¹⁸ Given that public sector union density includes the number of union members as a percentage of total public sector employment, as opposed to total number of union-eligible public sector employees, many scholars agree that Canadian public sector union density is approaching saturation levels (Rose 1984).

Figure 2.2



Source: see data appendix

Looking next at the private sector, we see that union density did decline in both countries. However, the trajectories of decline were quite different. In the U.S., private sector union membership experienced a large and secular pattern of decline over the entire time period, with density dropping from 31.9 percent in 1960 to a mere 7.6 percent in 2011. Private sector union membership in Canada declined significantly over the entire time period as well, dropping from 30 percent in 1960 to 17.5 percent in 2011. However, the pattern in Canada was much less linear than in the U.S. Density was relatively stable through the 1960s into the 1970s, then experienced a sharp drop between the mid-1970s and mid-1980s. Between 1974 and 1984, Canadian private sector density fell from 28.3 percent to 20.7 percent. However, Canadian density decline leveled off through the end of the 1990s, then declined by just over 2.5 percent over the course of the 2000s. To the extent that there was union density decline in Canada, it was concentrated in the late 1970s and early 1980s, with the surrounding periods characterized by relative stability.

Over the entire 1960-2011 period, the difference between U.S. and Canadian private sector union density rates increased from -1.9 percent (31.9 percent in the U.S. compared to 30 percent in Canada) to 9.9 percent (7.6 percent in the U.S. compared to 17.6 percent in Canada). In terms of ratios, Canadian union density rates went from being basically identical, but slightly lower, than those in the U.S. to being 230 percent higher, or more than twice as high, in 2011.

Figure 2.3



Source: see data appendix

Overall, the data shows that the growth of public sector unionism starting in the 1960s played a mitigating role in staving off union density decline in both countries. In Canada, overall union density between 1961 and 2011 was stable, moving from 31.6 percent to 31.7 percent. But behind that aggregate stability there was a major compositional shift. Public sector density more than quadrupled, going from 16.4 percent to 74.7 percent, while private sector density declined by almost half, going from 33.8 percent to 17.5 percent.¹⁹ Meanwhile, in the U.S., overall union density between 1961 and 2011 declined by more than half, slipping from 28.6 percent to 13 percent. But again, underlying the decline was a similar compositional shift in union membership. Public sector density nearly quadrupled, going from 10.6 percent to 40.7 percent, while private sector density declined four-fold, falling from 31.9 percent to 7.6 percent.

We see the increasing importance of public sector unionism to both the U.S. and Canadian labor movements more clearly if we look at how the proportion of public sector union members has changed over time. Figure 2.4 shows that public sector union membership as a proportion of total union membership began expanding rapidly in the 1960s in both countries, and has become an increasingly large proportion of overall union membership in the years since.²⁰ Currently, a majority of all union

¹⁹ Here I use the figures adjusted from Bergeron.

²⁰ For this chart, I used the figures adjusted from Bergeron, which exclude the transportation and communications sectors. Including transportation and communications alters the transition period and overall growth trajectory, with the proportion of public sector membership quickly rising to over 30 percent in the

members are public sector workers in both the U.S. and Canada. Canadian public sector union members led the way in this trend, surpassing 50 percent of total union membership in the mid-1990s, if not sooner.²¹ They currently comprise over 58 percent of total Canadian union membership. By contrast, U.S. public sector union membership surpassed 50 percent of total union membership in 2009, more than a decade later than in Canada. Today U.S. public sector union membership stands at 51 percent of total union membership.

Figure 2.4



Source: see data appendix

Clearly, without the significant growth in public sector unionization, density levels would be much lower in both the U.S. and Canada today. However, the fact that public sector union growth mitigated a decline in private sector unionization in both countries does not provide supporting evidence for Troy's argument that disproportionate public sector growth in Canada masked a pattern of density decline and convergence in the private sector. If Troy's hypothesis about the public sector were correct, we would

1960s, and surpassing 50 percent by 1980. However, the proportion of public sector members tapers off considerably after that, reaching a high of 58 percent by 2011. Comparing the Bergeron data with the LFS data shows the problems involved with including the entire transportation and communications sectors in the public sector. The Bergeron data shows the proportion of public sector membership climbing to as high as 57 percent by 1989. However, when the LFS series takes over in 1997, which directly measures public and private sector membership, the proportion of public sector membership drops to 52 percent. This strongly suggests that Bergeron's data overestimates the size of the public sector membership.

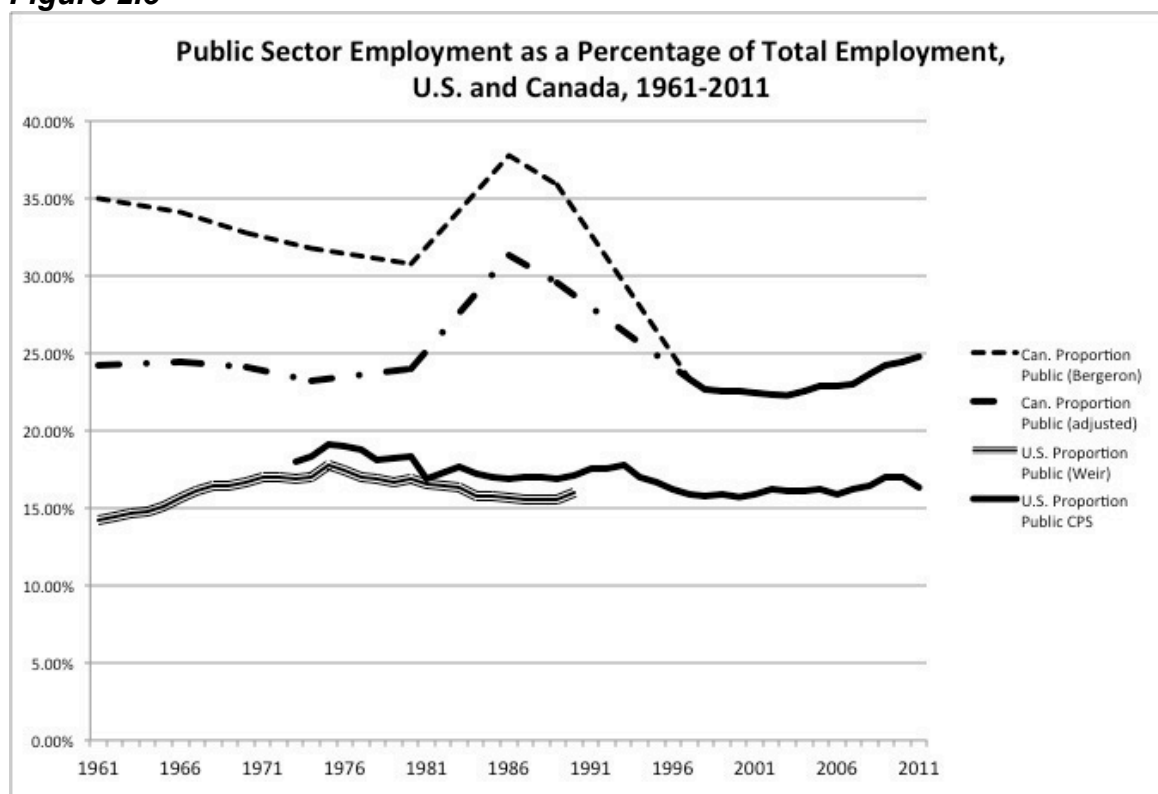
²¹ See previous note for a discussion of problems with measuring the growth of the proportion of public sector union membership.

expect to see both disproportionate density increases in the Canadian public sector, *and* similar trajectories of decline in the U.S. and Canadian private sectors. But this is not what we see. Looking first at the public sector, clearly there was much greater growth in Canadian density, with a stark cross-national divergence emerging in the mid-1970s. But contrary to Troy's assertion of density convergence in the private sector, we see that there was actually a pattern of density *divergence* between the two countries starting in the early-mid 1980s. At that point, private sector density rates in Canada stabilized after a decade of fairly precipitous decline, while private sector density rates in the U.S. continued the same linear downward trajectory they had been following since the mid-1950s.

Furthermore, if Troy's public sector hypothesis were correct, we would expect the Canada/U.S. public sector unionization ratio to be much higher than the private sector ratio. But what is striking about the U.S.-Canada density divergence is how proportionally uniform it is across the public and private sectors, even though the magnitudes differ. Public sector density rates currently stand at 40.7 percent in the U.S. compared to 74.7 percent in Canada, or nearly double. Similarly, private sector density rates currently stand at 7.6 percent in the U.S. compared to 17.5 percent in Canada, or slightly more than double. These ratios became relatively established in the mid-1990s. Since then, they have either maintained themselves or grown slightly. Given the consistent ratios of cross-border public and private sector union density, it is difficult to argue that growing public sector union density is disguising convergence in the private sector. Moreover, the similar density ratios raise the question of why *public* sector density levels in Canada are nearly twice as high as those in the U.S., a question that does not seem to interest Troy.

Finally, there is the issue of the size of the public sector. Troy emphasizes that Canada's larger public sector artificially insulates a greater proportion of the labor market from market forces that would otherwise drive down unionization rates, as they have in the U.S. (Troy 1992; 2000). Empirically, Troy is correct that Canada's public sector is proportionally larger than that of the U.S., and that this has been the case for decades. As illustrated in Figure 2.5 below, we see that public sector employment as a percentage of total employment has been consistently higher in Canada relative to the U.S. over the past fifty years. Depending on how public sector employment is defined, its proportion has varied between 23 and 38 percent in Canada. It began the period in the early 1960s at between 25 and 35 percent, rising to a high of between 31 and 38 percent in the mid-1980s, and then declined significantly to a level beneath 25 percent by the mid-1990s. By contrast, U.S. public sector employment as a proportion of total employment has varied between 14 and 19 percent over the course of the same period. It began just below 15 percent in the early 1960s, rising to just beneath 20 percent in the mid-1970s, then stabilized between 15 and 17 percent for the remainder of the period, through to the present.

Figure 2.5



Source: see data appendix

Arithmetically speaking, it is true that Canada's relatively larger public sector has helped to increase Canadian union density overall relative to the U.S. Given that this is the sector that has experienced the greatest growth in union density in both countries, and is by far the most heavily unionized sector, the fact that Canada's public sector has been between one and a half to two times larger than that of the U.S. by definition increases the relative difference in union density levels.

However, the issue of the different sizes of the U.S. and Canadian public sectors still raises several important questions. At a basic level, there is the issue that the difference in public sector size between the two countries has remained fairly constant and even declined somewhat, at the same time that union density levels have diverged significantly. Even though the compositional effect partially explains the aggregate divergence in union density, it does not explain why public sector union density in Canada has grown so much more than in the U.S.

But beyond questions of simple arithmetic, the issue of the different sizes of the U.S. and Canadian public sectors raises the deeper question of *why* it is that the Canadian public sector is bigger than that of the U.S.? Unlike the distinction between, say, the transportation and manufacturing sectors, which is definitional, the distinction between the public and private sectors is inherently a political decision. Governments decide which social and economic tasks are best organized and executed via private market mechanisms, and which tasks, for reasons of social necessity, equity concerns,

market inefficiencies, or other factors, require the greater insulation from market forces that the public sector provides. Thus, Canada's comparatively larger public sector is not simply a given, but rather is a product of policy decisions.²² In the case at hand, the starkest example of this would be the difference between the U.S. health care system, which is largely private sector, and the Canadian health care system, which is largely public sector (Maioni 1998). Instead of helping to explain diverging union density rates, then, the difference in public sector sizes is part of what needs to be explained.

More broadly, the question is really why to insist on establishing such a hard and fast analytic distinction between public and private sector unionism in the first place. For his part, Troy goes so far as to treat them as "two separate union movements in each country" (Troy 2000:696). At an institutional level, the distinction makes sense because public and private sector unions bargain and operate in very different contexts. In most cases, the laws governing collective bargaining for public and private sector unions are different, as are the laws governing union certification. With a few notable exceptions, the laws governing public sector unions are considered to be more favorable towards unions, and public sector employers are generally less likely to resist unionization attempts (Freeman 1988). Due to these institutional differences, many analysts choose to separate the two sectors.

Labor economists like Troy distinguish between public and private sector unions because of their different relations to economic markets. Private sector unions are more subject to market forces, whereas public sector unions are more insulated from them. Given that the central tenet of the structural shift hypothesis is that market forces, not government policies, ultimately shape the trajectories of national labor movements, it makes sense that they would focus their analysis on the portion of the labor movement most subject to those market forces.²³ As a result, their primary interest in public sector unions lies in demonstrating that their growth has masked underlying patterns of union decline in the private sector. The implicit assumption here is that it is the private sector unions that truly matter.

However, there are important analytical drawbacks to discounting the importance of public sector unionism. At the most basic level, as we see in Figure 2.5 above, discounting the strength of public sector unionism involves discounting a large segment of the overall labor market, currently anywhere from 15 to 25 percent. Also, as we see from Figure 2.4, it means discounting over half the existing membership of U.S. and Canadian labor unions. Public sector employers are now among the largest employers in many communities across both the U.S. and Canada, and many of the largest labor unions in both countries primarily represent public sector workers. To say that these employers, workers, and unions simply don't factor into the shape of the overall economy or labor market is dubious at best (McCartin 2006).

Furthermore, while public and private sector unions may operate in different labor market environments when it comes to their specific duties as collective bargaining

²² I thank Stephanie Ross for initially pointing this out to me.

²³ This also might leave such analysts open to charges of selection bias.

representatives, they operate in similar political and organizational environments. Many unions on both sides of the border organize in both the public and private sectors, and gains in the public sector can leverage gains in the private sector. For example, unions often act in the political realm on behalf of both public and private sector workers, and can mobilize for government policies that improve the wages and working conditions of workers in all sectors. Additionally, given that public sector jobs are necessarily present in every community, having a large public sector union membership means that more people are more likely to know or have regular interactions with union workers, which in turn increases the “normalcy” of union membership and is shown to have an effect on overall attitudes towards unions (Godard 2003: 464, n. 7)

Moreover, the symbolic power of public and private sector unions is intimately linked. We need only think of the negative example in the U.S. of President Reagan’s dismantling of the PATCO air traffic controllers’ union in 1981 to illustrate the linkage between public and private sector unionism. Despite the fact that PATCO was a public sector union, its defeat is now seen as a symbolic marker for the beginning of a new, more hostile era for labor unions as a whole, both public and private sector (Fantasia and Voss 2004:66-68; Farber and Western 2002; McCartin 2006). More recently, we saw public and private sector unions join together to fight efforts by governors in Wisconsin and Ohio to implement legislation aimed at restricting public sector unions’ ability to function. Both public and private sector union members saw this legislation not only as an attack on public sector workers, but on unions as a whole. And likewise, the mass demonstrations organized in response to these legislative initiatives were viewed as a defense of labor unions in general, not public workers in particular.

Thus, although it is true that Canada and the U.S. differ in the size of their public sectors, this relative difference does not explain why Canadian public sector union density grew much larger than in the U.S. Additionally, using the size difference to explain density divergence ignores the political questions involved in determining the size of the public sector in the first place. Furthermore, viewing public sector unionization solely as a mitigating factor covering up declining private sector unionism overlooks the independent importance of public sector unionism as a phenomenon.

C) Shifts in Geographic Distribution

To what extent can we attribute U.S.-Canada union density divergence to differences in the geographic distribution of jobs and unionization? Again, if the geographic shift hypothesis is correct, we will expect to find 1) greater dispersion of union density between U.S. states than between Canadian provinces; and 2) shifts in employment from higher-density to lower-density states.

To evaluate this hypothesis, we first need to examine state and provincial-level data on union density, to compare inter-state and inter-provincial dispersion of union density rates. For the U.S., sporadic state-level data from Troy and Sheflin (1985) exists for the years between 1939 and 1963, with Hirsch and Macpherson (2011) providing an annual time series from 1964 to the present. For Canada, Eaton and Ashagrie (1970)

offer an annual time series between 1941 and 1967, with Statistics Canada's CALURA and Labour Force Survey (LFS) providing annual data from 1976 to the present.

Tables 2.1 and 2.2 below report state and provincial-level union density rates for selected years between 1939 and 2011. Looking at the differences in range of union density rates across states compared to those between provinces clearly illustrates that there has consistently been greater dispersion of inter-state union density rates than inter-provincial rates. U.S. ranges varied from a current low of 21.8 percentage points separating the highest-density and lowest-density states in 2011, to a high of 45.8 percentage points in 1953.²⁴ By contrast, Canadian ranges varied from a low of 9.2 percentage points in 1941 to a high of 21.3 percentage points in 1961.²⁵ In other words, Canadian inter-provincial union density dispersion at its most acute just barely surpassed U.S. inter-state union density dispersion at its lowest point.

Moreover, a closer examination of the data shows that the character of high density dispersion is different in both countries. If we take the most-dispersed years shown for both the U.S. and Canada, 1953 and 1961 respectively, we see that in the U.S., there is a wide distribution of state-level union density rates between top state Washington (54.2 percent) and bottom state North Carolina (8.4 percent). By comparison, the high-dispersion years in Canada are essentially an artifact of an exceptionally high density rate in British Columbia (45.2 percent), with the other regions remaining more closely clustered (between 23.9 and 29.5 percent).

Thus, there is higher inter-state union density dispersion than there is inter-provincial dispersion. Whereas union density rates are relatively uniform across Canada, there are large differences between union density rates in different states. Furthermore, these density differences in the U.S. are geographically clustered. As of 2011, 9 out of the 10 lowest-density states are located in the South, whereas 8 of the 10 highest-density states are Northeastern or West Coast states, and the other two are Midwestern states. All of the 23 low-density states are located in the Southeast, Southwest, or Mountain/Great Plains regions, whereas 14 of the 15 high-density states are located in the Northeast, Midwest, or West Coast.

This clustering has been more or less stable over time, depending on where a state is situated in the distribution. Seven of the 10 current highest-density states were not in the top 10 in 1939. By contrast, 6 of the 10 current lowest-density states were also in the bottom 10 in 1939. In 1939, 4 of the 10 highest-density states were located in the Midwest, with 2 on the West Coast and only one in the Northeast. By comparison, 5 of the 10 lowest-density states in 1939 were located in the South, with two actually in the Northeast.

Over time then, there has been a geographic clustering of higher-density and lower-density states. Throughout much of the Northeast, Midwest, and West Coast,

²⁴ The actual lowest range for all years (not only the years listed in the table) was 21.1 percentage points, reached in both 2009 and 2010. The highest range was in fact 45.8 percentage points in 1953.

²⁵ The actual lowest range for all years (not only the years listed in the table) was 8.6 percentage points, reached in 1987 and 1988. The actual highest range for all years was 25 percentage points, reached in 1955.

union density rates range now from the mid-teens to the mid-twenties. At the same time, across much of the Southeast, Southwest, Mountain, and Great Plains regions, union density rates now barely register in the single digits. As such, if employment did in fact shift from the higher-density to lower-density regions, this could cause aggregate union density rates to decline.

Table 2.1: U.S. Union Density by State, Selected Years, 1939-2011, %

Rank	State	1939	1953	1960	1966	1971	1981	1991	2001	2011	Growth Rank	1939 Rank	Rank Δ 39-11	Density Δ 39-11
High-Density States														
1	NEW YORK	24.7	35.6	31.9	34.5	33.1	29.4	29.4	26.9	24.1	47	12	+11	-0.6
2	ALASKA	15.4	52.7	46.8	37.3	33.5	33.7	21.6	22.1	22.2	17	27	+25	6.8
3	HAWAII	2.0	14.0	20.8	24.6	29.7	35.4	29.1	23.2	21.6	35	51	+48	19.6
4	WASHINGTON	43.2	54.2	45.6	40.8	39.7	31.5	23.2	18.8	19.3	12	2	-2	-23.9
5	MICHIGAN	21.2	44.6	49.1	41.7	40.4	32.8	24.9	22.1	17.6	51	17	+12	-3.6
6	OREGON	31.8	44.3	41.8	36.8	33.3	18.3	19.5	15.8	17.5	14	4	-2	-14.3
7	CALIFORNIA	24.8	37.0	37.3	31.5	29.5	22.8	18.7	16.8	17.4	8	11	+4	-7.4
8	RHODE ISLAND	10.7	28.0	21.8	24.5	24.4	24.7	20.8	17.0	17.4	49	41	+33	6.7
9	CONNECTICUT	12.0	27.2	23.7	27.8	26.9	24.1	19.1	15.1	16.8	41	34	+25	4.8
10	ILLINOIS	27.3	40.7	43.2	33.3	33.0	25.6	21.1	18.4	16.3	50	8	-2	-11.0
11	NEW JERSEY	17.1	35.9	27.9	37.8	35.6	25.0	24.4	19.6	16.2	40	23	+12	-0.9
12	MINNESOTA	26.1	38.6	32.8	35.4	31.0	20.2	21.9	18.0	15.3	38	9	-3	-10.8
13	MASS.	16.2	30.4	21.6	25.8	25.2	26.6	17.6	14.9	14.7	44	25	+12	-1.5
14	NEVADA	19.3	31.2	37.4	30.0	33.4	28.5	18.4	16.9	14.7	1	19	+5	-4.6
15	PENNSYLVANIA	29.0	40.6	26.1	36.5	36.7	33.3	20.3	17.2	14.7	46	6	-9	-14.3
Middle-Density States														
16	WEST VIRGINIA	43.6	45.0	28.5	35.7	34.2	38.3	19.5	14.7	13.9	48	1	-15	-29.7
17	OHIO	25.5	38.0	34.1	36.1	36.4	28.5	20.8	17.9	13.5	42	10	-7	-12.0
18	WISCONSIN	30.9	29.3	35.3	32.7	31.1	24.5	21.1	16.6	13.5	32	5	-13	-17.4
19	MONTANA	38.7	47.7	34.7	35.8	31.6	26.1	17.8	13.5	13.2	34	3	-16	-25.5
20	MARYLAND	12.6	25.8	20.1	24.6	24.2	26.1	14.3	13.8	12.5	23	33	+13	-0.1
21	VERMONT	12.0	19.5	18.1	16.6	16.7	21.7	11.9	10.9	12.2	33	35	+14	0.2
22	IOWA	18.2	26.0	25.6	26.4	25.2	29.1	14.0	13.6	11.4	37	21	-1	-6.8
23	MAINE	7.6	22.0	15.2	22.6	21.2	20.1	18.5	13.0	11.4	43	45	+22	3.8
24	INDIANA	23.0	41.3	33.1	40.7	38.8	27.8	19.5	14.7	11.3	36	14	-10	-11.7
25	NEW HAMPSHIRE	7.7	25.2	18.4	23.0	20.7	19.4	11.7	9.7	11.2	30	44	+19	3.5
26	MISSOURI	22.9	40.2	42.5	25.3	24.4	20.5	14.3	13.6	10.9	39	15	-11	-12.0

27	DELAWARE	8.2	19.1	18.2	26.5	26.1	26.7	16.8	12.5	10.5	19	43	+16	2.3
28	ALABAMA	16.7	25.0	17.3	21.5	22.1	18.4	13.5	10.0	10.0	28	24	-4	-6.7
Low-Density States														
29	KENTUCKY	23.5	25.3	25.0	25.0	24.2	21.5	13.5	11.5	9.0	26	13	-16	-14.5
30	DISTRICT OF COLUMBIA	22.6	21.5	18.7	18.3	18.0	19.4	15.0	16.8	8.4	45	16	-14	-14.2
31	COLORADO	18.5	28.2	23.6	21.1	18.4	14.4	9.9	9.2	8.2	7	20	-11	-10.3
32	NEBRASKA	13.0	20.3	22.1	22.5	20.8	21.0	11.0	8.1	8.1	31	32	+0	-4.9
33	KANSAS	14.1	24.8	23.2	20.0	18.2	12.7	12.2	9.3	7.7	29	29	-4	-6.4
34	WYOMING	28.2	28.4	22.3	22.1	19.5	19.6	12.7	9.3	7.3	22	7	-27	-20.9
35	NEW MEXICO	11.7	14.4	17.1	15.3	13.6	19.0	9.0	8.1	6.8	5	37	+2	-4.9
36	OKLAHOMA	11.0	16.7	13.6	15.6	16.7	11.4	10.4	8.5	6.5	24	39	+3	-4.5
37	FLORIDA	11.9	16.5	13.1	13.5	14.1	11.7	8.9	6.7	6.4	3	36	-1	-5.5
38	NORTH DAKOTA	11.7	15.5	12.7	16.6	19.6	14.7	9.8	7.4	6.4	20	38	+0	-5.3
39	ARIZONA	17.4	27.7	27.2	16.9	16.2	10.8	7.8	6.1	6.0	2	22	-17	-11.4
40	UTAH	20.5	26.8	16.4	22.0	26.5	20.8	9.6	7.0	5.8	4	18	-22	-14.7
41	IDAHO	14.5	22.1	24.5	24.0	22.8	23.1	9.3	7.8	5.3	10	28	-13	-9.2
42	TEXAS	10.9	17.4	15.1	12.9	13.3	8.6	6.6	5.8	5.3	6	40	-2	-5.6
43	SOUTH DAKOTA	7.6	14.4	8.7	14.1	16.5	16.8	9.2	6.0	5.2	25	46	+3	-2.4
44	MISSISSIPPI	6.8	15.0	11.9	14.0	14.6	11.2	8.3	5.5	5.0	21	48	+4	-1.8
45	TENNESSEE	15.9	22.6	18.8	21.8	22.5	17.6	11.1	7.9	4.6	18	26	-19	-11.3
46	VIRGINIA	13.4	17.8	11.5	15.5	15.8	13.2	8.8	5.4	4.6	11	30	-16	-8.8
47	LOUISIANA	9.8	19.7	18.4	17.6	17.0	14.1	8.0	7.9	4.5	27	42	-5	-5.3
48	ARKANSAS	13.4	21.9	14.3	15.3	15.1	8.0	10.4	6.4	4.3	16	31	-17	-9.1
49	GEORGIA	7.2	15.1	11.8	12.0	12.6	8.7	6.9	7.3	4.0	9	47	-2	-3.2
50	SOUTH CAROLINA	4.2	9.4	5.8	6.4	8.8	8.1	5.3	4.9	3.4	15	50	+0	-0.8
51	NORTH CAROLINA	4.4	8.4	5.3	7.7	8.5	8.0	5.3	3.7	2.9	13	49	-2	-1.5
	Range	41.6	45.8	43.8	35.3	31.9	30.3	24.1	23.2	21.2				
	All STATES	21.2	32.5	28.6	28.4	27.2	21.7	16.3	13.7	11.9				

Sources: 1939-1963: Troy, Leo, and Neil Sheflin. 1985. US Union Sourcebook: Membership, Finances, Structure, Directory. West Orange, N.J.: Industrial Relations Data and Information Services, Table 7.2 :7-4. 1964-2011: Barry T. Hirsch, David A. Macpherson, and Wayne G. Vroman, "Estimates of Union Density by State," Monthly Labor Review, Vol. 124, No. 7, July 2001 :51-55.

**Table 2.2:
Canadian Union Density by Region, Selected Years, 1941-2011, %**

Year	1941	1951	1961	1967	1976	1981	1991	2001	2011
Atlantic Provinces	19.2	24.7	26.9	25.7	32.3	36.3	39.3	32.2	33.9
Quebec	16.0	22.8	27.5	33.0	34.9	37.6	42.6	40.6	39.6
Ontario	13.0	23.7	29.5	31.0	30.2	29.8	32.5	27.9	28.2
Prairie Provinces	14.5	25.5	23.9	21.8	28.2	28.8	33.4	32.8	32.1
British Columbia	22.2	37.7	45.2	40.6	41.2	40.1	39.9	35.1	31.9
Total	18.0	27.5	31.1	31.9	32.4	32.8	36.1	32.3	31.7
Range	9.2	14.9	21.3	18.8	13.0	11.3	10.1	12.7	11.4
<i>Atlantic Provinces: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick</i>									
<i>Prairie Provinces: Manitoba, Saskatchewan, Alberta</i>									
<i>Sources: 1941-1967: Eaton, J K, and Kebebew Ashagrie. 1970. Union growth in Canada, 1921-1967. Ottawa: Information Canada :80. 1976-1995: CALURA. 1997-2011: LFS</i>									

Is this what in fact happened? To evaluate this, I examined state-level employment data from the Bureau of Labor Statistics' Current Employment Statistics (CES) series, between 1939 and 2011²⁶. For each state, I calculated the ratio of employment in 2011 relative to employment in 1939²⁷. I then ranked each state from highest to lowest ratio. Those rankings are reported in Table 2.1 above in the "growth rank" column.

Correlation between 2011 union density rankings and employment growth rankings is -0.524 , suggesting that employment growth has in fact been greater in lower-density states. Indeed, only one of the ten highest-density states is also among the ten highest-growth states (California). But at the same time, only 2 of the ten lowest-density states are among the ten highest-growth states (Texas and Georgia). Most of the highest-growth states are clustered in the second-lowest quintile, between Colorado (#31 density/#7 growth) and Texas (#42 density/#6 growth).

While the data do seem to indicate that the geographic shift hypothesis has some validity, there are also some potential problems. First, while there is a negative relationship between 2011 union density and employment growth, it also seems to be a curvilinear relationship. Employment growth happened more in lower density states, but not as much in the *lowest* density states.

²⁶ Not all states have data going all the way back to 1939. Those with missing data (with starting year in parentheses) are Alaska (1960), Hawaii (1958), Illinois (1947), Michigan (1956), and Minnesota (1950).

²⁷ Or the earliest year for which data was available.

Second, there are several important exceptions to the overall trend. In particular, California, Nevada, and to a lesser extent Washington have all experienced high employment growth while remaining relatively highly unionized.

Third, and more broadly, the geographic shift hypothesis simply takes as given the wide inter-state dispersion of union density rates, when this dispersion is in fact part of what must be explained. Why is it that union density rates are so uneven across the country, and why are they geographically clustered in the way that they are?

Overall, the geographic shift hypothesis hints at part of *what* happened to cause U.S.-Canada union density divergence, but does not explain *why* it happened.

* * * * *

While variants of the structural shift hypothesis may seem plausible at first glance, upon closer inspection they only provide partial answers to the question of diverging U.S.-Canada union density rates. It is true that the U.S. underwent a shift in employment from more highly unionized goods-producing jobs to less unionized service sector jobs. However, Canada underwent a similar shift, catching up completely with the U.S. by the early 1960s, without suffering a similar decline in unionization rates. Recent decades have been difficult for private sector unions in both countries, but less so in Canada, where union density has slowed its decline after a precipitous fall in the early 1980s. Meanwhile, U.S. density in the private sector has continued a steady, secular decline. The growth of public sector unionism has been an important mitigating factor for labor movements in both countries, offsetting declines in the private sector. However, this growth of public sector unionization does not explain the aggregate divergence in U.S./Canada union density, as both public and private sector density rates diverged, and cross-border ratios for public and private density are very similar. As for differences in how the geographic distribution of employment shifted, this does appear to be a key difference between the U.S. and Canada, and a potential contributing factor to diverging union density. However, what remains to be explained is *why* inter-state union density rates are so much more dispersed in the U.S. than are inter-provincial rates in Canada.

The structural shift hypothesis leaves us with the following questions:

- 1) Why were Canadian unions better able to survive the shift to service sector employment?
- 2) Why did Canadian public sector union density grow so much more than in the U.S.?
- 3) Why are U.S. inter-state union density rates so much more dispersed than Canadian inter-provincial union density rates?

Chapter 3.

Individual Explanations

If structural explanations fall short in accounting for U.S.-Canada union density divergence, how well do individual preference explanations work? To answer this question, we must first distinguish between different variants of the individual preference hypothesis.

As reviewed above, the basic tenet unifying individual preference explanations is that they attribute diverging union density to cross-national shifts either in individual worker preferences for union representation, or in employer hostility to unionization. Where they vary is in the different causal factors they propose to account for the shifts in individual preferences.

A) Worker Preference Shift

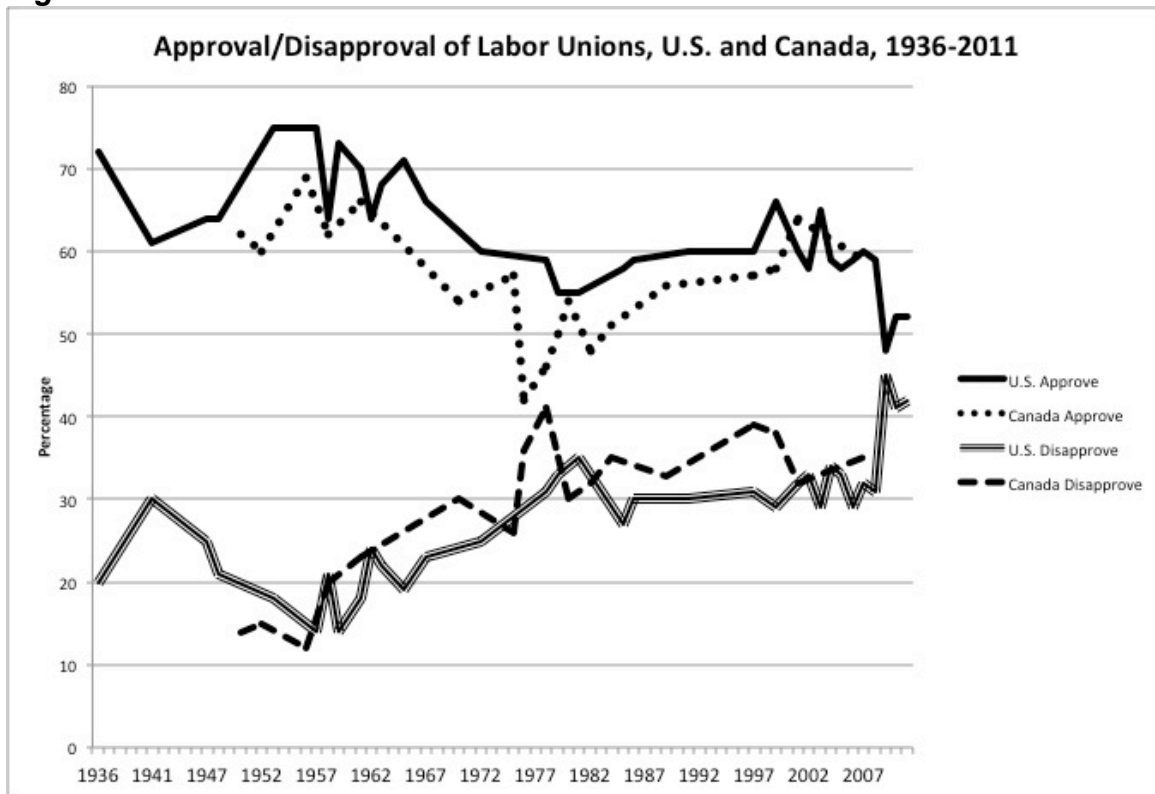
To what extent have union density rates diverged because U.S. workers haven't felt the need to join unions as much as their Canadian counterparts? Again, if the worker preference shift hypothesis is correct, we would first expect to observe a clear positive relationship between union density rates and measures of individual workers' preferences regarding union representation. Second, we would expect to see those measures of individuals' attitudes towards unions in both countries diverge along with union density rates, starting in the mid-1960s.

From the 1940s through to the present, the Gallup organization included questions in its poll in both the U.S. and Canada that sought to gauge respondents' attitudes towards labor unions.²⁸ Figure 3.1 reports the percentage of respondents over

²⁸ In Canada there were three different questions posed. For 1950 to 1958 and 1976 to 2001, the question asked was "Generally speaking, do you think that labour unions have been a good thing or a bad thing for Canada?" Between 1961 and 1975 the question asked was "In general do you approve or disapprove of labour unions?" The Canadian Gallup Poll ended in 2001, and the Angus Reid Strategies Group took over responsibility for asking questions regarding union approval. In 2007, the Angus Reid poll asked the question: "Do you agree or disagree with the following statements? Labour unions are a necessary and important entity in our society." For the U.S., the question asked was "In general, do you approve or disapprove of labor unions?"

time who indicated general approval of labor unions in both countries. The first thing to notice is that in both countries, approval of labor unions is much higher than rates of union membership. Approval rates always exceed disapproval rates in both countries, and in the U.S. are almost always an absolute majority, save for 2009. Second, approval rates are relatively similar in both countries over time, with rates in Canada actually somewhat *lower* than in the U.S. If union density rates actually reflected individual preferences regarding unions, we would expect Canadian approval rates to exceed those in the U.S. Third, although union approval rates decline in the U.S., they also do so in Canada. Unlike union density rates, which diverge sharply, union approval rates in both countries largely follow a similar trajectory.

Figure 3.1



Sources: U.S.: Gallup poll, various years, http://www.gallup.com/file/poll/149282/Labor_Union_Approval_110831.pdf. Canada: Canadian Institute of Public Opinion, *The Gallup Report*, various years, finding aid at <http://data2.archives.ca/pdf/pdf001/p000000715.pdf>. For 2007, Canadian data is from Angus Reid Strategies poll.

Of course, general attitudes towards unions are only an imperfect measure of individual workers' actual propensities to join a union. More direct measures of union support are only available for recent decades. One explicitly comparative measure was done in the mid-1990s as part of the Worker Representation and Participation Survey (WRPS), developed by Richard Freeman and Joel Rogers (1998).²⁹ In both countries,

²⁹ The first wave of the U.S. WRPS survey was conducted in September-October 1994. The Canadian WRPS survey was conducted in November 1995.

workers not represented by a union were asked a variant of the following question:³⁰ “If a new election were held TODAY to decide whether to keep the union at your (company/organization), would you vote to keep the union or get rid of it?” Meanwhile, workers already represented by a union were asked a variant of the following question:³¹ “If an election were held TODAY to decide whether employees like you should be represented by a union, would you vote for the union or against the union?”

As reported below in Table 3.1, 36 percent of non-unionized workers in the U.S. said that they would vote in favor of union representation, while 91 percent of unionized workers said that they would vote to keep the union at their workplace. In Canada, 37 percent of non-unionized workers said that they would vote in favor of union representation, while 80 percent of unionized workers said that they would vote to keep their union. At the time that the surveys were administered, union density rates stood at 35 percent in Canada (approximately 20 percent in the private sector, and approximately 70 percent in the public sector); and 15 percent in the U.S. (12 percent in the private sector, and 45 percent in the public sector).

Table 3.1: Voting Intentions of Nonunion and Union Employees in the United States and Canada, 1994-95

	U.S.		Canada	
	Non-union	Union	Non-union	Union
Vote for/retain union	35.50%	90.94%	36.64%	80.09%
Vote against union	64.50%	9.06%	63.36%	19.91%

Source: WRPS, percentages exclude “don’t know/no response” responses.

Similarly, Seymour Martin Lipset and Noah Meltz designed a survey to measure U.S. and Canadian workers’ demand for union representation, which was conducted in 1996. While their results for Canada largely match those of Freeman and Rogers, they found significantly higher numbers of non-unionized U.S. workers who would vote in favor of union representation if given the opportunity.³² As reported below in Table 3.2, 48 percent of non-unionized workers in the U.S. said that they would vote in favor of union representation, while 91 percent of unionized workers said that they would vote to keep the union at their workplace. In Canada, 33 percent of non-unionized workers said that they would vote in favor of union representation, while 86 percent of unionized workers said that they would vote to keep their union.

³⁰ Canadian workers not represented by a union were asked: “If you were asked today whether employees like you should be represented by a union, would you be for or against forming one?”

³¹ Canadian workers already represented by a union were asked: “If you had to decide today whether to keep the union or employee organization at your workplace, would you choose to keep it or get rid of it?”

³² It is unclear why there is such a discrepancy between the two surveys specifically on the question of non-union U.S. workers’ demand for union representation. This is especially puzzling because 1) the responses to the other questions line up much more closely; and 2) the questions in the Lipset-Meltz survey were in many cases borrowed from the WRPS survey to ensure comparability (Michelle Campolieti, Gomez, and Gunderson 2007b 52).

Table 3.2: Voting Intentions of Nonunion and Union Employees in the United States and Canada, 1996

	U.S.		Canada	
	Non-union	Union	Non-union	Union
Vote for/retain union	48.2%	90.5%	33.0%	85.8%
Vote against union	51.8%	9.5%	66.7%	14.2%

Source: Lipset, Seymour Martin and Noah Meltz, Survey on Attitudes Towards Work and Unions, percentages exclude "don't know/no response responses."

While the WRPS and Lipset-Meltz surveys only provide snapshots taken in the mid-1990s, they do provide valuable information for evaluating our cases. Depending on which data we use, an estimated 44 percent of U.S. workers and 52 percent of Canadian workers (according to WRPS) or 54 percent of U.S. workers and 51 percent of Canadian workers (Lipset and Meltz) would either vote to join a union or retain their existing union.³³ While the surveys provide conflicting information as to the country in which workers are more likely to want union representation, in both cases the number is fairly similar for both countries, and in both cases is around half of all workers. Given actual union density rates of 15 percent in the U.S. and 35 percent in Canada, this suggests that between 29 and 39 percent of U.S. workers, and between 16 and 17 percent of Canadian workers, would like to be union members, but are not. Put in economist's terms, frustrated demand for union representation is more than twice as high in the U.S. as in Canada.

Although we do not have time series data for responses to these questions about voting for or against union representation, the existing cross-sectional data shows that there is little relationship between individual preferences for union representation and actual levels of union representation. Combining this with the Gallup data showing relatively similar and declining levels of approval for unions over time in the U.S. and Canada, it is thus unlikely that diverging union density rates has resulted from divergences in individual preferences for union representation.

B) Employer Hostility

Have exceptionally hostile U.S. employers caused U.S. union density to decline relative to Canadian rates? Two forms of evidence exist to evaluate this claim. First, there are attitudinal surveys of U.S. and Canadian employers (Saporta and Lincoln 1995; Wright 1990). These have the advantage of being easily quantifiable and comparable. However, they are cross-sectional analyses, and do not measure changes in employer attitudes over time. Second, there are historical accounts of U.S. employer

³³ For WRPS: $(35.5\% * 84.5\% \text{ non-union}) + (90.94\% * 15.5\% \text{ union}) = 44.09\%$ effective U.S. demand, and $(36.64\% * 65.4\% \text{ non-union}) + (80.09\% * 34.6\% \text{ union}) = 51.67\%$ effective Canada demand. For Lipset-Meltz: $(48.2\% * 85.5\%) + (90.5\% * 14.5\%) = 54.33\%$ effective U.S. demand, and $(33\% * 65.8\%) + (85.8\% * 34.2\%) = 51.06\%$ effective Canada demand.

hostility which we can compare with accounts of Canadian employer behavior (Jacoby 1987; Pentland 1968; Taras 1997; Yarmie 2003). While such accounts are far less systematic than the survey data, they do allow for an examination of employer attitudes and behaviors over time.

Looking first at the survey data, Saporta and Lincoln (1995) performed a statistical analysis of responses given by managerial employees to questions about workplace relations as part of the Comparative Project on Class Structure and Class Consciousness (Wright 1990). Managers were asked to rate how strongly they agreed or disagreed with the following four statements:

1. Imagine that workers in a major industry are out on strike over working conditions and wages. Which of the following outcomes would you like to see occur?
 - a. Workers win
 - b. Make some concessions
 - c. Make major concessions
 - d. Go back to work without winning
2. During a strike, management should be prohibited by law from hiring workers to take the place of strikers.
3. Striking workers are generally justified in physically preventing strike-breakers from entering the place of work.
4. Corporations benefits owners at the expense of workers and customers.

Saporta and Lincoln's analysis found no significant different difference between U.S. and Canadian managers' responses to any of the questions (pp. 557-58). These findings held even when analyzing the ostensibly more anti-union U.S. South and more ostensibly pro-union Canadian province of Quebec separately (pp. 561-463). They did find that U.S. workers were generally more hostile to employers than Canadian workers (p. 560).

Similarly, Lipset and Meltz' (2004) survey asked questions specifically to respondents who identified themselves as managers. Their findings indicated more *pro*-union sentiments among U.S. managers as compared to Canadian managers. Fully 68 percent of U.S. managers expressed general approval of unions, compared to 57 percent of Canadian managers. When asked more specific questions about how they would react to a union organizing drive in their workplace, 59 percent of U.S. managers stated that they would either welcome the union or do nothing to stop it. By comparison, only 37 percent of Canadian managers reported that they would act in similar ways. At the other end of the spectrum, 7 percent of U.S. managers stated that they would resort to strong measures such as threats in order to fight the union's campaign, as opposed to 12 percent of Canadian managers.

Overall, the existing survey data suggests that, at an attitudinal level, U.S. and Canadian employers are not that different from each other as individuals. Depending on which findings we consult, Canadian employers even appear to be *more* hostile towards unions than their U.S. counterparts. However, at the time that both the Wright and

Lipset and Meltz surveys were administered, union density had already sharply diverged in both countries, standing at 34.2 percent in Canada as opposed to 14.5 percent in the U.S. by 1996 (21.3 percent vs. 10.6 percent in the private sector).³⁴ It is thus unlikely that employer attitudes are driving union density divergence.

While the survey data shows that U.S. and Canadian employers had similar attitudes as of the 1990s, has this long been the case? There are very few historical comparative studies of U.S. and Canadian employer behavior that can help us with this question. One of the most detailed is Yarmie's (2003) cross-border comparison of employers in Washington state and British Columbia around the turn of the 19th century. He finds that in many respects Canadian employers matched their U.S. counterparts both in their vociferous opposition to unions and in their dedication to asserting their "right to manage" (p. 587). Not only did Vancouver employers engage in anti-union "open-shop" campaigns similar to those in Seattle, but their employer organizations coordinated with each other, often organizing across borders (pp. 574-587).

Yarmie's findings are not new. Amidst the working class upheaval of the late 1960s, the Canadian government tasked two of the country's most prominent industrial relations scholars, H. Clare Pentland and Stuart M. Jamieson, with producing reports analyzing the historical trajectory of labor relations in Canada.³⁵ As did Yarmie, both authors found important similarities between levels of employer aggression in the U.S. and Canada. For his part, Pentland wrote that:

Employers ... shared the general hostility of employers everywhere to unionism, and especially to the upstart unionism of non-craft workers. Much that employers did in the [Canadian] west seems a reflection of the campaigns against non-craft unionism that were being carried on at the same time in Britain and the United States: there was, for instance, a great flourishing of labour injunctions. And, as elsewhere, the intensity of employer feeling was certainly raised by the socialist proclivities of the unions involved. But, in addition to this, there was a special ruthlessness of western employers, perhaps appropriate to stark relationships in a land without traditions (Pentland 1968:93).

Furthermore, Pentland found that Canadian employer hostility did not wane as the twentieth century progressed. In surveying the state of post-World War II labor relations, he concluded that "the prime fact about employer attitudes in this period [1948-1967]... is that they exhibit much the same character at the end of the period as in 1945: hard-line, conservative, authoritarian, and suspicious of unions" (1968:370-71).

Echoing Pentland, Jamieson concurred that:

Employers in Canada are and have been no less hostile to unions than were their United States counterparts. Indeed, the record seems to indicate that they were even more hostile in some respects. Suspicion and hostility towards "alien," "Yankee-dominated" unions provided, until fairly recently, a special rationale in some circles for intransigent opposition to organized labour. And, particularly among the larger concerns in primary and manufacturing industries, employers in Canada succeeded far longer than in the United States in refusing to recognize and bargain collectively with unions (Jamieson 1968:51).

³⁴ Private sector measures are for 1997, the first year for which accurate data is available for Canada.

³⁵ We will return to these government-commissioned studies later on in this study.

To the extent that there were differences between U.S. and Canadian employers with regard to unions, they had more to do with economic policy than ideology. A more state-directed, tariff-protected form of economic development in Canada meant that employers there were more likely to acquiesce to government intervention in their business affairs. At the same time, the need to maintain political support for the tariff created an incentive for employers to hold back on all-out, scorched earth anti-union campaigns (Yarmie 2003:578).

Yarmie's study examines employer behavior in the late 19th and early 20th centuries, and Pentland and Jamieson's studies were completed in the late 1960s. But according to proponents of the employer hostility argument, it was only in the 1970s that levels of employer aggressiveness increased dramatically in the United States (Freeman and Medoff 1984; Goldfield 1989a). These studies cannot capture that change. However, the types of employer aggression cited in these accounts are focused primarily on employers' aggressive use of labor law regimes to delay and prevent worker attempts to unionize. As such, I will address this form of employer aggression in the following section on labor law regimes.

While not conclusive, the existing survey and historical evidence suggests that employers in Canada and the United States have been united in their staunch opposition to unions. To the extent that we see cross-border variation, it appears to be related to differences in policies and institutions. What needs to be explained then is the origins of the policies and institutional arrangements that enable or constrain U.S. and Canadian employers' ability to act on their mutual anti-union animus.

Chapter 4.

Policy Explanations

Thus far, we have seen that macro-level structural labor market shifts and micro-level differences in the individual preferences of workers and employers cannot fully explain the divergence of U.S. and Canadian union density levels. Our next step is to evaluate meso-level explanations that focus on differences between both countries in policy regimes.

In order to do so, we must first review the different ways that policies could affect union density rates. We will then examine specific instances of policy differences between the U.S. and Canada, and evaluate evidence of how those differences may have affected union density. We will look first at macro-economic policy, then labor policy.

How Might Policies Affect Union Density?

Before evaluating the possible roles of different policies in shaping union density trajectories, it is important to clarify the specific mechanisms through which they could plausibly affect density rates. This will help to identify evidence with which to evaluate the institutional hypothesis as a whole. While we will consider different policies separately, it is also important to note that this is purely for the purpose of analytical clarity. No single policy is likely entirely responsible for shaping union density trajectories. Rather, it is much more likely that such policies cluster into different regimes, thus magnifying small differences into large, divergent outcomes.

Recalling our initial formal description of union density, we know that $d = u/w$, where d equals union density, u equals the number of union members, and w equals the paid non-agricultural workforce. We also know that union density rates can change as a result of changes in either the numerator or denominator, and that these changes can be either quantitative or compositional. Policies can affect the growth patterns of both.

Looking first at the denominator, the mix and level of employment can certainly change simply as a function of economic expansion or contraction. But even such cases of “pure” market-led employment shifts are rarely the result solely of market forces. States’ economic policies can powerfully shape the overall growth and composition of employment (Hall and Soskice 2001).

In terms of unions and employment, state labor market policies can create incentives or impediments to union density growth from the very moment of job creation. In the case of both the U.S. and Canada, existing law stipulates that union representation is determined at the firm or establishment level. This means that, in order to become union members, workers must either take collective action to create a union in a previously non-unionized workplace, or hire on in a workplace where a past generation of workers at that establishment previously took such action. Absent this, new jobs in both labor markets are “born” non-union, and must be made into union jobs.³⁶

Thus, state policy in both the U.S. and Canada builds into the very ebb and flow of the labor market a dynamic whereby unions must “run to stand still” in terms of membership. On a day-to-day, month-to-month basis, some jobs disappear, and some new ones are created as a matter of course. But whereas the disappearing jobs contain a mix of unionized and non-unionized jobs, all of the newly-created jobs are non-union. Unless unions take proactive efforts to sign up new members on a regular basis, union density will “naturally” decline as newborn non-union jobs replace disappearing union jobs. But while establishment-based union representation is a central dynamic determining dynamics of union growth in both countries, it cannot help to explain U.S.-Canada union density divergence, as it is a policy common to both countries.

Beyond the “running to stand still” dynamic implicit in establishment-based union representation systems, other state policies can shape the labor market in ways that can affect union density. In our examination of the structural hypothesis above, we already encountered Troy’s claim that Canadian monetary and industrial policy “artificially” protected Canadian manufacturing, and by extension Canadian private sector unions, from the labor market forces that were driving union decline in the U.S. Two key policies that Troy identifies are 1) the cheaper Canadian dollar; and 2) protectionist trade agreements, particularly the 1965 Auto Pact (Troy 2000:709-710).

Thus, we would want to know the extent to which such government policies may affect the growth and composition of overall employment. If exchange rates are helping to explain density divergence, we would expect to see a relation whereby the density gap widens as the Canadian dollar weakens against the U.S. dollar. If trade policy is having an impact, we would expect to see changes in the trajectory of Canadian union density as trade policy shifts from the more protectionist policy of the 1960s to a more deregulated “free trade” policy starting in the late 1980s and early 1990s. Assuming that Troy is right about the Auto Pact shielded Canadian private sector unionization and that

³⁶ This differs from corporatist models prevalent in many parts of Europe, where collective bargaining agreements are negotiated at the sectoral level between peak associations of workers and employers, and the terms of those agreements apply to all employers in a given sector.

trade liberalization would lessen that protection, we would expect to see union density divergence after implementation of the Auto Pact, and convergence after implementation of the U.S.-Canada Free Trade Agreement (FTA) in 1988, followed by the North American Free Trade Agreement (NAFTA) in 1994.

Similarly, in our analysis of shifts in the geographic distribution of employment, we saw that there was geographic clustering of high density and low density states, that the dispersion between U.S. state union density rates was higher than between Canadian provincial rates, and that low density states as a whole experienced higher employment growth over the past 70 years than high density states. What remained to be explained, however, was the question of why there is such a wide dispersion between high-density and low-density states. Again, differences in state-level policies could be playing a key role in driving inter-state union density dispersion.

One key difference that many U.S. labor scholars cite to explain U.S. density dispersion and decline is the presence or absence of so-called “right to work” laws in a given state (J. C. Davis and Huston 1995; Hogler, Shulman, and S. Weiler 2004; W. J. Moore 1998). These laws make it illegal to require union membership as a condition of employment, even if the workers in a given establishment benefit from a collective bargaining agreement negotiated by a union. While most regulations governing labor relations are set at the federal level, Section 14(b) of the National Labor Relations Act (NLRA), an amendment to the NLRA that was part of the 1947 Taft-Hartley Act, gave individual states the right to implement these right-to-work laws. Currently 23 of 50 U.S. states have right-to-work laws.

Given that such laws enable workers to benefit from union protections without having to bear the cost of union membership, right-to-work laws create what economists call a “free rider” problem, whereby workers have an incentive to seek for free benefits for which they would otherwise have to pay. The expectation is that this in turn decreases the likelihood that workers will join a union, while also imposing additional costs on unions that are legally required to represent non-members, even though they don’t pay dues or member fees.

If right-to-work laws are in fact holding down union density rates in certain states where employment is growing faster than other states without right-to-work laws, this could in part explain why geographic employment shifts affect diverging union density rates.

Turning now to the numerator, as a reminder, union density can change through 1) workers in previously non-unionized establishments joining unions; 2) workers at unionized establishments deciding to leave or disband their union; or 3) employment growth or shrinkage at already-unionized establishments. Policies and political institutions can shape union density trajectories by creating incentives or impediments for workers to join and/or remain in unions, and/or by creating incentives or impediments that increase or decrease employers’ motivation to resist workers’ attempts to seek and retain union representation. On the worker side, policies can ease or hinder the process of joining a union, and/or can make joining a union seem more or

less worthwhile. On the employer side, policies can make the cost of unionization to an individual employer more or less severe, and/or can make fighting the union seem more or less worthwhile. Additionally, policies can affect union density through their substance as well their interpretation and implementation.

To identify how policies may be affecting diverging union density rates, we must examine the constellation of laws, regulations, and institutions that constitute the labor regimes governing all aspects of the labor-management relationship in the U.S. and Canada. There are four aspects of these regimes that are of special relevance. First are the regulations governing what is known as the “certification process,” meaning the process whereby workers can take action to join or leave a union. Second are rules governing the negotiation and implementation of a first collective bargaining agreement, as the collective bargaining-focused model of union representation in both the U.S. and Canada means that union membership is of little material value to workers until it is institutionalized in a contract negotiated with company management.³⁷ Third are rules governing what is known as “union security,” meaning policies to ensure unions’ institutional stability. Fourth are rules governing unions’ permitted scope of activity, particularly around striking.

With our central objects of analysis clearly delineated, we can now proceed to an examination of institutional explanations for diverging union density.

A) Macro-Economic Policy

Did more interventionist Canadian macro-economic policy, in the form of a weak currency and protectionist trade policies, affect U.S.-Canada union density divergence?

Exchange Rate Policy

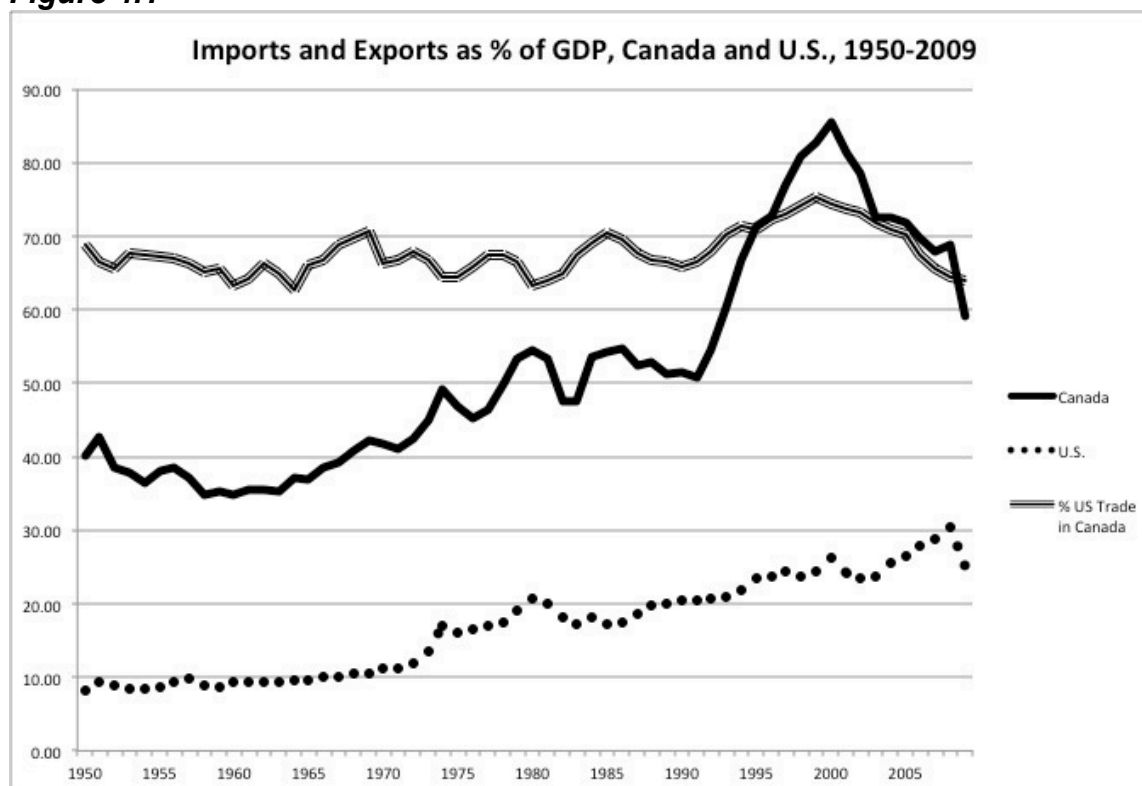
Looking first at currency policy, the theory would be that a cheaper Canadian dollar would shore up union density by sheltering employment in Canadian export sectors, particularly manufacturing, whose goods would become relatively cheaper on the global market. We would then expect to see an inverse relationship between fluctuations in exchange rates and union density rates, with density rising as the Canadian dollar falls, and vice versa.

A key fact shaping Canadian exchange rates is that Canada’s economy is heavily reliant on foreign trade, with exports and imports historically comprising from 35 up to 85 percent of GDP (by comparison, U.S. imports and exports have historically comprised between 8 and 30 percent of GDP. See Figure 4.1 below). It is thus particularly sensitive to shifts in the balance of payments. This is especially the case

³⁷ Some unions in the U.S. have developed forms of union membership and activity that are not centered around collective bargaining and contract enforcement. These “non-majority unions” exist in workplaces where achieving traditional representation is either extremely difficult or illegal, particularly among public employees in states where collective bargaining for state employees is prohibited. While they often deploy innovative tactics and provide useful potential models for union revitalization, such unions only form a minute proportion of overall union membership (Freeman 2004).

when it comes to its balance of payments with its largest trading partner, the U.S. As Figure 4.1 below also shows, trade with the U.S. alone has comprised between 63 and 75 percent of all Canadian foreign trade since 1950.³⁸

Figure 4.1



Source: Penn World Table, http://pwt.econ.upenn.edu/php_site/pwt_index.php. For % US Trade, Statistics Canada. Table 376-0001.

Traditional theories of exchange rates would predict that a small and open economy such as Canada's would seek balance of payments stability through fixing its currency exchange rate to a more dominant currency, such as the U.S. dollar (Broz and Frieden 2006; Frieden 1991). But instead, Canada has tended to pursue a policy of floating exchange rates. Canada left the gold standard and began floating its currency in 1914. After fixing itself to the U.S. dollar in 1939, Canada sought and received in 1950 special exemption from the Bretton Woods accords (with U.S. approval) to float its currency, the only advanced industrialized country to do so. And, aside from another brief interlude from 1962-1970 where it was fixed once again to the U.S. dollar, Canada's currency has floated ever since (Helleiner 2005; 2006).

For the first part of the 1970s, the floating Canadian dollar performed well against its U.S. counterpart, staying roughly at parity as the oil shock of 1973 took its toll on both economies. However, the political uncertainty created in 1976 by the election of a separatist government in Quebec began to erode the value of the Canadian dollar. This

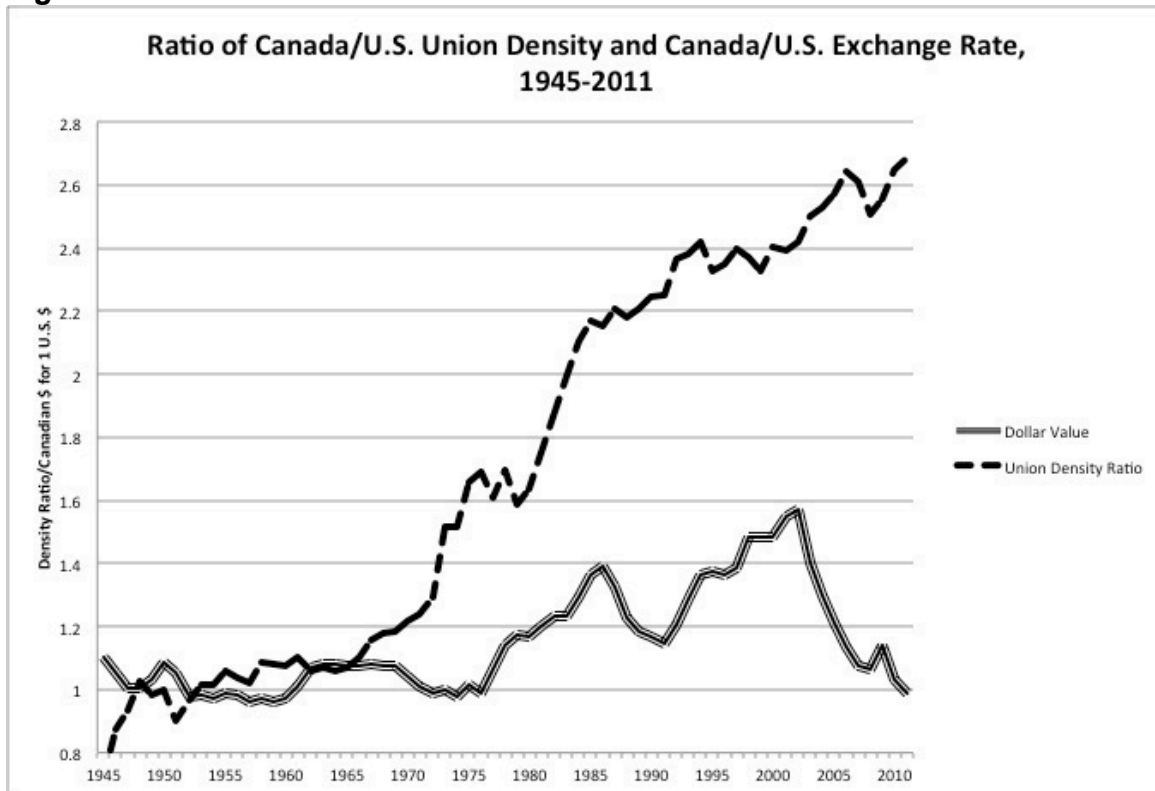
³⁸ This situation emerged in the post-World War II period. Prior to that, Great Britain served as Canada's largest trading partner.

process of erosion accelerated in the early 1980s as the U.S. dollar surged, peaking at CAD\$1.37 in 1986. The Canadian dollar then strengthened over the course of the late 1980s as the U.S. took steps to weaken its dollar, bringing the U.S. dollar down to CAD\$1.15 in 1991. That year, the Bank of Canada adopted a policy of inflation targeting, sharply raising interest rates and provoking a recession. The Canadian dollar then began a decade of steady depreciation, with the U.S. dollar reaching an all-time high of CAD\$1.57 in 2002. However, the Canadian dollar came roaring back from this low over the course of the following decade, bolstered by the Canadian economy's relative stability in the face of the global financial crisis that began in 2007. By 2010, just eight years after the high of 2002, the U.S. dollar had sunk back down to virtual parity with the Canadian dollar. After a roller coaster ride of currency fluctuations over four decades, the U.S. and Canadian dollars ended up back where they had started in the early 1970s (Devereux 2009:3-6).

How did these currency fluctuations correlate with changes in union density? Figure 4.2 below tracks changes in the Canada/U.S. exchange rate against the ratio of Canada-to-U.S. union density. To clarify the interpretation of the chart, as the union density gap widens between the two countries, the density ratio line rises. As the value of the Canadian dollar falls, the line rises, as the line measures the rising value of the U.S. dollar against its Canadian counterpart. So if both lines are rising together, it shows that union density is diverging as the Canadian dollar's value is falling, as the exchange rate hypothesis would predict.

What then do we actually see? First, the divergence in union density gets underway in 1964, at a time when the Canadian dollar is pegged to the U.S. dollar. After the Canadian dollar resumes floating in 1970, it *gains* value relative to the U.S. dollar, while the union density gap widens at an increasing rate. The density gap then continues to rise through the fluctuations of the following decades. Importantly, the sharp revaluation of the Canadian dollar over the past decade has done nothing to close the density gap between the U.S. and Canada. Divergence appears to continue apace.

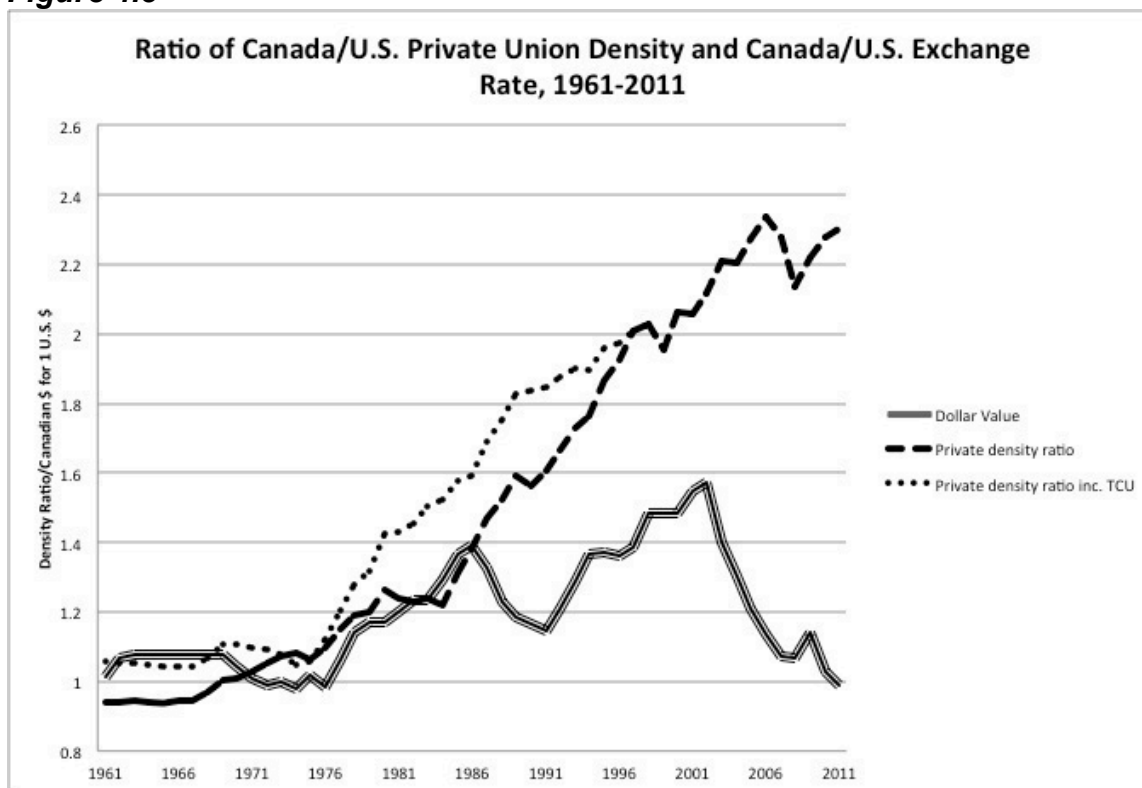
Figure 4.2



Sources for exchange rates: CANSIM Table 176-0049/Bank of Canada. See above for union density sources.

While aggregate union density levels do not seem to move in relation to exchange rates, what happens if we only look at the private sector? After all, it is largely in the private sector, which produces goods for the international market, where we would most expect to see an effect. Figure 4.3 below plots exchange rate fluctuations against the ratio of Canadian vs. U.S. private sector union density from 1961 to 2011. Here we do see a closer relationship between union density shifts and exchange rates, at least through the mid-1980s. However, we also see that as the Canadian dollar strengthened in the late 1980s, and then again in the 2000s, the union density gap between the U.S. and Canada continued to widen.

Figure 4.3



Sources for exchange rates: CANSIM Table 176-0049/Bank of Canada. See above for union density sources.

In sum, exchange rate fluctuations show little relation to union density divergence in the aggregate. There does appear to be some relation to private sector union density, but this link tapers off in the 1980s. Exchange rates remain at best an incomplete explanation for density divergence.

Trade Policy

Turning next to trade policy, the hypothesis is that the protectionist Auto Pact sheltered heavily unionized Canadian manufacturing from market forces relative to U.S. manufacturing. Additionally, the hypothesis predicts that the turn to more liberalized trade policy in Canada with the 1988 FTA and 1994 NAFTA would erode union density, as “natural” market forces were allowed to have their effect.

The 1965 Canada-United States Automotive Products Trade Agreement (Auto Pact) was in some ways a precursor to the liberalizing free trade agreements that followed it a few decades later, in that it laid ground rules that allowed for greater cross-national integration of the auto industry. But from the Canadian perspective it was also a protectionist measure, in that its rules guaranteed a certain amount of Canadian-based production (Anastakis 2005; J. Johnson 1993). By extension, this would also implicitly guarantee a certain degree of union membership, as a large portion of the jobs in the Canadian auto industry were unionized. For this reason, the Auto Pact enjoyed strong labor support (Anastakis 2004). By contrast, the FTA and NAFTA contained little in the

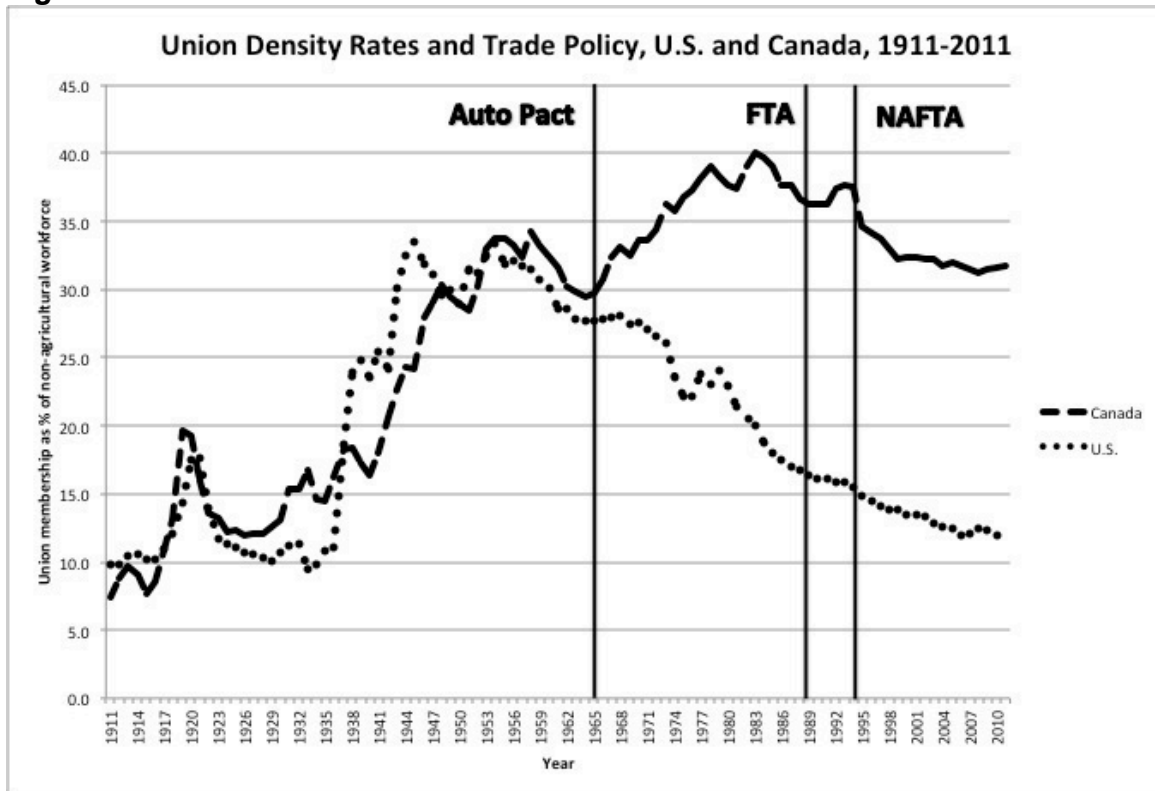
way of job and union protections, and were bitterly resisted by Canadian unions. They saw these free trade agreements as enabling the importation of U.S.-style labor rights, which by the late 1980s were noticeably weaker than in Canada.

Do we in fact see any relationship between the implementation of these trade agreements and changes in union density rates? To evaluate this question, Figure 4.4 below reproduces the initial Figure 0.1, comparing union density trajectories in the U.S. and Canada over the past century, with vertical lines indicating the dates when specific agreements were implemented.

An initial look at aggregate density data suggests that there may in fact be a relation between trade agreements and density rates. The Auto Pact was in fact signed at virtually the same moment that U.S. and Canadian union density rates began to diverge in 1964. For most of the time period between the signing of the Auto Pact in 1965 and the implementation of the FTA in 1988, the union density rate gap widened tremendously. By the early 1980s, U.S. union density rates had slipped from being roughly equivalent to Canadian rates two decades previous to being only half as much. However, it is noticeable that there was a sharp drop in Canadian union density for six years *prior* to the signing of the FTA. This coincides with a process of production coordination and consolidation in both countries. Canadian union density then seems to recover slightly with the signing of the FTA, only to suffer another sharp drop in the aftermath of NAFTA. Density slipped from 37.5 percent in 1994 to 32.3 percent in 1999.³⁹ However, after the initial drop, Canadian union density stabilized in the 2000s.

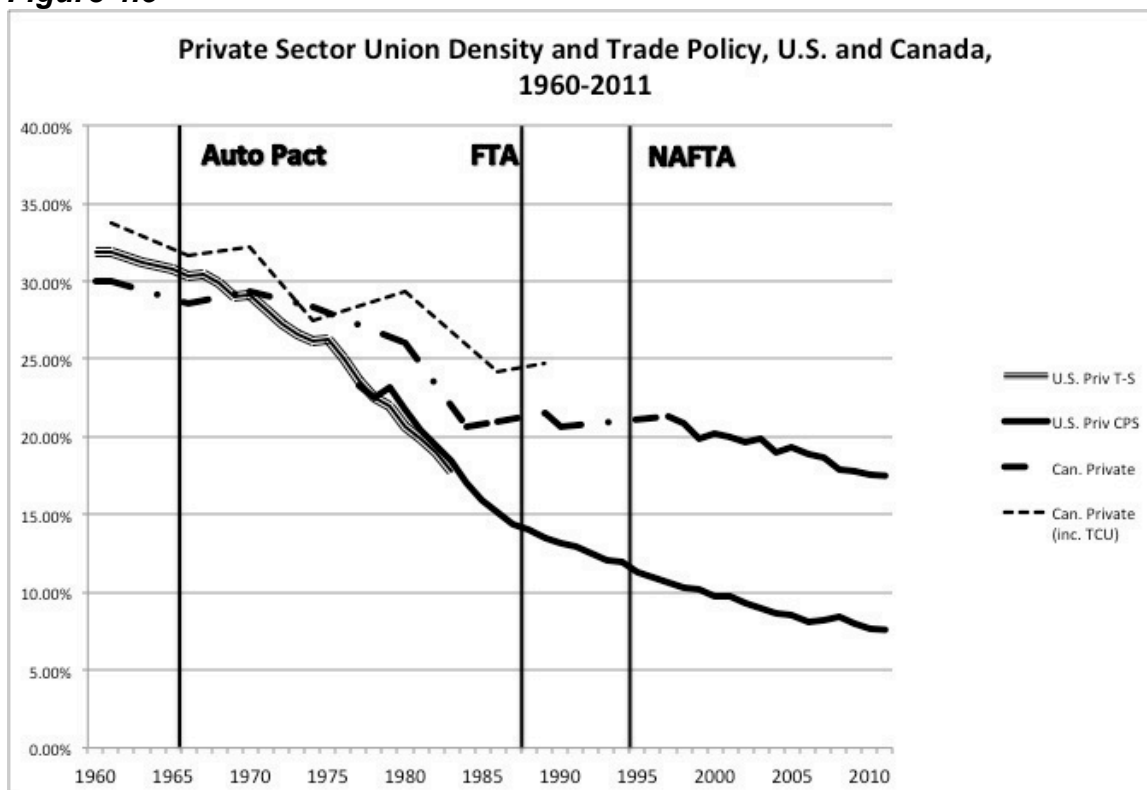
³⁹ At least some of that drop can be attributed to differences in calculations of union density between the CALURA survey that was used until 1995, and the Labor Force Survey that has been used since 1997.

Figure 4.4



As with our discussion of exchange rates above though, it is useful to observe private sector density trends separately from the aggregate numbers, as this is where we would most likely expect to see an effect of trade policy. Figure 4.5 below reproduces the graph charting private sector union density trends in the U.S. and Canada, with vertical lines marking the implementation of the three trade pacts. Here the seemingly positive relation between the Auto Pact and union density growth appears much weaker, as private sector density declined in both countries, albeit at different rates. Interestingly, what appears in the aggregate graph as a period of precipitous union density decline between the mid-1980s and the late 1990s instead appears as a period of relative union density stability in the Canadian private sector. Neither the adoption of the FTA nor the NAFTA appears to have had much effect on private sector union density rates. They declined only 4 percentage points (from 21 to 17 percent) since the adoption of NAFTA, as compared to a roughly ten percentage point drop during the Auto Pact era, when trade policy was ostensibly shielding unions.

Figure 4.5



In sum, the evidence suggests an unclear relationship between adoption of trade policies and union density divergence. Much of what initially appears to be post-Auto Pact union growth vanishes when we look solely at the private sector, suggesting that much of the growth in this period is occurring in the public sector. While Canadian private sector density did decline somewhat after the adoption of NAFTA, the decline was much less than that experienced during the ostensibly protective Auto Pact period. Thus, trade policy on its own does not seem to contribute to U.S.-Canada union density divergence.

Taken as a whole, the argument that macroeconomic policy related to exchange rates and trade “artificially” sheltered Canadian unions from market forces, thereby delaying a process of union density decline and convergence with its U.S. neighbor, does not withstand scrutiny. The timing of currency fluctuations and trade policy implementation does not generally coincide with shifts in union density, and when it does, the trend is often in the opposite direction than what would be predicted. Thus, even if we leave aside the peculiar paradox within Troy’s argument, namely that he claims on the one hand that policy intervention cannot ultimately prevent market forces from eroding union density, but on the other hand argues that the reason market forces are not equally apparent on both sides of the U.S.-Canada border is due to the “distorting” effects of labor market policy, we see that macro-economic policy by itself does not in fact seem to have the stated effect.

B) Labor Law Regimes

If macro-economic policy, i.e. policy regulating the supply of employment, cannot fully explain union density divergence, what about the effect of labor law, i.e. policy regulating the demand for (and resistance to) union representation? As previously mentioned, there are four specific areas where labor laws could have an effect on the growth or decline of union membership:

- First, policies governing union certification, or the process whereby workers can decide to become union members, or disaffiliate from their union. Depending on how easy or hard this process is, workers will be more or less likely to go through the process.
- Second, policies governing the negotiation and implementation of a first collective bargaining agreement. Given the decentralized model of collective bargaining in both countries, union representation is largely meaningful only in the context of a contract negotiated with management. Once the first contract is negotiated at a given workplace, it is more likely that union members there will be able to negotiate subsequent agreements. Conversely, constant delay and resistance to reaching agreement on a contract can make union representation seem to be more trouble than it is worth to workers, and increase their likelihood of giving up on union membership.
- Third, policies governing “union security,” or safeguards for unions’ institutional stability. Once workers at a given establishment have formed a union, they must then figure out ways to ensure its long-term survival. Many of these provisions are included in the first collective agreement. They include mechanisms for the regular collection of membership dues, as well as different ways of requiring all workers covered by an agreement at a given workplace to contribute to the costs associated with enforcing that agreement. Depending on how these provisions are designed, they can make it easier or harder to maintain the union as an organization. Similarly, government policies can encourage or prohibit different forms of union security, which will also make ensuring a union’s long-term stability more or less difficult.
- Fourth, policies governing unions’ permitted scope of activities. This includes both what issues unions are permitted to bargain over in contract negotiations, as well as the types of actions in which they can engage, including strikes. The more restrictive such policies are, the less attractive union membership should appear to workers, as the policies could negatively affect unions’ ability to achieve improvements for their members, or workers as a whole. For the purposes of the analysis at hand, we will focus on policies surrounding strikes, as the strike is the archetypal collective action in which unions can engage, and ultimately provides the basis for labor’s organizational power (Offe and Wessenthal 1980).

In examining each of these sets of policies, we want to understand both how they affect workers' ability or incentive to join a union and retain union membership, as well as how they affect employers' ability or incentive to fight union representation. We also want to know the degree to which existing policies are enforced and complied with. Finally, we want to know if and how the substance and/or enforcement of these policies has changed over time. Depending how these policies and their enforcement vary between the U.S. and Canada, we can then evaluate how they might be driving union density divergence.

Before proceeding, it is important to note one key cross-border difference that complicates a systematic comparison of labor law regimes. Whereas labor relations policy is largely determined at the federal level in the U.S. via the National Labor Relations Act (NLRA), it is largely determined at the provincial level in Canada. Only ten percent of Canadian workers are subject to federal labor laws. As such, there is a degree of variation in labor policy across provinces. The analysis to follow will not explore this variation exhaustively, but will acknowledge it when relevant.

Additionally, the discussion of labor laws will focus primarily on laws governing unionization in the private sector. This is mainly because those who focus on the role of labor law in driving density divergence themselves focus almost exclusively on the private sector.⁴⁰ Also, at a practical level, adding public sector regulations would add dozens of different jurisdictions to our analysis, making it too unwieldy. We will take up the role of public sector unions in density divergence in greater detail further below.

Union Certification

The basic framework governing union certification is similar in both countries. In fact, the Canadian certification model is explicitly based on the U.S. model outlined in the NLRA, or Wagner Act (Adams 1995; Godard 2004; Taras 1997). As previously mentioned, union certification in both countries is determined at the firm or establishment level. Workers at a given worksite who are deemed to share a "community of interest" seek certification for their group as a "bargaining unit." This is very different from the more coordinated process in many parts of Europe, where union representation is organized by sector, and bargaining occurs at a national level between peak associations of unions and employers.

This decentralized system of union representation creates incentives for individual employers to resist unionization, as they fear that they will be saddled with a union wage premium, i.e. additional labor costs for higher wages and benefits that their non-union competitors will not share. Thus, from the start we see how institutional arrangements work to shape employer actions. However, in the case at hand, both countries are similar with regard to the degree of certification centralization (Blanchflower and Freeman 1992). Even though decentralized bargaining gives both

⁴⁰ The assumption in this literature is that laws governing public sector unionization are more favorable towards workers, and as such do not constitute a problem worth addressing. Of course, recent efforts to curtail public sector collective bargaining in Wisconsin and Ohio suggest that this assumption may not be well-founded, as well as the fact that collective bargaining for public sector employees remains illegal in five U.S. states.

U.S. and Canadian employers strong incentives to resist unionization, other factors seem to increase U.S. employers' hostility.

There are two primary means of seeking union certification. In the U.S., certification happens through a representation election process supervised by the National Labor Relations Board (NLRB). With this process, after presenting a required number of authorization cards to a NLRB representative (at least 30 percent of workers in the bargaining unit at issue), workers vote using a secret ballot either in favor or against joining a particular union (or unions, if there are competing unions on the ballot).⁴¹ If 50 percent plus one of those voting vote in favor of union representation, then the union is certified. Six of ten Canadian provinces⁴² use a similar representation election process, although as we will see, the rules governing the election process in Canada differ from those in the U.S.

Four Canadian provinces⁴³ as well as the federal jurisdiction use a second means of union certification, known as “card-check recognition.”⁴⁴ With this method, workers can obtain recognition for their union by presenting to an administrative board authorization cards signed by a set percentage of the designated bargaining unit (HRSDC 2009). Once the cards are verified, the union is certified. In both cases, there are rules delimiting the scope of permitted campaign activities for employers and unions. Parties violating these rules can be charged with “unfair labor practices” (ULPs), which are then adjudicated by the relevant labor board.

While the difference between representation elections and card-check recognition may seem small, the effects are large. Several studies of Canadian provinces that have switched from card-check to elections show a reduction in union certification success rates. Johnson’s (2002) time series analysis of nine Canadian jurisdictions over nineteen years found that the switch to representation elections independently reduced certification success rates by nine percent compared to card-check. Similarly, Slinn’s (2004) investigation of the effect of Ontario’s switch from card-check to elections in the 1990s showed a 21 percent reduction in the likelihood of union certification after the switch. Likewise, Riddell’s (2004) study of certification rates in British Columbia between 1978 and 1998 is especially revealing, as it tracks certification success rates over the course of a period where the province switched from card-check to elections in 1984, and then back to card-check in 1992. He found that certification success rates declined by roughly 19 percent after the introduction of elections, and increased by an almost identical amount with the switch back to card-check.

⁴¹ This mandatory election process was not codified in the NLRA itself, but was the result of a precedent set in *Cudaby Packing Co.*, 13 N.L.R.B. 526 (1939). Also, as the election process has become more and more dysfunctional in recent years, as outlined below, certain unions have pursued certification strategies that bypass the NLRA process entirely. With these “non-Board” strategies, unions wage a sustained, coordinated campaign to pressure an employer to recognize and bargain with the union without going through the election process.

⁴² Alberta, British Columbia, Newfoundland and Labrador, Nova Scotia, Ontario, and Saskatchewan.

⁴³ Manitoba, New Brunswick, Prince Edward Island, and Quebec.

⁴⁴ Prior to 1976, all Canadian jurisdictions used a super-majority card-check recognition process, with elections required below the super-majority threshold (elections required a majority of eligible workers, not merely voters, in order to achieve certification). Most of the provinces that now require representation elections only moved to an election-based system in the past two decades (S. Johnson 2004; Mayer 2007).

To understand why the difference between elections and card-check has such a large effect on the likelihood of certification success, we must consider the different obstacles and opportunities that each system creates for workers and employers. We will first consider both systems as they function ideally, then as they function in practice.

With card-check, there is one main obstacle facing workers who seek to unionize: getting enough of the co-workers in their bargaining unit to sign union membership authorization cards. Once workers achieve that benchmark, they are certified and can begin negotiating a collective bargaining agreement with their employer. With elections, the process of gathering authorization cards is only the first obstacle. Once workers under an election system have collected enough card signatures, they must then confront a second obstacle: the representation election campaign. Mobilizing for an election campaign requires additional resources and effort on behalf of the workers who seek to unionize, as well as the union they seek to join, that they would otherwise not have to expend under a card-check system. Finally, there is the actual election itself, which creates a third mobilizational hurdle for workers seeking to unionize.

On the employer side, card-check provides little opportunity for employer intervention. The decision about whether to unionize or not is framed as a decision that workers at a given worksite make amongst themselves. Once enough authorization cards are signed, it is simply the job of the labor board to determine whether the appropriate threshold has been achieved. By contrast, the structure of the representation election process itself shifts the entire framework of the decision to unionize. Instead of being a decision made among the workers themselves, it creates a structure that explicitly sees employers as having a legitimate stake and voice in the workers' decision. Rather than simply choosing whether or not to join a union, workers are expected to choose between "the union"—an outside force—and the employer. Within this confrontational election structure, employers are constituted as a "side" in a battle, and are offered the opportunity to make their views on unionization known to the workers. Unsurprisingly, such views are almost invariably negative. Furthermore, given the power imbalance inherent in the employment relationship, management's act of expressing its views can often take on a coercive character.

Thus, even under ideal circumstances, representation elections present more obstacles to certification than card-check for workers, and more opportunities for employers to intervene. However, the reality of the union certification process is very different from the ideal. That reality, combined with the existing rules governing representation elections, transform what nominally appears to be a textbook example of democratic process—a vigorous campaign followed by a secret ballot election—into an arduous, harrowing ordeal for workers who go through the process. Employers exploit to the fullest the opportunities they have to intervene in the representation election process, often mounting vigorous anti-union campaigns involving threats, harassment, intimidation, promises to change conditions of employment, and more (Bronfenbrenner 1994; Bronfenbrenner and Juravich 1995; Freeman and Kleiner 1990; Freeman and Medoff 1984; LaLonde and Meltzer 1991). Employers routinely compel workers to attend "captive audience" meetings during work hours, where they are subjected to

management presentations warning them of the risks of joining a union. During these presentations, employers will often combine promises of improved behavior with threats of worksite closings or relocations. Certain workers can also be taken aside for special one-on-one meetings with supervisors, and suspected union campaign leaders are sometimes fired (Bronfenbrenner 1994). A detailed study by Bronfenbrenner (2009) of a random sample of 1,004 NLRB elections between 1999 and 2003 illustrates how prevalent such employer activity is:

Employers threatened to close the plant in 57% of elections, discharged workers in 34%, and threatened to cut wages and benefits in 47% of elections. Workers were forced to attend anti-union one-on-one sessions with a supervisor at least weekly in two-thirds of elections. In 63% of elections employers used supervisor one-on-one meetings to interrogate workers about who they or other workers supported, and in 54% used such sessions to threaten workers (p. 2).

Many of these forms of coercive employer activity are illegal, such as firing workers for union activity. However, the penalties are such that it is cheaper for employers to violate the law to defeat the union than to comply and risk facing the union wage premium. Existing laws in fact create incentives for employers to break the law (P. C. Weiler 1983; Worster 2003). In the U.S., and increasingly in parts of Canada, employers seeking to resist unionization can call on the services of consultants and lawyers who can advise them on how to remain “union free” while managing the legal technicalities. They are part of an entire “union avoidance industry” that has blossomed over the past forty years (J. Logan 2006).

Meanwhile, workers and union representatives remain at a distinct disadvantage in the election process. While employers have ready access to the electorate throughout the workday, existing law in both the U.S. and Canada prohibits union representatives from campaigning in the workplace, and even workers themselves are only permitted to discuss union campaign issues on non-work time in non-work areas (Godard 2004:27). Employers can also use their specialized legal team to file endless motions to delay election proceedings. This wears down the workers, some of whom leave as the result of regular turnover or out of frustration. Those who remain may begin to waver in their support for unionization as they weigh the costs of enduring management harassment against the still-uncertain benefits of union membership (Michele Campolieti, C. Riddell, and Slinn 2007a; Ferguson 2008; Roomkin and Block 1981; Seeber and Cooke 1983). Riddell’s (2010) study of representation elections in Ontario estimates that such delays beyond the statutory limit reduce the likelihood of certification by 11 to 16 percent. Similarly, Thomason’s studies, both on his own (1994) and in collaboration with Pozzebon (1998) show that such employer unfair labor practices are much more prevalent and much more effective in preventing unionization in the U.S. relative to Canada.

In sum, representation election campaigns erode union support and reduce the likelihood of union certification compared to card-check recognition. They do so by creating more obstacles for workers to overcome to achieve representation, while providing more opportunities for management to intervene in the certification process. Laws governing the certification process certainly seem to affect the ability of workers to become union members.

However, if this is the case, why didn't we see a similar drop in union membership in Canada, especially in provinces that have switched to a representation election format? Here the key difference lies in laws regulating employer intervention in the election process. In Canadian provinces that have elections, the time between petitioning for an election and holding the election is short, usually between 5-10 days (Michele Campolieti et al. 2007a). By contrast, most U.S. representation elections are only held within 50 days of petitioning, with many elections held eight or more weeks after. This delay gives management much more time to mount an anti-union campaign and chip away at union support (Godard 2004).

Changes in Union Certification Over Time

Given the current state of labor laws in the U.S. and Canada, it is clear that current differences in the letter and application of the laws surrounding union certification have had an effect on union density rates. In particular, Canada's card check laws and shorter time between petitioning for and holding representation elections significantly reduce employers' opportunities to intervene in workers' decision as to whether or not to join a union, and reduce incentives for employers to violate the law. But how do these current-day differences explain diverging union density rates over time? Have laws governing union certification changed over time, and if so, how?

In fact, differences in union certification policies are a relatively recent development in U.S. and Canadian labor law. If we take a historical perspective, we actually find a reversal in how labor policy in both countries was perceived. In the 1960s, around the time that union density in the two countries began to diverge, Canadian industrial relations scholars often bemoaned the restrictiveness of Canadian labor law compared to their U.S. neighbors. For example, law professor H. D. Woods, one of the most prominent Canadian industrial relations scholars of his day, stated matter-of-factly in 1962 that "both Canada and the United States have adopted compulsory collective bargaining as public policy although the United States has done so with a greater element of assurance than has Canada.... In general terms it can be said the Canadian policy is not as favorable to the promotion of collective bargaining relationships.... There has been a more positive attitude toward collective bargaining in the United States than in Canada" (Woods 1962:218-219, 235). Similarly, writing in the late 1960s, Stuart Jamieson remarked that Canadian labor law "went to great lengths to protect employers' property and freedom to use their property pretty much as they saw fit, while providing little or no protection of workers' freedom to organize to protect their jobs and livelihoods" (Jamieson 1968:471-472).

Many of the key provisions that scholars identify as contributing to more pro-union outcomes in Canada, particularly statutes regarding card-check and speedy elections, date from the 1970s (Michele Campolieti et al. 2007a; P. C. Weiler 1983). Prior to that, laws regarding union certification were generally considered *more* restrictive in Canada than in the U.S. (Woods 1973:81-83). As Woods (1962:235-236) observed, "Canadian policy regarding union membership, voting quotas, and the absence of a responsibility to bargain with uncertified unions has made recognition more difficult to attain in Canada." Whereas the U.S. Wagner Act guaranteed bargaining

unit certification with a simple majority of votes cast in a certification election, most Canadian provinces and the federal jurisdiction required the votes of a majority of *eligible* voters to certify a bargaining unit. Non-voters were thus counted in Canada as votes against union representation (J. Logan 2002:132-36). How and why then did laws change in Canada, largely over the course of the 1970s and 80s, in such a way that facilitated instead of hindering union certification?

At the same time, we have to understand what happened in the U.S. There, the formal rules governing union certification have remained relatively unchanged since the passage of the Taft-Hartley Act in 1947. But in the ensuing decades, those same certification policies have gone from being an example to which Canadian scholars aspired, to being an example they sought to avoid. If the letter of the law hasn't changed in 65 years, then surely the application of the law has.

Policy Breakdown vs. Policy Stability: Evaluation of Empirical Evidence

To get a sense of how the application of union certification laws has changed, we can start by examining data regarding the basic functioning of the certification machinery in both countries over time. One central indicator of how that certification machinery is working is simply the number of certification elections run in a given year, as well as how many of those certification elections unions are able to win. If the policies are promoting collective bargaining, we will see increases in the number of petitions for certification, and relatively high and stable union win rates over time.⁴⁵ By the same token, declines in the number of certification elections, even in the absence of policy changes, could indicate shifts in policy application.

In a study of union certification election frequency and success in the U.S. and the province of Ontario⁴⁶ between the mid-1970s and mid-1980s, Rose and Chaison (1990) documented a sharp decline in certification frequency and success in the U.S., coupled with stability and, in some cases, actual increases in Ontario. According to their measures, the number of employees that unions attempted to organize through certification procedures as a percentage of union membership in the U.S. declined by almost half, from 2.1 percent in 1976 to 1.2 percent in 1985. In the same time period, the percentage of employees that Ontario unions attempted to organize increased from 3.4 percent to 3.8 percent (Table 1).

The divergence was even more pronounced when viewed in terms of organizing success. Rose and Chaison calculated that net organizing gains as a percentage of employees attempted through certification procedures declined in the U.S. by one third, from 34.1 percent in 1976 to 22.4 percent in 1985, whereas the percentage increased in Ontario in that same time period by nearly one sixth, from 35.3 percent to 41.2 percent (Table 2). In this time frame, aggregate union density in the U.S. declined by nearly 20 percent, from 22.1 percent to 18 percent, whereas aggregate union density in Canada

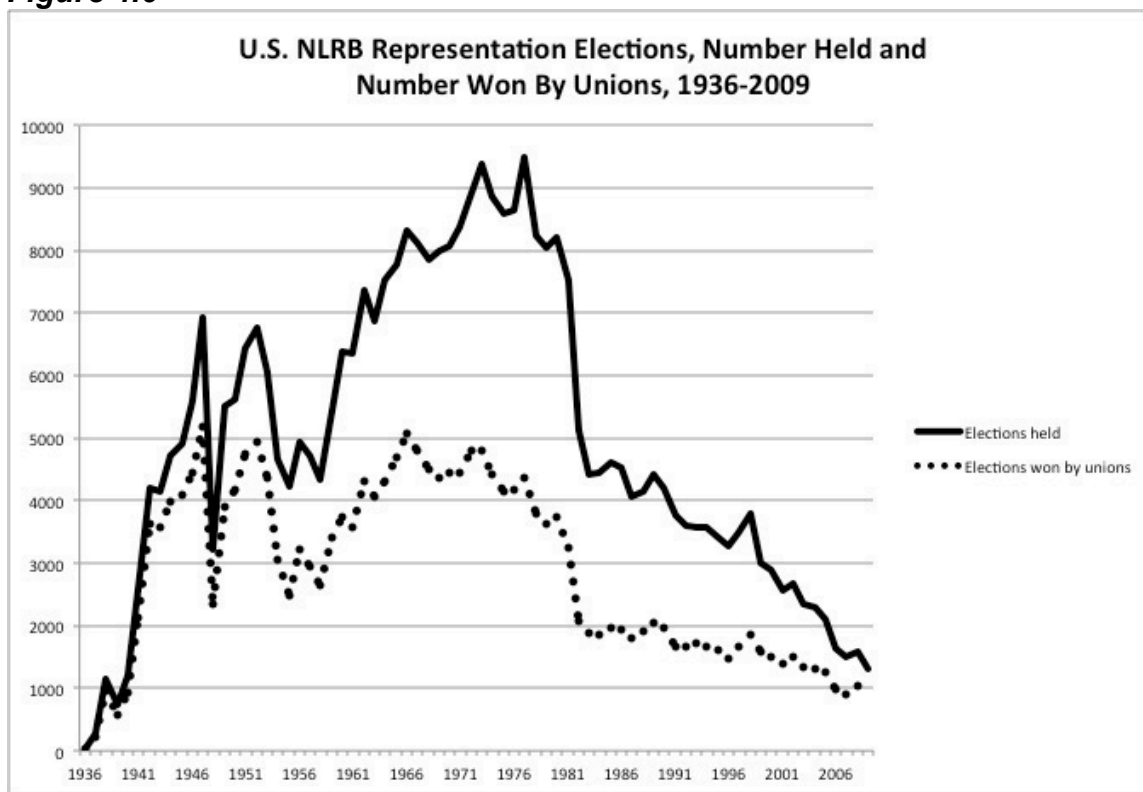
⁴⁵ As will be discussed in greater detail below, increased organizing activity is not necessarily a function of more favorable certification policies. More favorable policies can sometimes be the result of increased organizing activity.

⁴⁶ Their study focuses primarily on Ontario as it is the province for which the most accurate data was available.

increased slightly, from 37.3 percent to 39 percent. Why then did U.S. unions experience such a sharp drop in organizing effectiveness in this time period of the late 1970s and early 1980s, in a way that Canadian unions did not?

If we focus on representation elections in the U.S., we see that the decline that Rose and Chaison document in their study is part of a broader pattern. Figure 4.6 below charts both the number of NLRB representation elections held, as well as the number of those won by unions, from the beginning of NLRB elections in 1936 to 2009. It shows not only that the number of representation elections declined between the mid-1970s and mid-1980s, but that this drop was virtually unprecedented, and that the number of elections has continued to decline ever since. From a peak of 9,484 elections in 1977, the number quickly collapsed, reaching 5,116 by 1982, just five years later. While the pace of decline slowed in the ensuing years, it continued to decline, reaching a mere 1,335 by 2009. Despite the fact that the overall size of the U.S. workforce has expanded dramatically since World War II, the NLRB today holds as many elections as in the waning days of the Great Depression.

Figure 4.6

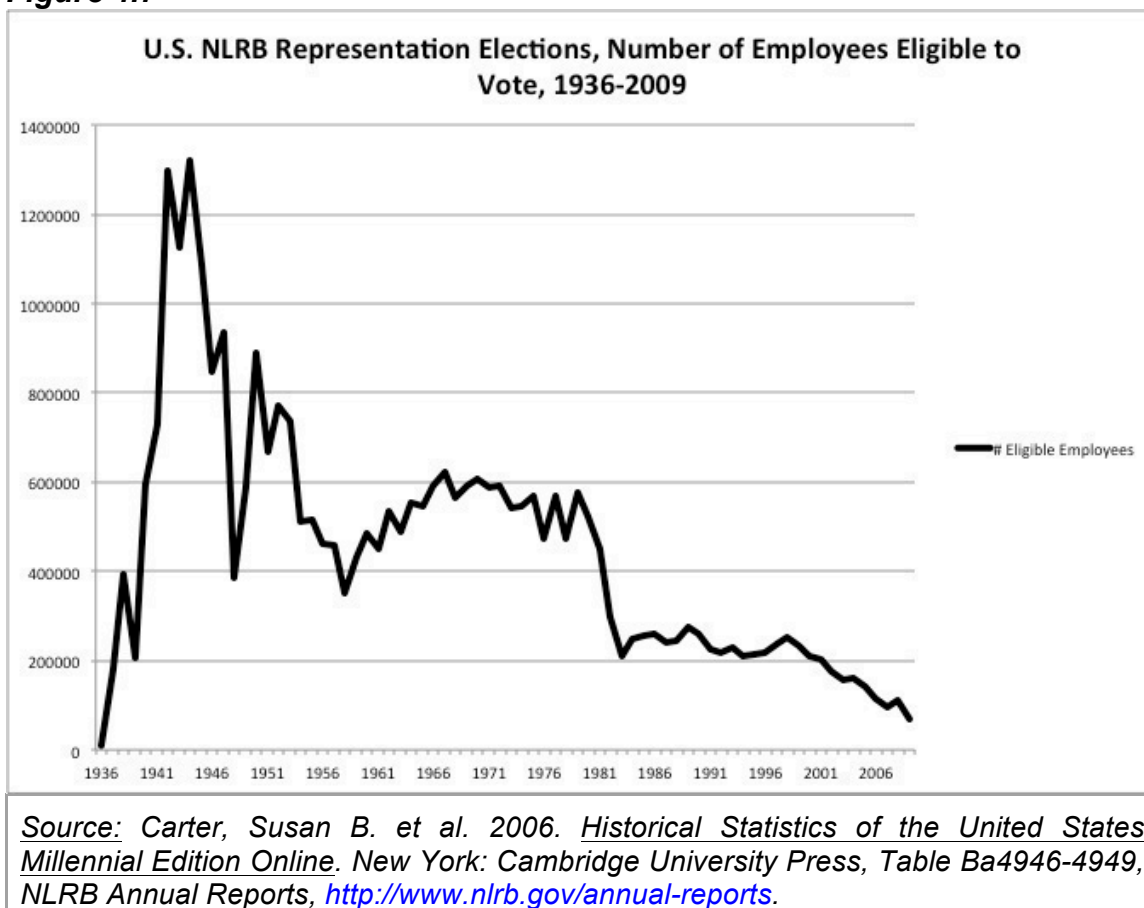


Source: Carter, Susan B. et al. 2006. Historical Statistics of the United States Millennial Edition Online. New York: Cambridge University Press, Table Ba4946-4949, NLRB Annual Reports, <http://www.nlr.gov/annual-reports>.

The pattern holds when we look at how the number of voters eligible to participate in NLRB elections has changed over time, as illustrated in Figure 4.7. Here we see that, after an initial burst during World War II when literally millions of workers

voted in NLRB elections (with most of those workers voting to become union members), the annual number of workers participating in NLRB elections fluctuated between approximately 500,000 and 800,000 workers until 1977, at which point there was also a sharp drop. Between 1977 and 1982, the number of workers participating in NLRB representation elections plummeted from 570,716 to 297,764. Much of that drop, from 449,243 to 297,764, happened in a single year, between 1981 and 1982. The number of workers participating in NLRB elections continued to decline through the new millennium, reaching 69,832 by 2009, a level not seen since before the Wagner Act was declared constitutional by the Supreme Court in 1937. Again, it is important to remember that the scale of the decline is even larger than it appears, as these figures are absolute numbers, and the overall size of the workforce is now much larger than it was 75 years ago.

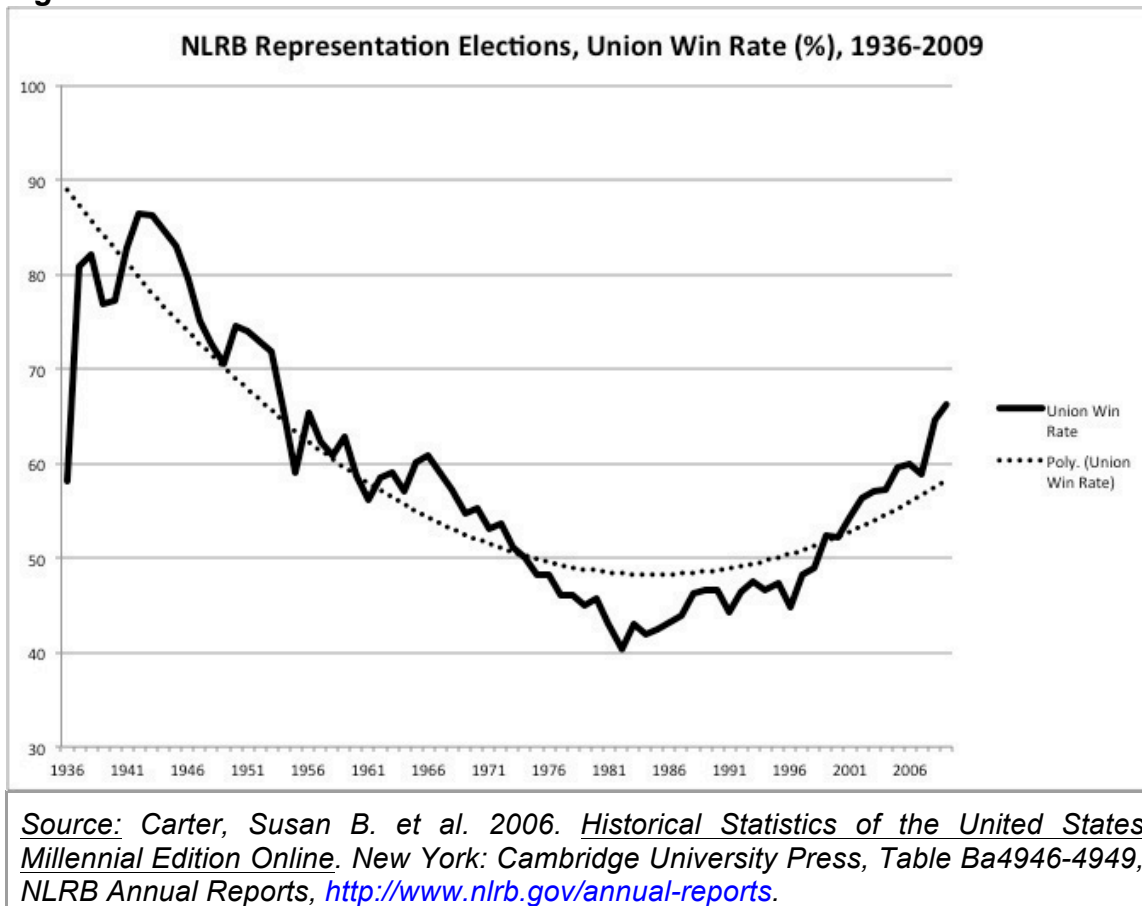
Figure 4.7



In what appears to be some marginally more positive news for unions, Figure 4.8 shows that unions currently win nearly 70 percent of representation elections, having clawed back from a low of 40.3 percent in 1982. However, this increase in the win rate ignores the fact that it is an increasing percentage of a dramatically shrinking total. Not only does it leave aside the many workers who petition for elections but are never able to vote, but it also obscures the fact that, in recognition of the hostile climate and difficult odds, union organizers today are much more strategic in choosing which campaigns to

pursue all the way to the election phase. In many cases, organizers will choose to halt a campaign rather than risk losing an election (Bronfenbrenner 2009).

Figure 4.8



The patterns look quite different in Canada. Due to differences in data collection across provinces and difficulty in obtaining reliable time-series data for all provinces, I focus here on certifications in the province of Ontario, which comprises over one-third of the total Canadian workforce. Given its large share of the country's total workforce, data for Ontario closely approximate those for the country as a whole (Martinello 1996:32). Figure 4.9 below shows the number of union certification applications filed and granted⁴⁷ at the Ontario Labour Relations Board (OLRB) from its founding in 1949 to 2009.

As in the U.S., we see a rise in certification applications from the beginning through to a peak in the mid-1970s (1974 to be precise), at which point the number of applications began to decline. However, the slope both of the rise and decline was nowhere near as steep in Ontario as in the U.S. Whereas certification applications in Ontario rose by 289 percent (from 458 to 1323) between 1949 and 1974, representation elections in the U.S. increased by 823 percent (from 1,152 to 9,484) between 1938 and

⁴⁷ This includes both elections and card-check recognitions.

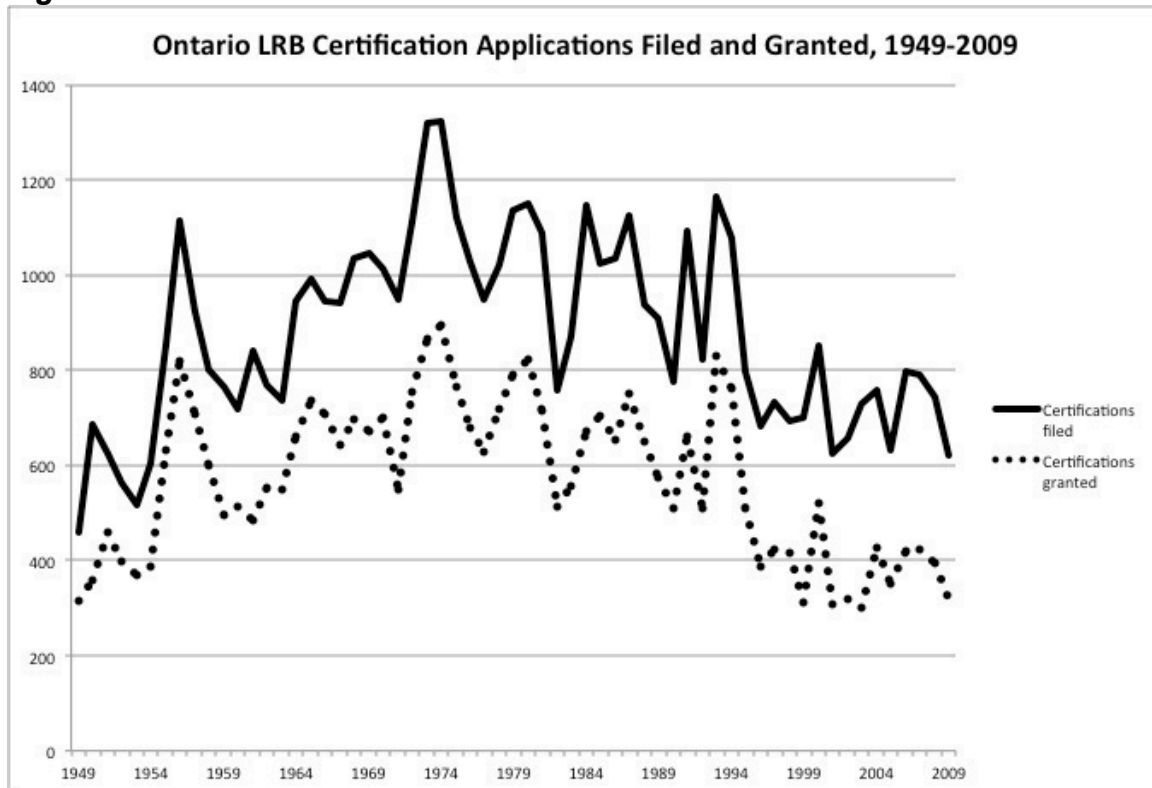
the peak in 1977.⁴⁸ Likewise, applications in Ontario decreased by 53 percent (from 1,323 to 623) between 1974 and 2009, whereas NLRB representation elections fell by 86 percent (from 9,484 to 1,304) between 1977 and 2009. As for certifications granted, they rose in Ontario by 284 percent (from 315 to 894) between 1949 and the 1974 peak, compared to a rise of 550 percent (from 945 to 5,194) in the U.S. between 1938 and its peak in 1947. From there, certifications granted fell by 64 percent in Ontario (from 894 to 320) between 1974 and 2009, as compared to a drop of 83 percent in the U.S. (From 5,194 to 864) between 1947 and 2009.⁴⁹ Overall, changes in certification applications have been more gradual and more muted in Ontario than in the U.S.

Also, unlike in the U.S., there was no steep and lasting drop in representation applications in Ontario in the early 1980s. While the numbers did drop in 1982 and 1983, amidst a deep recession, they rebounded to a range well within historical levels for the following decade. It was only in the mid-1990s that Ontario saw a steep drop in certification applications, a drop that has persisted through the first decade of the 21st century. Between 1994 and 1996, certification applications fell by 37 percent, from 1,077 to 683, and certifications granted fell by almost half, from 762 to 387. This coincided with a sharp transition in government, from a (relatively) pro-labor NDP government led by Bob Rae, to an aggressively anti-labor Conservative government led by Mike Harris. One of the first things the Harris government did upon assuming office was to replace the NDP's Bill 40, a set of labor law reforms that favored unions and collective bargaining, with its own Bill 7, which not only repealed Bill 40, but imposed further restrictions on unions. Several studies have documented both the positive effects of Bill 40 and the negative effects of Bill 7 on union growth (Michele Campolieti et al. 2007a; Martinello 2000).

⁴⁸ I exclude data from 1936 and 1937 as the constitutionality of the NLRA was still in question during that period, and as such the certification process was not fully functional during those years.

⁴⁹ For a more chronologically appropriate comparison, the U.S. drop from its 1970s peak of 4,787 election wins in 1972 to the 2009 level of 864 represents a decline of 82 percent.

Figure 4.9

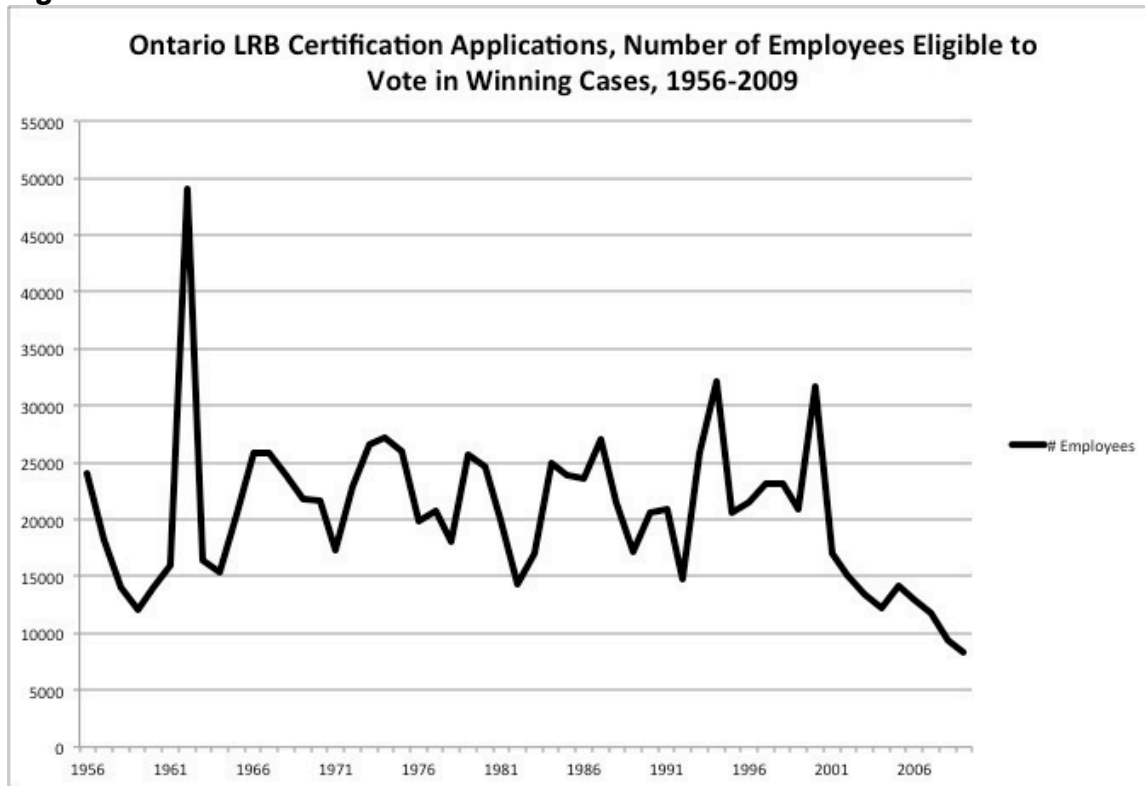


Source: Martinello, Felice. 1996. Certification and Decertification Activity in Canadian Jurisdictions. Kingston, Ontario: IRC Press/Industrial Relations Centre, Queen's University, and OLRB Reports, various years.

The U.S.-Ontario differences also apply to the number of workers involved in union certification procedures. Unfortunately the worker-level data available for Ontario is not directly comparable to that in the U.S., as it measures the number of eligible workers in winning certifications only, as opposed to eligible workers in all representation elections, as in the U.S. Nevertheless, the data are instructive, as reported in Figure 4.10. Aside from a massive spike in 1962, the number of eligible workers in winning certification cases⁵⁰ was relatively stable from 1956 to 2000, fluctuating between 15,000 and 30,000. As with certification applications, the number of eligible workers dropped in 1982 and 1983, but quickly recovered in subsequent years. That was followed by a steep drop from 2000 to 2009, where the number of workers fell from 31,620 to the current all-time low of 8,316.

⁵⁰ This roughly translates into the number of new workers brought into unions in a given year.

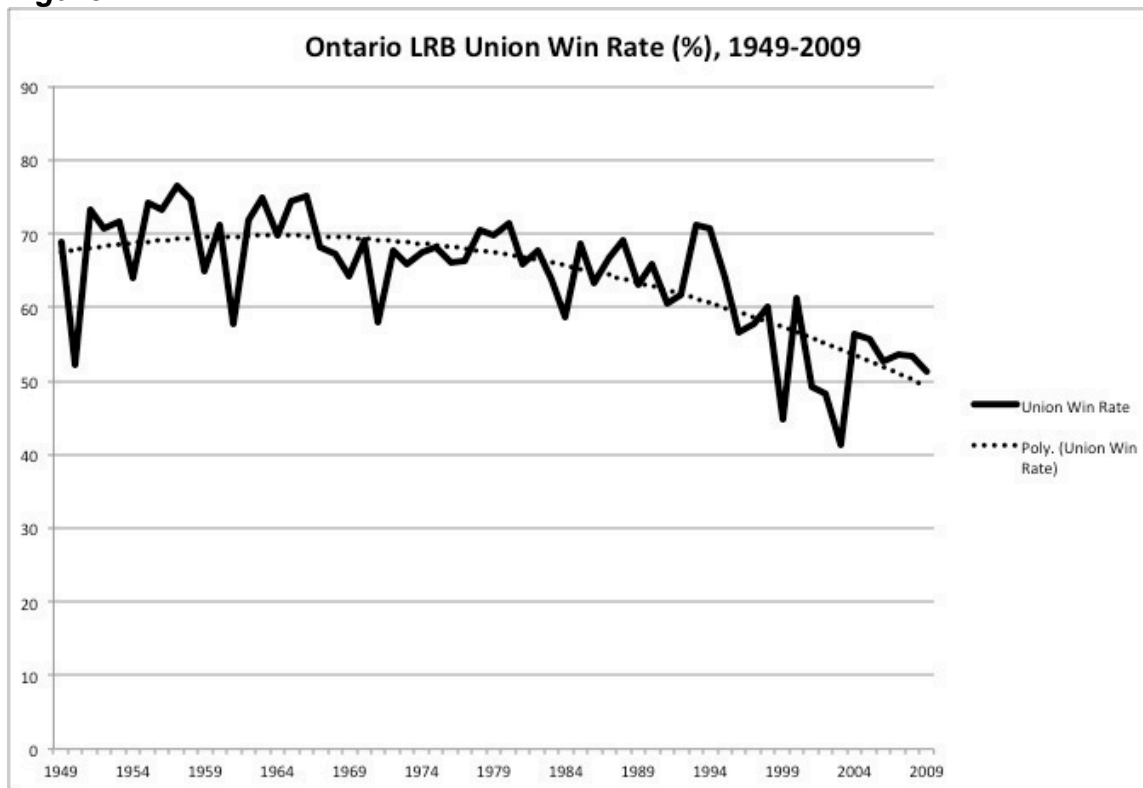
Figure 4.10



Source: Martinello, Felice. 1996. Certification and Decertification Activity in Canadian Jurisdictions. Kingston, Ontario: IRC Press/Industrial Relations Centre, Queen's University, and OLRB Reports, various years.

Furthermore, it is important to note that the certification rate in Ontario has not fluctuated as wildly as has the election win rate in the U.S. Figure 4.11 below shows the certification rate in Ontario between 1949 and 2009. We see that the rate tended to fluctuate between 60 and 80 percent for much of the OLRB's history, up until 1995. At that point, the rate fell as low as 40 percent, and has not risen above 60 percent ever since. This drop coincided with one of the major policy changes contained in Harris' Bill 7: the implementation of mandatory representation elections. As discussed above, Johnson's (2002) study has shown that mandatory elections are associated with lower win rates compared to card-check.

Figure 4.11



Source: Martinello, Felice. 1996. Certification and Decertification Activity in Canadian Jurisdictions. Kingston, Ontario: IRC Press/Industrial Relations Centre, Queen's University, and OLRB Reports, various years.

In sum, the evidence suggests that the application of U.S. union certification policies has changed significantly over the past several decades. While formal policy remained unchanged, the data shows a sharp drop in organizing activity and effectiveness in the U.S. starting in the mid-late 1970s, and accelerating through the 1980s. During that same time period, organizing activity remained relatively stable in Ontario and the rest of Canada, even as formal policies changed.⁵¹ In a seemingly ironic twist, it was the U.S., the jurisdiction with the least formal policy intervention, that saw the greatest change in policy output.

But if policy application has changed in the U.S., how and why has it done so? And furthermore, why has Canadian policy remained relatively stable, even while undergoing regular and periodic amendments? To begin to understand this, we must examine another key facet of the union certification machinery: the regulation of employer resistance.

⁵¹ While organizing activity in Ontario has declined in recent years, it has not been nearly on the same scale as the U.S. decline. It also is a much more recent decline, dating back to the mid-1990s, and is associated with key changes in labor laws that brought Ontario law closer in line to existing U.S. policy. The discussion of recent crises in the Canadian labor movement will be taken up in the concluding chapter. For the purposes of this chapter, we are focused on why Canadian organizing activity did not suffer a similar crisis as in the U.S. in the late 1970s and 1980s.

“Here Rules Exist”: Employer Resistance and Union Certification

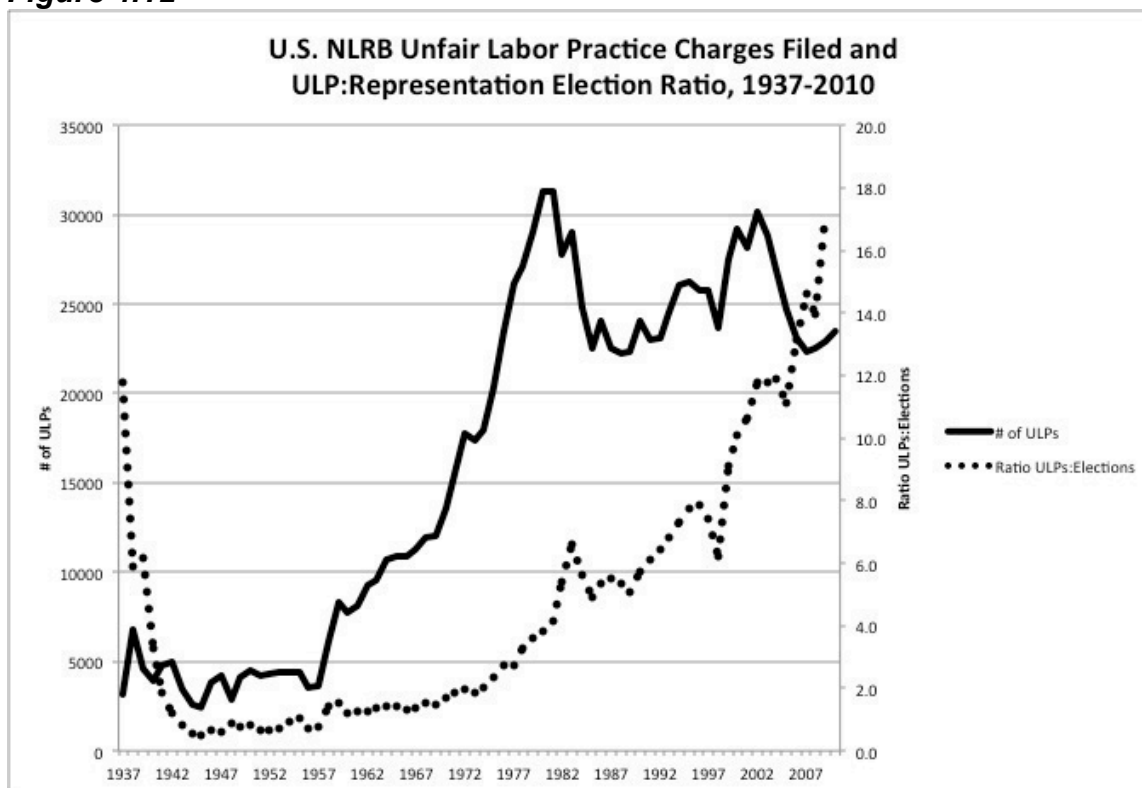
As detailed above, a key part of what makes the election process so challenging for workers seeking to unionize is employer resistance and delaying tactics (Bronfenbrenner 1994; 2009; Michele Campolieti et al. 2007a). How has this changed over time? While imperfect, a generally accepted way to measure employer resistance is to look at data regarding how often employers are charged with breaking the law in the course of the union certification process. These charges, known as “unfair labor practice” charges, or ULPs, are filed with the NLRB, which then processes the charges, collecting evidence and conducting hearings where necessary, and then issues a ruling.

The measure is imperfect because ULPs can be filed against both employers and unions, and the existence of a charge does not necessarily indicate the existence of a violation of the law. Nevertheless, given that a large majority of ULPs are filed against employers, aggregate ULP data does provide a decent metric of employer behavior. As for the number of charges compared to the number of actual violations found, it is first important to note that most ULP cases are settled before they receive a formal determination from the NLRB. Second, as has been documented, employers routinely take advantage of the ULP process to draw out the certification process and delay elections. As such, an increase in the sheer number of cases can be taken as a sign of employers using the adjudicative process itself as a delaying tactic.

Figure 4.12 below tracks the annual number of ULP charges filed, as well as the number of ULPs per representation election, from 1937 to 2010. The graph shows a steady rise in the absolute number of ULPs starting in the late 1950s, but accelerating in the 1970s, reaching a peak of 31,281 cases filed in 1980. While the absolute number declined somewhat subsequently, it never dropped below 22,000, and even topped 30,000 in 2002. This is again despite the fact that the absolute number of representation elections was declining significantly in this same time period.

If we look at how the number of ULPs per representation election has changed over time, we see that the ratio has grown substantially over the past 30 years. The dotted line in Figure 4.12 measures this ratio (plotted against the secondary y axis along the right side of the chart). It shows that the number of ULPs per election more than doubled between 1977 and 1984 from 2.7 to 6.6. The ratio then stayed within a range of 5 to 8 ULPs per election for most of the 80s and 90s, then began a sharp rise again in the late 1990s, moving from 6.2 ULPs per election in 1998 to an unprecedented 15 ULPs per election in 2010. This suggests that, even as the number of elections has declined, as has the number of workers participating in union elections, employers have continued to intensify their efforts to resist unionization.

Figure 4.12



Source: Carter, Susan B. et al. 2006. *Historical Statistics of the United States Millennial Edition Online*. New York: Cambridge University Press, Table Ba4946-4949, NLRB Annual Reports, <http://www.nlr.gov/annual-reports>.

While there are relatively few Canadian studies of employer opposition in union representation campaigns, those that exist show a relatively lower level of resistance to unionization in Canada. Weiler (1983:1817) showed that, between 1975 and 1980, the ratio of ULPs to representation campaigns in the U.S. jumped from 1.7 to 2.5. By comparison, the ratio in that same period rose in Ontario from 0.2 to 0.4, and stayed level in British Columbia at 0.1. In other words, U.S. ratios were between 6 and 25 times higher than in Canada.⁵² Consistent with Weiler, Forrest's (Forrest 1988:167-168) study of union certification in Ontario found that ULPs were filed in only 11.6 percent of cases over the course of the 1970s.

In a comparison of U.S. studies of employer opposition with their own data for Ontario and Quebec over the course of the 1980s, Thomason and Pozzebon (1998) found that U.S. employers engaged in a wide array of anti-union tactics much more frequently than their Canadian counterparts. For example, most U.S. studies found that approximately 70 percent of U.S. employers hired an anti-union consultant when faced with a union election, compared with 33 percent of Canadian employers. Similarly, between 67 and 91 percent of U.S. employers held captive audience meetings with their workers, compared with 41 percent of Canadian employers. The U.S. studies found that

⁵² Granted, one could argue that the sharpest increase was actually in Ontario, which experienced a doubling of its ratio. However, even after doubling, the Ontario ratio remained at one-sixth the level of the U.S. ratio.

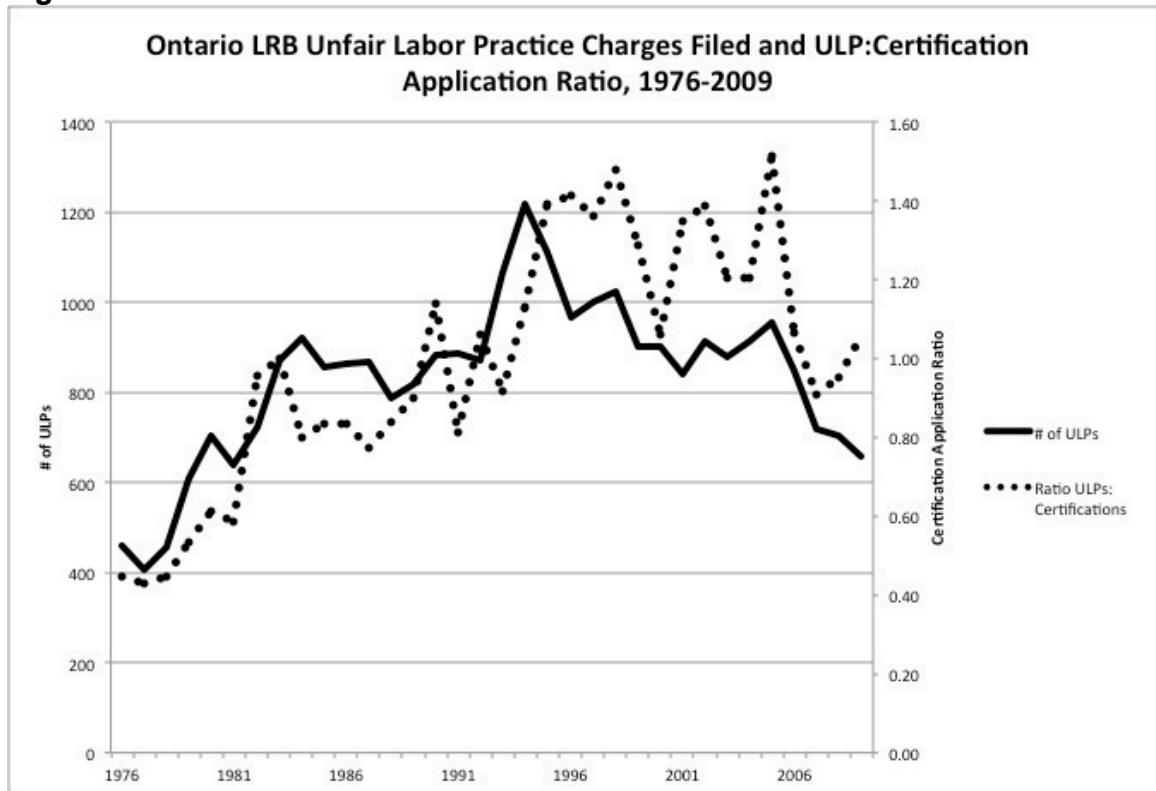
unions were only successful in winning certification in approximately 50 percent of cases, as opposed to 80 percent in Canada. Bentham's (2002) study of Canadian employer behavior in the 1990s found similar frequencies of anti-union employer behavior as the Thomason and Pozzebon study.

Looking at a broader time frame, Figure 4.13 shows that the frequency of ULPs in Ontario did increase sharply between the mid-1970s and mid-1990s, nearly tripling from 406 in 1977 to 1,216 in 1994. There were especially steep increases late 1970s and early 1980s, and then again in the early 1990s. ULP frequency then fell by nearly half over the next 15 years, back down to 658 in 2009. This is a different pattern than what we see south of the border, where ULP frequency dropped off in the 1980s after peaking in 1980, then rising again in the late 1990s.

But, consistent with Weiler's findings, where the two countries truly differ is in the number of ULPs per certification attempt. Whereas U.S. ULP ratios began their sharp upward climb in the early 1970s to reach the current unprecedented level of over 15 ULPs per certification election, Canadian ULP ratios between 1976 and 2009 barely exceeded 1.5 ULPs per certification application at their very peak, in 2005. Even assuming a certain number of false claims, the data shows that U.S. employers have become much more likely than their Canadian counterparts to violate laws surrounding union certification, particularly since the early 1970s. Given how closely this increase in alleged employer violations coincides with the divergence in U.S.-Canada union density rates, it does appear that it could be one of the key factors driving the divergence.⁵³

⁵³ More recent studies, such as that of Bentham (2002), suggest that employer opposition is "neither as infrequent nor as innocuous in Canada as has often been assumed" (p. 181). While this may be true, it is certainly a relatively recent development in Canada, dating back to the 1990s. Moreover, relative to the U.S., even the current more elevated levels are roughly one-tenth as large as what we see in the U.S.

Figure 4.13



Source: Martinello, Felice. 1996. Certification and Decertification Activity in Canadian Jurisdictions. Kingston, Ontario: IRC Press/Industrial Relations Centre, Queen's University, and OLRB Reports, various years.

However, the comparative data on employer aggressiveness raises the issue as to why U.S. employers became so much more aggressive when they did, and why their Canadian counterparts did not. An initial hypothesis might be that U.S. employers harbor more anti-union animus than their Canadian counterparts. But recent empirical studies of managerial attitudes in both countries show virtually no difference between the two, even when controlling for regional differences (Saporta and Lincoln 1995). Moreover, this hypothesis ignores the long history of virulent anti-unionism among Canadian employers. As Jamieson (1973:3) remarked in the early 1970s, "Canadian employers generally have been even less willing than their counterparts in the United States to recognize and make concessions to unions." Likewise, in surveying Canadian management attitudes from the institution of industrial legality in 1948 through the late 1960s, Pentland (1968:370-371) noted that "the prime fact about employer attitudes in this period...is that they exhibit much the same character at the end of the period as in 1945: hard-line, conservative, authoritarian, and suspicious of unions."

If this was the type of hostility that industrial relations scholars saw among Canadian employers in the postwar decades, then did it change in subsequent decades? If so, how and why did it change? While the above-mentioned Saporta and Lincoln study suggests that hostile attitudes among Canadian employers have remained relatively constant since the days that Jamieson and Pentland were writing, the

research on ULPs shows that they have been considerably more circumspect in expressing those hostile attitudes than their U.S. counterparts in recent years. The question remains as to why Canadian employers have remained relatively more circumspect.

A second hypothesis could be that Canadian employers have been less likely than U.S. employers to deploy aggressive anti-union tactics is because they are less effective in the Canadian setting. This is what Thomason (1994) found in an initial study comparing employer behavior in the U.S. and Ontario. Specifically, he cited the critical importance of the shorter time frame in Ontario between certification application and recognition, which reduced employer opportunities to engage in aggressive practices. However, in his follow-up study with Pozzebon (1998), he revised his position. That study found that aggressive employer practices have in fact been very effective in reducing union support in Canadian certification campaigns. So even though aggressive tactics have shown a positive payoff for Canadian employers, they have adopted them much less than in the U.S. Why then have Canadian employers adopted aggressive tactics so much less than their U.S. counterparts?

The answer, Thomason and Pozzebon suggest, lies beyond any single policy difference. Rather, it lies in different normative frameworks established by policy regimes in both countries. As evidence, they cite surveys of Canadian industrial relations executives done by Thompson (1995) in the early 1990s. Those interviews show that “while Canadian companies prefer to be nonunion, they respect their employees’ choice to be union members” (Thomason and Pozzebon 1998:17). A quote that succinctly captures the difference in normative frameworks comes from “a manager at a U.S.-owned firm, which is nonunion in the U.S. but partially organized in Canada.” He explained that “we play by the rules where we operate. In the United States, there are no rules. Here rules exist, and we follow them.” (M. Thompson 1995:113).

The important thing to note in this quote is that it does not emphasize differences between the rules in both countries. Rather, the emphasis is on shared understandings of the overall framework: in Canada, “rules exist.” In the U.S., they do not. Put differently, the fundamental difference affecting employer behavior in the U.S. and Canada is the *legitimacy* of the framework governing labor relations in either country. While both countries started off their respective eras of industrial legality in the 1930s and 1940s with similar frameworks of rules, those frameworks changed over time. In the U.S., the framework eroded, to the point where employers can reasonably act as if “there are no rules.” In Canada, the framework may have weakened, but there remains a sense among employers that “rules exist.”

First Contract

In the event that workers successfully obtain certification of their bargaining unit, the next step is to bargain a first contract with management. It is in securing the first contract that many of the material benefits of union membership are realized and institutionalized.

The rules governing first contract negotiations differ between the U.S. and Canada. In the U.S., there is no statutory compulsion to reach a first contract agreement. Rather, union certification simply imposes upon employers a “duty to bargain in good faith” with the union. By contrast, in seven out of eleven Canadian provincial jurisdictions, including the federal jurisdiction, the law provides for what is called “first contract arbitration” (FCA).⁵⁴ This is a process whereby the employer and union are encouraged to reach a voluntary first agreement. However, in the event that they prove unable to do so, union and employer demands are submitted to the relevant labor board or an arbitrator, who can then settle the terms of the agreement. Provisions determining when impasse has been reached, how long boards and arbitrators can take to consider the case, how long arbitrated agreements can last, and other matters, vary between jurisdictions (Slinn and Hurd 2011).

In theory first contract negotiation is supposed to occur soon after certification, without delay. Once the threshold of certification has been achieved, it is not supposed to be an additional obstacle for workers to overcome. But as with the certification process, the reality of first contract negotiation can often be very different. In the U.S., employers can take advantage of numerous legal technicalities to delay the start of bargaining, and often drag out the negotiation process once it gets underway. As a result, many groups of workers who are able to pass through the certification gauntlet founder when it comes to securing a first contract. Bronfenbrenner’s (2009) study of certification elections between 1999 and 2003 found that only 48 percent of certified bargaining units had obtained first contracts within one year after their election, 63 percent had obtained an agreement within two years, and only after more than three years had 75 percent of units obtained a first agreement. Ferguson’s (2008) study of organizing drives between 1999 and 2004 had even starker findings, with less than 39 percent of certified bargaining units obtaining a first contract within one year, and no more than 56 percent of certified units obtaining an agreement within two years. Similarly, Johnson’s (2010) tabulations of Federal Mediation and Conciliation Services (FMCS) data, reproduced as Table 4.1 below, showed that the two-year success rate for bargaining units in achieving a first contract between 1996 and 2004 varied between 55 and 70 percent.⁵⁵

⁵⁴ The jurisdictions are British Columbia (1973), Quebec (1978), Federal (1978), Manitoba (1982), Newfoundland and Labrador (1985), Ontario (1986), and Saskatchewan (1994). An eighth jurisdiction, Prince Edward Island, adopted first contract arbitration in 1995, but has never implemented the process (Slinn and Hurd 2011:45)).

⁵⁵ Note that the data reported in the table is for negotiations closed *without* and agreement after two years. Thus, the success rate is obtained by calculating $1-p$, where p is the percentage of cases closed without agreement.

Table 4.1: Percent of all U.S. Private-Sector First Contract Negotiations, Closed Without Agreement after Two Fiscal Years, 1996-2004

<i>Year</i>	<i>Percent</i>
1996	40
1997	30
1998	34
1999	42
2000	44
2001	45
2002	42
2003	44
2004	45

Source: (S. J. T. Johnson 2010:Table 1)

As in the case of union certification above, many employer stalling tactics surrounding first contract negotiation are technically illegal ULPs. However, the incentives are constructed such that many employers find the potential cost of breaking the law worth the benefit of union avoidance. Even in the event of a guilty verdict, the delay involved with processing the ULP charges helps to chip away at workers' resolve. Moreover, if employers can delay contract negotiations for at least one year, NLR regulations stipulate that they can then organize a drive to decertify the union, a provision that provides major incentives for employers to stall. Ferguson's (2008) study of 22,000 organizing drives between 1999 and 2004 found that employer ULPs decreased the likelihood of reaching a first contract within one year by 30 percent.

In Canada, the presence in several jurisdictions of (FCA) shifts the employer incentives considerably. Instead of the potential benefit of being able to decertify the union, as in the U.S., employers in Canada who delay reaching agreement with the union run the risk of having an agreement imposed upon them that could be more costly than a directly negotiated agreement. Reflecting on his time as a labor arbitrator in British Columbia, Weiler (1980:54) remarked that "we imposed very few agreements. . . . But when we did write agreements against an anti-union employer, we made the compensation package rather generous. We stated quite forthrightly that that was what we were doing, in order to provide a disincentive to other employers adopting the kinds of tactics which would get them before the Labour Board."

Existing studies of the effect of FCA in Canada show that it functions more as an incentive to reach voluntary agreement than as a substantive remedy. Johnson's (2010) study of the effects of FCA on collective bargaining in Canada showed that FCA reduced the incidence of first contract strikes in the private and quasi-public sectors by between 50 and 65 percent. Furthermore, she found that on average, 6.7 percent of certification cases actually end up being resolved through the first contract arbitration

system, and in only 2.8 percent of cases are contracts imposed by arbitration. Slinn and Hurd's (2011) overview of FCA in four Canadian provinces corroborates Johnson's findings. The combination of fewer strikes, infrequent use of FCA, and even more infrequent decertification, strongly suggests that most certified bargaining units are able to reach a first contract through the collective bargaining process in Canada.

First Contract Negotiation in Historical Perspective

While the current state of first contract negotiation differs sharply between the U.S. and Canada, has this changed over time, and if so, how? Historical data for first contract negotiations is much less available than for union certifications, but the data that does exist shows that there has indeed been a change over time. Weiler's (1984) compilation of first contract data for the U.S. showed a drop in the success rate from 86 percent in 1955 to 63 percent in 1980. The vast bulk of the drop, from 78 percent to 63 percent, happened between 1970 and 1980. Using data compiled by the U.S. Federal Mediation and Conciliation Service (FMCS), the Dunlop Commission (1994) found that only 56 percent of certified bargaining units obtained first contracts in the years from 1986 through 1993.

Depending on which measurements of more recent first contract success rates we use, that figure has at best rebounded slightly, and in most cases declined. Even the highest current estimate of 75 percent of certifications culminating in a first contract comes after more than three years of delay and legal maneuvering. During that time, union supporting workers are often subjected to a lower-intensity version of the threats and harassment to which they were subjected during the original certification campaign (Bronfenbrenner 2009). But more importantly, even if the first contract success rate has risen or remained relatively constant since the early 1980s, this rate is a percentage of an ever-shrinking total of certified bargaining units, as outlined in Figure 4.7 above.

Both efforts at legislative reform of U.S. labor laws in this period, the 1977 Labor Law Reform Act and the 2009 Employee Free Choice Act, contained provisions for some form of first contract arbitration as a proposed remedy to the perceived failure of collective bargaining. However, both efforts were ultimately unsuccessful.

While historical data is even less available for Canada than for the U.S., the data that does exist seems to show a different situation. In the early 1980s, when Weiler was reporting a first contract success rate of 63 percent in the U.S., studies of the federal jurisdiction and Ontario showed success rates of 83 and 87 percent, respectively (Solomon 1984; 1985). Bain's (1981) study of Canadian certifications in 1978-79 found that between 70 and 80 percent of certified bargaining units were able to negotiate first contracts. Bentham's (1999) survey of employers done in 1996 found that over 92 percent of certified bargaining units in her survey were able to negotiate first contracts (p. 167).⁵⁶ Although these findings are far from conclusive, they do suggest that, although Canadian workers still have had to fight for a contract after winning

⁵⁶ Bentham's number may exaggerate Canadian unions' success in negotiating first contracts, as her survey only had a 25 percent response rate (p.70).

certification, they have generally been more successful than their U.S. counterparts in doing so.

Where the two countries do differ significantly is in their respective governments' responses to the perceived breakdown in the collective bargaining process, as illustrated by the difficulty of certified bargaining units to obtain first contracts. Governments in both countries did take note of the problem, beginning in the 1960s, and more seriously in the 1970s. In both countries, legislators in several jurisdictions proposed FCA legislation to address the problem. Speaking in 1977 in support of a FCA provision for the federal jurisdiction, Canadian Minister of Labour John C. Munro articulated the government's concerns with the collective bargaining process:

The Canada Labour Relations Board certifies the employees as a bargaining unit for collective bargaining purposes. Then they go to negotiate with the employer, and it is spun out and spun out and spun out and spun out, and no collective agreement is ever signed. Both sides charge each other with bargaining in bad faith, and so on. There are motions and applications before the Canada Labour Relations Board. It still spins out and, before you know it, the whole thing dies. The employees have moved and finally given up, and so on. This has happened innumerable times (quoted in Backhouse 1980:530).

The main difference between Canada and the U.S. is that, at the very moment that U.S. efforts to implement FCA failed with the defeat of the 1977 labor law reform bill, Canadian efforts succeeded. British Columbia led the way with its FCA law in 1973, followed by Quebec in 1977, and the federal jurisdiction in 1978. Manitoba, Newfoundland and Labrador, Ontario, and Saskatchewan all joined the fray in subsequent years.

What is important to note here is not the ostensible effectiveness of FCA laws as a means of overcoming employer intransigence and establishing stable collective bargaining relationships. As a reminder, the main finding in studies of FCA use in Canada is that the provisions are rarely used. Although the existence of FCA may serve as a deterrent to employer foot-dragging, it is only one small part of the overall collective bargaining climate. To illustrate this point, we need only review the two studies by Solomon, cited above, measuring first contract success rates in the federal jurisdiction and Ontario (Solomon 1984; 1985). Both of these studies measured success rates in their respective jurisdictions in 1978 and 1979, and found success rates of 83 percent in the federal jurisdiction, and 87 percent in Ontario. However, the findings for the federal jurisdiction were measured only one year after the federal FCA law was enacted, before it had presumably had a chance to exert its full effect. Moreover, the findings for Ontario were measured eight years *before* that province's adoption of FCA in 1986. Clearly other factors about the overall collective bargaining environment aside from FCA contributed to Ontario's high first contract success rate.

The important thing to note in the case of FCA legislation is the greater willingness/ability of the Canadian state to intervene actively in the collective bargaining process through legislative remedies. This more active governmental role is unrelated to greater pro-labor sympathies, and independent of labor influence on government policymakers. Indeed, both employers *and* unions bitterly resisted the implementation of

FCA when it was first proposed in the early 1970s (Backhouse 1980), although labor ultimately came around to supporting the provisions (Muthuchidambaram 1980:394-395). Regardless, they were clearly not the ones leading the charge for the policy.

Thus, in addition to the differences in the stability of the overall labor relations framework that we saw in our examination of union certifications the case of FCA points to another cross-country difference in need of explanation: the greater independent willingness and ability of the Canadian state to intervene in the collective bargaining process.

Union Security

In both the U.S. and Canada, union security provisions are negotiated individually into each collective bargaining agreement, subject to various legal restrictions. As previously mentioned, the basic elements of union security include regular methods of dues collection and methods of ensuring that workers who benefit from the provisions of a collective bargaining agreement contribute to the costs associated with enforcing the agreement. The standard method of ensuring dues collection is known as “dues checkoff,” meaning that union membership dues are deducted at regular intervals directly from the union member’s paycheck. As for cost-sharing provisions, also referred to as “union security clauses” in contracts, there are several different types. The general types, from most to least comprehensive, are:

- Closed shop: only union members are eligible to apply for jobs, and union members must remain in good standing in order to retain the job;
- Union shop: members and non-members can apply, but are required to join the union within a certain time after beginning work;
- Maintenance of membership: workers can choose whether or not to join the union, but if they join, they cannot revoke their membership for the duration of the collective bargaining agreement;
- Agency shop: workers can choose whether or not to join the union, but if they do not join, they are still required to pay “agency” or “fair share” fees, representing the portion of union membership dues devoted to contract enforcement and representation costs.
- Open shop: no union security provision, workers can benefit from collective bargaining agreement provisions without having to join the union or pay “fair share” fees.

As with laws governing certification, different union security clauses create different incentives and obstacles for workers to become and remain union members. With the closed shop, the incentive to join the union is strongest, as union membership is required as a term of employment. Similarly, the obstacles to leaving the union are highest, as leaving the union entails leaving the job. Conversely, with the open shop, the incentive *not* to join is highest, as the rules create a “free rider” problem where workers can benefit from union representation without having to pay for it. Similarly, the obstacles to leaving the union are non-existent. As a result of the different incentives

and obstacles they create, union security clauses theoretically make unions' institutional survival more or less difficult.

The laws governing what types of union security clauses are permissible differ between the U.S. and Canada. In the U.S., section 14(b) of the Labor Management Relations Act (LMRA) or Taft-Hartley Act of 1947 both outlawed the closed shop and permitted states to pass "right-to-work" laws (RTW), which forbid any provision that requires union membership as a term of employment. This essentially outlaws union security provisions in those states, ensuring that all workplaces in RTW states are open shop workplaces. Currently, 23 of 50 states have RTW statutes, with the vast majority of those states adopting their laws between 1944 and 1958. The rest of the states permit all types of union security provisions, save for the banned closed shop, but none mandates a certain minimum level of union security.

In Canada, all types of union security provisions are permitted in all provinces, and seven out of eleven jurisdictions compel universal dues collection (Taras and Ponak 2001b; Taras 1997).⁵⁷ The first Canadian regulations governing union security were set up in 1946 as part of a ruling by Supreme Court Justice Ivan Rand, which settled a bitter 1945 strike by Ford workers in Windsor, Ontario. Articulating what became known as the "Rand Formula," the judge ordered the company to agree to mandatory dues checkoff for every worker, regardless of union membership. In exchange, the union agreed to mandatory, government-supervised strike votes prior to engaging in strikes between contracts, a no-strike pledge for the life of the contract, as well as a pledge to police and discipline union members who engaged in illegal strikes. The Rand Formula quickly diffused throughout Canada, becoming the standard union security provision in Canadian collective bargaining agreements (Fudge and Tucker 2001:284-285). However, laws mandating a minimum level of union security (agency shop) at the provincial/federal level are a more recent addition to the Canadian industrial relations landscape. Most of these laws were only adopted in the 1970s (Taras and Ponak 2001b:548).

The key difference to highlight then between the U.S. and Canada in terms of laws regulating union security provisions is that there is a group of U.S. states whose laws prohibit all forms of union security, whereas there is a group of Canadian provinces that require at least a basic form of union security.

To evaluate the extent to which differences in union security provisions might affect U.S.-Canada union density divergence, the first step is to evaluate the extent to which RTW laws have or have not played a role in driving U.S. union density decline. If they do play a role, then it would follow that the lack of such laws in Canada could be a factor in explaining union density divergence.

In their initial review of the literature regarding RTW laws, Moore and Newman (1984) identified the central problem in estimating the effect of RTW laws on union density: two-way causality between unionism and RTW laws. That is, RTW laws could

⁵⁷ British Columbia, Federal, Manitoba, Newfoundland and Labrador, Ontario, Quebec, and Saskatchewan.

have a negative effect on unionization in a given state, or states that are already weakly unionized could be more likely to adopt RTW laws. Consistent with this problem, they found that studies that considered RTW laws as exogenous (i.e. Independent) of unionization tended to find strong negative relationships between RTW laws and unionization, whereas studies that used various methods to address the endogeneity (i.e. mutual inter-relatedness) of RTW laws and unionization found that RTW laws had very little independent effect on union density (pp. 576-578).

In a subsequent review, Moore (1998) drew mixed conclusions. Depending on the type of model deployed, estimations of the independent effect of RTW laws on union density varied greatly. Most studies showed that RTW laws are associated with a long-term decline in unionization of between 3 and 8 percent, although only half of the studies included reported statistically significant results. Consistent with the discussion of theoretical incentives and obstacles related to union security clauses above, studies in Moore’s review showed that free riding is approximately 6 to 10 percent higher in RTW compared to non-RTW states (pp. 453-454). Additionally, most studies examining RTW’s effect on union organizing effort and success showed that RTW laws initially had a strong negative effect on organizing effort. In particular, Ellwood and Fine’s (1987) study found that RTW laws decreased NLRB election win rates by 28 percent in the first five years after their passage, and by an additional 12 percent in the following five years. However, this effect faded after ten years.

An examination of some basic descriptive statistics can help get a sense of the plausibility of the hypothesis that RTW laws negatively affect unionization rates. Table 4.2 below reproduces Table 2.1 we saw earlier, reporting data on union density by state from 1939 to the present. It adds information about which states have RTW laws, along with the dates in which these states adopted their RTW statutes. A simple cursory examination of the rankings shows that there is a strong relationship between being a RTW state and having low union density. Every single one of the 16 lowest-density states is a RTW state, as are 19 of the bottom 23. By contrast, only 1 of the 15 highest-density states is a RTW state (Nevada).

Table 4.2: U.S. Union Density by State (w/ right-to-work information), Selected Years, 1939-2011, %

Rank	State	RTW?	RTW Year	1939	1953	1960	1966	1971	1981	1991	2001	2011	Growth Rank	1939 Rank	Rank Δ 39-11	Density Δ 39-11
High-Density States																
1	NEW YORK			24.7	35.6	31.9	34.5	33.1	29.4	29.4	26.9	24.1	47	12	+11	-0.6
2	ALASKA			15.4	52.7	46.8	37.3	33.5	33.7	21.6	22.1	22.2	17	27	+25	6.8
3	HAWAII			2.0	14.0	20.8	24.6	29.7	35.4	29.1	23.2	21.6	35	51	+48	19.6
4	WASHINGTON			43.2	54.2	45.6	40.8	39.7	31.5	23.2	18.8	19.3	12	2	-2	-23.9
5	MICHIGAN			21.2	44.6	49.1	41.7	40.4	32.8	24.9	22.1	17.6	51	17	+12	-3.6
6	OREGON			31.8	44.3	41.8	36.8	33.3	18.3	19.5	15.8	17.5	14	4	-2	-14.3

7	CALIFORNIA			24.8	37.0	37.3	31.5	29.5	22.8	18.7	16.8	17.4	8	11	+4	-7.4
8	RHODE ISLAND			10.7	28.0	21.8	24.5	24.4	24.7	20.8	17.0	17.4	49	41	+33	6.7
9	CONNECTICUT			12.0	27.2	23.7	27.8	26.9	24.1	19.1	15.1	16.8	41	34	+25	4.8
10	ILLINOIS			27.3	40.7	43.2	33.3	33.0	25.6	21.1	18.4	16.3	50	8	-2	-11.0
11	NEW JERSEY			17.1	35.9	27.9	37.8	35.6	25.0	24.4	19.6	16.2	40	23	+12	-0.9
12	MINNESOTA			26.1	38.6	32.8	35.4	31.0	20.2	21.9	18.0	15.3	38	9	-3	-10.8
13	MASS.			16.2	30.4	21.6	25.8	25.2	26.6	17.6	14.9	14.7	44	25	+12	-1.5
14	NEVADA	Y	1951	19.3	31.2	37.4	30.0	33.4	28.5	18.4	16.9	14.7	1	19	+5	-4.6
15	PENNSYLVANIA			29.0	40.6	26.1	36.5	36.7	33.3	20.3	17.2	14.7	46	6	-9	-14.3
Middle-Density States																
16	WEST VIRGINIA			43.6	45.0	28.5	35.7	34.2	38.3	19.5	14.7	13.9	48	1	-15	-29.7
17	OHIO			25.5	38.0	34.1	36.1	36.4	28.5	20.8	17.9	13.5	42	10	-7	-12.0
18	WISCONSIN			30.9	29.3	35.3	32.7	31.1	24.5	21.1	16.6	13.5	32	5	-13	-17.4
19	MONTANA			38.7	47.7	34.7	35.8	31.6	26.1	17.8	13.5	13.2	34	3	-16	-25.5
20	MARYLAND			12.6	25.8	20.1	24.6	24.2	26.1	14.3	13.8	12.5	23	33	+13	-0.1
21	VERMONT			12.0	19.5	18.1	16.6	16.7	21.7	11.9	10.9	12.2	33	35	+14	0.2
22	IOWA	Y	1947	18.2	26.0	25.6	26.4	25.2	29.1	14.0	13.6	11.4	37	21	-1	-6.8
23	MAINE			7.6	22.0	15.2	22.6	21.2	20.1	18.5	13.0	11.4	43	45	+22	3.8
24	INDIANA	Y	1957-1965, 2012	23.0	41.3	33.1	40.7	38.8	27.8	19.5	14.7	11.3	36	14	-10	-11.7
25	NEW HAMPSHIRE			7.7	25.2	18.4	23.0	20.7	19.4	11.7	9.7	11.2	30	44	+19	3.5
26	MISSOURI			22.9	40.2	42.5	25.3	24.4	20.5	14.3	13.6	10.9	39	15	-11	-12.0
27	DELAWARE			8.2	19.1	18.2	26.5	26.1	26.7	16.8	12.5	10.5	19	43	+16	2.3
28	ALABAMA	Y	1953	16.7	25.0	17.3	21.5	22.1	18.4	13.5	10.0	10.0	28	24	-4	-6.7
Low-Density States																
29	KENTUCKY			23.5	25.3	25.0	25.0	24.2	21.5	13.5	11.5	9.0	26	13	-16	-14.5
30	DISTRICT OF COLUMBIA			22.6	21.5	18.7	18.3	18.0	19.4	15.0	16.8	8.4	45	16	-14	-14.2
31	COLORADO			18.5	28.2	23.6	21.1	18.4	14.4	9.9	9.2	8.2	7	20	-11	-10.3
32	NEBRASKA	Y	1946	13.0	20.3	22.1	22.5	20.8	21.0	11.0	8.1	8.1	31	32	+0	-4.9
33	KANSAS	Y	1958	14.1	24.8	23.2	20.0	18.2	12.7	12.2	9.3	7.7	29	29	-4	-6.4
34	WYOMING	Y	1963	28.2	28.4	22.3	22.1	19.5	19.6	12.7	9.3	7.3	22	7	-27	-20.9
35	NEW MEXICO			11.7	14.4	17.1	15.3	13.6	19.0	9.0	8.1	6.8	5	37	+2	-4.9
36	OKLAHOMA	Y	2001	11.0	16.7	13.6	15.6	16.7	11.4	10.4	8.5	6.5	24	39	+3	-4.5
37	FLORIDA	Y	1944	11.9	16.5	13.1	13.5	14.1	11.7	8.9	6.7	6.4	3	36	-1	-5.5
38	NORTH DAKOTA	Y	1947	11.7	15.5	12.7	16.6	19.6	14.7	9.8	7.4	6.4	20	38	+0	-5.3
39	ARIZONA	Y	1947	17.4	27.7	27.2	16.9	16.2	10.8	7.8	6.1	6.0	2	22	-17	-11.4
40	UTAH	Y	1955	20.5	26.8	16.4	22.0	26.5	20.8	9.6	7.0	5.8	4	18	-22	-14.7
41	IDAHO	Y	1986	14.5	22.1	24.5	24.0	22.8	23.1	9.3	7.8	5.3	10	28	-13	-9.2
42	TEXAS	Y	1947	10.9	17.4	15.1	12.9	13.3	8.6	6.6	5.8	5.3	6	40	-2	-5.6
43	SOUTH DAKOTA	Y	1946	7.6	14.4	8.7	14.1	16.5	16.8	9.2	6.0	5.2	25	46	+3	-2.4
44	MISSISSIPPI	Y	1954	6.8	15.0	11.9	14.0	14.6	11.2	8.3	5.5	5.0	21	48	+4	-1.8

45	TENNESSEE	Y	1947	15.9	22.6	18.8	21.8	22.5	17.6	11.1	7.9	4.6	18	26	-19	-11.3
46	VIRGINIA	Y	1947	13.4	17.8	11.5	15.5	15.8	13.2	8.8	5.4	4.6	11	30	-16	-8.8
47	LOUISIANA	Y	1954-1956, 1976	9.8	19.7	18.4	17.6	17.0	14.1	8.0	7.9	4.5	27	42	-5	-5.3
48	ARKANSAS	Y	1947	13.4	21.9	14.3	15.3	15.1	8.0	10.4	6.4	4.3	16	31	-17	-9.1
49	GEORGIA	Y	1947	7.2	15.1	11.8	12.0	12.6	8.7	6.9	7.3	4.0	9	47	-2	-3.2
50	SOUTH CAROLINA	Y	1954	4.2	9.4	5.8	6.4	8.8	8.1	5.3	4.9	3.4	15	50	+0	-0.8
51	NORTH CAROLINA	Y	1947	4.4	8.4	5.3	7.7	8.5	8.0	5.3	3.7	2.9	13	49	-2	-1.5
	Range			41.6	45.8	43.8	35.3	31.9	30.3	24.1	23.2	21.2				
	All STATES			21.2	32.5	28.6	28.4	27.2	21.7	16.3	13.7	11.9				

Sources: 1939-1963: Troy, Leo, and Neil Sheflin. 1985. *US Union Sourcebook: Membership, Finances, Structure, Directory*. West Orange, N.J.: Industrial Relations Data and Information Services, Table 7.2 :7-4. 1964-2011: Barry T. Hirsch and David A. Macpherson, www.unionstats.com .

Information on right-to-work status taken from Gall, Gilbert J. 1988. *The Politics of Right to Work: The Labor Federations as Special Interests, 1943-1979*. New York: Greenwood Press, and Reed, W.Robert. 2003. "How right-to-work laws affect wages." *Journal of Labor Research* 24(4):713-730 :728 n. 7.

Note: Arkansas (1944), Florida (1944), Nebraska (1946), and South Dakota (1946) all had constitutional amendments prohibiting union shops prior to the passage of the Taft-Hartley Act in 1947.

Additionally, while union density on average dropped across the board, it dropped more in RTW states. Between 1939 and 1953, mean union density rose in RTW states from 13.2 percent in 1939 to 20.1 percent in 1953, a gain of 52 percent. It then fell from that high of 20.1 percent in 1953 to 6.3 percent in 2011, a drop of 69 percent. By comparison, mean union density in non-RTW states rose from 21.1 percent in 1939 to 33.3 percent in 1953, a gain of 58 percent. It then fell from that high of 33.3 percent in 1953 to 14.4 percent in 2011, a drop of 57 percent. Furthermore, the data suggests that RTW laws might be interacting with the geographic shifts in employment to lower union density. Seven of the 10 fastest-growing states (by employment) are RTW states. No RTW states are in the bottom 10.

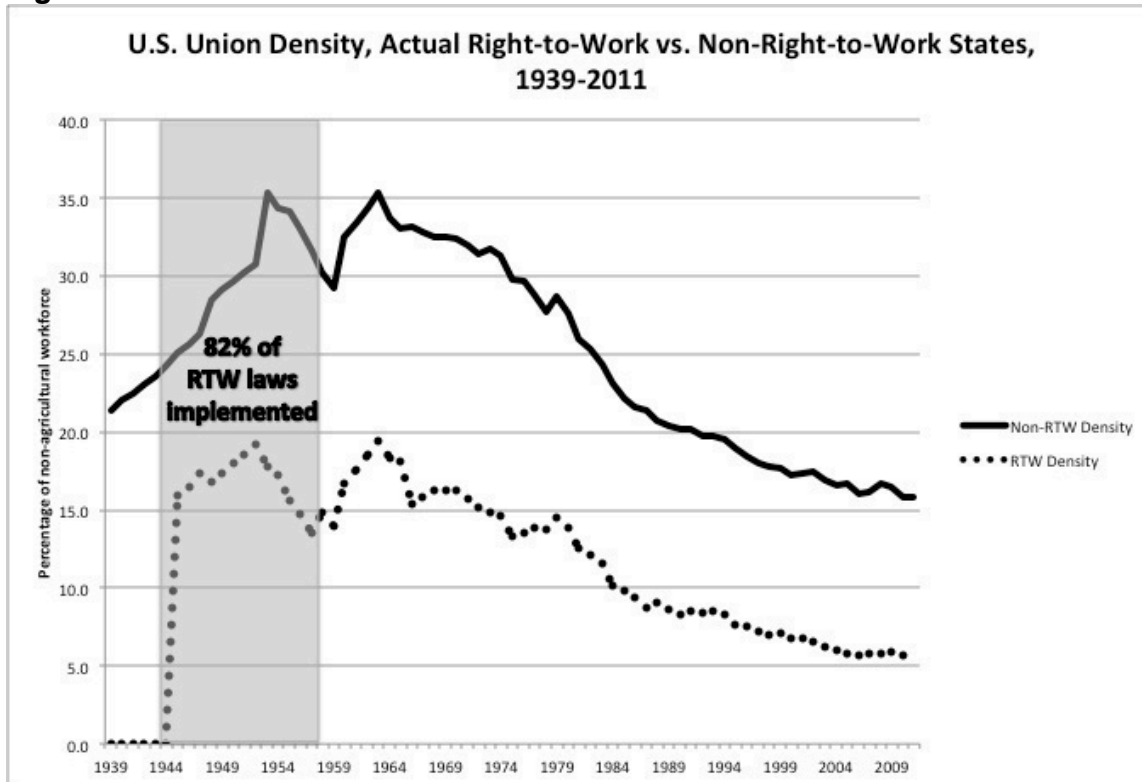
Given this descriptive data, it seems that RTW laws had a depressing effect on union density. However, correlation is not causation, and in the case of RTW laws there remains the problem of endogeneity: it could very well be that RTW laws do in fact cause lower union density, but it is equally possible that lower union density states are more likely to adopt RTW laws.

A closer look at the data shows that endogeneity may well be a problem in evaluating the effect of RTW laws on union density. Figure 4.14 shows U.S. union density between 1939 and 2011, disaggregated by RTW and non-RTW states.⁵⁸ Looking at the trendlines, it appears that RTW states as a population have lower union density than non-RTW states. Furthermore, it appears that union density in both RTW

⁵⁸ States that change their RTW laws are switched over to the relevant group in the first full year after the change. So, for example, if a state adopts a RTW law in 1947, they are counted as part of the RTW group beginning in 1948.

and non-RTW states has moved along roughly similar trajectories, albeit at different levels. We can also see this enduring pattern of density difference between RTW and non-RTW states by examining the numbers directly in Table 4.2. Nine of the 15 lowest-density states in 1939 became RTW states over the time period, while 14 out of the 15 highest-density states in 1939 remained non-RTW states over the time period.

Figure 4.14

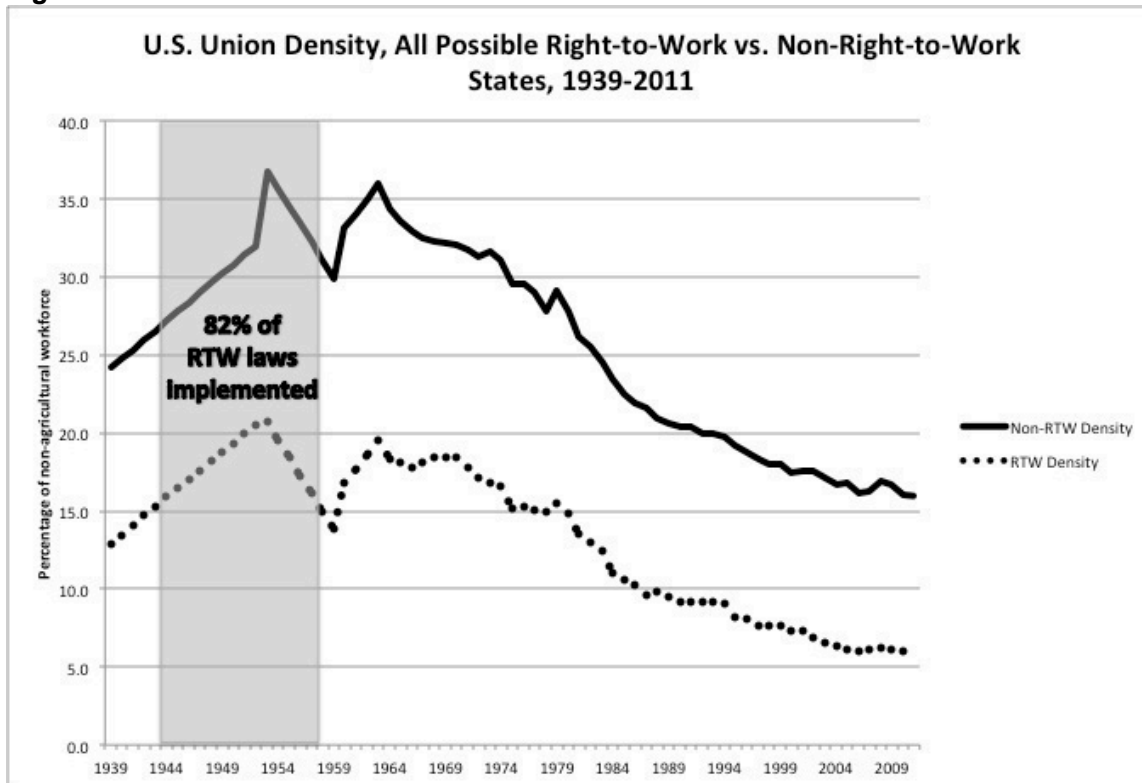


Sources, union membership: 1939-1963: Troy, Leo, and Neil Shefflin. 1985. US Union Sourcebook. 1964-2011: Barry T. Hirsch and David A. Macpherson, www.unionstats.com. Sources, employment: Bureau of Labor Statistics Current Employment Survey, Statistical Abstract of the United States.

The problem of endogeneity becomes clearer if we conduct a small thought experiment. If, instead of adding states to the “RTW” or “non-RTW” categories depending on if and when they enacted actual RTW legislation, we can group the states based on whether or not they have ever enacted RTW legislation, and see how these two groups of states behave over the course of the entire period. Figure 4.15 below reproduces the previous graph using this grouping of all *possible* RTW states, as compared to states that have never enacted RTW legislation. Here we see that union density has been consistently lower in states that at some point adopted RTW legislation, even prior to the implementation of the Taft-Hartley Act in 1947 (which is when most RTW states enacted their laws). The fact that RTW states as a whole are consistently lower-density states, independently of whether or not they have enacted RTW legislation, along with the fact that both RTW and non-RTW states follow similar

trajectories of growth and decline, suggests that other factors outside of RTW laws have affected union density rates.

Figure 4.15



Sources, union membership: 1939-1963: Troy, Leo, and Neil Sheflin. 1985. US Union Sourcebook. 1964-2011: Barry T. Hirsch and David A. Macpherson, www.unionstats.com. Sources, employment: Bureau of Labor Statistics Current Employment Survey, Statistical Abstract of the United States.

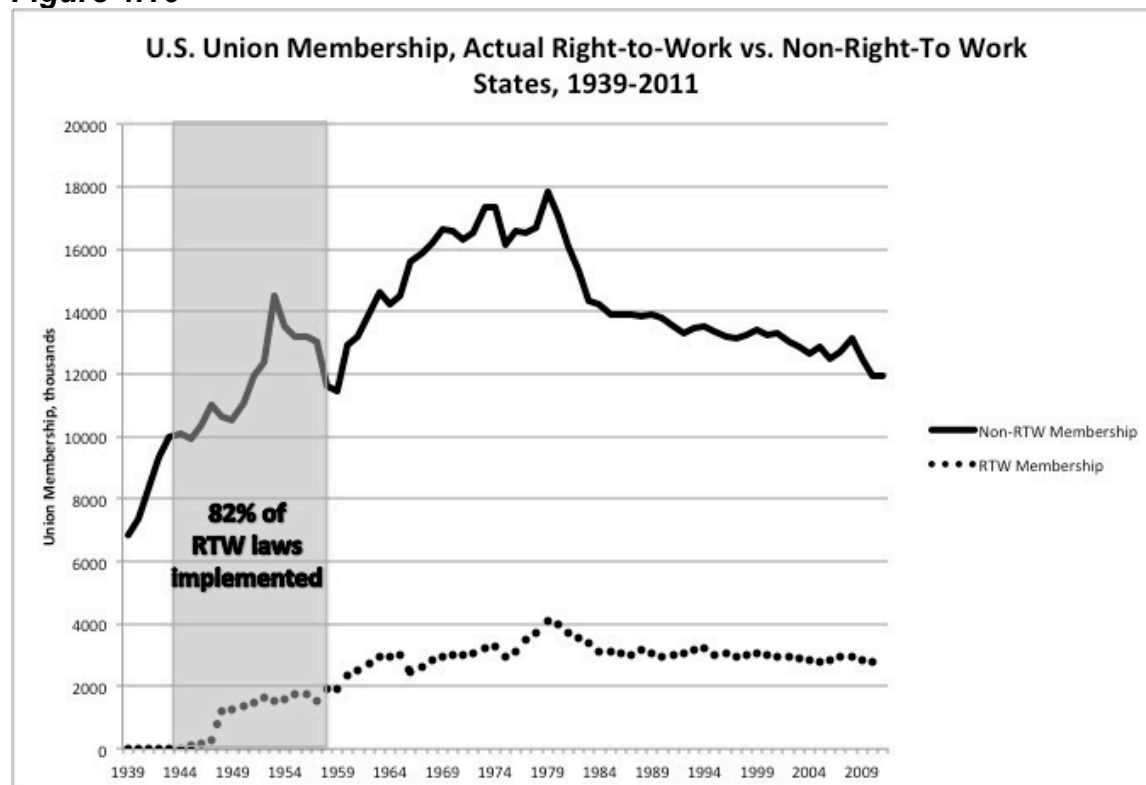
Indeed, a look at the underlying membership numbers provides further reason to suspect that RTW laws might in fact not have had as dramatic a direct effect on union density as initially thought. Figure 4.16 below shows total union membership numbers for actual RTW and non-RTW states from 1939 to 2011. As expected, there are many more union members overall in non-RTW states. But what is noticeable is that union membership remained relatively stable, and even experienced sizable net growth, in RTW states, whereas it collapsed in non-RTW states. Starting from zero when Arkansas and Florida became the first RTW states in 1944, membership in RTW states grew to 1.9 million by 1959, the year after Kansas became the 19th of 23 states to adopt a RTW law. From there, total membership in RTW states grew to a peak of 4.1 million in 1979. Membership then declined by 32 percent in the ensuing decades, falling to 2.8 million by 2011. This decline represented a loss of 59 percent of the membership gained between 1959 and 1979.

While the decline in absolute members in RTW states is significant, it pales in comparison to the decline in non-RTW states. In that same time period, union

membership in non-RTW states more than doubled from 6.8 million in 1939 to an initial peak of 14.5 million in 1953, declining to 11.4 million by 1959. From there, total membership in non-RTW states increased again by half, attaining an all-time high of 17.9 million by 1979. At that point, total membership entered a precipitous decline. In the 32 years between the membership peak in 1979 and 2011, membership in non-RTW states dropped by 33 percent from 17.9 million to 11.9 million. While the relative size of the drop was similar for RTW and non-RTW states (32 vs 33 percent respectively), the drop represented a loss of fully 92 percent of the union members that non-RTW states had gained in the 20 years between 1959 and 1979.

For additional perspective, consider that the net gain in union members between 1959 and 2011 was approximately 900,000 in RTW states, as opposed to a mere 500,000 in non-RTW states. This is despite the fact that there are roughly five times more union members in non-RTW than in RTW states. The bulk of membership loss between 1979 and 2011, 6 million of 7.3 million, occurred in non-RTW states.

Figure 4.16



Sources, union membership: 1939-1963: Troy, Leo, and Neil Sheflin. 1985. US Union Sourcebook. 1964-2011: Barry T. Hirsch and David A. Macpherson, www.unionstats.com. Sources, employment: Bureau of Labor Statistics Current Employment Survey, Statistical Abstract of the United States.

The pattern remains similar if we conduct the same thought experiment as above and group states into all possible RTW states (those that have at some point adopted a RTW law) and those that have never adopted a RTW law, as reported in Figure 4.17

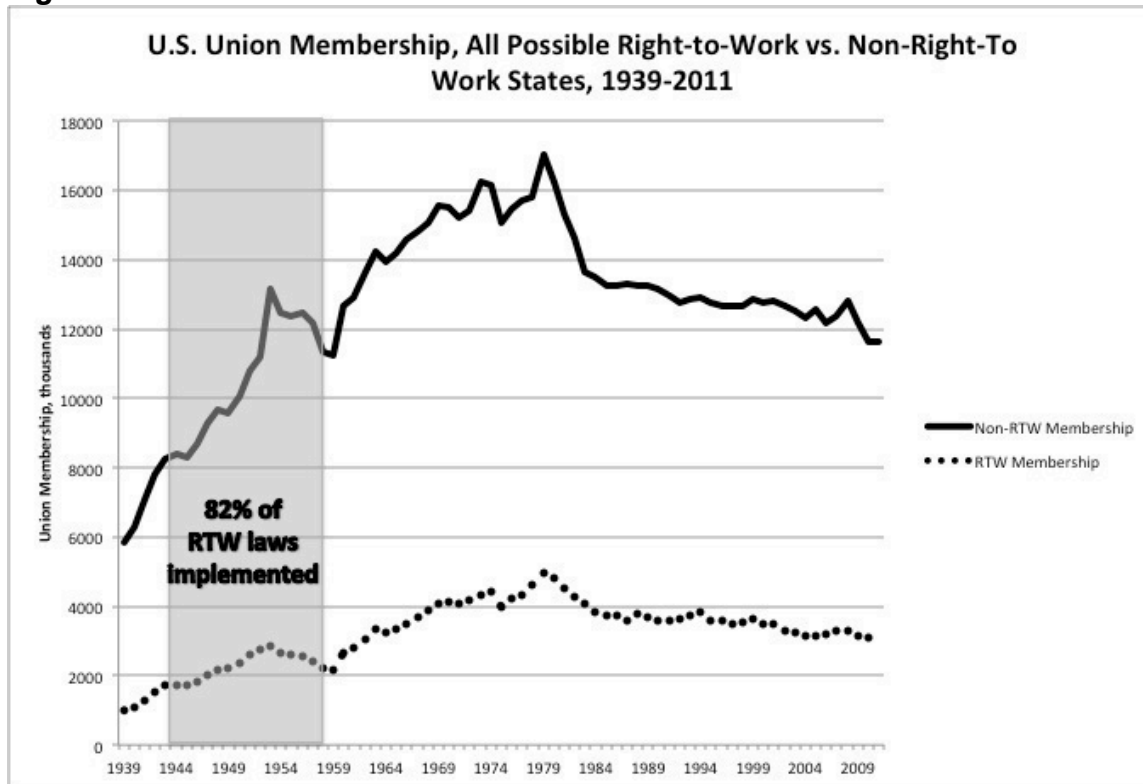
below. Membership in possible RTW states initially almost tripled, rising from 999,000 in 1939 to 2.9 million in 1953. It then declined over the course of the 1950s, reaching a low of 2.1 million in 1959.⁵⁹ RTW membership then more than doubled in the ensuing decades, reaching a peak of 4.9 million in 1979. Over the ensuing three decades, membership in possible RTW states declined by 37 percent, reaching a level of 3.1 million in 2011. This represented a loss of 64 percent of the membership gained between 1959 and 1979.

By comparison, union membership in states that never adopted RTW laws more than doubled between 1939 and 1953, rising from 5.8 million to 13.2 million. Membership then also declined in never-RTW states over the course of the 1950s, reaching 11.2 million by 1959. It then increased by half, reaching a peak of 17 million in 1979. At that point union membership in never-RTW states also declined. Membership in never-RTW states declined by 32 percent, from 17 million to 11.6 million. This represented 93 percent of the membership in never-RTW states gained between 1959 and 1979. Again, the percentage decline is fairly similar (albeit higher for possible RTW states), but the percentage of membership lost is much higher for never-RTW states.

Considering net membership gains between 1959 and 2011 for possible-RTW and never-RTW states, they were 1 million for possible-RTW states, and 400,000 for never-RTW states. Again, the bulk of membership loss, 5.4 of 7.2 million members, occurred in never-RTW states.

⁵⁹ Since seven states adopted RTW legislation between 1953 and 1958, actual RTW membership continued to grow during this period, even though overall membership was shrinking. By grouping states into possible-RTW and never-RTW states, we get rid of the compositional shift and see that union membership declined in all states.

Figure 4.17

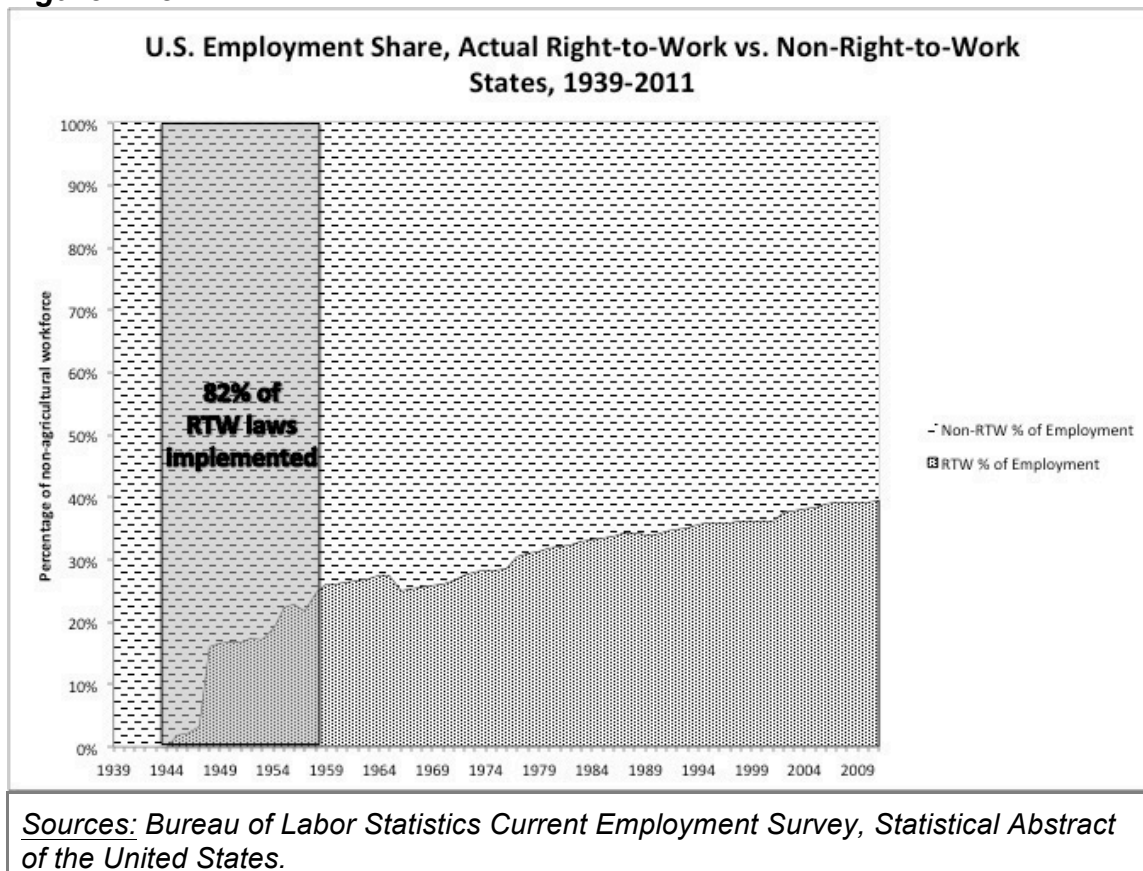


Sources, union membership: 1939-1963: Troy, Leo, and Neil Sheflin. 1985. US Union Sourcebook. 1964-2011: Barry T. Hirsch and David A. Macpherson, www.unionstats.com. Sources, employment: Bureau of Labor Statistics Current Employment Survey, Statistical Abstract of the United States.

These figures become somewhat less shocking when put in context. Total membership loss in non-RTW states is roughly proportional to the current percentage of union members in non-RTW states. These states account for approximately 82 percent of membership loss between 1979 and 2011, and as of 2011 constitute approximately 81 percent of total membership. The point remains that much of the decline in union membership has been occurring in non-RTW states, and an adequate explanation of U.S. density decline must account for that.

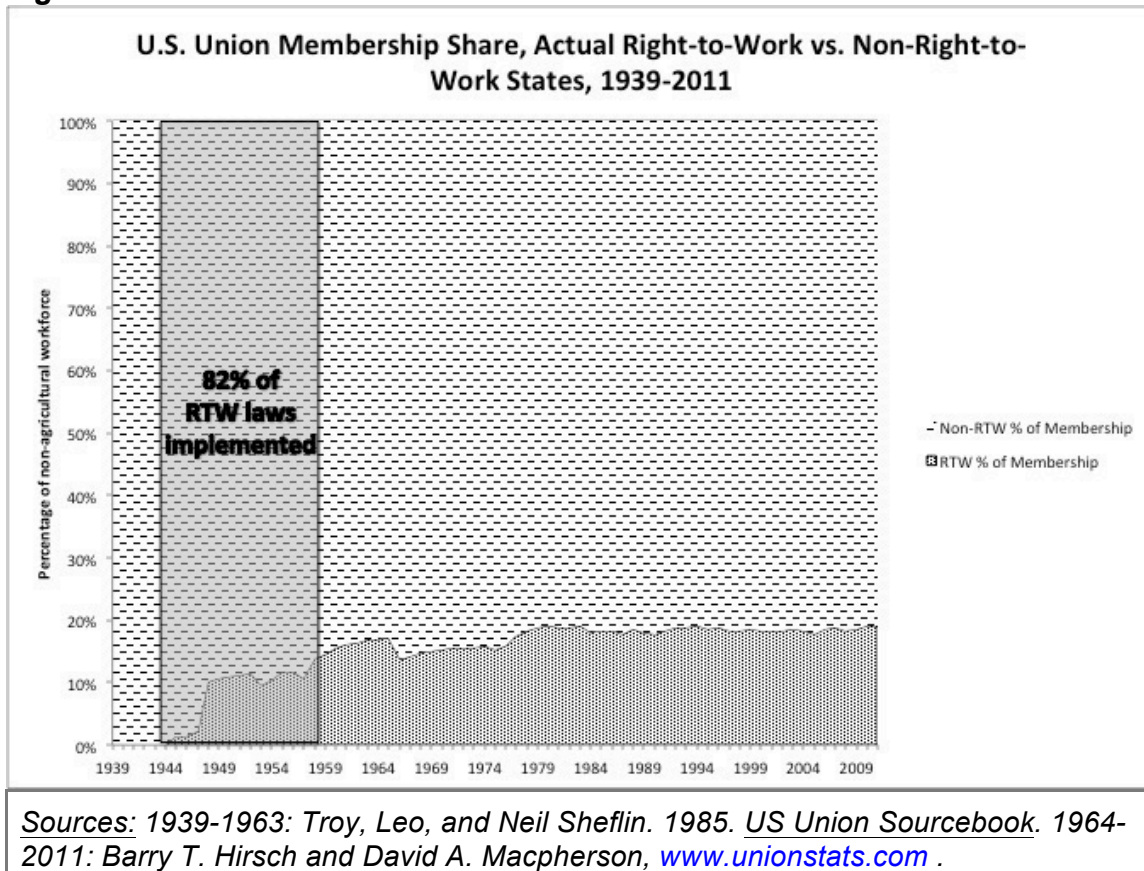
One possible argument for how RTW laws affected union membership decline in non-RTW states is that overall employment shifted to lower-density RTW states. If this were true, we would expect to see employment in RTW states grow relative to non-RTW states. To evaluate this claim, Figure 4.18 below shows the share of employment in RTW and non-RTW states between 1939 and 2011.

Figure 4.18



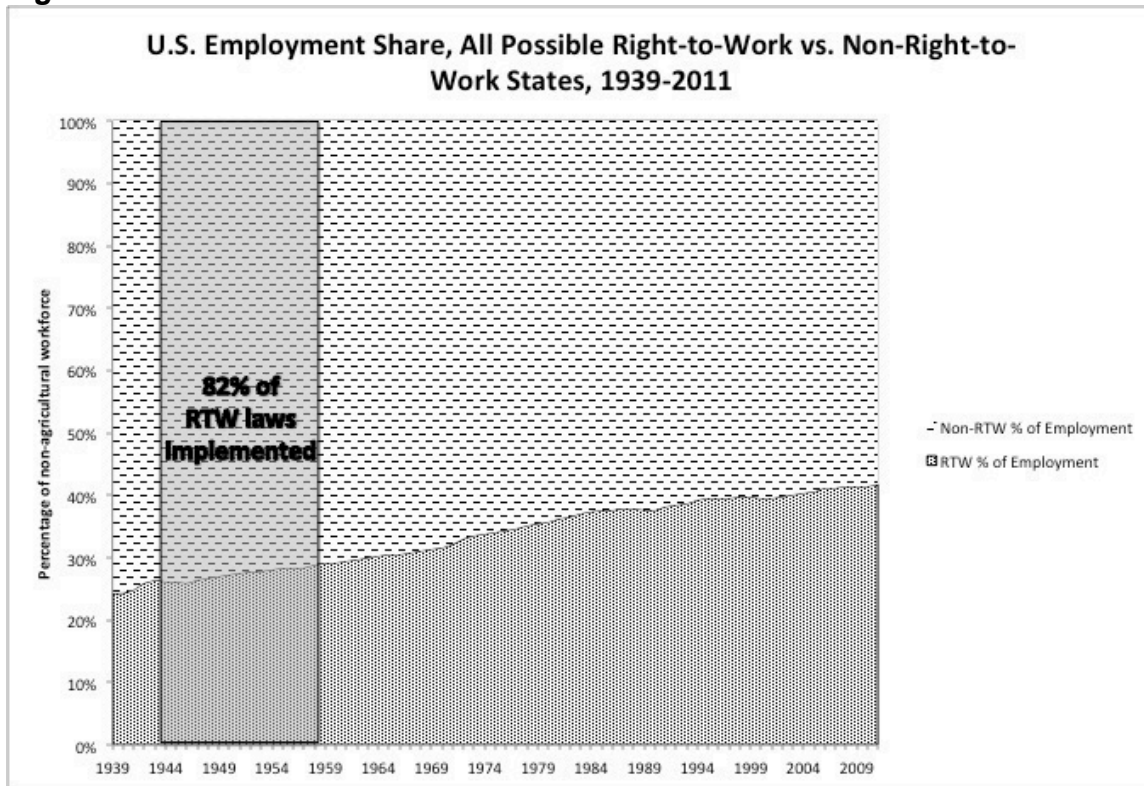
There was a clear shift in employment from non-RTW to RTW states over the course of the period. Between 1959 and 2011, RTW states' share of employment grew by a third, moving from 26.2 percent of total employment to 39.6 percent of employment today. As Figure 4.19 below shows, during this same time period, RTW states' share of union membership stayed relatively steady, increasing from 14.5 percent to 19.1 percent of total membership. Thus, while overall employment in the U.S. was shifting to RTW states, union membership remained more concentrated in non-RTW states.

Figure 4.19



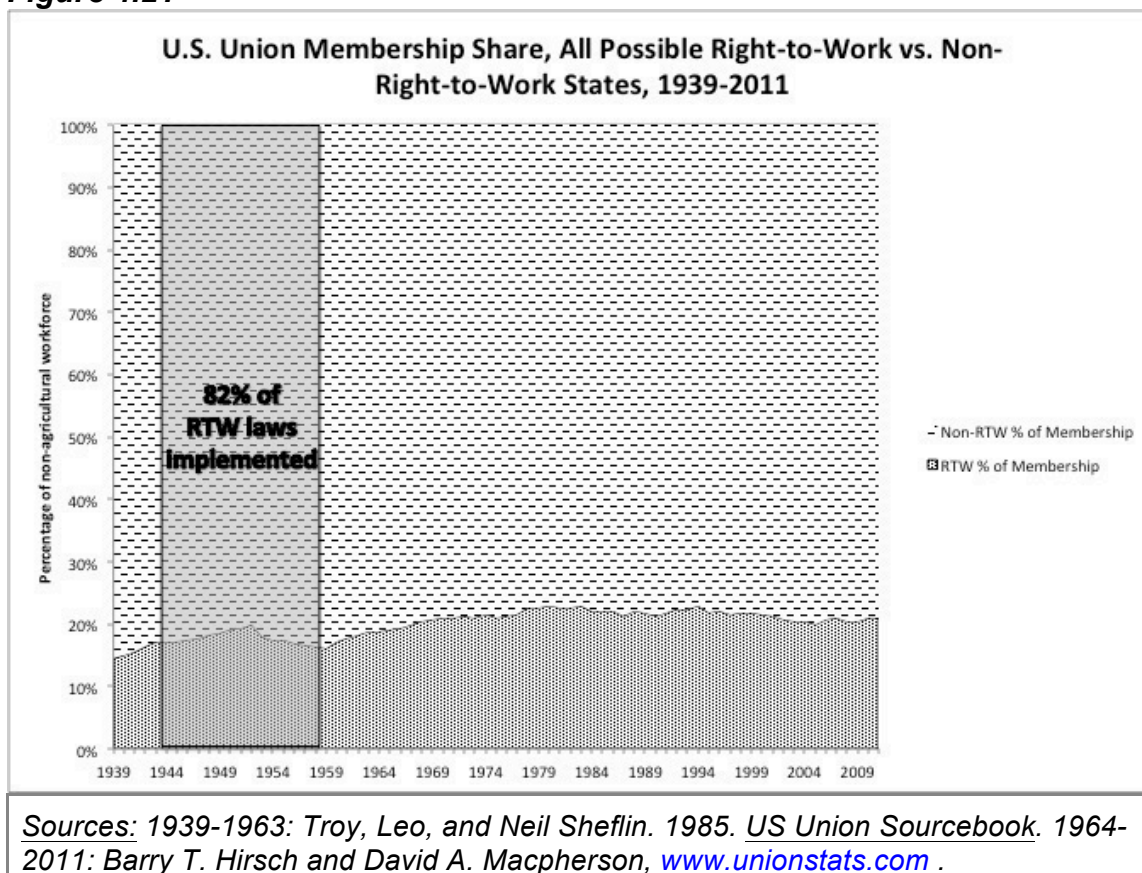
While the compositional shift in employment over the course of the period is undeniable, it is not at all clear that this shift is driven by employers seeking to relocate in RTW states. Figure 4.20 below shows employment shares between 1939 and 2011 for possible-RTW and never-RTW states. The graph shows that between 1939 and 2011, the share of employment in possible-RTW states grew in a steady linear path from 24.4 percent to 41.8 percent. Meanwhile, as Figure 4.21 further below shows, union membership shares in possible-RTW states increased from 14.6 percent in 1939 to 21.1 percent in 2011. Together, the graphs show that the compositional shift in employment towards RTW states, combined with the concentration of union membership in non-RTW states, is part of a secular trajectory of employment shifts that pre-dates RTW laws.

Figure 4.20



Sources, union membership: 1939-1963: Troy, Leo, and Neil Sheflin. 1985. *US Union Sourcebook*. 1964-2011: Barry T. Hirsch and David A. Macpherson, www.unionstats.com. Sources, employment: Bureau of Labor Statistics Current Employment Survey, *Statistical Abstract of the United States*.

Figure 4.21



In sum, the evidence shows that there is a clear relationship between low union density and RTW laws. However, it is unclear the extent to which this relationship is the result of RTW laws causing low union density, or rather that low-density states are more likely to have adopted RTW laws. The disproportionate growth of employment in RTW states lends credence to the hypothesis that U.S. union decline is partially the result of geographic shifts in employment from high-density non-RTW states to low-density RTW states. This is consistent with Farber's (1985) findings, who estimated that geographic shifts in employment from non-RTW states to RTW states accounted for approximately 13 percent of the decline in union membership between 1953 and 1978. However, it remains unclear whether these employment shifts are the result of RTW laws, or rather part of a broader pattern of employment shifts towards states that happen to have RTW laws, but that predates the adoption of those laws. Regardless of the possible effects of RTW, the main question that remains to be explained is the persistence of strongly unequal regional distribution of unionization in the U.S., with a more-unionized Northeast, Midwest, and West Coast, and a less-unionized Southeast, Great Plains, and Southwest.

Right-to-work and U.S.-Canada union density divergence

The foregoing analysis has focused on examining the role of RTW laws in shaping the independent trajectory of U.S. union density. While its role remains inconclusive when analyzed solely within the U.S. context, a comparison with Canada could shed explanatory light. Do differences in union security provisions play a role in driving density divergence?

Whereas RTW laws in the U.S. forbid union security clauses, six Canadian provinces and the federal jurisdiction, which together cover 90 percent of Canadian workers, require agency shops. As a reminder, this means that workers are not required to join the union as a term of employment. However, they are required to pay an “agency fee” to cover the costs of negotiating and enforcing the contract from which the worker benefits, whether or not s/he is a union member. Taras and Ponak (2001b; 2001a) argue that this difference is key to understanding the divergence of U.S. and Canadian union density rates:

In Canada, we are suggesting that the financial security provided by the agency shop laws enhanced servicing and organizing activities, leading to higher union membership, which in turn generated more financial resources. In the U.S., in contrast, the weakening of financial security engendered by RTW laws reduced servicing and organizing resources, leading to loss of membership and further financial erosion (Taras and Ponak 2001b:548).

While Taras and Ponak provide no direct evaluation of their hypothesis, they do analyze union security provisions in all Canadian collective bargaining agreements covering more than 500 workers, representing 57 percent of workers covered by collective bargaining agreements in Canada. Their analysis shows that 88 percent of Canadian contracts require workers to pay some form of membership dues or agency fees. They also find that provinces that do not require the agency shop also have a higher percentage of contracts that do not require covered workers to pay dues or fees, ranging from 14 to more than 20 percent (p. 549). For comparison, they analyze a 1995 Bureau of National Affairs (BNA) survey of U.S. collective bargaining agreements. That survey shows that 78 percent of U.S. contracts have a provision for mandatory dues or fees. Thus, nearly twice as many U.S. contracts, (22 percent vs. 12 percent) have no union security clause, meaning that a higher percentage of Canadian workers are required to contribute to the cost of administering and enforcing their collective bargaining agreements.

Additionally, Taras and Ponak examine gaps between union density and collective bargaining coverage in RTW and non-RTW U.S. states, and between Canadian provinces that do or do not have a mandatory agency shop at a minimum. Those results show that U.S. RTW states have a gap more than twice as large as that of any other jurisdiction (21.2 percent more workers are covered by contracts than are union members, compared to 8.8 percent in non-RTW states), and that non-mandatory Canadian provinces have a higher gap than mandatory Canadian provinces (11.9 percent compared to 7.5 percent). Thus, lack of union security clauses does seem to exacerbate free-riding.

While these cross-border differences are real, they do not in themselves constitute an adequate explanation for union density divergence. As discussed above, the evidence for the independent effect of RTW laws on unionization rates in the U.S. is mixed. Although there is a strong negative effect on organizing effort, this appears to subside within a decade, and most RTW states have now had their laws for more than half a century. Certainly, it is clear that RTW laws and lower union density is related, but the causal relations remain murky.

What is clear is that there exists in the U.S. a stark regional dispersion of union density rates that is absent in Canada. Additionally, it is clear that employment in the U.S. has shifted from higher-density states to lower-density states. While these lower-density states tend to be RTW states, there appears to be other factors contributing to their low union density. Our explanation of U.S.-Canada density divergence has to be able to account for this regional dispersion in the U.S.

Furthermore, even if we accept that RTW laws have played an important role in driving union density divergence, what remains to be explained is why U.S. labor law was amended to allow RTW laws, whereas in Canada, not only have RTW laws failed to take hold, but as Taras and Ponak note, something like the opposite of RTW, i.e. mandatory agency shop laws, have been enacted instead.

Scope of Activity

Finally, we consider policies governing unions' permitted scope of activities. Specifically, we will focus on policies regulating strike activity, the archetypal form of worker collective action, and the ultimate basis for unions' organizational power. As Getman and Marshall (2000) explain, strikes and the protection thereof are an essential part of a decentralized, "free" collective bargaining system, as is present in both the U.S. and Canada: "The strike plays the same role in labor negotiations that warfare plays in diplomatic negotiations. It facilitates agreement precisely because the consequences of failure are serious, unpleasant, and costly" (pp. 703-704). Protecting the strike weapon serves to mitigate the imbalance of economic power between workers and management.

In general, strike policy can regulate both union and employer behavior. On the union side, policies can regulate when and under what conditions workers can go on strike. Once a strike is underway, policies can also regulate specific forms of strike activity. On the employer side, policies can regulate when and under what conditions employers can lock their workers out. Once a strike or lockout is underway, policies can regulate if and when employers can continue operating their businesses using replacement workers, commonly referred to as "scabs."

Unlike laws governing union certification, first contract negotiation, and union security, the relationship between strike and lockout regulations and union density is more indirect, as these regulations do not usually govern union membership directly. Rather, they set the terms of engagement for a central test of economic strength between labor and management within already-established collective bargaining

relationships. As such, strike regulations belong more to the set of laws governing the collective bargaining process, as opposed to the certification process. Granted, prior to the advent of compulsory collective bargaining laws in the 1930s and 1940s, unions in the U.S. and Canada did often have to engage in that test of economic strength as part of the struggle to gain employer recognition. However, the advent of those laws removed the need for most recognition strikes, replacing them instead with the more formal, bureaucratized system of certification described above (Brym 2008 48; P. C. Weiler 1984:369 n. 60). Indeed, in both countries, but especially in Canada, a key aspect of the new collective bargaining laws was their prohibition of recognition strikes (Craver 2005:79; Glasbeek 1987:202).

Under contemporary labor regimes, strike and lockout regulations primarily affect union density in two ways. First, they can facilitate or impede either party's ability to achieve their aims at the bargaining table. For example, if regulations are more restrictive towards unions, by making striking harder and making employers' use of replacements easier, union membership may appear less attractive to workers. In some cases, frustrated workers may vote to decertify their bargaining unit. In others, workers may be permanently replaced by scabs, who then vote to decertify the unit. Second, strike regulations can exert a "demonstration effect" on workers and employers, both within the affected bargaining unit as well as beyond it. Restrictions on striking can embolden employers, making them less willing to bargain with worker representatives and more willing to draw out the bargaining process. Similarly, the restrictions and difficulties that unionized workers encounter in the course of exercising their legal right to strike may convince other workers that unionization is not worth the effort, especially in cases where, as reviewed above, the certification process itself can be so onerous.

In this section, we will first examine regulations of workers' ability to strike. Second, we will examine regulations of employers' ability to replace strikers, Third, we will evaluate how these regulations have affected strike activity in the U.S. and Canada, and how this may have affected union density rates in both countries.

Strike Regulation in the U.S. and Canada

Labor laws restrict strike activity in both the U.S. and Canada, but those restrictions have evolved differently over time in the two countries. In the U.S., statutory restrictions have increased over time. The 1935 Wagner Act⁶⁰ explicitly safeguarded the right to strike as a fundamental right, stating forthrightly in Section 13 that "Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike."

However, the 1947 Taft-Hartley Act⁶¹ restricted that right. Most importantly, Section 303 forbade what are known as "secondary boycotts," meaning union efforts to exert pressure on an employer by picketing a secondary employer with which the primary employer has a strategic relationship, such as a key supplier or customer.

⁶⁰ National Labor Relations (Wagner) Act of 1935, Public Law No. 74-198, 49 Stat. 449 (1935) (codified as amended at 29 U.S.C. §§ 151-169).

⁶¹ Labor-Management Relations (Taft-Hartley) Act, Public Law No. 78-101, 61 Stat. 136 (1947).

Section 8(d)(4) mandated a 60-day written notification prior to engaging in any strike activity, and specified that workers who engaged in strikes inside the 60-day period forfeited their employee status and could be fired. Section 301 made unions that engaged in strikes when a no-strike clause was in place liable for a breach of contract, and therefore vulnerable to employer lawsuits. Section 208 gave the president the authority to intervene in and halt strikes deemed to constitute a “national emergency,” and Section 305 explicitly forbade strikes by public sector employees.

The 1959 Landrum-Griffin Act⁶² imposed further statutory restrictions on the right to strike, forbidding recognition strikes and “hot cargo” agreements, a specific form of secondary boycott. In such agreements, a “neutral” employer (i.e. an employer not directly covered by the collective bargaining agreement under negotiation) agrees not to handle goods or use services provided by the struck employer.

In addition to restricting the ability to exercise the right to strike, Taft-Hartley’s right-to-work provisions also enshrined into law the individual worker’s right *not* to engage in strike activity (McCammon 1990:214). By guaranteeing the “right to scab” as well as the right to strike, the law reproduced the “free rider” problem we saw in our analysis of union security provisions. An individual worker could refuse to participate in a strike, thus undermining the union’s collective capacity, while still benefiting from union protections after the strike, without suffering any consequences. This fundamentally undermined the ability of unions to engage in effective strikes, which require collective cohesion and solidarity in order to function. Far from creating an equivalence between workers’ individual right to participate or not participate in strike activity, the reframing of union activity as a set of individual rights actually eroded the collective right to strike (McCammon 1990; 1994).

In addition to statutory restrictions, U.S. workers’ right to strike has also been limited by legal rulings and interpretations, both by the courts and the NLRB (Klare 1977; McCammon 1990). While a full discussion of these statutory interpretations is beyond the scope of our analysis, a cursory review of some key decisions shows the extent to which the right to strike has been circumscribed:⁶³

- Starting in 1939, only two years after the Wagner Act was deemed constitutional, the Supreme Court ruled in *NLRB v. Fansteel Metallurgical Corp.*⁶⁴ that sit-down strikes, where workers physically occupy their workplace premises, are illegal. This was less than two years after workers at a General Motors plant in Flint, Michigan, set off a rash of “sit-down fever” and union organizing with their successful factory occupation in the winter of 1936-37 (Bernstein 1970: 457-73, 519-51).

⁶² Labor-Management Reporting and Disclosure (Landrum-Griffin) Act of 1959, Public Law No. 86-257, 73 Stat. 519 (1959) (codified as amended in sections of 29 U.S.C.).

⁶³ This selection of cases is far from exhaustive. More detailed analyses of legal restrictions on the right to strike can be found in (Klare 1977; McCammon 1990; Pope 2008).

⁶⁴ *NLRB v. Fansteel Metallurgical Corp.*, 306 U.S. 240 (1939)

- In *NLRB v. Sands Manufacturing Co.*,⁶⁵ also decided in 1939, the Court ruled that workers' right to strike was invalid in cases where it was found that unions were attempting a midterm modification of the contract, even if they believed they were simply enforcing their existing contract rights, and even if their contract did not contain a no-strike clause. In the case at hand, the employer successfully fired the entire striking workforce and replaced them.
- The *Textile Workers of America v. Lincoln Mills of Alabama* decision of 1957,⁶⁶ augmented by the "Steelworkers Trilogy" of 1960,⁶⁷ left unions vulnerable to lawsuits for breach of contract for resorting to strikes over contract grievances instead of arbitrating them, where it is found that the matter is contractually subject to arbitration. The rulings specified an expansive definition of matters subject to arbitration, save for matters which are deemed "strictly a function of management."
- In *Local 174, Teamsters v. Lucas Flour Co.*,⁶⁸ decided in 1962, the Court implied a no-strike clause during the life of a collective bargaining agreement, even in cases where such a provision was not explicitly present in the agreement. Thus, Section 301 of the Taft-Hartley Act was extended to all unions, effectively outlawing wildcat strikes and holding union officials legally liable for policing their members' activity.
- In the 1970 *Boys Market, Inc. v. Retail Clerks* decision,⁶⁹ the Court expanded beyond *Lincoln Mills* and the Steelworkers Trilogy in terms of regulating wildcat and other mid-contract strikes. In addition to being liable to lawsuits, offending unions could now be subject to labor injunctions to block the strike. This revived the use of the labor injunction, which had been a favored tool of management and the state against unions prior to its being outlawed in 1932 with the passage of the Federal Anti-Injunction (Norris-LaGuardia) Act (Silverstein 1993).
- In *Hudgens v. NLRB*,⁷⁰ decided in 1976, the Court ruled that strikers' First Amendment rights to free speech via picketing were subordinate to business owners' property rights (the ruling involved strikers who were picketing a business located in a shopping mall).

Through legislative amendment and legal interpretation, the right to strike in the U.S. has been limited to the point where it is essentially meaningless today (Getman and F. R. Marshall 2000; Pope 2008).

⁶⁵ *NLRB v. Sands Manufacturing Co.*, 306 U.S. 332 (1939)

⁶⁶ *Textile Workers Union of America v. Lincoln Mills of Alabama*, 353 U.S. 448 (1957)

⁶⁷ The trilogy included *United Steelworkers of America v. American Manufacturing Co.*, 353 U.S. 564 (1960), *United Steelworkers of America v. Enterprise Wheel and Car Corp.*, 363 U.S. 593 (1960), and *United Steelworkers Of America v. Warrior and Gulf Navigation*, 363 U.S. 574 (1960).

⁶⁸ *Local 174, Teamsters v. Lucas Flour Co.*, 369 U.S. 95 (1962).

⁶⁹ *Boys Market, Inc. v. Retail Clerks*, 398 U.S. 235 (1970).

⁷⁰ *Hudgens v. NLRB*, 424 U.S. 507 (1976).

In Canada, restrictions on the right to strike have proceeded via a different pathway. Whereas the legal framework established by the Wagner Act in the U.S. explicitly proclaimed as its stated goal the protection and promotion of free collective bargaining, the primary goal of Canadian labor policy, as articulated first in Order-in-Council PC 1003 (1944), and subsequently codified in the Rand Formula and the Industrial Relations and Disputes Investigation Act (IRDIA) of 1948, was the promotion of industrial peace through the control of labor militancy (Fudge and Tucker 2001; McInnis 2002).⁷¹ As such, many of the restrictions on striking that developed over time in the U.S. were incorporated into Canadian laws from the very beginning. For example, recognition and mid-contract strikes were explicitly prohibited, subject to injunctive relief (i.e. the standard reached in the U.S. in 1970 with the *Boys Market* ruling). This rendered illegal not only wildcat strikes (engaged in without official union authorization), but also sympathy strikes (engaged in to support the efforts of another group of workers to negotiate with their employers) (Wells 1995a).

In many cases, Canadian law surrounding strikes was *more* restrictive than corresponding U.S. law. The greater restrictions largely involved higher levels of government involvement. Whereas U.S. law after Taft-Hartley required that unions file copies of their bylaws with the government which specified procedures for authorizing strikes, Canadian law mandated a government-supervised strike authorization vote. Whereas U.S. law has evolved through legal judgments towards requiring extensive mediation or arbitration procedures prior to engaging in strikes, Canadian law required a period of compulsory government-directed conciliation. Whereas Taft-Hartley in the U.S. mandated a 60-day written notification of the intent to strike, Canadian law mandated a “cooling-off” period if the conciliation failed, prior to going on strike (Taras 1997:300).

Secondary boycotts were also declared illegal in Canada, but later than in the U.S. Furthermore, the declaration was the result of a legal interpretation, not legislative amendment. The governing decision was issued in 1963 by the Ontario Court of Appeals in the case of *Hersees of Woodstock Ltd. v. Goldstein*.⁷² In it, Justice J. B. Aylesworth held that:

The right, if there be such a right, of the [union officials] to engage in secondary picketing of the appellant's premises must give way to the appellant's right to trade: the former assuming it to be a legal right, is exercised for the benefit of a particular class only while the later is a right far more fundamental and of greater importance, in my view, as one in which its exercise affects and is for the benefit of the community at large (quoted in Fudge 2010:4).

Thus, as in the U.S., property rights were found to trump rights of assembly and expression.

With the adoption of the Canadian Charter of Rights and Freedoms in 1982, the question of whether the Charter's guarantee of the freedom of assembly included the

⁷¹ As previously mentioned, jurisdiction for most regulation of labor relations passed to the provinces after World War II. However, the provinces all modeled their relevant governing legislation after the IRDIA. Thus, the relevant language governing strikes was relatively similar across the country. In a few cases, particularly British Columbia and Quebec, it was even more restrictive (Fudge and Tucker 2001:294-297).

⁷² *Hersees of Woodstock Ltd. v. Goldstein* (1963), 38 D.L.R. (2d) 449 (Ont. C.A.)

right to bargain collectively and to picket gained greater urgency. In a series of simultaneous 1987 rulings dubbed the “Labour Trilogy,”⁷³ the Supreme Court of Canada held that these rights were not protected by the Charter (Fudge 2010:3-5; Panitch and Swartz 2003:62-74). In drafting the majority opinion, Justice LeDain outlined the Court’s logic:

The rights for which constitutional protection is sought—the modern rights to bargain collectively and to strike, involving correlative duties or obligations resting on an employer—are not fundamental rights or freedoms. They are the creation of legislation, involving a balance of competing interests in a field which has been recognized by the courts as requiring special expertise (quoted in Panitch and Swartz 2003:64)

The trilogy held sway in Canadian labor relations jurisprudence until 2002, when the first cracks began to show with the Supreme Court of Canada’s decision in *RWDSU v. Pepsi*.⁷⁴ Reversing the *Hersees* decision, which held that secondary picketing was illegal *per se*, the Court ruled that secondary picketing constituted an example of Charter-protected freedom of expression. As such, it was only illegal in cases where it involved specific “wrongful action” (Adell 2003; Dinsdale and Awrey 2003).⁷⁵

The Court dealt a further blow to the Trilogy with its 2007 decision in *Health Services and Support v. B.C.*⁷⁶ In that decision, the Court, citing decades of critical Canadian labor historiography, endorsed the idea that collective bargaining was a “fundamental freedom,” and thus protected by the Charter’s guarantee of freedom of association. Justices McLachlin and LeBel, writing for the majority, held that:

The right to bargain collectively with an employer enhances the human dignity, liberty and autonomy of workers by giving them the opportunity to influence the establishment of workplace rules and thereby gain some control over a major aspect of their lives, namely their work (McLachlin and LeBel 2007:55).

While offering a full-throated defense of the right to collective bargaining, the decision was more circumspect on the right to strike. Additionally, several of the very scholars upon whose research the court based its decision criticized the decision for affirming an industrial pluralist model of collective bargaining that had long since disappeared in reality (Adams 2008; Fudge 2010; Tucker 2008). Nonetheless, the *B.C. Health Services* decision represented at least a partial expansion of the right to strike, especially when compared with the consistent erosion of that right under U.S. law.

Despite this recent relative expansion of labor rights embodied in the *Pepsi* and *B.C. Health Services* decisions, the general trajectory of Canadian policy regarding

⁷³ These cases included *Reference re Public Service Employee Relations Act (Alta.)*, [1987] 1 S.C.R. 313 (“Alberta Reference”), *PSAC v. Canada*, [1987] 1 S.C.R. 424, and *RWDSU v. Saskatchewan*, [1987] 1 S.C.R. 460.

⁷⁴ *Retail, Wholesale and Department Store Union, Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*, [2002] 1 S.C.R. 146 [*Pepsi*]

⁷⁵ The court left open the question of what exactly constituted “wrongful action,” clearing the way for further legal wrangling and interpretation.

⁷⁶ *Health Services and Support – Facilities Subsector Bargaining Assn. v. British Columbia*, [2007] 2 S.C.R. 391, 2007 SCC 27.

strikes in the postwar period has been towards what Panitch and Swartz (2003) have termed a regime of “permanent exceptionalism.” By this they referred to:

A shift from the generalized rule-of-law form of coercion (whereby an overall legal framework both establishes and constrains the rights and powers of all unions), toward a form of selective, ad hoc, discretionary state coercion (whereby the state removes for a specific purpose and period the rights contained in labour legislation) (pp. 27-28).

Under this regime of permanent exceptionalism, the letter and spirit of the law has been consistently over-ruled in favor of “temporary” government intervention to order strikers back to work. Indeed, despite more favorable recent jurisprudence regarding the right to strike, Canada differs sharply from the U.S. in its frequent, consistent use of emergency back-to-work legislation as a means of regulating class conflict (Adams 1989). According to their most recent data, Panitch and Swartz document a sharp rise in the use of back-to-work legislation beginning in the mid-1970s, when the annual average use of such measures jumped to 5, as compared to fewer than 1 per year prior to 1965. In the years since, the annual frequency hovered around 4 or 5, dropped down to 2.5 in the 1990s, but bounced back over 5 in the 2000s (Panitch and Swartz 2006:Table 15.1). Even after the 2007 *B.C. Health Services* ruling, there has been little change in this trend, with several national strikes being quashed by “emergency” back-to-work legislation (Parliament of Canada n.d.). By contrast, Taft-Hartley emergency back-to-work injunctions have only been used a total of 35 times since the passage of the Act in 1947. And whereas injunctions have proliferated in Canada since the mid-1970s, they have virtually disappeared in the U.S. Only two of the 35 U.S. injunctions have been issued in the past 40 years, one in 1978 and the latest in 2002 (J. S. Gross 2004:311, 318).

In sum, the right to strike is codified in both the U.S. and Canada, but has been carefully circumscribed. In the U.S., this has been accomplished through statutory amendments and more stringent legal interpretations, to the point where the right to strike is essentially a dead letter. In Canada, the law began with tight restrictions, with more prohibitions than the U.S. laws and a greater role for government supervision of and intervention in strike activity. However, those restrictions have been relaxed somewhat as a result of recent court rulings declaring union activity to be part of workers’ fundamental, Charter-protected freedom of assembly. But despite its move towards more protective jurisprudence with regard to the right to strike, Canada differs from the U.S. sharply in its reliance on “exceptional” back-to-work legislation as a means of controlling labor militancy.

Regulation of Strikebreakers in the U.S. and Canada

One seemingly small but significant difference between U.S. and Canadian strike regulation policy has to do with rules governing employers’ ability to hire replacement workers (“scabs”) during the course of a strike or lockout. Rules facilitating striker replacement enable employers to continue operating their business in the course of a strike, thus blunting the potency of the union’s economic weapon. Conversely, rules limiting striker replacement augment the potency of the strike weapon, by requiring the employer to bear the cost of their workers’ withdrawal of labor. While neither labor

regime initially specified rules for replacement workers, U.S. law moved towards protecting and expanding employers' right to hire replacements, while Canadian law moved to limit this right. This policy divergence became especially pronounced in the 1970s, at the very moment that union density began to diverge in both countries. The timing suggests that differences in the regulation of strikebreakers in particular could have played a role in density divergence.

In the U.S., regulations surrounding striker replacement developed shortly after the Wagner Act was found to be constitutional in 1937 with the decision in *NLRB v. Mackay Radio and Telegraph Co.*⁷⁷ In that 1938 ruling, the Court determined that struck employers were entitled to hire replacement workers to continue running their business. The language of the ruling created an equivalence between the right to strike enshrined in the Wagner Act on the one hand, and the employer's property rights on the other:

Although Section 13 of the act provides, "Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike," it does not follow that an employer, guilty of no act denounced by the statute, has lost the right to protect and continue his business by supplying places left vacant by strikers"

Under the guise of providing an even-handed consideration of the rights of both parties, *Mackay Radio* fundamentally undermined the right to strike, as it placed anyone who wished to exercise that right in the position of having to put their economic livelihood at risk, a position few workers could afford (Rogers 1990:130-131).

In addition to the even-handed consideration of employers' property rights, evolving U.S. law also gave careful consideration to the rights of replacement workers to refrain from exercising their right to strike, as well as to participate in a union. Section 9 of the Taft-Hartley Act denied striking workers who had been permanently replaced the right to vote in representation elections in their workplace. This provided an incentive for strikebreakers to file for a decertification election, in which it would be squarely in their interest to vote to eliminate the union, so as to keep the job they had taken. The Landrum-Griffin Act restored strikers' right to vote, but only for 12 months from the beginning of the strike (McCammon 1990:212-213).

The resulting policy regulating strikebreakers in the U.S. constrained workers' ability to exercise their statutory right to strike, while enabling employers' ability to withstand a strike, and creating incentives for individual workers to engage in strikebreaking.

The regulations in Canada developed quite differently. There, some employers did hire replacement workers, but rarely on a permanent basis. Strikers were generally re-hired at the end of the strike. Where employers resisted, some provincial labor boards and courts acted to reinstate strikers. Other regulatory bodies came down on the side of employers' property rights. Overall, the status of replacement workers remained unclear in most jurisdictions until the 1970s (J. Logan 2002:147-149).

⁷⁷ *NLRB v. Mackay Radio and Telegraph Co.*, 304 U.S. 333 (1938).

Policies began to shift in favor of strikers beginning in the 1970s. After initially favoring a *Mackay Radio*-style protection of employer rights in the 1970s, the Canadian Labour Relations Board moved in the 1980s and 90s towards a position rejecting the idea that employers had a unilateral right to replace striking workers. Meanwhile, over the course of the 1970s and 80s, most Canadian provinces enacted legislation prohibiting employers from permanently replacing striking employees, and many provided at least limited reinstatement and voting rights to replaced workers. Most still allowed temporary strikebreakers, although Quebec's 1977 "anti-scab" law forbade all forms of replacement workers. British Columbia followed Quebec's lead in 1993, as well as Ontario in that same year (the Ontario law was repealed in 1995) (J. Logan 2002:149-152).

Thus, where U.S. strikebreaker policy offered an ostensibly even-handed consideration of the rights of strikers, employers, and replacement workers that fundamentally undermined the right to strike, Canadian policy evolved over the course of the 1970s and 80s to restrict employers' ability to operate with strikebreakers, protect strikers' reinstatement rights, and shore up the right to strike.

From the foregoing analysis, it is clear that U.S. and Canadian policies surrounding strikes and replacement workers have diverged, particularly since the 1970s. However, what remains unclear is the extent to which these diverging legal frameworks had actual effects on strikes and unionization rates in both countries. It is to this question that we now turn.

Comparing Strike Activity in the U.S. and Canada

How then have patterns of strike activity changed over time in the U.S. and Canada, and to what extent can we attribute these changes to the policy changes discussed above? Most importantly, can we detect a link between changes in strike activity and changes in union density?

First, it is important to place strike activity in the U.S. and Canada within a broader cross-national context. As Shorter and Tilly (1974:306-334) note in their seminal comparative study of strike activity in Europe and North America, North American strike patterns developed a distinctive character in the post-World War II period. Whereas strike patterns changed dramatically in most Northern and Western European countries after their respective working classes gained admission to the polity, this was not the case in the U.S. and Canada. In Europe, strikes went from being moderately sized, fairly frequent, and fairly long, to being very large (as measured by number of strikers per strike) and either less frequent or much shorter. In both the U.S. and Canada, post-World War II strikes (between 1945 and 1968) largely retained the outward characteristics they had exhibited earlier in the century: moderately sized, fairly frequent, and quite long, especially compared to postwar strike duration in other countries.

Shorter and Tilly attribute this distinctive strike shape to the type of "business unionism" they argue was practiced in both countries, "where the strike has a

fundamental role to play within the collective bargaining process—the *ultima ratio* which brings the parties to the table—yet has few political functions” (p. 329). Contrary to the more centralized, corporatist models of collective bargaining common in Europe, collective bargaining in the U.S. and Canada is decentralized, largely happening at the firm level. This creates a greater need for strikes as a means of compelling bargaining, as there are no institutionalized peak-level negotiations to hammer out agreements. A corollary to decentralized bargaining, according to Shorter and Tilly, is the “watertight division” between job action and political action that they argue emerged in both countries in the postwar period: “[t]he [non-labor] political parties did not do badly by the working classes, and so strikes in postwar United States and Canada became resolutely non-political” (p. 330).⁷⁸

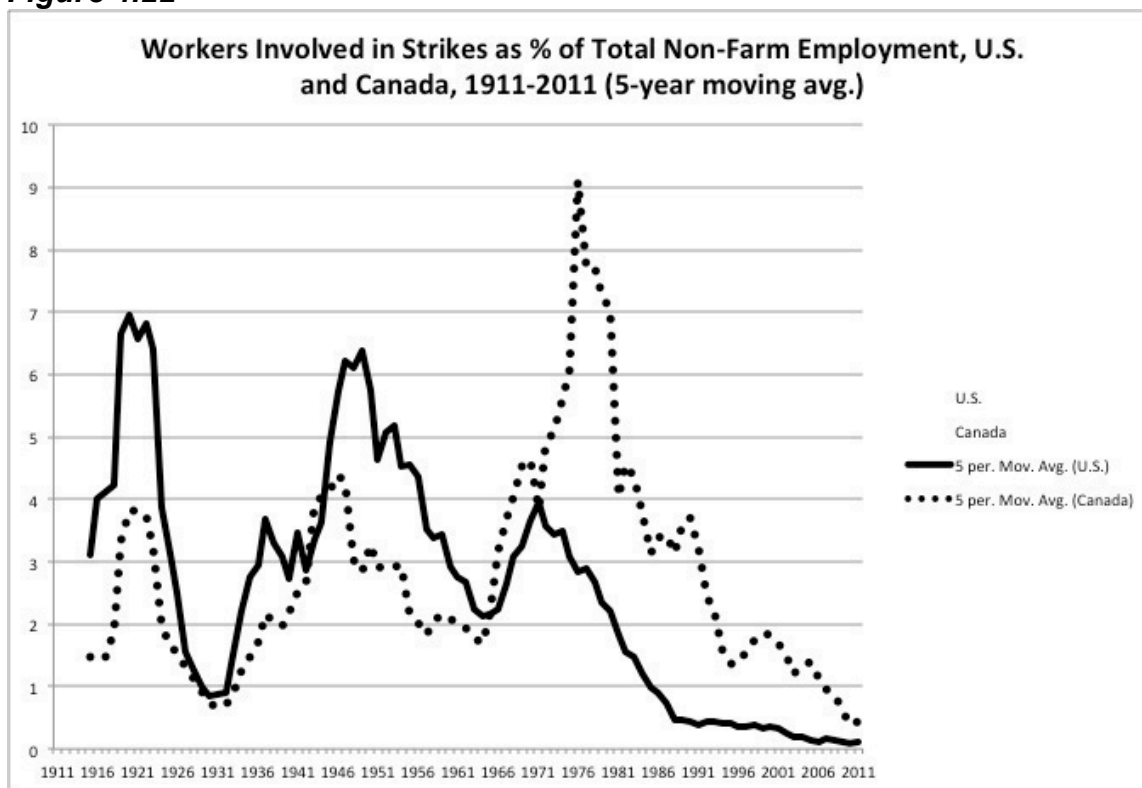
As with welfare states and labor regimes then, the U.S. and Canada stand apart from most of Europe when it comes to strike activity. Due to structural similarities in their collective bargaining regimes, the strike remains an important test of organizational strength in both countries. But, as we have seen repeatedly, beneath that general cross-national similarity lies small but significant differences. As a first step in our examination of strike activity, Figures 4.22 and 4.23 below compare strike activity in the U.S. and Canada along two different metrics: 1) the number of workers involved in strikes, expressed as a percentage of total non-agricultural employment; and 2) the number of person-days idle due to strikes, again expressed as a percentage of the non-agricultural workforce. Due to the volatility of strike statistics, the charts display 5-year moving averages to show the overall trend more clearly. The underlying data for these charts is reported in Table 4.3.⁷⁹

What both figures show is that strike rates in both countries followed similar paths for most of the 20th century, with the U.S. experiencing somewhat higher rates through the 1970s. Then, in the 1970s strike rates entered a free-fall in the U.S., while they exploded in Canada. That Canadian spurt proved to be short-lived though, and strike rates there too began to drop precipitously by the late 1970s and early 1980s. However, the Canadian strike wave in the 1970s placed Canadian strike rates firmly above those in the U.S. for the next 40 years, decisively reversing the prior trend.

⁷⁸ Importantly, Shorter and Tilly are careful to historicize this characterization of U.S. and Canadian strike behavior. Prior to labor’s “admission to the polity” in the 1930s and 40s, Shorter and Tilly argue, “collective action was as much political as economic, intended equally to build political organizations and press political demands and to elevate the standard of living by pressuring individual employers” (p. 329). This is very much in keeping with the argument advanced in this study, although I contend that this depoliticization was not as pervasive in Canada.

⁷⁹ Much scholarship on strike frequency uses a measurement involving the number of strikes per a given number of workers, for example strikes per 100,000 workers, as in Shorter and Tilly. However, such a measure is impossible in this case, as the U.S. government stopped collecting data on strikes involving fewer than 1,000 workers and lasting less than a full 8-hour shift beginning in 1981. Since most workers involved in strikes are involved in strikes of more than 1,000 workers (around 70 percent), it is possible to use pre-1981 data on strikes of more than 1,000 workers to adjust the post-1981 figures to estimate the total number of workers on strike. However, the vast majority of strikes involve strikes of fewer than 1,000 workers. While it would theoretically be possible to perform a similar adjustment with the number of strikes as was done for number of strikers, the amount of imputed data would vastly exceed the real data, thus rendering the series highly unreliable.

Figure 4.22



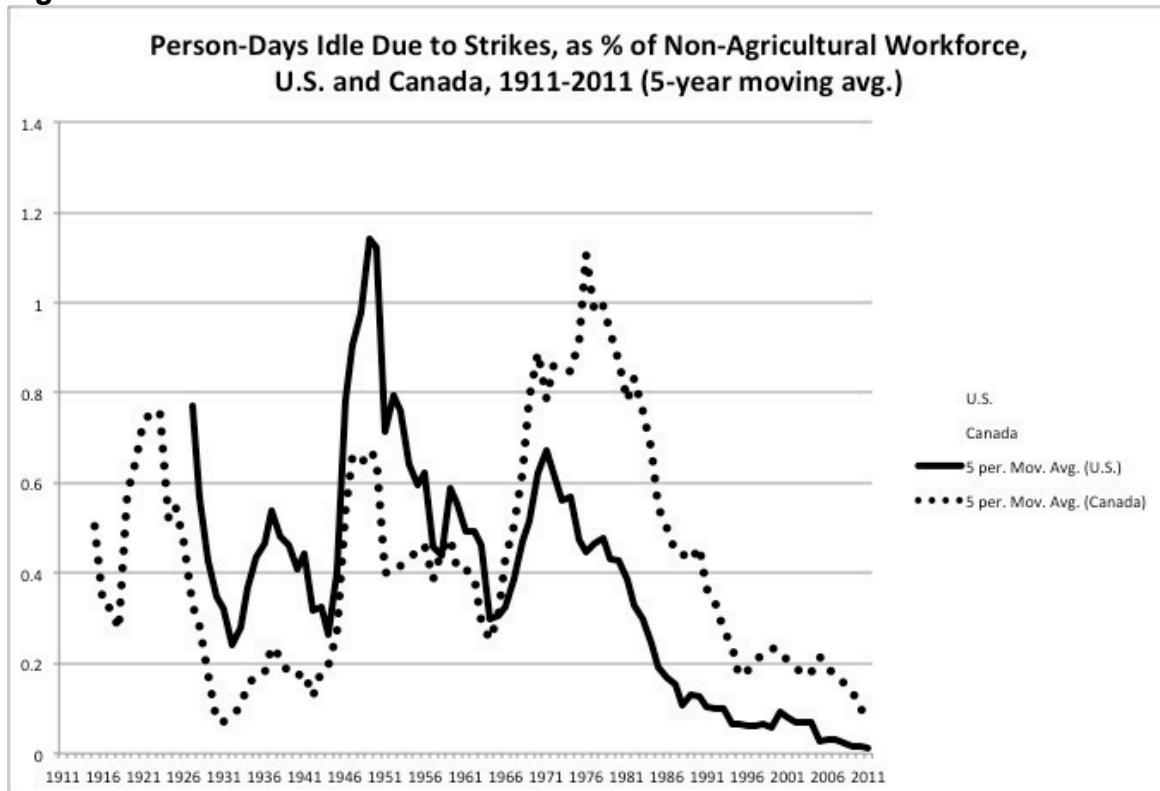
Sources, U.S.: Historical Statistics of the U.S. Millennial Edition, Table Ba4954-4964, Bureau of Labor Statistics, <http://www.bls.gov/news.release/wkstp.t01.htm>. Sources, Canada: Historical Statistics of Canada, Table E190-197 (1901-1975); Strategic Policy, Analysis, and Workplace Information Directorate, Labour Program, HRSDC (1976-2011), "Chronological Perspective on Work Stoppages," <http://srv131.services.gc.ca/dimt-wid/pcat-cpws/recherche-search.aspx?lang=eng>

Table 4.3: Number of workers involved in strikes, U.S. and Canada, total, % of non-agricultural workforce, and person-days idle due to strikes, 1911-2011 (selected years)

Year	# of Strikers		Strikers as % of Non-Farm Employment		Person-Days Idle Due to Strikes	
	U.S.	Canada	U.S.	Canada	U.S.	Canada
1911	373,000	29,285	1.57	1.63	--	1,821,084
1916	1,600,000	26,538	6.00	1.42	--	236,814
1919	4,160,000	148,915	14.71	7.74	--	3,400,942
1921	1,099,000	28,257	4.10	1.44	--	1,048,914
1926	330,000	23,834	0.98	1.04	--	266,601
1931	342,000	10,738	1.09	0.53	6,890,000	204,238
1934	1,470,000	45,800	4.42	2.37	19,600,000	574,519
1936	789,000	34,812	2.10	1.75	13,900,000	276,997
1941	2,360,000	87,091	5.72	3.39	23,000,000	433,914

1943	1,980,000	218,404	4.36	7.44	13,500,000	1,041,198
1946	4,600,000	139,474	9.80	4.67	116,000,000	4,516,390
1951	2,220,000	102,870	4.17	2.84	22,900,000	901,740
1956	1,900,000	88,680	3.30	2.19	33,100,000	1,246,000
1961	1,450,000	97,959	2.39	2.14	16,300,000	1,336,080
1966	1,960,000	411,459	2.84	7.27	25,400,000	5,178,170
1971	3,280,000	239,631	4.32	3.31	47,589,000	2,866,570
1976	2,420,000	1,584,793	3.07	18.54	37,859,000	11,544,170
1981	1,081,000	341,612	1.21	3.55	24,730,000	8,850,040
1986	784,516	486,456	0.81	4.73	17,100,634	7,151,470
1991	576,980	253,581	0.56	2.35	6,608,997	2,516,090
1996	401,825	275,805	0.36	2.45	7,048,731	3,269,060
2001	145,717	221,145	0.12	1.75	1,659,458	2,202,500
2006	103,032	42,314	0.08	0.30	3,874,712	792,923
2011	166,323	91,139	0.13	0.63	1,470,877	1,350,556
<p>Sources, U.S.: <i>Historical Statistics of the U.S. Millennial Edition, Table Ba4954-4964, Bureau of Labor Statistics, http://www.bls.gov/news.release/wkstp.t01.htm. Sources, Canada: <i>Historical Statistics of Canada, Table E190-197 (1901-1975); Strategic Policy, Analysis, and Workplace Information Directorate, Labour Program, HRSDC (1976-2011), "Chronological Perspective on Work Stoppages," http://srv131.services.gc.ca/dimt-wid/pcat-cpws/recherche-search.aspx?lang=eng</i></i></p>						

Figure 4.23



Sources, U.S.: *Historical Statistics of the U.S. Millennial Edition, Table Ba4954-4964, Bureau of Labor Statistics, <http://www.bls.gov/news.release/wkstp.t01.htm>. Sources, Canada:* *Historical Statistics of Canada, Table E190-197 (1901-1975); Strategic Policy, Analysis, and Workplace Information Directorate, Labour Program, HRSDC (1976-2011), "Chronological Perspective on Work Stoppages," <http://srv131.services.gc.ca/dimt-wid/pcat-cpws/recherche-search.aspx?lang=eng>*

Thus, the 1970s appear to be an important turning point for strike frequency in both countries. While rates have declined in both countries, they remain consistently higher by both measures in Canada compared to the U.S. How do we interpret this divergence, followed by decline in both countries? More importantly, what might this have to do with union density? As Robinson (1993:40 n. 17) explains, the relationship between strikes and union power is complex:

[T]he relationship between labour-movement power and strike levels is not linear. Rather, it is more like an inverted U-curve. When unions are few and fragmented—too weak to hold successful strikes—then strike levels are very low. Conversely, when unions are so powerful that strikes will cost employers much more than they can hope to gain, employers will bargain much more assiduously, and again strike levels will be very low (Hibbs 1987; Shalev 1980). So it is in the medium ranges of labour-movement power where strike levels tend to be higher. And within this medium range, greater union power will be associated with more strikes (D. Snyder 1977).

Interpreting strike data therefore requires a careful engagement with the historical and political specificities of the cases under examination. This is all the more important when trying to relate strike activity and measures of unions' organizational

strength, such as union density, as is the case here. Since both strike activity and union density change over time, unions in a given country could be at different points along the inverted U-curve at a given historical moment, lending a different interpretation to strike rates at that moment. Moreover, strike rates and union density are not simply a function of the relative power of labor and capital at a given point in time. A third factor to consider is the role of the state, both in terms of direct intervention in specific labor disputes, as well as in terms of the broader labor policy regimes as they pertain to labor disputes and union membership. A more *laissez-faire*, less protective state labor regime would tend to tighten the relationship between strikes and union power, as unions and employers are left to battle each other in an economic test of strength. A more interventionist, more protective state labor regime, however, would tend to decouple the relationship between strikes and union power, as unions are able or required to use state-sanctioned non-strike mechanisms to increase their membership, such as certification elections or card-check recognition, and state policies rein in unions' ability to strike, as well as employers' ability to break strikes.

Once we incorporate consideration of state labor regimes into our analysis of strike activity as it relates to union density, the relationship between the two is no longer simply a measure of economic power. With proper attention to historical context, it can also serve as an indicator of the *institutional strength and legitimacy* of the labor regime in question. A weaker labor regime will be characterized by a stronger relation between strike rates and union density, whereas a stronger labor regime will be characterized by a weaker relation between the two.

How does this relationship look in the U.S. and Canada? Starting first with the actual underlying data, Figures 4.24 and 4.25 plot the number of strikers expressed as a percentage of non-agricultural employment and union density for the U.S. and Canada between 1911 and 2011 separately. In both cases, strike rates and union density seem to follow similar trajectories over time. While not strongly significant, the relationship between strike rates and union density over the entire period is positive for both countries. However, the relationship is stronger in the U.S., with a Pearson correlation of 0.39, compared to 0.26 in Canada.

Figure 4.24

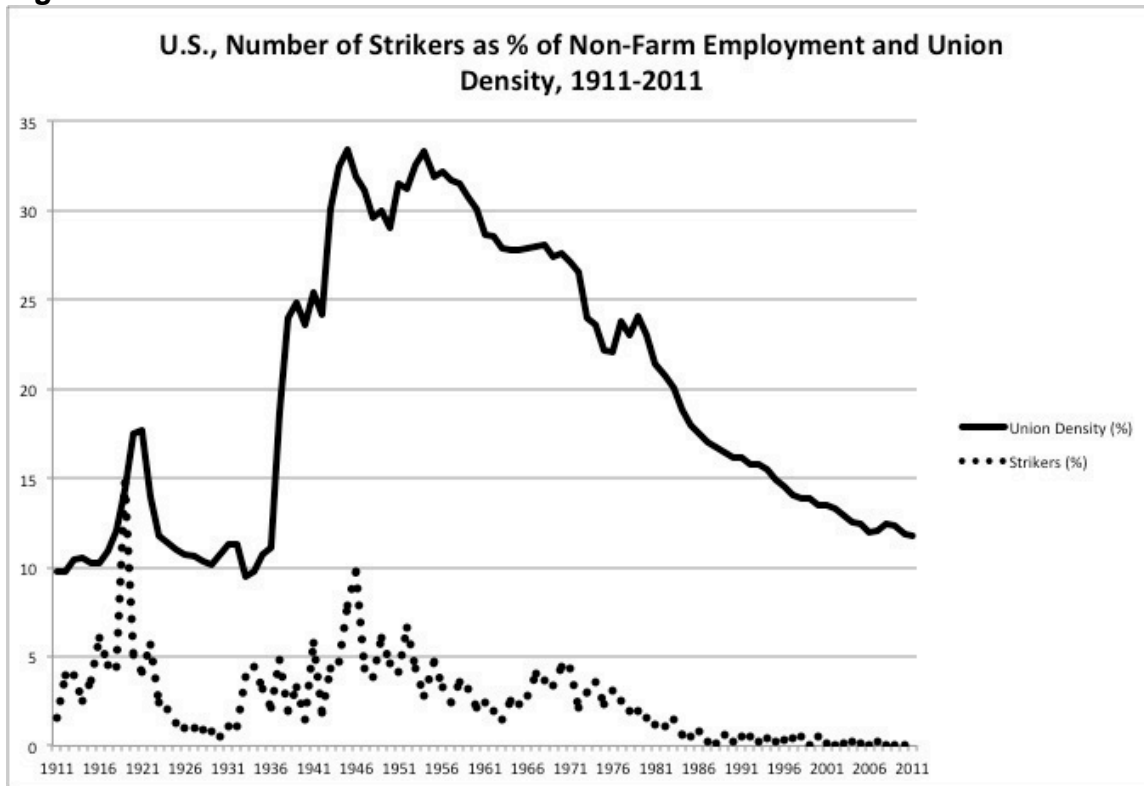


Figure 4.25



How should we interpret this relationship, and why might the Canadian relationship be weaker than that of the U.S.? To begin, it is important to place these figures in historical context (Isaac and Griffin 1989). Strike rates and union density are being affected by shifts in economic, political, and institutional forces at different periods throughout the century. These shifts in forces in turn create discontinuities in the time series. In identifying these discontinuities, we can gain a better sense of how the relationship between strikes and union density has changed over time. When combined with historical analysis of the specific cases, we can then develop an account of why these changes happened.

Given the foregoing discussion of how state labor regimes may affect the relationship between strike rates and union density, a logical way to identify potential discontinuities in the time series is to periodize it according to known shifts in the labor regimes in both countries. For the analysis at hand, I divided the time series into the following periods:

- 1) 1911-1935 (pre-industrial legality): This is the period prior to the passage of the Wagner Act in the U.S., in which unions were relatively weak and had few legal protections. Here we would expect the relationship between strikes and union density to be fairly strong and similar in both countries, as state regulation was relatively limited.⁸⁰
- 2) 1935-1944 (the intermediate period): This is the period between the passage of the Wagner Act in the U.S., and the promulgation of PC 1003, the Canadian equivalent of the Wagner Act, in 1944. Here we would expect to see a drop in the relationship between strikes and union density in the U.S., as unions and workers avail themselves of the legal mechanisms now at their disposal to join unions. However, as discussed above, we would still expect to see a positive relationship, as strikes continue to play an important role in the collective bargaining system. Since industrial legality was yet to be established at this time in Canada, we would not necessarily expect to see any change in the strike/density relationship. However, we do know that this was a period of labor upheaval in Canada, in part spurred on by the mobilization in the U.S., particularly with the emergence of the Congress of Industrial Organizations (CIO) and the passage of the Wagner Act (Abella 1973). Thus, with increased strike activity and union growth absent any institutionalized labor regime, we could see a rise in the strike/density relationship.
- 3) 1944-1975 (the postwar compromise): This is the period where labor regimes were firmly established in both countries, and where membership growth was strongest in both countries. In the U.S., we would not necessarily expect much change in the strike/density relationship relative to the previous period, as the labor regime had already been established. However, it is possible that the labor regime changes brought about by the Taft-Hartley and Landrum-Griffin Acts may

⁸⁰ This is not at all to deny the significant amount of state repression and intervention in labor disputes that happened in this time period. It simply refers to the fact that unions in both countries lacked legal and institutional legitimacy.

have changed the relationship. In Canada, we would expect to see a drop in the relationship, as the Canadian institutional framework emerged.

- 4) 1976-2011 (the employer offensive): This is the period where unions in both countries came under increasing attack, strike rates fell, albeit in different time frames, and union density diverged. Given the divergence in union density, we would also expect to see a divergence in the strike/density relationship here.

Figure 4.26

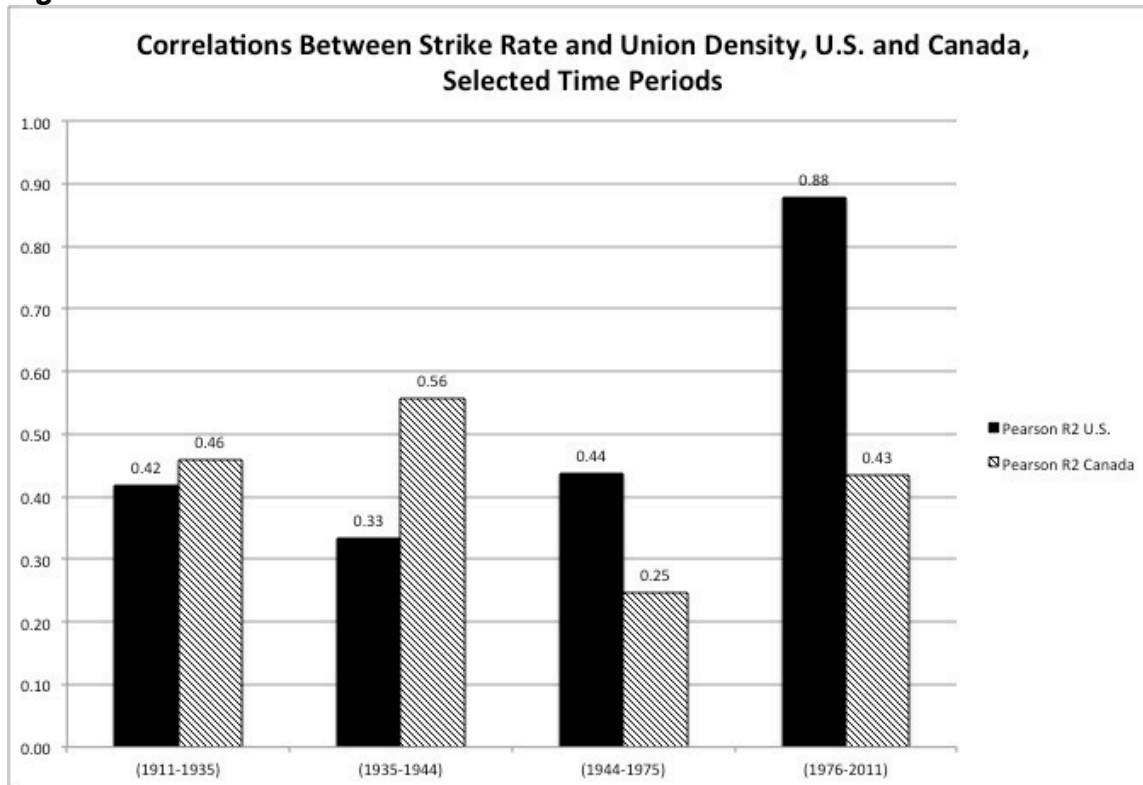


Figure 4.26 above shows the Pearson correlations for each specified time period for both countries. The results generally fit the historically-informed theoretical predictions outlined above. For the period prior to the Wagner Act, the correlations for both countries were similar and relatively positive, 0.42 for the U.S. and 0.46 for Canada. With the passage of the Wagner Act in the U.S., the U.S. correlation dropped from 0.42 to 0.33, as unions were able or forced to rely on official government recognition procedures to increase their membership, rather than continually having to strike for recognition. A key reason for this drop is undoubtedly the no-strike pledge to which most U.S. unions agreed for the duration of World War II, which depressed strike rates (Lichtenstein 1982).⁸¹ In exchange for this pledge, unions gained union security provisions that allowed them to expand their membership dramatically. The combination worked to reduce the strike/density correlation. Meanwhile, in Canada, the correlation

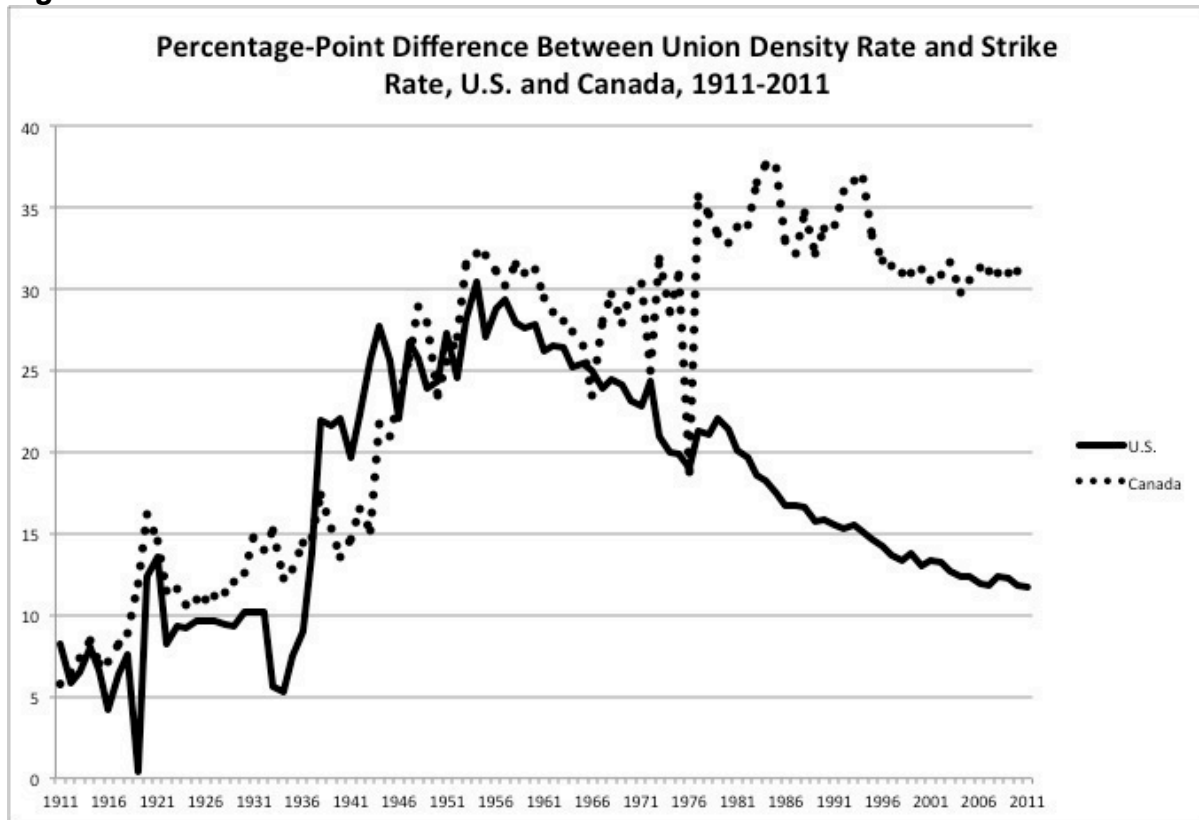
⁸¹ As Lichtenstein is careful to point out, the no-strike pledge in no way eliminated strike activity, as tens of thousands of workers engaged in unauthorized wildcat strikes. However, the lack of official sanction did depress overall rates.

increased from 0.46 to 0.56, as workers frustrated with lacking Wagner-style legal recognition, and not inhibited by a wartime no-strike pledge, engaged in more strikes, leading to greater membership growth.

Once labor regimes were firmly established in both countries in the postwar period, we see the correlation increase in the U.S., from 0.33 back to 0.44. The return to pre-Wagner Act levels of correlation is indicative of the continuing importance of strikes in the U.S. collective bargaining system after the relaxation of the wartime no-strike pledge, and particularly the state's relatively non-interventionist approach to strikes there. Of greater interest, however, is the drop in the correlation that we see in this period in Canada, from 0.56 to 0.25. There, the establishment of a strong labor regime served to safeguard membership gains, while tighter restrictions on strikes as outlined above reduced strike frequency.

Then, in the 1970s, we see a major divergence. Correlations increased considerably in both countries. But whereas the Canadian correlation stayed well within historical ranges, rising from 0.25 to 0.43, the U.S. correlation skyrocketed to unprecedented levels, doubling from 0.44 to 0.88. Simply put, union density and strike rates in the U.S. plummeted virtually in tandem in this period. Meanwhile, in Canada, strike rates eventually plummeted as well, but without a corresponding drop in union density. We can see this illustrated in Figure 4.27 below, which plots the percentage-point difference on a year-to-year basis between union density and strike rates for both countries. Like union density figures, the difference increased throughout the first half of the century, peaking in the mid-1950s, and then declined over the next two decades. But whereas the difference continued to decline in the U.S., there was a sharp break in Canada in the mid-1970s, as the difference between the two rates hovered between roughly 30 and 35 percentage points.

Figure 4.27



Thus, the relationship between union density and strike rates in this period was much more loosely coupled in Canada than in the U.S. Returning to our initial interpretive question about Canada's relatively lower strike/density correlation coefficient for the entire century, we see when we periodize the century that the coefficients in both countries fluctuate for most of the century between 0.25 and 0.56. However, the massive spike in the U.S. for the period from 1976 to the present drives up the overall U.S. coefficient significantly. More substantively, we can interpret this correlation gap between the U.S. and Canada as providing evidence that the U.S. labor regime suffered a severe drop in strength and legitimacy beginning in the 1970s, whereas the Canadian labor regime was able to retain a greater degree of strength and legitimacy. This interpretation would be consistent with the evidence provided earlier about many of the changes in labor laws benefiting Canadian unions that occurred in the 1970s and 1980s. In the face of similar economic onslaughts, the Canadian labor regime proved itself more resilient.

Based on the foregoing analysis, we can conclude that there is clear evidence showing that differences in labor law regimes have affected U.S. and Canadian union density in different ways. Whether in terms of rules governing union certification, first contract negotiation, union security, or strike activity, the current Canadian labor regime provides relatively greater protections to workers and their unions than the U.S. regime,

while placing relatively stronger constraints on employers' ability to intervene in workers' efforts to exercise their collective bargaining rights. These differences have contributed to a stark decline in union density in the U.S., as compared to relative stability in Canada.

However, what this analysis has also shown is that these labor regime differences have not always existed. Indeed, in several respects Canadian labor policy has historically been less favorable to unions than U.S. policy. But whereas the U.S. labor regime eroded over time, the Canadian labor regime remained relatively more resilient. Moreover, the Canadian regime actually strengthened in important respects, particularly in the 1970s and 80s, with the advent of card-check certification and speedy certification election rules, first contract arbitration, mandatory agency shop laws, and anti-scab legislation. This divergence in regime stability has led to a situation where U.S. employers can—and do—essentially behave as if labor laws no longer exist. By contrast, Canadian employers, whatever their personal anti-union proclivities might be, must recognize that “here there are rules.”

In terms of explaining union density divergence then, the challenge is not simply to note that labor regimes differ in the U.S. and Canada, and that these differences matter. Nor is it sufficient to note that employer hostility has increased in the U.S., but not in Canada. Rather, what needs to be explained is *why* the U.S. labor regime eroded so much more than in Canada? As Atleson (1994:463) notes,

Although legal rules certainly affect union strength and vitality, formal law is also a reflection of societal pressures and imbalances of power. Legal rules can increase union strength, but supportive legal change is unlikely to occur in the absence of union power, at least the power to disrupt. If labor is perceived to be weak, there is less need to interpret labor statutes broadly to either lessen the incidence of strikes or to institutionalize labor conflict.

If the differences in labor regimes both affect and reflect societal pressures and power imbalances, what really needs to be explained are the causes underlying shifts in those pressures and power imbalances. The central question then becomes much broader: why did working class power erode less in Canada than in the U.S.?

A few analysts have attempted to tackle this broader question regarding the overall context shaping labor relations in the U.S. and Canada. They have focused in large part on key differences in political institutions, national characters, and internal union cultures. Our next step is to evaluate these competing explanations of differences in working class power.

Chapter 5.

Working Class Power in the U.S. and Canada

The previous section showed how differences in labor policies currently create a relatively more hospitable climate for unionism in Canada compared to the U.S. However, we also saw that these differences have not always been present, and that the U.S. labor regime eroded over time, while the Canadian regime remained more resilient. Explanations focusing on policy differences observe that these differences have occurred, but do not explain *why* they have occurred.

This section evaluates existing explanations for why these differences in labor regimes have developed. They all share in common a central focus on understanding the broader social and political forces that have enabled and constrained working class power in both countries in different ways. These explanations emphasize three key sets of differences: differences in political institutions, differences in national character, and differences in internal union culture. We will examine each of these explanations in turn.

A) Political Institutions

Explanations focusing on differences in political institutions emphasize how differences in all three branches of government eroded the U.S. labor regime, while maintaining or reinforcing the Canadian regime:

- In the legislative realm, they highlight differences created by the U.S. presidentialist system, as compared to Canada's parliamentary system. More particularly, they examine the differences created by the lack of a social democratic or labor party in the U.S., as compared to the role that Canada's social democratic political party, the CCF/NDP, has played in promoting more pro-labor policies and advancing working class interests more generally.
- In the executive realm, they highlight how differences in the structure and administration of labor policy in both countries led to labor regime erosion in the U.S., as compared to labor regime resilience in Canada.

- In the judicial realm, they highlight how greater integration of the U.S. labor adjudication system into the regular court system, particularly its greater exposure to judicial review, eroded U.S. labor law over time. At the same time, these accounts argue, the greater autonomy of the Canadian labor adjudication system left it more insulated from the regular courts, allowing greater resilience over time.

We will first address the question of parties as they interact with legislative institutions, then move to a discussion of executive, administrative, and judicial differences.

i) Party Differences

a) Parties, Institutional Arrangements, and Electoral Threats

The presence of the CCF/NDP as a labor-based political party in Canada is a favored explanation for the relative strength of Canadian unions relative to their U.S. counterparts (Adams 1989; Bernard 1994; Bruce 1989; Chaison and Rose 1990; Maki 1982; Rose and Chaison 1996; Taras 1997). At a basic level, such analyses contend that it has served as a political force creating pressure for more pro-labor policies. Even though it has usually played the role of a third party, as opposed to governing, as in many other capitalist democracies, the CCF/NDP has been able to pressure governing parties to take action under certain conditions. This is particularly the case in times of electoral insecurity for the governing party. Bruce's (1989) systematic study of party influence in labor legislation reform found that:

The CCF/NDP and unions have created and capitalized on such pressures [of electoral insecurity] to induce labor law reforms from the major parties in one of two ways: by threatening to win enough worker and union support to jeopardize a governing or soon-to-be governing party's chances to win the next election; and/or by offering their support to a party governing with a minority of seats, to give it a working majority (Bruce 1989:129).

His analysis of policy reform in and Ontario showed that the five major labor law reforms in that province between 1943 and 1981 were enacted in five of the six years where the governing party's electoral support and percent of seats in Parliament were lowest (Table 3). Similarly, at the federal level, the ruling party only enacted major labor law reforms in periods of electoral insecurity (p. 128).

Importantly, Bruce's study also showed that the CCF/NDP was able to exert political influence for pro-labor reforms at a much lower electoral threshold than its most comparable U.S. equivalent, non-Southern Democrats. The CCF/NDP was able to win labor reforms by winning between 15 and 30 percent of seats in a given federal or provincial parliament. By contrast, labor reforms of any type have only been able to pass the U.S. House of Representatives at times when non-Southern Democrats have held close to 50 percent of seats, and have failed every time in the Senate except for the Wagner Act in 1935 (Tables 1 and 2).

Bruce's analysis attributes Canadian labor's ability to exert influence at lower electoral thresholds, as well as the general inability of conservative forces to roll back progressive labor legislation over time, to differences between how parties function in Canada's parliamentary system, as opposed to the presidential system in the U.S. (pp. 133-135). In a parliamentary system, because the governing party's ability to continue to rule is contingent on its ability to retain the confidence of the legislature, i.e. not to be outvoted on issues of major importance, party discipline is essential. Each individual Member of Parliament functions primarily as a representative of the party as a whole, and bloc voting is the norm. It is a rare, indeed newsworthy event, for individual members of parliament to vote against the wishes of their party leadership. As a result, we have what former British cabinet minister Lord Hailsham (1978:127) has referred to as an "elective dictatorship." In such a system, the ruling party is extremely sensitive to shifts in the balance of power in the legislature, especially when such shifts threaten its majority. Under such conditions, ruling parties can be pushed to adopt policies to which they had previously been opposed. Moreover, under conditions of strict party discipline, parties cannot merge without the minority partner sacrificing its autonomy. This has prevented the two usual major parties, the Liberals and Conservatives,⁸² from allying against the minority CCF/NDP to roll back progressive labor legislation, while also preventing breakaway coalitions between one party and more conservative members of another party.

Parties play a different role within the U.S. presidential system. With the executive's and governing legislative party's power to rule not dependent on sustaining legislative majorities, party discipline is much less important (Patterson and Caldeira 1988). This creates more room for different, even opposing, regional and sectional interests to be represented within the same party. Rather than functioning primarily as representatives of their party, U.S. legislators function more as individuals. In such a model, party affiliation certainly matters, but is also counterbalanced by other pressures, namely those of reelection and of constituency satisfaction (Mayhew 2004; J. Turner and Schneier 1970). Additionally, it allows individual legislators to function as "policy entrepreneurs" (Kingdon 1984:122-124; Walker 1974), thus denying party leaders the virtual monopoly over policy initiatives that exists in the Canadian majority-rule parliamentary system. It also creates numerous access points through which outside interest groups can seek to shape legislation. However, each policy initiative requires its sponsors to cobble together a new coalition with enough votes to pass the desired legislation. The cobbling process often involves significant favor trading, logrolling, and revision/dilution of bill provisions, in order for sponsors to secure the requisite number of votes for the bill to pass. This lack of coordination and party discipline creates large numbers of "veto points" for legislation (Immergut 1990:395-398; Moe and Caldwell 1994:177), making it far more difficult for the governing party, or any other group, to move their policy agenda through the legislature. It also makes changing existing policies via the legislative process more difficult.

⁸² As will be explored in greater detail below, the Conservative Party appears under a variety of different and ever-changing names over the course of Canadian political history.

b) Parties and the Organization of Interests

While the electoral threat effects that Bruce describes are an important mechanism through which parties exert political influence, it is not the only way. Parties also influence politics by forging coalitions, organizing interests, and setting political agendas in different ways (DeLeon, Desai, and Tuğal 2009; Gramsci 1978; Kingdon 1984). In the Canadian context, Bernard (1994) explains how labor's political action through the NDP has shaped the political debate:

Participation in the NDP has in the past assisted the labor movement in shaping its concerns and making them part of the national agenda. From health care to workers' rights in the workplace to a role for public as well as private enterprise, labor political action through the NDP has moved the political spectrum in Canada to the left (p. 108).

As she also points out, labor's link with the NDP has also had an effect on unions themselves:

[T]hrough the NDP, movement activists and trade unionists have learned to work together, building the trust and experience necessary to work in coalition—even beyond the parliamentary and electoral concerns of the NDP.... The party has served as a vehicle for progressive organizations to work together politically, to influence each other, to enhance dialogue, and at the same time has provided the pressure and cohesion to keep these disparate groups together (p. 108).

Bernard is quick to note that the labor-movement-party relationship is far from harmonious, and other scholars have been far more caustic than her in their assessments (Camfield 2011; Evans 2012b; Panitch 1992; Savage 2010). However, without diminishing the legitimate problems that exist with this tangled relationship in Canada, they are slight when compared to the problems that scholars have identified as resulting from the lack of such institutionalized labor-movement-party relationships in the U.S. According to this body of research, the lack of a labor party has played a central role in U.S. labor's decline (M. Davis 1980a; Draper 1989; Lipsig-Mumme 1989; Milton 1982; Moody 1985; 1988; Piven and Cloward 1977; Salvatore 2012; Winders 2005).⁸³

While these analyses relating U.S. labor's weakness to the lack of a labor party differ significantly in their explanations, they all emphasize variants of one of two factors. First, some argue that unions' political alliance with the Democratic Party channeled the disruptive power of class conflict into electoral activity, thus undermining the very source of labor's political power (Piven and Cloward 1977). Although such narrative accounts do convincingly show that this kind of channeling occurred, such processes have also been widely observed in party-union relations in other countries, going back many years (Michels 1915; Przeworski 1985b; 1985a). They have certainly been present in Canada, where union leaders have at times subordinated and even undermined labor mobilization in favor of electoral mobilization on behalf of the NDP (Camfield 2011; Carroll and Ratner 1989; Evans 2012). The tension between electoral

⁸³ This list of citations is far from comprehensive, and only includes works that specifically mention the link between the lack of a U.S. labor party and labor union weakness. The literature addressing the broader question of "Why no labor party in the U.S.?" will be addressed in a subsequent chapter.

and mobilizational strategies seems to be a more general one, present even in cases where unions and labor parties are much stronger even than in Canada.

The second factor has to do with the structure of political coalitions that have resulted from the labor-Democratic Party alliance. The central argument is that labor's abandonment of an independent labor party project in favor of an alliance with the Democrats undermined labor's political power by making it structurally dependent on hostile or unreliable political coalition partners within the Democratic Party, particularly reactionary Southern Democrats (Farhang and Katznelson 2005). This in turn hampered labor's ability to mobilize for a broader political program of universal social benefits and protections that would benefit the working class as a whole. Instead, it turned inward, focusing on winning benefits for its own members, thus helping to create a privatized "shadow welfare state" (Gottschalk 2000) that excluded non-union members. This undermined labor's ability to position itself as the defender of broad class interests and cut it off from broader social movements, leaving it vulnerable as a narrow "special interest" within the Democratic Party (M. Davis 1999; Moody 1988). Labor's position as a "special interest" not only undermined possibilities for broader social policy, but also left labor policy itself politically contentious, weakly institutionalized, and vulnerable to erosion over time (Draper 1989; J. A. Gross 1995; Winders 2005).⁸⁴

While we will leave a fuller evaluation of the parties and political coalitions thesis for subsequent chapters, for now we can note that it holds promise, and specify conditions it would have to meet to serve as an adequate explanation for diverging U.S.-Canada union density. First, it must be able to help explain the diverging policy trajectories in both countries, with the U.S. labor regime eroding after its establishment with the Wagner Act in 1935, and the Canadian labor regimes generally stabilizing or strengthening over time after their establishment in the 1940s. Second, it must be able to help explain the timing of union density divergence, starting in the mid-1960s. Specifically, if the CCF/NDP is founded in the mid-1930s, why does it help to explain a divergence in union density that occurred thirty years later?

Altogether, legislative differences, particularly differences in the configurations of political parties in both countries, offer plausible explanations for union density divergence, although they require further investigation. Specifically, the electoral threat of a party explicitly advocating for pro-labor policies has pressured governing parties to

⁸⁴ There are certainly those who defend the labor-Democratic Party alliance, viewing it as relatively analogous to labor-social democratic party alliances in other countries (Dark 1999; Harrington 1972). For them, the alliance has remained a source of strength, even as labor has weakened. Their central evidence for their argument is labor's ever more central role in the Democrats' electoral mobilization strategy. It is certainly well documented that the "union vote" is an essential part of any Democratic electoral victory, as is the large amount of money that unions pour into Democratic Party coffers (Center for Responsive Politics, 2012; Erikson, Lancaster, and Romero 1989; Masters and Delaney 2005; Silver 2011). What is less clear is the extent to which labor's increasing electoral importance as a source of money and votes has translated into substantive influence on policy. On this account, labor's track record is one of consistent failure (J. A. Gross 1995; Lichtenstein 2010). Given that our primary interest in this study is to understand the factors contributing to labor's declining organizational power over time, the evidence in favor of the thesis that labor's alliance with the Democratic Party has mitigated what would otherwise be an even deeper decline seem implausible.

adopt such policies in Canada, while the structures of political coalitions created by party systems in both countries has helped to keep the political spectrum further to the left in Canada, while leaving labor more political hamstrung in the U.S. However, the main shortcoming of accounts pointing to differences in party systems is that they take current existing party systems for granted. Although it may be true that having vs. not having a labor party matters for the shape of politics and policy in the two countries, what is left unanswered in these accounts is *why* a labor party managed to take root in Canada, but not the U.S.? This then remains an open question for further investigation as well.

ii) Executive, Administrative, and Judicial Differences

In order to explain why the U.S. labor regime eroded over time, while the Canadian one remained resilient, some have pointed to differences in the very structures of those regimes and how they were built. These relate more specifically to the adjudicative and administrative characteristics of the U.S. and Canadian labor regimes, and how they relate to the existing judicial and administrative institutional environments in both countries.

Block's (1993) survey of labor regime variation in the U.S. and Canada⁸⁵ identifies five specific areas of difference: (1) the method of unfair labor [practice] case intake (the General Counsel; (2) the role of judicial review; (3) tripartism in the [labor] boards; (4) [policy] evolution by legislation; and (5) board involvement in resolving disputes during contract negotiations" (p. 8).

Case Intake: Looking first at the case intake system, Block emphasizes the particular role played in the U.S. by the NLRB General Counsel (GC), a position established in 1947 with the passage of the Taft-Hartley Act. The GC functions in labor adjudication system as does a federal prosecutor in the regular court system, serving as the one responsible for bringing complaints of labor violations to the Board. Appointed for a five-year term requiring Senate approval, the GC is structurally independent of the NLRB. The position was established based on the idea of separating the prosecutorial and judicial functions of the NLRB, in keeping with U.S. legal principles of due process.

While this reproduction of the regular courts' separation of functions in the name of due process may appear equitable on its surface, Block shows that it leads to outcomes that disproportionately favor employers when transposed into the realm of labor relations policy. The problem lies in the fact that, as we noted in the previous chapter, the vast majority of charges filed with the NLRB are filed against employers. As such, the GC functions as the *de facto* representative for unions before the Board. This creates a barrier for unions in terms of their ability to access to the Board to hear their grievances. It creates a two-step process: if a union believes that an employer has

⁸⁵ Many studies have examined various institutional aspects of the U.S. and Canadian labor regimes. However, most of these studies focus on one specific institutional aspect, and few explore the comparative U.S.-Canada framework. I use Block's survey here as a synthesis of this broader body of work. Unless otherwise noted, the description of institutional differences between U.S. and Canadian labor regimes derives from Block.

violated the law, it must first make a case to the GC that a violation has occurred. The GC can then decide whether or not the case has merit. If not, the case dies, and the union has no further recourse, as the GC's decision whether or not to prosecute a case is unreviewable. If it does have merit, the GC then agrees to prosecute the case before the Board. However, in doing so, the GC removes control over the handling of the case from the union involved, as the case now becomes the responsibility of the GC's office. The union's voice before the Board is thus mediated through the GC.

Employers do not have similar constraints. To begin, the basic assumption of the validity of employer property rights means that employers are free to continue engaging in whatever activity they believe to be legal until a judgment is rendered. Thus, the "facts on the ground" almost invariably remain in the employer's favor while the case is proceeding, absent extraordinary—and rarely granted—injunctive relief (Godard 2004:24). Second, to the extent that employers represent themselves before the Board, they do so directly, unmediated by a third party analogous to the GC. They retain full control over their defense against the charges filed with the Board. Third, if an employer receives an unfavorable ruling at the Board, they can continue to appeal the ruling in the regular Court system, all the way to the Supreme Court. Given that the employer's status quo can remain in place during this entire time, and that, as we saw in the previous chapter, delays invariably work against the union position, it is very much in the employer's interest to drag out the appellate process as long as possible.

The institutional arrangements are different in Canada. There is no analogue to the GC, meaning that both unions and employers have direct, unmediated access to the relevant labor board. This creates a more egalitarian system, where both sides can have their issues decided by the board in question. Comparing NLRB cases with cases in the Federal jurisdiction, Ontario, and British Columbia at various points between 1975 and 1992, Block finds that 93.4 percent of U.S. cases are closed before reaching the formal hearing stage, as opposed to between 59 percent and 81.2 percent for the Canadian jurisdictions (Table 1). He interprets this difference as indicating that unions have a relatively easier time getting their cases heard in Canada as compared to the U.S. According to Block, the combination of employers being able to continue the challenged status quo and imbalances in the two parties' access to labor boards creates conditions that tilt more in employers' favor over time.

Judicial Review: As hinted at in the previous section, the two labor regimes differ in their level of integration with the regular courts system. In the U.S., the supremacy of judicial review means that any NLRB decision is appealable to the courts, and courts will consider both procedural and substantive aspects of the case in weighing their decision. Moreover, Board decisions are only enforceable through recourse to the courts. In Canada, the doctrine of parliamentary supremacy ensures that legislatively-mandated labor boards are granted much greater judicial deference and autonomy. Board decisions are appealable through the regular courts, but judicial review is limited to procedural questions in most cases. In general, Canadian labor boards serve as the final and binding arbiter when it comes to regulation of the industrial relations system.

Broader U.S. judicial review matters because, in considering substantive matters of labor cases, judges can adjudicate the issue based not only on questions of labor rights, but also questions of property rights and freedom of contract. In such cases, the collective rights of labor can often be overridden by the individual rights of employers (Estlund 2007; Flynn 1995; P. C. Weiler 1984; Winter 1968). This in turn can erode union protections under labor law, and create advantages for employers.

Additionally, the fact that all NLRB decisions are appealable to the courts, only enforceable by court order, and have the potential to reverse unfavorable ruling precedents, creates huge incentives for employers to appeal and delay as much as possible. This in turn creates ever-greater opportunities for labor regime erosion over time, as employer appeals consistently chip away at pro-union interpretations of the law. Such opportunities for appeal do not exist to the same extent in Canada, and to the extent that they do, more circumscribed concepts of judicial review mean that courts give greater deference to the collective rights enshrined in labor law, usually leaving it to parliaments to make substantive amendments.

Tripartism: U.S. and Canadian labor regimes also differ in the structure and composition of their labor boards. As already discussed above, the U.S. NLRB differs from its Canadian counterparts in its housing of investigatory and prosecutorial functions in the Office of the General Counsel. But the structure of the actual boards differs as well. In the U.S., the NLRB is structured as a quasi-judicial body, with five members serving as neutral, detached arbiters over the cases that come before them, along the lines of the Supreme Court. Board members are appointed to five year terms, subject to Senate confirmation. Although they are nominally neutral, the fact that members are political appointees remains very salient throughout their tenure. Indeed, NLRB members are commonly known as “Democratic” or “Republican” members, and cast their votes accordingly (R. Turner 2005).

By contrast, labor boards in all ten Canadian provinces, as well as the Federal jurisdiction, are structured as representative bodies. Rather than comprising a panel of neutral, detached arbiters, Canadian boards have a tripartite structure, meaning that they have equal numbers of representatives of workers and employers, with a “neutral” chair representing the state.⁸⁶ The tripartite structure explicitly acknowledges the different and competing interests of labor and management, while also creating an institutionalized forum within which those competing interests can be addressed.

According to Block, “[t]ripartitism increases the chances that both parties will have their case and point of view understood. It also enhances the chances that the result will accepted, as the losing party knows that there will be a representative of its point of view hearing the case” (p. 25). Conversely, in the U.S., the partisan structure of

⁸⁶ Links to each labor board, containing detailed information about board composition, can be found at http://pslrb-crtfp.gc.ca/labour_relations_board_e.asp (accessed June 13, 2012). While only six of ten provincial boards had adopted a tripartite structure at the time of Block’s paper in 1993, all Canadian jurisdictions now have tripartite boards.

the board means that board actions are politicized along partisan lines, while judicial review creates a body of precedent that constrains the Board's scope of action. As a result, U.S. labor law has paradoxically become "ossified" and politically contentious (Estlund 2007).

Policy Evolution by Legislation: Canadian labor law at the federal and provincial levels has evolved fairly consistently over time since its establishment in the 1940s. All provinces and the federal jurisdiction have amended their statutes numerous times in the decades since World War II, with an especially active period of reform in the 1970s and 80s that created stronger union protections. As discussed in the section on parties above, the parliamentary system of strict party discipline creates strong disincentives in Canada towards conservative political factions allying to defeat pro-labor initiatives, meaning that the general tendency is towards institutionalizing and strengthening existing labor law.

By contrast, the presidentialist system of broad and unstable party coalitions creates major obstacles to reforming labor legislation in the U.S., and the lack of a labor party electoral threat diminishes any impetus for pro-labor policy reform. As a result, the letter of the law has only been changed a total of three times: first, the Wagner Act itself, in 1935; second, the Taft-Hartley Act, in 1947; and third, the Landrum-Griffin Act, in 1959. Both legislative amendments of the Wagner Act eroded instead of strengthening the Act, counter to what happened in Canada. Important labor law reform efforts failed despite strong support in 1977 and 2010. More importantly though, the vast majority of labor policy change in the U.S. has not occurred in the legislative realm at all. Rather, it has occurred through judicial interpretation, as the Wagner Act has been "judicially deradicalized" over time (Klare 1977).

Board Involvement: As previously discussed, Canadian state agents intervene much more in the industrial relations system than their U.S. counterparts. While this often takes the form of suppressing strikes through back-to-work legislation, it also manifests in stronger curbs on employer behavior. Mechanisms such as compulsory conciliation, backed up with first contract arbitration, constrain employers' ability to resist unions' *bona fide* efforts to engage in collective bargaining. The lack of such compulsions in the U.S. gives employers a freer hand to fight unions.

Taken together, differences in administrative, executive, and judiciary institutions provide some convincing mechanisms to explain labor regime erosion in the U.S. and labor regime resilience in Canada. However, as with differences in policies discussed above, many of these institutional differences have evolved over time, and have led to different outcomes at different points in time. It is very telling that Block's analysis of cross-national institutional differences was essentially a snapshot of the institutional arrangements in both countries between the mid-1970s and the early 1990s, a period where we have seen that the labor regime generally improved in Canada and eroded in the U.S. How might scholars of Canadian industrial relations looking at earlier periods used the same institutional differences to explain Canada's generally more restrictive labor regime?

And as with labor law itself, the ways the institutions are used often reflect as much as shape existing social power dynamics. For example, it may be true that more expansive judicial review in the U.S. leads to greater consideration of employer property rights in labor law decisions than in Canada. But why did expansive judicial review lead to privileging workers' right to engage in union activity over employers' property rights in a decision such as *Republic Aviation v. NLRB*,⁸⁷ decided in 1945, but then to a reassertion of employer property rights in *Lechmere, Inc. v. NLRB*, decided in 1992, which essentially reversed the core finding in *Republic Aviation*?⁸⁸ Certainly the personal predilections and specific legal interpretations of individual justices made a difference in these cases, but what was happening outside the court to shape the justices' reasoning? Similarly, the case intake system, less interventional style, and partisan composition of the NLRB may be consequential, but those institutional characteristics were in place decades before union density began to decline. What about the environment in which these institutions were embedded changed to bring about union decline?

In short, an adequate explanation of diverging labor regimes must integrate an analysis of institutional differences with an analysis of the political forces shaping those institutions at critical moments and over time. This will be our task in the second section of this study.

B) National Characteristics

The national characteristics hypothesis attributes union density divergence between the U.S. and Canada to fundamental, long-standing differences in national values. According to this approach, Canada's more protective labor regime, as well as its resilience over time, is a function of the country's more collectivist, tory values and traditions, which trace back to its stronger historical ties to Britain. By contrast, the United States' weaker labor regime, as well as its erosion over time, is a function of the country's more individualist, *laissez faire* values and traditions, which are less hospitable to the collective endeavors such as trade unions. This in turn traces back to the revolutionary tradition in the U.S., which decisively broke from European feudal traditions and charted a different, "exceptional" path (Lipset 1989; Lipset and Meltz 2004).

A comprehensive analysis of the national characteristics hypothesis, tracing its origins back to the eighteenth century and beyond, is well beyond the scope of this work.⁸⁹ Instead, to evaluate the national characteristics hypothesis within the specific context of explaining divergent labor regimes, we can limit ourselves to two critical

⁸⁷ *Republic Aviation v. NLRB*, 324 U.S. 793 (1945), which gave union organizers limited access to employer property.

⁸⁸ *Lechmere, Inc. v. NLRB*, 112 S. Ct. 841 (1992), which held that employers' right to exclude from their property trumped unions' right under Section 7 of the NLRA to engage in "concerted and protected" activity. Note that between *Republic Aviation* and *Lechmere*, there was a series of cases where justices debated the tradeoffs between employer property rights and unions' labor rights. A thorough discussion of this debate is beyond the scope of this work, but can be found in (Estlund 1993).

⁸⁹ For a systematic and sympathetic critique, see (Kaufman 2009)

questions. First, to what extent do Canadians and Americans actually differ in their values when it comes to issues of government involvement, individual vs. collective rights, and other areas that might affect attitudes about unions and labor regimes? Second, if such differences exist, how might they work to shape the observed institutional divergences?

i) How much to U.S. and Canadian values actually differ?

Turning first to the issue of establishing the extent to which the two countries actually differ in their values around collectivism and individualism, we face the initial problem of measurement. While all data is partial and subject to interpretation, data that attempts to measure individual values is even more so. Most scholars tend to rely on survey data, which ask a representative sample of respondents to rate the degree to which they agree or disagree with different statements. While useful to a point, such surveys are laden with problems related to sampling methodology, question wording, coder reliability, and more. These problems are compounded when comparing data across countries and cultures, as the same wording can be interpreted differently in different cultural settings. Additionally, methodically compiled survey data for most issues only goes back as far as the 1970s at best, and most such data is far more recent than that.

Keeping these important caveats in mind, it is nonetheless reasonable to refer to survey data in order to evaluate the extent of value differences in the U.S. and Canada. Most importantly, this is because Lipset himself bases much of his own argument on survey data. To the extent that reliable survey data exists whose findings run counter to Lipset's, this would challenge the general validity of the national characteristics hypothesis.

The survey data we will use is taken from the World Values Survey (www.worldvaluessurvey.org), a highly respected multi-national survey that began in 1981. The survey has been administered in five waves: 1981, 1990, 1995, 2000, and 2005. Results are aggregated across all survey waves, as the same questions were not necessarily asked in each wave. This does not allow us to track changes in values over time. However, given that the surveys were all administered during a time period when the divergence in union density and labor regime strength was already very evident in both countries, we would expect to see significant differences in values if it is in fact those value differences that underlie the divergence.

This brings us to the question of the types of questions that could help us not only get at fundamental cross-national values differences, but get at specific values differences that would be salient to union and labor regime strength. We are of course limited in this endeavor to the questions that the survey designers chose to ask. I chose questions that aim to highlight three sets of issues: 1) attitudes towards institutions, particularly unions, business, and government; 2) beliefs about individuals' control over their personal fates, and the importance of individual freedom; and 3) attitudes about the proper role of government.

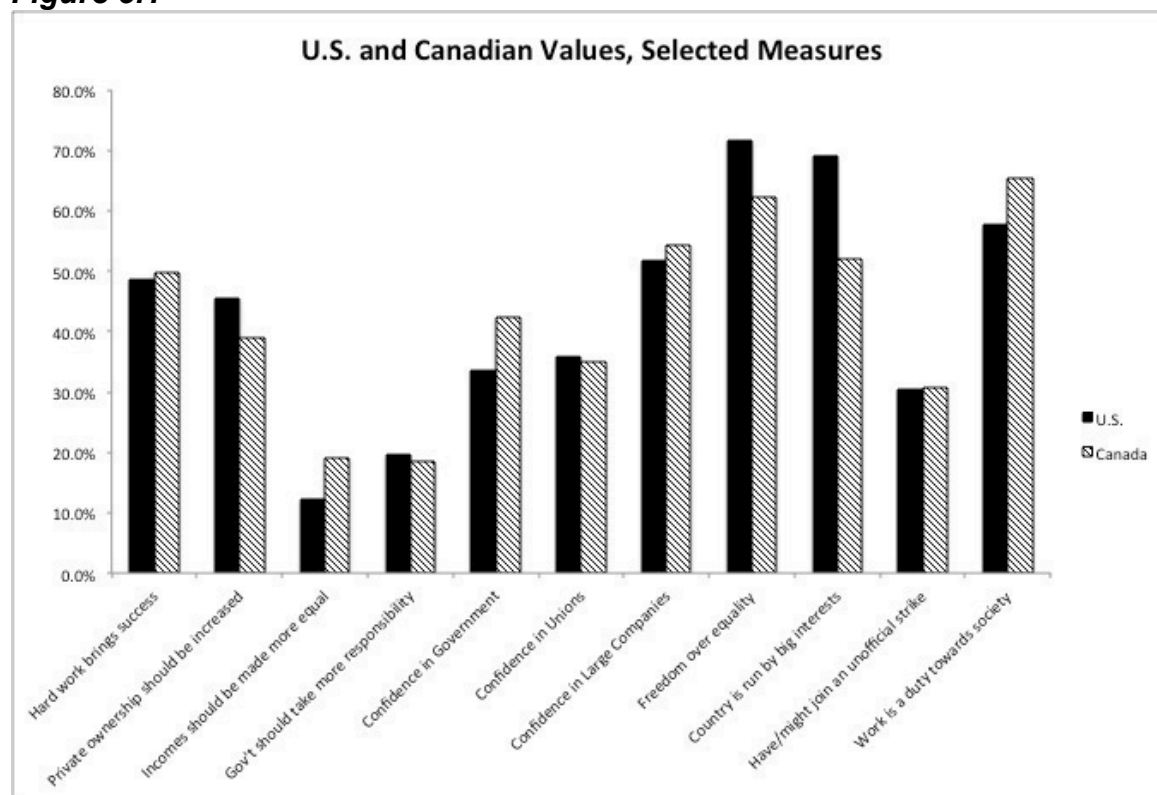
The results are reported in Figures 5.1, 5.2, and 5.3 below, with more detailed results in Table 5.1. The first figure charts the percentages of "positive" respondents, meaning those who either agree most with a statement, or those who agree with the statement coded as scoring a "10" on a 1-10 scale. The second figure charts the percentages of "negative" respondents, meaning those who agree least with a

statement, or those who agree with the statement coded as scoring a “1” on a 1-10 scale. Figure 5.3 reports responses to a single question with four possible answers.

The most noticeable overall finding is how little U.S. and Canadian respondents differ in their reported attitudes. For 5 out of the 11 questions, the percentage of “positive” respondents was virtually identical, as was the percentage of “negative” respondents.⁹⁰ While there are certainly differences in the responses for the remainder of the questions, in most cases they are relatively slight. Taking the 11 “positive” and 11 “negative” responses together, in only 4 of the 22 cases does the size of the difference in responses exceed 30 percent.

Looking more closely at the results by issue category, if we look first at attitudes towards institutions, we see that attitudes towards large companies and unions are roughly similar. Just over 50 percent express confidence in large companies, and approximately 35 percent express confidence in unions. More Canadians however express “a great deal” or “quite a lot” of confidence in government, 42.3 percent compared to 33.7 percent. In both cases though, a strong majority express little confidence in government.

Figure 5.1



Source: World Values Survey, <http://www.wvsevsdb.com/wvs/WVSanalyzeStudy.jsp>

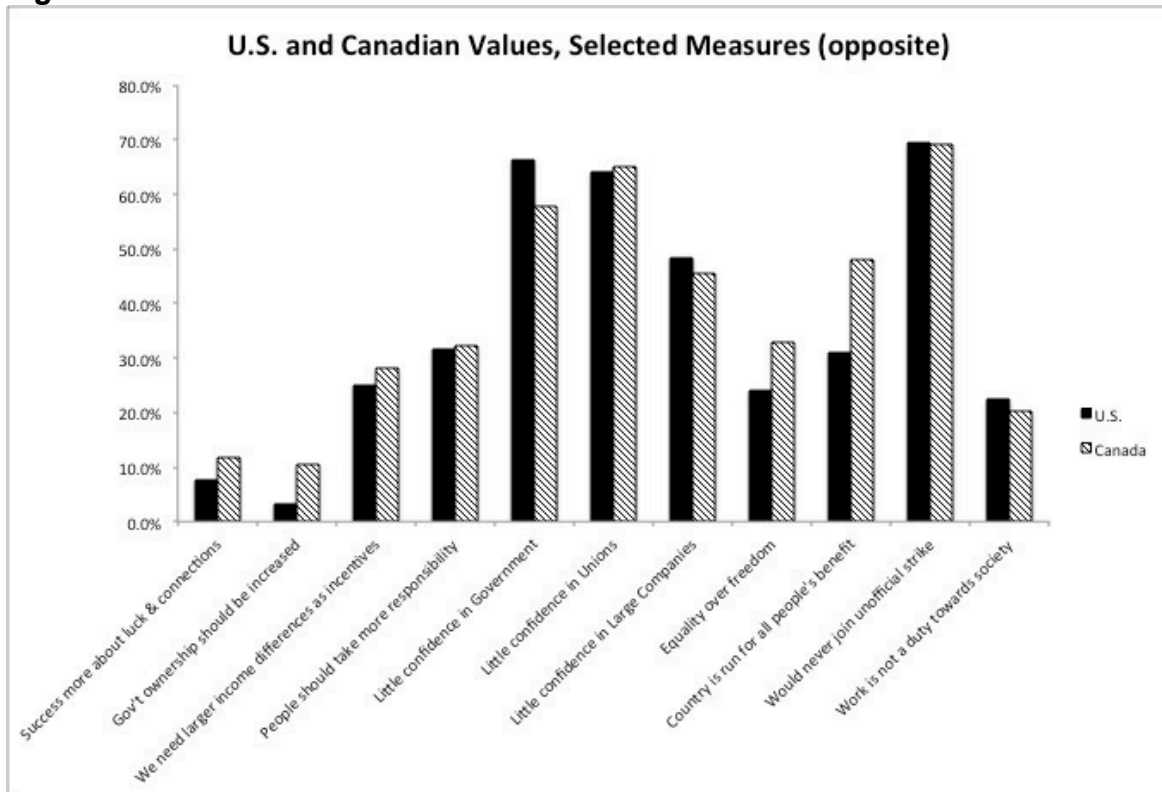
Turning to beliefs about individual freedom and control over one’s destiny, a large majority of both U.S. and Canadian respondents valued freedom over equality, but

⁹⁰ As the results do not report middle ranges, it is not automatic that positive and negative percentages will mirror each other.

to different degrees. In the U.S., 71.7 percent valued freedom more, compared to 62.4 percent for Canada. People in both countries also believed that success could result from individual effort. Just shy of 50 percent of respondents in both countries agreed with the idea that “in the long run, hard work usually brings a better life.” However, they differed somewhat on the opposite end of this spectrum, with 11.8 percent of Canadians agreeing more with the statement that “hard work doesn’t generally bring success—it’s more a matter of luck and connections,” as compared with 7.5 percent of U.S. respondents. Respondents in both countries believed that their work as individuals was important to society as a whole, with 57.8 percent of U.S. respondents and 65.4 percent of Canadian respondents agreeing that “work is a duty towards society.”

But while many believe that they can get ahead individually through hard work, they seem to doubt their ability to have a broader impact on society as a whole. Majorities in both countries agreed that their country is largely run by “big interests.” The difference in magnitude between the two countries is quite striking here, with nearly 70 percent of Americans agreeing, compared with just over 50 percent of Canadians. This could be interpreted as evidence of the anti-authoritarian streak that is taken to be a central part of American cultural values, although it also seems at odds with their professed faith in democratic governance.

Figure 5.2



Source: World Values Survey, <http://www.wvsevsvdb.com/wvs/WVSanalyzeStudy.jsp>

Table 5.1 Comparison of U.S. and Canadian Values (excludes no answer/don't know)				
Question	U.S.		Canada	
Hard work brings success ⁹¹	Hard work brings success	More about luck & connections	Hard work brings success	More about luck & connections
	48.5%	7.5%	49.9%	11.8%
Private vs. state ownership of business ⁹²	Private ownership increased	Gov't ownership increased	Private ownership increased	Gov't ownership increased
	45.6%	3.2%	38.9%	10.5%
Fix income inequality ⁹³	Incomes should be made more equal	We need larger income differences as incentives	Incomes should be made more equal	We need larger income differences as incentives
	12.2%	25.1%	19.1%	28.0%
Government vs. Personal Responsibility ⁹⁴	More gov't	More personal	More gov't	More personal
	19.6%	31.6%	18.5%	32.2%
Confidence in Government	Great Deal/Quite a lot	Not Much/None	Great Deal/Quite a lot	Not Much/None
	33.7%	66.2%	42.3%	57.8%
Confidence in Unions	Great Deal/Quite a lot	Not Much/None	Great Deal/Quite a lot	Not Much/None
	35.9%	64.1%	34.9%	65.2%

⁹¹ Answer reports those scoring between a 1 and 3 and 8 and 10 on the question, where 1 signifies closest agreement with the statement "In the long run, hard work usually brings a better life," and 10 signifies closest agreement with the statement "Hard work doesn't generally bring success - it's more a matter of luck and connections."

⁹² Answer reports those scoring between a 1 and 3 and 8 and 10 on the question, where 1 signifies closest agreement with the statement "Private ownership of business should be increased," and 10 signifies closest agreement with the statement "Government ownership of business should be increased."

⁹³ Answer reports those scoring between a 1 and 3 and 8 and 10 on the question, where 1 signifies closest agreement with the statement "Incomes should be made more equal," and 10 signifies closest agreement with the statement "We need larger income differences as incentives."

⁹⁴ Answer reports those scoring between a 1 and 3 and 8 and 10 on the question, where 1 signifies closest agreement with the statement "The government should take more responsibility," and 10 signifies closest agreement with the statement "People should take more responsibility."

Confidence in Large Companies	Great Deal/Quite a lot	Not Much/None	Great Deal/Quite a lot	Not Much/None
	51.7%	48.3%	54.4%	45.6%
Freedom or Equality	Freedom	Equality	Freedom	Equality
	71.7%	24.1%	62.4%	32.9%
Country is run by big interest vs. for all people's benefit	Big Interests	All the people	Big Interests	All the people
	69.1%	30.9%	52.0%	48.0%
Joining Unofficial Strikes	Have done/Might do	Would never do	Have done/Might do	Would never do
	30.5%	69.4%	30.8%	69.1%
Work is a duty towards society	Strongly Agree/Agree	Strongly Disagree/Disagree	Strongly Agree/Agree	Strongly Disagree/Disagree
	57.8%	22.4%	65.4%	20.2%
<i>Source: World Values Survey, http://www.wvsevdb.com/wvs/WVSanalyzeStudy.jsp</i>				

This raises the question as to what might be done to rein in the “big interests”? Which brings us to our third issue category, dealing with the proper role of government. Clearly, for both U.S. and Canadian respondents, government is not the answer to much.⁹⁵ As already mentioned, large majorities in both countries express distrust in government. Respondents seem to have more faith in the power of privately-owned business, with 45.6 percent of Americans and 38.9 percent of Canadians agreeing that private ownership of business should be increased, as compared to 3.2 percent of Americans and 10.5 percent of Canadians who believe that government ownership should be increased. While it is true that the percentage of Canadians who believe in more government ownership is more than three times higher than the percentage of Americans, the overall percentages for both are very small, especially in comparison to those in both countries who believe in expanding private ownership of business. Moreover, when asked who should “take more responsibility” (for what exactly is not specified), people in both countries choose “people” over “the government” by substantial and virtually identical margins—31.6 percent to 19.6 percent in the U.S., and 32.2 percent to 18.5 percent in Canada. While the U.S. response may be predictable, the virtually identical Canadian response is not what one would expect from a country that ostensibly is more eager to embrace more collectivist, statist policy approaches.

⁹⁵ Indeed, government itself might be considered its own “big interest”

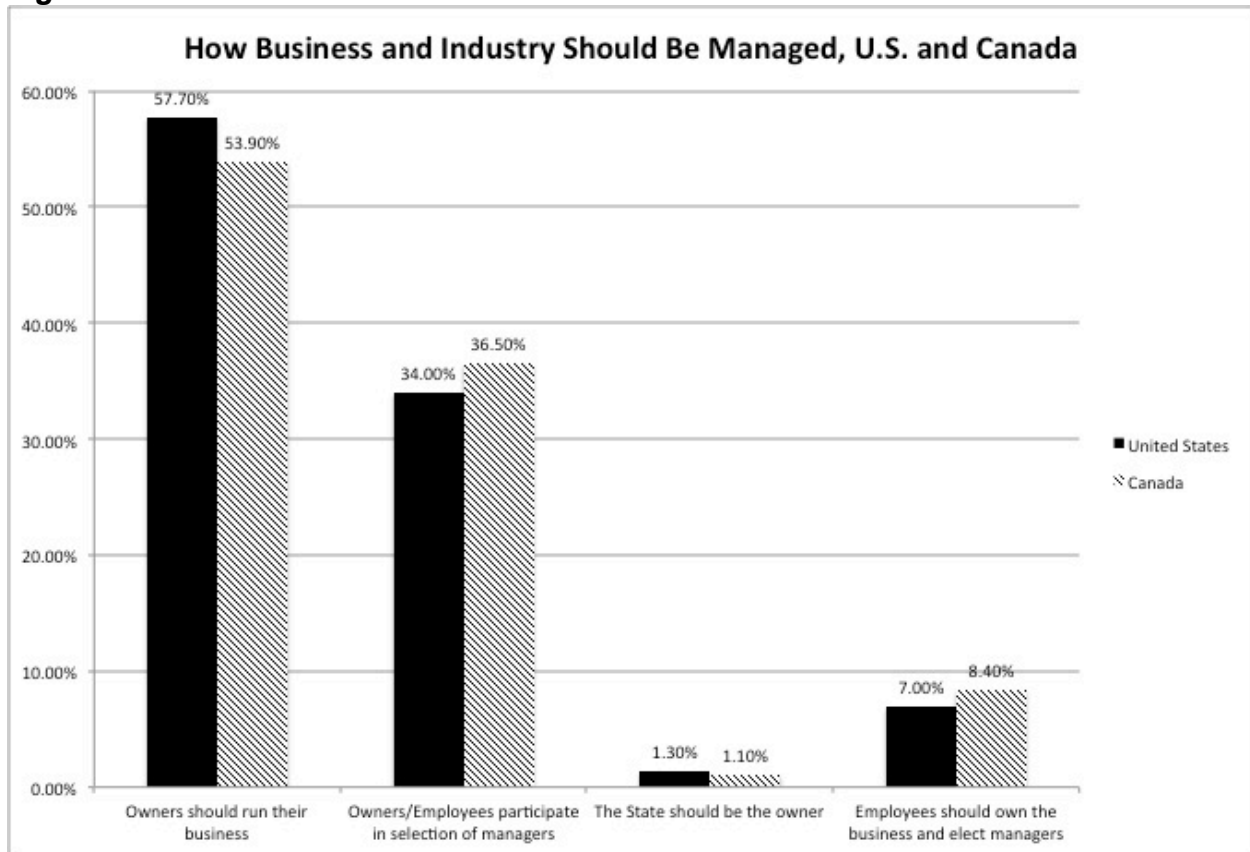
An initial look at the results about income inequality might suggest that Canadians are more willing to embrace government assistance, as 36 percent more Canadians than Americans believe that “incomes should be made more equal” (presumably through government intervention, although this is not specified). But for both countries, only a small minority of respondents express this belief, 19.1 percent in Canada and 12.2 percent in the U.S. Moreover, the interpretation gets trickier when we consider the opposing statement in the question about income inequality. By a margin of 28 percent to 25.1 percent, more Canadians than Americans agree with the statement that “we need larger income differences as incentives.”

If Canadians and Americans do not necessarily believe in government intervention to address inequality, a surprisingly large number in both countries seem open to quite radical versions of self-help. According to the survey, 30.8 percent of Canadians and 30.5 percent of Americans claim they either have joined or would join an *unofficial* strike, i.e. a wildcat strike, which by definition would be illegal according to most Canadian laws.⁹⁶

Finally, an interesting finding reported in Figure 5.3 below involves a question asked about how business and industry should be managed. An initial look at the results supports the idea that both Americans and Canadians strongly support private ownership and unfettered management control, with 53.9 percent of Canadians and 57.7 percent of Americans agreeing that “owners should run their business.” However, a closer look shows that support for management prerogative is far from universal. Fully 44.9 percent of Canadians and 41 percent of Americans agreed that workers should exercise some form of control over management. More specifically, 36.5 percent of Canadians and 34 percent of Americans agreed that “owners and employees should participate in the selection of managers,” whereas 8.4 percent of Canadians and 7 percent of Americans agreed that “employees should own the business and elect managers.”

⁹⁶ Of those surveyed, 6.4 percent of Canadians and 4.2 percent of Americans claimed to have actually joined an unofficial strike. Given the tremendously low strike rates in both countries in the time period of this survey, these numbers seem suspiciously high. Even so, the fact that the numbers in both countries are very similar speaks against the idea that differences in values are driving labor relations trends in either country, and in favor of the idea that institutional structures are shaping outcomes, in spite of whatever underlying values and beliefs might exist.

Figure 5.3



Source: World Values Survey, <http://www.wvsevsdb.com/wvs/WVSanalyzeStudy.jsp>

Taken together, these survey results show two countries whose values are much more similar than they are different. The U.S. and Canadian responses do differ somewhat, but not by much, and not necessarily in the ways that the national characteristics hypothesis would predict, as we saw in the question about income inequality. Given the magnitude of difference in union density and labor regime strength that was already evident by the earliest days of the World Values Survey in 1981, we would expect to see much wider differences in expressed values if they were in fact a critical force driving the U.S.-Canada divergence.

Of course, it is important not to draw too many conclusions from the results of a single set of surveys, no matter how representative and well-constructed that set might be. As Lipset himself has shown in his own work, it is also quite possible to draw different conclusions about U.S.-Canada values differences based on other questions posed in other surveys. At most, the fact that World Values Survey results find little evidence of cross-national difference raises some doubts as to the plausibility of the national characteristics hypothesis.

ii) Variation and timing: how can values difference explain union density divergence?

Even if we were to grant that significant differences in fundamental national values do in fact exist, we would still be faced with the important problem of explaining a variable with a constant: How can the same set of differing values produce similarity over one stretch of time, then difference over another? More specifically, if deep and abiding differences in U.S. and Canadian national values were so important in shaping unions and labor regimes, why then did the divergence between the two only appear in the mid-1960s?

Certainly the same factors can produce different outcomes at different points in time, as they interact with different historical contexts and political dynamics. In the case at hand, partisans of the national characteristics hypothesis account for this problem of divergence by conceptualizing the New Deal era from the 1930s to 1960s as the “exception to the exception,” a period where, in response to deep crisis and economic threat, Americans briefly became more accepting of collectivist ideas and policies, including labor unions. As the New Deal era subsided, the explanation goes, traditional individualistic American values reasserted themselves, and support for unions fell.

To what extent does this “exception to the exception” thesis hold? First, it is important to establish the degree to which the crisis to which the New Deal was responding was itself an exceptional crisis. While the Great Depression stands out in popular mythology as the greatest economic crisis the country has experienced, it is far from the only one. For example, the “Long Depression,” which by most accounts lasted from 1873 all the way to 1896, had a tremendously destabilizing effect on the postbellum U.S. economy (Fels 1949; James 1993). Seeing how deep the crisis of the Great Depression was as compared to previous economic crises would allow us to see whether or not it is plausible to think that the shock was of significant magnitude relative to past shocks to provoke a large-scale, albeit temporary, shift in national values.

The most common way to measure the magnitude of economic crises is to look at changes in the growth rate of the gross domestic product, or GDP. Figure 5.4 below tracks year-to-year changes in the growth rate of U.S. GDP between 1861 and 2011. What we see is that the early years of the Great Depression were the single deepest period of negative economic growth in the U.S. since the Civil War. Aside from a brief and vertiginous drop between 1907 and 1908, none of the recessions prior to the Great Depression came anywhere close to its magnitude. Few years exceeded a 5 percent contraction, as compared to the more than 13 percent contraction between 1931 and 1932 alone. While it is a crude metric, the GDP data does suggest that the Great Depression stands out as an exceptional crisis.⁹⁷

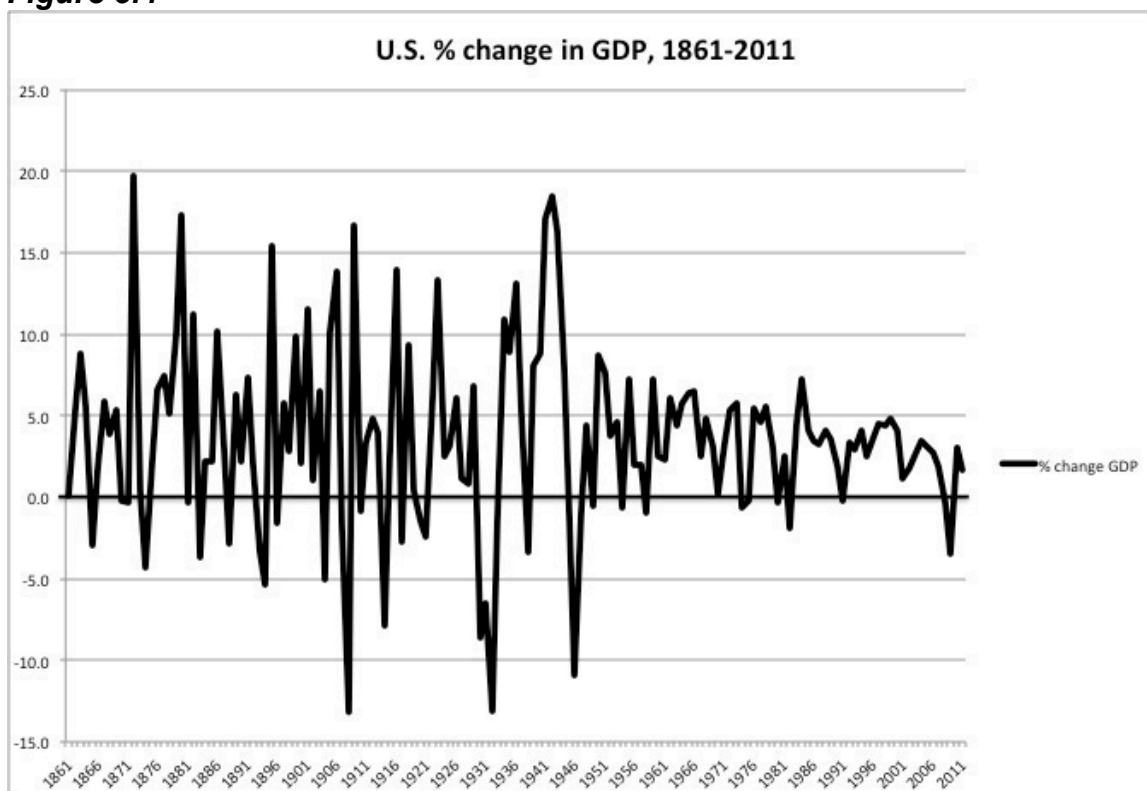
Moreover, the aftermath of the crisis of the Great Depression stands out as a significant break from the past. After a deep and sustained period of negative growth in

⁹⁷ While it is true that no economic crises prior to the 1930s approach the magnitude of the Great Depression, what we also see is that economic depression and volatility was a much more common occurrence in the pre-Depression world.

the early 1930s, the U.S. economy experienced its largest and most sustained period of positive growth in the buildup and prosecution of World War II. And, after a brief postwar recession, what is most notable is that economic volatility declined considerably. The wild swings of the pre-Depression period largely disappeared. This suggests that not only was the Great Depression an exceptional crisis, but its resolution also led to significant and lasting macro-economic changes.

While it would be wrong simply to attribute these changes to New Deal policies, the data does display a pattern that is consistent with a story sympathetic to the “exception to the exception” thesis. According to this account, a generation of people and policymakers marked by the crisis of the Great Depression overcame individualist predilections and agreed on a set of policies that constrained certain individual liberties in the interest of broader social stability and prosperity, including collective bargaining rights for labor. The economy recovered and grew in the postwar period, people attributed that growth to those Depression-era policies, and thus they retained a degree of legitimacy for a few decades. But as the Depression faded from direct memory and the Depression generation began to die off, more traditional American individualism reasserted itself, and support for collectivist New Deal-era policies declined, including support for labor rights.

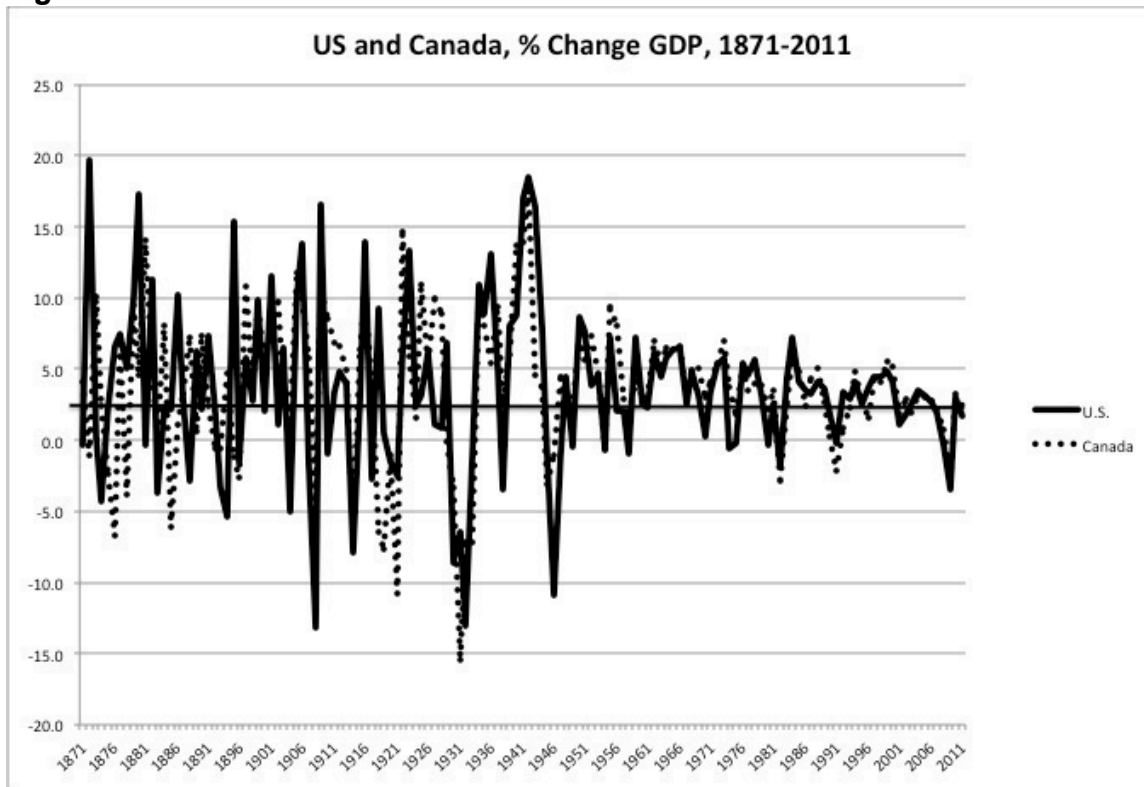
Figure 5.4



Sources: Carter, Susan B. et al. 2006. *Historical Statistics of the United States Millennial Edition Online*. New York: Cambridge University Press, Table Ca9-19, Bureau of Economic Analysis, http://www.bea.gov/iTable/index_nipa.cfm

If we reincorporate Canada into the analysis, we see in Figure 5.5 below that GDP growth patterns have been virtually identical to those in the U.S., aside from a deeper post-World War I recession and a slightly deeper crash at the outset of the Great Depression. The accompanying story for Canada would be that more collectivist, social democratic values, rooted in its Tory tradition, led to greater government protections for unions, which grew over time and remained more socially legitimate. There is no “exception” in the Canadian case. Rather, it serves as a constant, with labor generally stronger than in the U.S., save for the New Deal era, and decisively so after the mid-1960s.

Figure 5.5



Sources: 1871-1961, Angus Maddison, Statistics on World Population, GDP and Per Capita GDP, 1-2008 AD (Horizontal file), <http://www.ggdcc.net/MADDISON/oriindex.htm>. 1962-2011, Cansim Table 380-0002

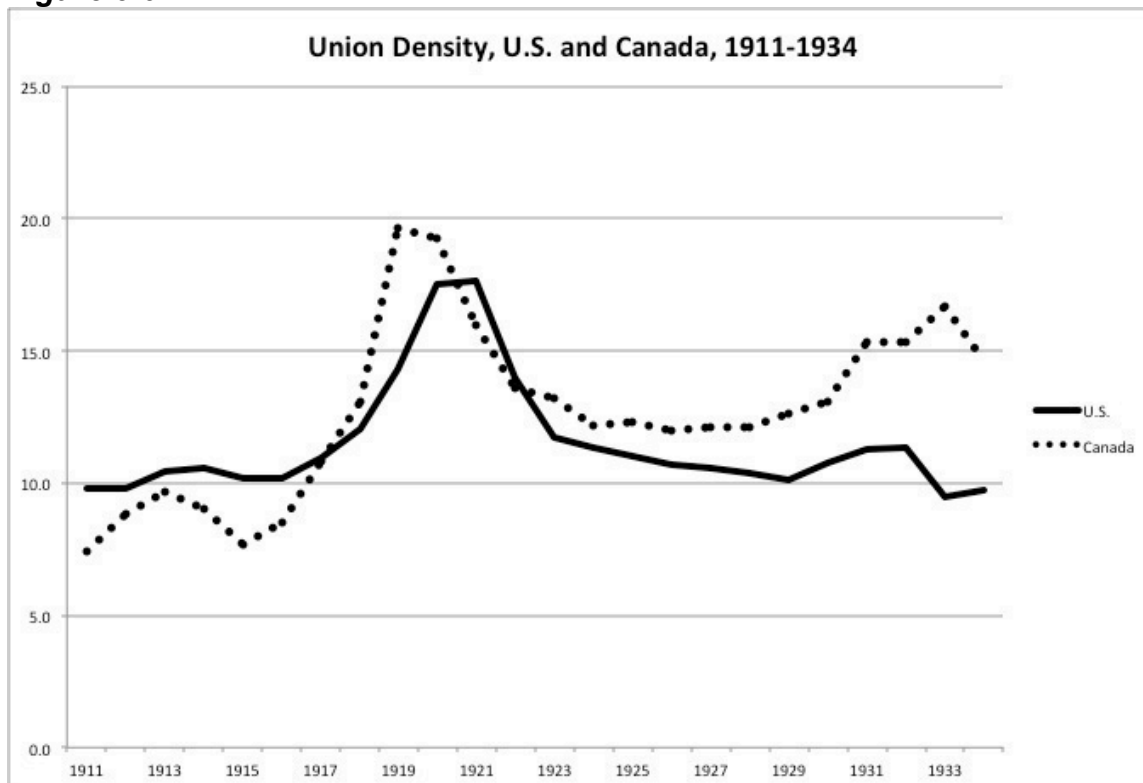
For this explanation to be adequate, it must demonstrate three things. First, that prior to the New Deal era, Canadian unions were stronger than in the

U.S. Second, that during the New Deal era, there was a broad shift in values among all sectors of society that was more conducive towards unions. And third, that those values shifted back to traditional *laissez-faire* individualism as union density declined.

a) The pre-New Deal period, 1911-1934

Looking first at the question of union density in the pre-New Deal era, Figure 5.6 below focuses on trends in union density in both countries between 1911 and 1934, the year before the passage of the Wagner Act. For the pre-Depression years, density in both countries stays relatively similar, differing by little more than two or three percentage points in any given year. Overall the trajectories are virtually identical.

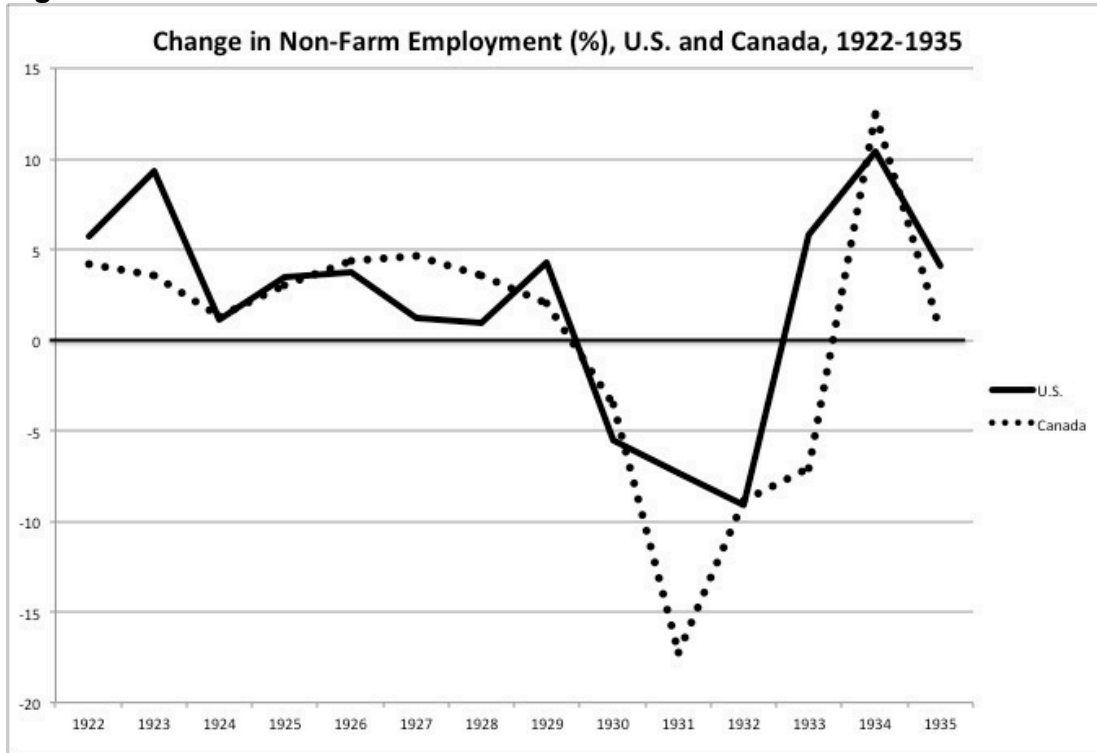
Figure 5.6



Sources: See Data Appendix

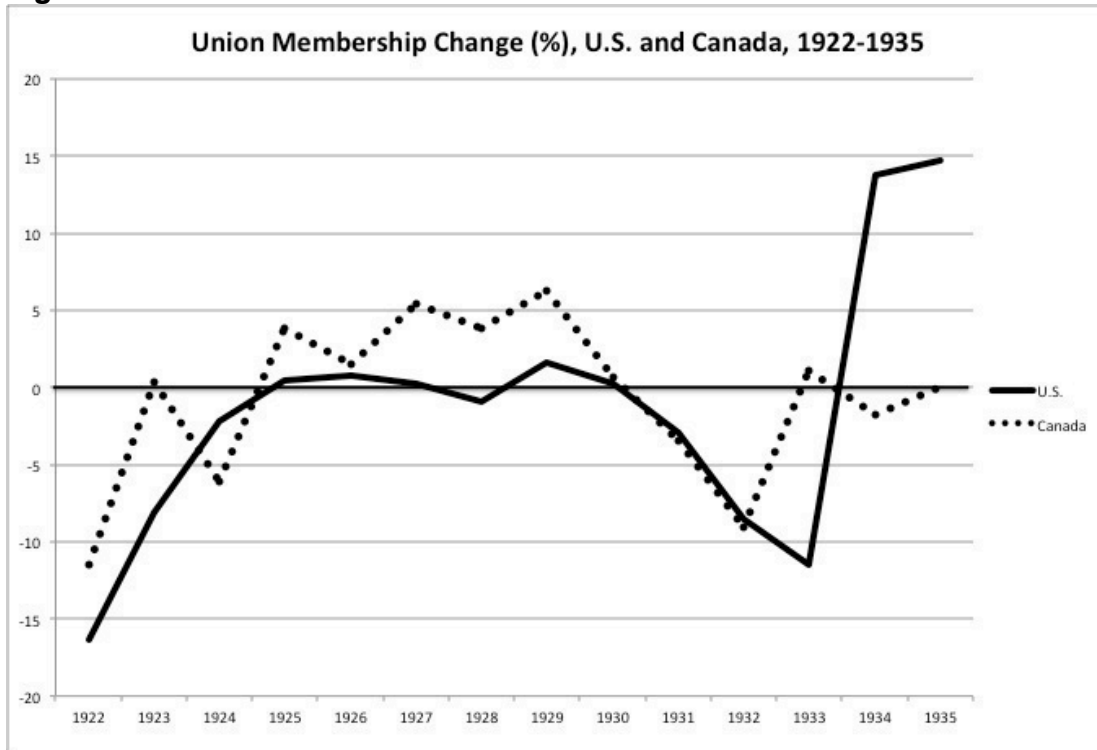
In the early years of the Depression, there does seem to be a divergence though. Canadian density rates rose from 13.1 percent in 1930 to 16.7 percent in 1933, while U.S. density rates fell from 10.7 to 9.5 percent, leaving a gap of more than seven percentage points. However, upon closer inspection, this divergence in the early Depression years is more likely the artifact of relatively greater employment losses in Canada, i.e. shrinkage of the denominator, as opposed to any sort of surge in union membership. Figures 5.7 and 5.8 below track year-to-year percentage changes in non-agricultural employment and union membership. What we see is that between 1930 and 1933, non-agricultural employment fell by 36.8 percent in Canada, compared to 16.2 percent in the U.S. Granted, union membership fell by a greater margin in the U.S. in that same period, 22.6 percent, as compared to 10.7 percent in Canada. However, the relatively larger magnitude of the drop in the Canadian denominator dwarfed the relatively smaller drop in the numerator, leading to a brief widening of the union density gap in the early Depression years.

Figure 5.7



Sources: See Data Appendix

Figure 5.8



Sources: See Data Appendix

In the decades prior to the passage of the Wagner Act then, it is difficult to make a convincing case that either U.S. or Canadian unions displayed greater organizational strength. It may be true, as Lipset and others carefully elaborate, that there were actual differences in this period in terms of Canadian labor's greater tolerance of socialism, as well as the Canadian government's relatively deeper involvement in labor relations (Horowitz 1968; Lipset and Meltz 2004). However, these differences were not enough to make a difference in labor union strength in this period. Instead, we see a period of relative cross-border similarity in union density. Thus, the "exception to the exception" hypothesis comes up short in its first task, mis-specifying the initial conditions of union strength in both countries prior to the passage of the Wagner Act.

b) The New Deal period: the exception to the exception?

The second test for the "exception to the exception" thesis involves its characterization of the New Deal period, which for our purposes we can roughly characterize as the thirty years between the passage of the Wagner Act in 1935 and the beginning of U.S.-Canada union density divergence in 1965. In this period, the argument goes, U.S. unions were able to grow and remain strong because of a temporary shift in national values brought on by the trauma of the Great Depression. This led to a greater acceptance of collectivist ideas and policies, including support for labor unions. Meanwhile, in Canada, already collectivist values and a more interventionist state ensured protections for unions, providing them a favorable environment in which to grow.

To evaluate this aspect of the hypothesis, we have little in the way of reliable data that surveys individuals' values over time, and how those values shifted to favor individualism or collectivism. But even though the national characteristics hypothesis, as well as the "exception to the exception" sub-hypothesis, are based on the notion that aggregates of individual beliefs are what ultimately creates political and institutional environments, we don't necessarily need such aggregated individual data in order to evaluate them. Individual attitudes are not exactly what we are trying to get at, as we are primarily interested in how the overall political and institutional environment shaped working class organizational power, specifically in the form of trade unions and the labor regimes in which they operated. What we can use then, is evidence from key players in the development and maintenance of the U.S. and Canadian labor regimes in this period. This would include government policymakers, as well as representatives of unions and employers. We can examine to what extent these actors were operating in an environment governed by more collectivist or more individualist values.

The United States

Looking first at the U.S. case, the central issue involves establishing the extent to which a more collectivist environment existed in the New Deal/postwar period. For advocates of the national characteristics hypothesis, this more collectivist environment is encapsulated in the idea of a postwar "labor-management accord," which plays a central role in common understandings of postwar industrial relations. According to this idea, unions and employers achieved a consensus of sorts in the postwar period.

Employers agreed to recognize unions' right to exist, and to provide regular wage and benefit increases to union members, including decent pensions and health care coverage. In some cases employers went as far as seeing unions as a potential positive force, working in partnership with management to improve quality and productivity. In exchange, unions agreed to recognize management's "right to manage," and to limit overt displays of force, particularly strikes. Together, labor and management were to forge a mature relationship of mutual respect, based on their mutual interests in promoting overall economic prosperity (Bok and Dunlop 1970; Edwards and Podgursky 1986; Kerr 1960; Lester 1958). To the extent that the national characteristics hypothesis holds, we would expect to find evidence that such a labor-management compact existed and shaped actors' expectations and behaviors in this postwar/post-New Deal period.

What does the evidence show? As already mentioned, the existence of such a compact was taken for granted among industrial relations scholars of the period. An early articulation of this view can be found in the work of Clinton Golden and Harold Ruttenberg, two staff members of the CIO's Steel Workers Organizing Committee (SWOC). Writing in the early years of World War II, just a few years after the passage of the Wagner Act, and several years before the labor upheaval and backlash that would followed the end of the war, Golden and Ruttenberg laid out an optimistic vision for the future of labor-management relations in the U.S., as the conflict of the 1930s transitioned to a new period of "industrial democracy":

We believe that American industry is on the threshold of a new era in human relations—the greatest period in union-management relations. The turmoil and strife of the last decade have merely reflected the transitional character of the relations between workers and management. Out of this transitional period is emerging a new capacity on the part of those in industry, regardless of their different positions, in point of view of responsibility and authority, to work together as a unit—literally with a singleness of purpose and of action for the attainment of a common objective (Golden and Ruttenberg 1942:xxi).

Embodying the vision they projected in their book, both Golden and Ruttenberg moved on from SWOC in the postwar period to play different roles as prominent figures in the U.S. industrial relations landscape. Golden first became a government labor advisor before assuming the executive directorship of the Harvard Trade Union Program, while Ruttenberg went on to a career in management with several different companies. Both continued to be strong advocates of labor-management cooperation and consensus building through the collective bargaining process.

By the late 1950s, it appeared that the world Clinton and Ruttenberg predicted had come to pass. Richard Lester opened his 1958 book, tellingly entitled *As Unions Mature*, with what seemed at the time to be a self-evident assessment of the current state of affairs for unions:

Trade unionism in America has come of age. Some 18 million workers are enrolled in its ranks. The power and influence of unions penetrate not only the workplace but also the financial centers, the community chest, and even foreign aid. It may be idle to argue whether we have arrived at a "laboristic society"—the term Sumner Slichter applies to a community in which an employee viewpoint predominates. But, obviously, labor organization has become part of the dominant economic and cultural pattern of our day (Lester 1958:3).

As a result of this process, Lester argued, labor management relations had begun to “settle down” and enter a new period of stability and maturity. For its part, he noted, “[e]mployer opposition to unions, especially in large firms and urban areas, seems to have been decreasing during the past two decades” (p. 54). On the union side, as the environment for labor became more comfortable, they lost “some of the militancy and rambunctiousness that characterized them before World War II” (p. 29). Overall, Lester observed that “life at both levels [legislative and socio-economic] seems more conducive to comity than enmity, to industrial peace than to union-management strife” (pp. 48-49).

It was when that seemingly stable climate began to change in the 1970s and 80s that industrial relations scholars began speaking explicitly of a “labor-management accord.” They used this term retrospectively to refer to the postwar world that was disintegrating before their eyes. As Richard Edwards and Michael Podgursky (1986) described it,

The labor accord was an implicit, mostly unwritten *modus vivendi* between unions and large employers.... The accord constituted the ‘rules of the game’ in industrial relations, and the contention, bargaining, and conflict that occurred between employers and workers were played out within these rules (p. 19).

What they understood, however, was that “the accord’s most important requirement was a certain degree of cooperation,” but that cooperation was becoming harder to find. “Specifically,” they argued, “management has shown an increasing willingness to abandon the accord; it has instituted a retreat from collective bargaining” (p. 19). Similarly, Bennett Harrison and Barry Bluestone published a series of influential books where they spoke of a “Great U-Turn” in the 1970s and 80s, as management apparently abandoned its previous cooperative stance (Bluestone and Harrison 1990).

This narrative of the establishment and dissolution of the labor-management accord between the New Deal and the 1970s quickly became the standard, common-sense account of what had happened to U.S. industrial relations among scholars and experts in the field. For them, it is clear that the three decades following World War II constituted an “exception to the exception,” in that the dissolution of the accord seemed in some ways to be a reversion to the bare-knuckles system that pre-dated the Wagner Act.

Along with industrial relations experts, labor union leaders of various stripes certainly believed in the idea of a postwar labor-management accord. We already saw the optimistic predictions of SWOC staffers Golden and Ruttenberg regarding the future of labor-management relations, written at the outset of World War II. With the end of the war, U.S. labor leaders explicitly sought to establish the trade-off between labor’s collective bargaining rights and management’s control of the enterprise as the basis for a postwar consensus. At a labor-management conference organized by the White House in November 1945, AFL President William Green laid out the terms of this agreement:

Labor's basic right to organize and bargain collectively and the full acceptance of that right by the employers stands side by side with the right of employers to manage their enterprise and direct its operation without interference. That right should be respected and wholeheartedly accepted by all labor. It is for us to provide means whereby this right can be clearly defined and accorded universal acceptance throughout industry (Green 1945).

Perhaps no other event symbolized the new era of the labor-management accord more than the so-called "Treaty of Detroit," the name ascribed to the 1950 contract agreement between the United Auto Workers and General Motors. It was important firstly for *how* it was negotiated. In contrast to the protracted, public, and acrimonious negotiations that had marked previous auto agreements, as well as agreements in steel, mining, meatpacking, and elsewhere, the Treaty of Detroit was negotiated quickly and secretly amongst top-level union and company officials, in a business-like fashion. Second, it was important for *what* was negotiated. For their part, autoworkers received unprecedented increases in their overall standard of living. The agreement guaranteed not only regular wage increases on top of an automatic cost-of-living adjustment, but also a pension and health benefits. In exchange, GM got stability and control. Unlike previous contracts, the 1950 agreement lasted for an unprecedented five years. Additionally, the union gave GM complete control over management and production decisions.

The mainstream media viewed the agreement as a watershed, making analogies with Henry Ford's five-dollar-a-day wage and lauding it as "industrial statesmanship of a very high order." As sociologist Daniel Bell famously remarked in *Fortune*, "GM may have paid a billion for peace. But it got a bargain.... General Motors has regained control over one of the crucial management functions—long range scheduling of production, model changes, and tool and plant investment" (Bell 1950). More important though was how UAW President Walter Reuther characterized the agreement. Hailing it as "the most significant development in labor relations since the mass production industries were organized," he anticipated Lester's analysis in seeing it as evidence of a "maturing relationship" between the union and the company (Lichtenstein 1995:280).

Five years after the Treaty of Detroit, the U.S. labor movement gave further evidence of its growing "maturity" by resolving the bitter internal struggle between the rival AFL and CIO labor federations. Out of this resolution emerged a combined organization, aptly named the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO). The president of this new federation was former AFL chief George Meany, who rose through the ranks of the plumbers' union. In a gesture that itself illustrated labor leaders' priorities in this new era of maturity and moderation, one of Meany's first acts as AFL-CIO President was to address the convention of the National Association of Manufacturers (NAM), one of the primary U.S. employer associations. In his remarks, he made plain the extent to which he, and by extension the leadership of his newly-merged federation, believed in the basic idea of the accord: free collective bargaining between unions and management, based on a mutual understanding of shared interests:

We have a tremendous vital interest in the maintenance of a free way of life and we feel the employer has the same interest.... We have this stake, and I am quite sure that management has

the same stake in this system under which we live. We cannot maintain a free trade union under any other system, and we do contend that through the free trade union system that we have built up the standards of life of the American worker. We may take nothing away from management. We know that management ingenuity and resourcefulness have made their contribution, but we feel that we have made our contribution (Meany 1955).

While there were more conservative, Meany-like, and more progressive, Reuther-like visions of the accord, labor leaders generally acknowledged and acted as if a labor-management accord was in effect in the decades following World War II.⁹⁸

That began to change in the 1970s. As employer attacks increased, labor leaders could no longer dismiss them. The labor-management accord they thought they had was coming unraveled. Perhaps the best-known recognition of this new state of affairs is contained in the 1978 letter that then-UAW President Douglas Fraser wrote to his fellow members of the “Labor-Management Group,” an independent government advisory board set up to discuss broad economic policies. In offering his resignation to the Group, he expressed his sense of betrayal at the dismantling of the labor-management accord:

I believe leaders of the business community, with few exceptions, have chosen to wage a one-sided class war today in this country—a war against working people, the unemployed, the poor, the minorities, the very young and the very old, and even many in the middle class of our society. The leaders of industry, commerce and finance in the United States have broken and discarded the fragile, unwritten compact previously existing during a past period of growth and progress (D. Fraser 1978).

As with the industrial relations scholars, the fact that labor leaders felt betrayed in the late 1970s indicates that they previously thought they had a deal.⁹⁹ Altogether, it seems reasonable to suggest that, along with the experts, labor leaders too believed in the existence of the postwar accord.

What then of government? For those in charge of administering labor-management policy at the time that Golden and Ruttenberg were articulating their vision for the future, they seemed to share that vision. However, they also seemed to realize

⁹⁸ The extent to which the idea of the accord percolated to the rank and file is somewhat unclear. One imperfect metric is to look at strike rates, which can give some sense of how much workers were adapting to a new era of labor-management cooperation. At first glance, it seems that workers did in fact stop picketing as much and let contract negotiations happen at the bargaining table. The percentage of the non-agricultural workforce involved in strikes plummeted from a postwar high of nearly 10 percent in 1946 to a low of 1.5 percent by 1963. However, a closer look at the statistics shows that this is a somewhat selective reading of the numbers. The 1946 figure was especially high, and the 1963 figure was exceptionally low for that period. If we take a broader view, we see that until around 1956, strike rates in the “mature” postwar period stayed at or above levels seen during the “rambunctious” 1930s. They then declined through the late 1950s and early 1960s, but then promptly returned to 1930s levels or higher for much of the late 1960s and early 1970s. It was only in the mid-late 1970s that U.S. strike rates truly plummeted.

⁹⁹ Note that this sense of betrayal did not lead labor leaders to try a different strategy, perhaps one hearkening back to the mobilization and confrontation that characterized the labor movement of the 1930s. Rather, U.S. union leaders “doubled down” on the idea of labor-management partnership. If employers no longer wanted it, labor leaders would do their best to woo them back. The result was a seemingly endless chain of concessions that have eroded pay, benefits, and working conditions for unionized workers, all in the name of labor-management “partnership” (M. Davis 1999; Moody 2007).

that there would be a potential problem in realizing that vision: getting employers on board. That combination of a vision of labor-management partnership and a sense of employer reticence can be found in a speech that National War Labor Board public member (and future Republican Senator) Wayne Morse delivered to the American Bar Association in December 1942. Speaking before a group composed primarily of those who counseled management, he issued a call for a far-sighted, consensual approach to labor relations:

The forward-looking employers of America today recognize that unions are here to stay. Instead of fighting them and trying to destroy them, they recognize that the struggle of the common man since feudal times to organize into collective bargaining groups for the purpose of improving his economic status, constitutes a social force or movement that cannot and should not be destroyed. The progressive employers of America recognize that organized labor is essential to our system of free enterprise... Furthermore, progressive American employers know that the majority of American labor leaders and union members are basically conservative and can be counted upon to oppose any movement in the future which seeks to supplant our existing economic system (Morse 1942).

By the end of the war, government leaders claimed to see evidence of a new era of labor-management partnership. In accepting Secretary of Labor Frances Perkins' resignation, President Truman complimented her on her service, noting that "the rights of labor as a partner in the system of private enterprise have been more firmly established than ever before. There has been created a cooperative relationship between industry and labor in the United States which has been largely instrumental in turning out the weapons of war" (Truman 1945).

Less than two decades later, the cooperative relationship seemed to be in good shape. In accepting a report from his President's Advisory Committee on Labor-Management Policy on the state of collective bargaining, President Kennedy in 1962 celebrated the fact that:

[P]ublic, labor, and management representatives are in unanimous agreement that collective bargaining is an essential element of economic democracy is a mark of our progress as a Nation when contrasted with the disagreements on this subject in the not too distant past. The fact that all agree on the necessity that collective bargaining be responsible and responsive to the public, or common, interest is a symbol of the maturity of the parties to the collective bargaining relationship (President's Advisory Committee on Labor-Management Policy 1962).

Of course, by the late 1970s government officials could not ignore the erosion of the stability they once knew. This was most apparent after the spectacular failure of the Carter administration to enact its proposed labor law reform bill, which died in the Senate despite Democratic majorities in both houses (Cowie 2010). Reflecting on this setback, Labor Secretary Ray Marshall sensed that the battle over the bill amounted to an effort to turn back the clock on the postwar period. He accused the opponents of the bill of refusing to discuss the substance of the bill, instead making it "a battleground to refight the union-recognition questions of the 1930s." Expressing consternation at how completely the ostensible postwar consensus had vanished, he remarked that "this entire issue points out to us the need to give the American people a refresher course in the basic principles of industrial democracy and collective bargaining" (ABA Journal 1978).

Thus far, it seems that intellectuals, labor leaders, and government officials all held to the belief that an unspoken but very real labor-management accord existed for the roughly three decades between the end of World War II and the end of the 1970s. It also seems that, as the environment shifted in the 1970s, these groups all felt that employers were the ones who were changing. It was they who were backing away from collective bargaining, away from the unspoken deal between labor and management. This raises the question of how employers themselves saw the postwar period. To what extent did they heed Morse's call to be forward-looking and admit, albeit temporarily, that "unions are here to stay"? More broadly, to what extent did employers in this period act as if there were a labor-management accord in effect?

This then becomes the key question for evaluating the "exception to the exception" thesis for the U.S. case. If employers acted as if a labor-management accord were in effect in the postwar period, then it would be plausible to claim that the accord was real. It would fit an account of the postwar period that characterized what happened as a broad across-the-board shift in values that temporarily mitigated classic American values of individualism and *laissez-faire*. However, if employers resisted that notion, and only adapted to circumstances out of perceived necessity, then the claim of a legitimate postwar labor-management accord loses validity. An accord, after all, only exists if both parties acknowledge its existence.

It is difficult to gauge employer acceptance of unions and more collectivist social policy in the postwar period. The question has sparked a wide-ranging and lively debate ever since the idea of the labor-management accord came unraveled in the late 1970s. Part of the problem is that employers did not, and do not, speak with one voice. Unlike other capitalist democracies, there was, and is, little peak-level employer organization. There were certainly organizations of employers, such as the National Association of Manufacturers (NAM) and the U.S. Chamber of Commerce (USCC), but these were not always necessarily representative of employer views (Swenson 2004).¹⁰⁰ As advocates for the existence of the postwar accord point out, there was a small but influential coterie of "corporate liberals" who played important roles in shaping postwar labor and social policy (Harris 1982:135-139; Hawley 1978). Thus it could be argued that this stratum of corporate liberals provided the base for the employer end of the labor-management accord.

However, such an argument would overlook the extent to which U.S. employers consistently and systematically sought to undermine unions and labor policy in the postwar period. As it turns out, Morse's fear that not all employers would be so "forward-looking" were well-founded. Although corporate liberals did exist, and some employers did resign themselves to the idea that "unions are here to stay," a significant stratum adamantly resisted any attempts to achieve consensus. This stratum may have represented a minority at first (albeit a large one), but quickly gathered steam through

¹⁰⁰ This is not to imply that labor spoke with a single voice. To the contrary, there were plenty of inter- and intra-union disputes in this period, with Reuther and Meany often playing starring—and opposing—roles. However, on the question of the labor-management accord, there was general agreement amongst union leaders as to its existence and benefit, certainly more so than on management's side.

the 1950s, and expanded dramatically beginning in the 1960s and through the collective bargaining crisis of the 1970s.¹⁰¹

Initially NAM served as an organizational hub for employer intransigence. They had played a leading role in opposing the labor reforms of the 1930s, and while they lost that initial battle, they saw great opportunities in the postwar period not for labor-management cooperation, but for the re-establishment of business dominance. Mere days after the German surrender in May 1945, NAM began strategizing. A May 11 memo (NAM NIIC 1945) opened by saying that:

Today industry has the greatest opportunity that it has had since 1932. It can:

- reverse the trend of the past twelve years
- regain economic leadership for private enterprise
- insure tremendous nation-wide demand for public policies that are good for business.

It can execute one of the biggest coups that industry possibly could undertake with an excellent chance of putting businessmen back in a position of leadership in the national economy—with the blessing of the White House.

Realizing that some employers may have grown accustomed to more cooperative or government-directed approaches since the arrival of the New Deal, the memo authors note that such a campaign will require deliberate and systematic organizing:

This calls for the biggest mobilization of free enterprise in the history of the country excluding, perhaps, the present war. Prior to 1933, it would have been the natural thing for business to assume such leadership. But now business must be ‘sold’ on taking over a job that is rightfully its own (NAM NIIC 1945).

Publicly, the climate in the immediate postwar period was such that even NAM representatives had to pay lip service to the value of collective bargaining. At a November 1945 meeting of the President’s Labor-Management Advisory Committee, USCC head and noted corporate liberal Eric Johnston offered a full-throated endorsement of labor-management cooperation and free collective bargaining. Following Johnston, NAM President Ira Mosher also spoke of the value of collective bargaining, although he qualified his remarks by expressing “serious misgivings as to the manner in which it is being practiced.”

More important than Mosher’s characterization of collective bargaining though was his characterization of the meeting itself. While other speakers spoke of it as a meeting of representatives from labor and management, facilitated by the state, Mosher disputed the representative structure of the group. Proposing instead that all delegates were there “as representative American citizens, called to this task by the first citizen of this land,” he viewed the function of the group and its participants as “purely advisory—inspirational if you please” (Mosher 1945).

101 In addition to the evidence cited below, broader accounts of postwar employer intransigence can be found in (Harris 1982; Nissen 1990; and Phillips-Fein 2009).

Although this may appear at first as merely a word preference, Mosher's proposed reframing had a much deeper symbolic significance in terms of characterizing labor-management relations. In proposing to redefine the group as an advisory committee of American citizens, as opposed to representatives of labor and management, Mosher was refusing to recognize labor leaders', and by extension labor unions' role as worker representatives. Implicit in this refusal was a rejection of the idea that unions had any business intervening in management's affairs, or even that they had any legitimate purpose whatsoever.

This systematic attempt to undermine labor's representative claims became clearer and more widespread over time. NAM representatives would refuse to appear in public fora with union leaders, or if they did, they would do so only in an individual capacity, not as a management representative (National Association of Manufacturers, 1953). When President Eisenhower convened his Labor-Management Public Advisory Committee in 1953, consisting of five members each from labor, management, and the "public" (meaning academics), the meeting ground to a halt almost immediately over the question of its representative function. Whereas labor members such as Reuther and Mine Workers President John L. Lewis argued that they were meeting in a representative capacity, and should work together to come to mutual decisions about the policy questions under consideration, the employer representatives were united in their opposition to such an approach. After meeting over lunch, the employer representatives unanimously agreed that they would refuse to participate in any decision-making, and that "Members came to the committee as individuals—each one to give his considered opinion." Despite Secretary of Labor Martin P. Durkin's suggestion that he and the president "were...desirous of having some opinion as a group," management remained intransigent, and the meeting fell apart (Labor-Management Public Advisory Committee 1953).

Thus, NAM's lack of representativeness in this immediate postwar period was partially due to legitimate differences of opinion among employers, but also was part of a deliberate strategy on the part of NAM-affiliated employers to delegitimize labor. Employers could present themselves as owners of businesses as well as members of business associations, but union leaders only had a function in terms of their capacity as representatives of groups of workers (Offe and Wiesenthal 1980). By denying all participants' representative capacity, they were fundamentally undermining labor's very base of existence.

Employer recalcitrance remained strong through the 1950s. Under the twin slogans of "free speech" and "right to work," employers successfully mobilized to enact right-to-work laws in six more states (making a total of 18), and obtained NLRB rulings allowing them greater latitude to intervene in union representation elections (Aaron 1962). In the aftermath of the McClellan Committee hearings to investigate organized crime influence in the union movement, employers were able to organize to place further restrictions on labor via the Landrum-Griffin Act. By this time the resistance had spread beyond far more than just NAM. The Chamber of Commerce also took a more hardline turn after Johnston's departure. In the 1960s, new organizations such as the National Right-to-Work Committee also joined the fray. The management watchword in

that decade was “concentration of union power.” In the 1962 report of the President’s Advisory Committee on Labor-Management Policy, several employer representatives—writing as individuals, of course—inserted addenda warning of the dangers arising from such concentration (President’s Advisory Committee on Labor-Management Policy 1962).

By the late 1960s, employer resistance had reached the point where groups of them were mounting an all-out campaign to abolish the NLRB entirely. Observers within the Department of Labor reported that “the new campaign is well-financed, closely coordinated, and aggressively enlisting private and public support.” They noted that “the prime mover of the campaign is certainly the U.S. Chamber of Commerce, which has formed a closely woven, united front with the NAM and 35 national trade associations.” The strategy for the campaign, they reported, “is to create a groundswell of complaints about the NLRB and ‘excessive’ union power which, they hope, will create an atmosphere hospitable to far-reaching legislative changes” (U S Department of Labor 1968). That particular campaign was unsuccessful, but its very existence and scope speaks to an environment governed far less by an “unwritten *modus vivendi*” than by a deep and abiding animosity towards labor and any type of regulatory protections for labor, the kind that labor leaders and industrial relations experts would only fully recognize a decade later.

This is not to say that there were no accommodating employers in this period, or that unions were unable to establish stable collective bargaining relationships. To the contrary, there were plenty of signs of relative stability in labor relations. What is at issue is whether it makes sense in light of the evidence to characterize what happened in the postwar period as a broad shift in values that temporarily mitigated classic American values of individualism and *laissez-faire*, and led to greater acceptance of labor unions. While the evidence is only partial, it does not fit a “values-shift” story for the postwar period. Even after the defeats of the 1930s, some employers almost immediately regrouped and prepared to do battle once again in defense of their unfettered right to manage. These employers refused to recognize labor’s legitimacy, let alone reach consensus with it. And it was this group of employers and their approach that gained in strength in the ensuing decades, achieving dominance by the late 1970s.

The persistent presence of a constituency of recalcitrant employers and its growth over time is more consistent with the analysis advanced by scholars such as Howell Harris (1982). According to this approach, the postwar period was characterized not by a labor-management accord, but something closer to a cease-fire. Management’s values did not shift, although some took a “progressive” approach and embraced the new world of collective bargaining. Another group, concentrated around NAM, retained the recalcitrant approach, although they recognized in the early postwar period that the balance of forces was not in their favor. For the most part, employers pursued what Harris terms a “realist” strategy, where they engaged with collective bargaining, but sought as much as possible to turn the process to their advantage (pp. 131-135). This was particularly the case at the large industrial firms like GM. It was not their ideal situation, but they could live with it. However, as soon as the balance of power was more in their favor, these firms shed their commitment to collective

bargaining and adopted a more aggressive stance. And, as we saw in the section on labor laws, employers were less constrained by what had become by the 1970s a weak and eroded labor regime, in contrast to the resilience of the Canadian regime.

In the U.S. case then, the national characteristics hypothesis does not explain the postwar trajectory of labor relations as well as a basic balance-of-power hypothesis. What remains to be explained, however, are the dynamics underlying the shift in the balance of forces between labor and management in the postwar period.

Canada

According to the national characteristics hypothesis, Canada has more collectivist values, and those values are reflected in stronger unions and a more protective labor regime. In the postwar period, Canada seems to fit this hypothesis well, with union density rising above 30 percent and staying above that threshold for the remainder of the period. It could be that collective values were undergirding that union density stability.

But there are two questions that the Canadian case raises for the national characteristics hypothesis. The first has to do with the initial rise of unionism in Canada in the *pre-war* period: If Canada in fact was governed by more collectivist values and a greater propensity for state intervention, why then did Canadian workers have to fight for almost ten years longer than their U.S. counterparts to win basic labor rights? The second has to do with the union density trajectory over the postwar period: to what extent can we attribute this relative stability to collectivist Canadian values, as opposed to Canadian employers also pursuing a “realist” strategy as did their U.S. counterparts?

Looking first at the pre-war period, it is well-known that the modern Canadian labor regime was established nearly a decade after the U.S. regime. While the Wagner Act was passed in 1935, the equivalent Canadian regulation, PC 1003, was only decreed in 1944. Accounts of union development based on the national characteristics hypothesis gloss over this decade. Most focus on the emergence of the CCF in the 1930s, then jump to the postwar period to discuss union growth (Lipset 1989:166-170; Lipset and Meltz 2004:39-44). But there is little in these accounts about what *unions* were doing during the Great Depression and World War II. This is likely because the story of Canadian labor relations in this period does not fit well into the narrative of a “tory-tinged” Canada, committed to more communitarian values.

While the U.S. government under FDR responded to the labor upsurge of the 1930s by creating legal mechanisms for union recognition and collective bargaining, the Canadian government responded with violence and repression. Prime Minister Richard B. Bennett accused union organizers of being Communist instigators, and vowed to bring the “iron heel of repression” down upon them. Under Bennett’s watch, police arrested and deported organizers, ransacked union halls, broke up union meetings, and more (Imai 1981; Neatby 1972; Petryshyn 1982). Returning to the prime ministership in 1935, William Lyon Mackenzie King approached “the labour problem” with a softer touch than Bennett, but was nonetheless adamant in his refusal to heed labor’s calls for

a Canadian Wagner Act (Fudge and Tucker 2001:193; J. H. Thompson and Seager 1986).

Ironically, at least in light of the national characteristics hypothesis, King's reticence to implement comprehensive collective bargaining regulation derived from an ideological commitment to a value normally viewed as classically American, namely voluntarism (Fudge 1990). A classic corporate liberal himself, King had a longstanding interest in labor relations policy. He had started his government career in 1900 as the editor of the *Labour Gazette*, and was quickly promoted to become Canada's first Deputy Minister of Labour. He received a PhD in Industrial Relations from Harvard in 1909, and that same year, after winning a seat in Parliament in 1908, he was appointed Canada's first full-time Minister of Labour. After losing his seat, he moved on in 1914 to serve as an industrial relations consultant for John D. Rockefeller. In that capacity, he helped Rockefeller create a public relations response to the public outrage surrounding the Ludlow Massacre, in which at least 13 people, including striking miners, women and children, were either mowed down by machine guns or burnt alive. In keeping with his voluntarist ideas, King proposed a Joint Industrial Council (JIC), a forum in which workers and management could come together to discuss grievances. King's proposal subsequently became the template for the "American Plan," an open shop system of company unionism that spread throughout corporate America in the 1920s (Reginald Whitaker 1977b).

As Deputy Minister of Labour, King authored Canada's first effort at regulating labor-management relations, the Industrial Disputes Investigation Act (IDIA) of 1907. The IDIA sought to foster industrial harmony by providing a forum for negotiation and conciliation between labor and management. However, the structure of the law was entirely voluntary. There were no mechanisms compelling either side to negotiate or reach agreement. Although this was not an issue for unions, as they were very willing to negotiate, employers found little reason to aver themselves of the law, preferring instead their policy of hostility and intransigence towards labor (Fudge and Tucker 2001).

While the IDIA proved largely ineffectual in promoting collective bargaining, King took great pride in the law, which he saw as an embodiment of his philosophy of labor-management relations, as articulated in his 1918 tome, *Industry and Humanity* (King 1918). As labor unrest heated up under his watch in the late 1930s, he expressed his sympathy for labor, telling himself that "to me it would be both an easy and an enjoyable battle to continue till the end of my life the fight for the rights of labour" (King 1937). But while he personally found employer and government repression of workers attempting to organize repugnant, he kept his faith in the ability of industrial voluntarism, as practiced through the IDIA, to create industrial peace.

With the advent of World War II, labor unrest continued to rise. In response, King's War Cabinet issued a set of voluntary collective bargaining guidelines, laid out in Order-In-Council PC 2685. But employers showed little interest in the guidelines, and unions complained loudly that the Order was not working. In response, the cabinet issued a series of ever-harsher restrictions on workers' ability to strike. This only

ramped up industrial conflict. Even so, the Canadian government refused to create any kind of regulation that would compel employers to recognize and bargain with unions. Laying out the government rationale, Minister of Labour Norman McLarty explained that:

The Government has pursued this policy of non-compulsion during the war period and has tried to deal out even justice to both parties. It is felt that should employers be compelled to recognize and deal with trade unions that the question immediately arises as to whether employees should be forbidden to go on strike. If compulsion is adopted it must be applied to both parties and where rights are given responsibilities should definitely exist (McLarty 1941).

Finally, in late 1943, as strike rates soared and the CCF began winning important electoral battles, King changed his mind. He realized that collective bargaining could only work if employers were compelled to recognize and bargain with unions. He announced plans for compulsory collective bargaining, and in February 1944, the Cabinet issued Order-In-Council PC 1003 (Camfield 2002; Fudge and Tucker 2001; McInnis 2002).

What we see then when we examine the trajectory of unions and labor policy in the 1930s and early 1940s is a story that runs counter to what the national characteristics hypothesis would imply. Rather than being more accepting of collectivist labor rights, employers remained deeply attached to their individual rights of property and contract, and hostile to unions. Meanwhile, government actors committed to a voluntaristic labor relations framework refused to compel union recognition or collective bargaining. Only under extreme political and economic duress did employers and government relent.

Turning next to the postwar period, we have already seen that Canadian employers¹⁰² had built up a long track record of militant opposition to unions prior to World War II (Jamieson 1968; Pentland 1968). This baseline hostility continued in the postwar period. Canadian employers looked south with interest when the Taft-Hartley Act was passed in 1947, and many pushed to get similar provisions enacted in Canada, particularly right-to-work language, prohibition of mandatory dues checkoff, and a ban on secondary picketing (Canadian Manufacturers' Association 1947b; 1947a). They were partially successful, keeping dues checkoff voluntary and imposing strike restrictions, but failing to get right-to-work language. The Canadian Manufacturers' Association and other employer groups continued to push for a Canadian Taft-Hartley Act well into the 1950s, but were rebuffed (Anonymous 1948).

As the 1950s wore on, however, employer organizations seemed to lose steam, recognizing that their battle for more restrictive labor laws was a losing one. CMA's

¹⁰² As with the U.S. case, we should be careful in ascribing too monolithic of a position to Canadian employers as a whole. However, in the course of my research I found that there was not as clear a delineation between corporate liberals and hard-liners as in the U.S. Rather, employer attitudes as a whole seemed to adhere to a deeply-felt hostility to unions, albeit one that did not go as far as to deny their very right to exist, as we saw in the U.S. case. Moreover, unlike in the U.S., where the NAM played a central role in sustaining and organizing the hard-line pole of employer opinion, the CMA seems to have played a more moderating role, expressing sympathy with irate hard-line employers, but not encouraging such attitudes. Furthermore, the CMA seemed much more comfortable playing a representative role vis-à-vis unions and government than did the NAM.

Ottawa representative, Willis George, articulated this sentiment in a report to headquarters regarding the latest round of legislative reforms. He noted that employers' near-universal adoption of the Rand Formula had largely rendered their organization's opposition to mandatory dues check-off moot. Nonetheless, he continued,

In spite of the present situation, I presume the CMA will oppose the Check-off being written into the legislation on the same grounds as we have made representations in the past, but we should not be realistic if we expected to be successful in our opposition, as the proposed amendment to the Act to include the Check-off has been yearly gaining more support and it is a foregone conclusion that the provision would carry if introduced in a Government bill (George 1954).

Employers also seemed to recognize unions' increased postwar clout. In response to an inquiry on the part of a concerned lumber executive as to "who or what is going to stop the [unions'] continued demands for higher wages and the check-off system?" a CMA representative could only meekly reply that "[t]here was general agreement with your view, but it was recognized that it was a difficult matter on which to take action to put a stop to such demands on the part of unions" (Campbell 1953; Reburn 1953).

Although the main employer associations and large firms may have resigned themselves to having to deal with unions, this resignation was far from universal. As the Task Force on Labour Relations, headed by H.D. Woods, summed up in its report on the "crisis of collective bargaining" in the late 1960s:

On balance, we do not believe that most employers have a very positive orientation toward trade unions and collective bargaining. Although employers in general are prepared to accept the fact that these institutions are indispensable instruments in a modern industrial liberal democratic state, the majority would be more than pleased if they were to restrict their activities or confine them to enterprises other than their own (Canada Task Force on Labour Relations and Woods 1968:91).

While the resignation of the Canadian employer associations stands in sharp contrast to the recalcitrance of the NAM and other U.S. employer organizations, that resignation is not to be confused with a deeply-held belief in the value of collectivist institutions. Rather, as in the U.S., it seems that many Canadian employers pursued a "realist" strategy in the postwar period, whereby they accommodated unions and labor regulations only to the extent that it was required.

What we know from our previous analysis of the evolution of U.S. and Canadian labor regimes is that the Canadian labor regime demanded and received greater employer accommodation than its U.S. counterpart, and that it continued to strengthen throughout the 1970s and 80s, just as the U.S. labor regime collapsed. If this did not result from more collectively-oriented Canadian employers, how then can we explain greater employer compliance in Canada? What restrained employer opposition, and allowed for greater labor regime resilience?

In the Canadian case then, the national characteristics hypothesis falls short as well. Canadian employers did not exhibit more collectivist propensities, nor did state actors. Rather, both were constrained by a combination of political dynamics and

institutional constraints. It is those shifting dynamics and constraints that must be explained.

In the following section, we will examine a leading theory to explain those shifts, namely the internal organizational characteristics of unions.

C) Internal Union Characteristics

Explanations emphasizing the internal characteristics of the two national labor movements focus on the prevalence of a more progressive “social unionism” within the Canadian labor movement, as compared with the dominance of a more conservative “economistic unionism” in the U.S. The most sophisticated articulation of this view can be found in the work of Ian Robinson (1990; 1993). Social unionism emphasizes a “moral economy” that “seeks to change the entire society and to advance the interests of many who are not union members,” and articulates a “critique of the existing order...that resonates with the values and experiences of most working people” (Robinson 1993:21). By contrast, economistic unionism emphasizes selective incentives, meaning the individual benefits that can accrue to workers through union membership. According to this approach, Canadian social unionism has better withstood employer and government attacks relative to U.S. economistic unionism by changing the calculus of member involvement and action. As Robinson explains, “Economistic unionism is highly vulnerable to government and employer coercion because it is relatively easy for either of these actors to threaten penalties that more than outweigh the small economic benefits that the union can offer with its selective incentives” (p. 22). Conversely, at an individual level, social unionism increases the benefits of union membership, making members and leaders more willing to resist government and employer coercion, and more willing to put greater effort into organizing the unorganized.

Why did social unionism prevail in Canada? Robinson traces it to differences in state responses to labor mobilization. In the U.S., crucial labor reforms have generally been made “from above,” with sympathetic politicians enacting legislation facilitating union organization. In Canada, crucial labor reforms have come “from below,” as more hostile governments have been forced to grant labor rights under pressure from militant union mobilization. These different organizational contexts led to different organizational characters: whereas U.S. unions became more dependent on finding sympathetic political allies with whom to strike bargains, Canadian unions learned the value of independent mobilization (Robinson 1993:23-29). This pattern occurred at two critical moments in both movements’ development, first at their institutionalization in the 1930s and 40s, and second at the time of public sector union expansion in the 1960s (Robinson 1993:29-33).

For the first period of the 1930s and 40s, Robinson’s key empirical evidence has to do with differences in the growth rates of competing union federations in both countries. In the U.S., after the passage of the Wagner Act, the more economistic AFL outpaced the growth of the social unionist CIO. In Canada, labor’s continued political exclusion gave the organizing advantage in this critical period to the social unionist

Canadian Confederation of Labour (CCL) over the more economic Trades and Labour Congress (TLC). While aggregate growth remained similar in both countries, this compositional difference shaped the organizational character of the two labor movements differently, which in turn laid the groundwork for subsequent density divergence.

For the second period, he focuses on growth in public sector unionism, pointing out that in the U.S., relatively weak public sector unions were granted basic union rights by sympathetic local, state, and federal governments, whereas in Canada, governments usually had to enact legislation to stem the tide of already-mobilized public sector workers. However, the legislation differed quite sharply: in Canada, public sector workers won full collective bargaining rights, including the right to strike; in the U.S., almost all legislation prohibited that right, and most put significant restrictions on the scope of collective bargaining rights. Additionally, the greater strength and influence of public sector unionism in Canada in the 1960s accentuated the social unionist character of the labor movement as a whole, compared to the U.S., where public sector union influence was more muted (Robinson 1993:33).

The internal union characteristics hypothesis has an advantage over the national characteristics hypothesis, in that it offers an historically contextualized explanation that can plausibly account both for initial union density growth and subsequent divergence. Rather than glossing over the events of the 1930s and 40s, it instead highlights them as a central part of the explanation. Its sophisticated analysis of the relationship between union mobilization and state response is also a strong point. Counter to popular current-day understandings of the Canadian state as generally more supportive of unions, a historical analysis shows not only that in general that state has been more *hostile* to unions, and that it is precisely that state intransigence that has strengthened the Canadian labor movement at key points in its organizational development.

Where the internal union characteristics hypothesis falls short, however, is in its specification of the mechanisms driving movement divergence in both countries. The sharp distinctions that Robinson draws between the AFL/TLC and CIO/CCL, with the former representing economic unionism and the latter representing social unionism, does not accurately capture the political dynamic of the period. In Robinson's account, it appears that the U.S. CIO remained an advocate and practitioner of social unionism throughout its entire existence from the 1930s through the 1950s, but that it was organizationally eclipsed by the faster-growing AFL, which was a staunch defender of narrow business unionism.

This characterization has two problems. First, it overlooks the degree to which the transformation of the U.S. labor movement in this period was in large part a consequence of a de-radicalization *within* the CIO itself. It was the CIO unions that most enthusiastically backed the no-strike pledge during World War II, which weakened labor's organizational power and created greater dependence on government favors (Kersten 2006; Lichtenstein 1982). It was the CIO unions that most aggressively pursued an alliance with the Democratic Party, in the process undermining efforts to sustain a social democratic party like the Canadian CCF. It was the CIO-affiliated UAW

that agreed to the “Treaty of Detroit,” which signaled a decisive turn away from seeking broad-based gains for the working class as a whole in favor of particular benefits for union members. An adequate explanation of the organizational development of U.S. unions must account for the decline of the “moral economy” of the CIO.

Second, it mischaracterizes the dynamics within the AFL at the time. While it is true that the AFL tended towards a more conservative brand of unionism in general, the Great Depression had a radicalizing effect even on the conservative AFL leadership. In the early phases of labor’s upsurge in 1933 and 1934, some within the parts of the AFL that bitterly resisted the CIO split saw great promise in what was happening. Take for example the normally stodgy AFL President William Green. As the AFL Executive Board met in 1933 to discuss its position on the National Industrial Relations Act (NIRA), which contained provisions on union recognition that would later form the basis of the Wagner Act, Green closed the meeting with his assessment of the AFL’s central tasks:

Now is the time we ought to inaugurate a militant organizing campaign. This bill is the instrumentality through which we can tell workers what their rights are.... The workers must be organized to secure their rights and we, for our part, must carry the message to them.... The militant fighting spirit of the workers must be aroused. Even now men are beginning to strike. We can’t stand still. We must go forward and we must become active immediately.... I am vitally impressed with the necessity of organization. We will center our attack on mass production industries with the means at hand. If the workers are not organized it won’t be the fault of the American Federation of Labor (American Federation of Labor 1933).

These hardly seem to be the words of a narrow, economistic unionist. Moreover, in terms of articulating a broader social vision, Green in speeches made around this time routinely called for increased aid to the unemployed, expanded public works programs, support for farmers, greater government support for housing, and more (Green 1934b). In making labor’s case, Green was clear in saying that “I plead for workers, the poor and unprotected and for the protection and preservation of human rights” (Green 1934a). While there was undoubtedly a variety of union philosophies within the AFL, Green’s was especially significant as the president. And for him, there seemed to be room in the AFL’s model of unionism for elements of a broader social unionist program.

Much of this changed in the latter part of the 1930s, as AFL unions positioned themselves as a more compliant, employer-friendly option to the CIO, undercutting CIO efforts and out-organizing them in terms of membership growth (M. Davis 1980a; Tomlins 1979). This change over the course of the 1930s raises the question of the degree to which the AFL’s conservative tactics of the late 1930s were inherently part of its organizational characteristics, as opposed to being a function of the legal-institutional environment into which it was incorporated. It was only once the Wagner Act machinery was firmly in place that the AFL could play its “sweetheart deal” game with employers fearful of being organized by the CIO. In a less institutionally stable environment, like the mid-1930s, the AFL leadership seemed capable of adopting a more social unionist outlook. Thus, it seems that the conditions of institutional incorporation, as opposed to the internal union characteristics themselves, are driving union activity.

As for the Canadian case, the internal union characteristics hypothesis shares with the national characteristics hypothesis an overly naturalized account of the critical alliance between labor and the CCF. As we will see in the following section, this relationship was quite unsettled for most of the 1930s and 40s, and was only fully consummated in the late 1940s. An adequate explanation of the organizational development of Canadian unions must also explain the labor-CCF alliance.

Turning to the 1960s, Robinson's focus on differences in the growth of public sector unionism and the politicization of both labor movements is important, but again mischaracterizes the political and organizational dynamics at work. In Robinson's account, public sector unions are inherently political, as their members' livelihoods depend on political decisions. This, he argues, makes them more "more politicized than their private-sector counterparts in some respects, and their politics are more likely to favour state intervention for a variety of social and economic purposes" (Robinson 1993:32). But, as the U.S. case shows, while public sector unions are structurally more tied to the political process than private-sector unions, there is nothing inherent in public sector unions that will make them mobilize politically for a broader class-wide agenda. Rather, this is dependent on a union's political orientation, which in turn is dependent on the political connections that a union makes. Unions that retain stronger connections to explicitly left-wing, class-based parties are more likely to articulate class-based political demands than those connected to non-class-based parties. Robinson recognizes this in emphasizing the importance of Canadian labor's link to the CCF/NDP, but the issue is broader than one party. In general, Canadian labor retained a stronger connection with the left than did U.S. labor, where that link was largely severed (D. Clawson 2003).

The key questions that remain unanswered then with the internal union characteristics hypothesis are 1) why did labor ally with the CCF in Canada? And 2) why did the labor-left alliance remain stronger in Canada than in the U.S.? While these questions may seem so obvious as to be self-evident, an examination of the historical record will show that these alliances were far from pre-ordained, and only seem obvious today because they have become institutionalized.

D) The Role of Race

One final hypothesis we must consider is the particular role that race has played in shaping the U.S. labor movement. Our evaluation will be cursory, as this issue on its own could be the basis for several dissertations.

The core of the argument is that U.S. workers' attachment to racial identities has often trumped their class identity, making class-based organizing especially difficult (Goldfield 1997; Griffith 1988; Hill 1996; Iton 2000). This is not at all to say that race has played no role in shaping the Canadian labor movement. To the contrary, it is essential to emphasize that racism and exclusionary politics have marked both the U.S. and Canadian labor movements. Going back to the 19th century and well into the 20th century, unions in both countries were enthusiastic backers of exclusionary policies towards certain immigrant groups, particularly from Asian countries. Additionally, in areas where African-Canadians or Latin American immigrants lived, they faced significant

discrimination at the hand of unions. In both countries, the vanguard of racist exclusion was the craft-based unions in the AFL and TLC (Iton 2000; Palmer 1983). Similarly, employers in both countries were eager to take advantage of racial divisions to undermine worker solidarity and weaken union power (Goldfield 1993; Griffith 1988; Mathieu 2010).

Nonetheless, for those who have compared the two countries in depth, the consensus remains that race has been a relatively more salient cleavage in the U.S. compared to Canada. While nativist exclusion and racial divisions are common to both countries, the intensity has generally been greater in the U.S. More specifically, race in the U.S. has been characterized by a sharp black/white dichotomy, powerfully shaped by the legacy of chattel slavery and Jim Crow laws. This has “flattened” European ethnic divisions in the U.S. by subsuming them under a “white” racial identity to a greater extent than has happened in Canada, while accentuating the difference between the broad white identity and the other, black identity (Iton 2000; Kaufman 2009). As a result, class-wide efforts at cross-racial (meaning black-white) organizing in the U.S. have often foundered, weakening class-based organization as a whole.

For the purposes of the present analysis, the two key moments for evaluating the role of race are 1) the moment of labor’s institutionalization in the 1930s and 40s; and 2) the moment of density divergence in the 1960s. At both of these moments, we must look both at how race shaped the internal dynamics of labor unions, as well as the broader institutional environment, in order to see how it might have affected union density trajectories.

Looking first at internal union dynamics in the 1930s and 40s, the CIO made some strides in interracial organizing in basic industry, but even there the results fell far short of the promise (Hill 1996). The critical moment is widely held to be Operation Dixie, the CIO campaign waged from 1946 to 1953 to organize the South. Such a campaign required an interracial approach, and in some cases the CIO delivered. But its internal contradictions around questions of race proved to be its undoing, and Operation Dixie fell apart. This failure in 1953 left an entire region of the country effectively de-unionized for decades to come. And, as we saw in the section on sectoral shifts in employment, employers did increasingly relocate to these less-unionized areas over the course of the 20th century. The defeat also coincided almost exactly with the beginning of the decline in over U.S. union density, and set the stage for the merger of the AFL and CIO. The merger in the U.S.—actually more of a reabsorption of the CIO into the AFL—effectively marked the end of the CIO’s broader political program, and its retreat back into a more conservative business unionist model (M. Davis 1980a; Goldfield 1993).

As for the broader environment, race certainly played an important role in shaping key labor legislation in this period. The Wagner Act specifically excluded domestic and agricultural workers at the behest of white supremacist southern Democrats, who conditioned their support for Roosevelt’s bill on that exclusion. At the time, both occupations were heavily African-American by composition. Similarly, that same group of southern Democrats played a key role in overriding President Truman’s

veto of the Taft-Hartley Act, thus allowing it to become law. They also were major proponents of right-to-work laws, signaling to employers a more favorable, anti-union environment in those states (Farhang and Katznelson 2005; Gall 1988; Katznelson, Geiger, and Kryder 1993).

In the 1960s, U.S. unions were challenged from within and without by the civil rights movement. Both old-line craft unions in the building trades as well as ostensibly more “modern” industrial unions issued from the former CIO were hit with discrimination lawsuits and forced to reform internal practices around hiring halls, seniority systems, membership criteria, and more (Hill 1996). Radical workers of color, often inspired by or directly involved with the Black Power movement, also organized insurgent reform movements within these unions (A. Brenner, R. Brenner, and Winslow 2010; Georgakas and Surkin 1998). At the same time, the explosion of new unions in the public sector brought many more women and people of color into the labor movement, dramatically altering its complexion. These public sector unions also built alliances with the civil rights movement, most famously in Memphis, where sanitation workers striking in an effort to join the American Federation of State, County, and Municipal Employees (AFSCME) were joined by many civil rights leaders. Most notable among them was Dr. Martin Luther King, Jr., who was assassinated in the course of supporting their struggle (Honey 2007; McCartin 2006).

Although such developments were salutary in many ways for the U.S. labor movement, they also exposed critical weaknesses. Within the labor movement itself, the public sector upsurge was significant, but not strong enough to reorient the movement’s broader political orientation (Cowie 2010:23-63). At the environmental level, as Paul Frymer points out, the civil rights movement and the employment discrimination legislation it fought for did actually transform union practices. But at the same time, the legislation reified and intensified the division between race and labor, creating two separate spheres of law for remedying a set of problems that were intimately intertwined. While collective labor rights eroded, individual civil rights flourished. As a result, federal anti-discrimination legislation cleaned up labor unions and increased access for women and people of color at the precise moment when their power was collapsing (Frymer 2007).

From this very brief overview, it should be clear that race did play a role in shaping union density trajectories in the U.S., sometimes in unexpected ways. This becomes even more apparent when we incorporate the comparison with Canada. There, racial divisions have certainly hobbled the movement’s development at critical moments, but not to the extent as in the U.S. In the 1930s and 40s, without a Manichean black/white opposition, amplified and institutionalized by state power, Canadian workers and union organizers did not face the same kinds of barriers to multi-racial organizers that their U.S. counterparts did, particularly in the South. While Canadian workers did face generally hostile legislators, they were able to fight their anti-union legislators head-on, as they were not ostensibly included in the pro-labor coalition, as were the southern Democrats.

In the 1960s, the public sector upsurge did have a transformative effect on the movement as a whole, as the new, militant public sector unions assumed a central leadership role in the Canadian Labour Congress (CLC) (Robinson 1993). In that capacity, they made anti-racism, feminism, and anti-discrimination policy a priority, both transforming the federation from within and mobilizing beyond the federation for broader social anti-discrimination policies. In so doing, they created a link between labor and civil rights law that was missing in the U.S. (Briskin 2008; Luxton 2001; Sangster 2010).

Overall, differences in the organization of racial divisions do seem help to explain some of the U.S.-Canada union density divergence. And yet, some important questions remain. For the period of the 1930s and 40s, we must ask why U.S. labor ended up in the same political coalition with reactionary, anti-union, white supremacists? And for the period of the 1960s, we must ask why the civil rights movement, and the social movements of the 1960s more broadly, did not have as transformative an effect on the U.S. labor movement as they did on the Canadian labor movement?

Section 1—Summing Up

At this point, we have examined a wide array of competing explanations for why union density diverged in the U.S. and Canada after so many decades of similarity. Looking first at structural explanations, we saw that common “sectoral shift” arguments for union decline explain little, as the employment structure in both countries shifted towards the service sector in mid-century, but without causing decline in Canada. We also saw that, although the growth of public sector unionism in both countries did alter their overall union growth trajectories, it did not conceal an underlying convergence in private sector density. Rather, both public and private sector unionism diverged in similar ways and at similar times. Geographic shifts in employment seem to have affected U.S. union density, but this simply raises the question as to why inter-state density is so much more dispersed in the U.S. than in Canada. This is especially puzzling when we consider that labor policy is set at the national level in the U.S., but at the provincial level in Canada.

Turning next to individual explanations, we noted that union density divergence is not likely the result of stronger anti-union sentiment in the U.S. Not only do surveys show little relationship between individual preferences for union representation and actual levels of union representation, but existing historical polling data actually shows relatively similar and declining levels of approval for unions over time in the U.S. and Canada. As for differences in employer opposition to unions, these seem to result much more from the institutional environment in which employers operate than they do from actual differences in individual employer attitudes.

In our comprehensive review of policy differences, we saw that macro-economic policies such as monetary and trade policy seemed to have little effect on union density. On the other hand, labor relations policy very often did. In terms of rules governing union certification, first contract negotiation, union security, and strike activity, the current Canadian labor regime provides relatively greater protections to workers and their unions than the U.S. regime, while placing relatively stronger constraints on employers’ ability to intervene in workers’ efforts to exercise their collective bargaining rights. However, we also learned that these regimes have themselves diverged significantly over time, with the U.S. labor regime eroding and the Canadian labor regime remaining relatively resilient, even strengthening in some respects. The question then remains as to why there was such a divergence in labor regimes?

In the course of examining different explanations for why the overall environment shaping working class power in both countries changed over time, we saw that differences in political institutions provide convincing mechanisms to explain density divergence, but that those institutions themselves have changed over time too, and that that institutional change must be explained as well.

Differences in national characteristics, to the extent that they exist, do not explain density divergence. In the U.S., employers did not temporarily modify their values in a collectivist direction in the postwar period. Rather, some took a “realist” approach, accepting collective bargaining temporarily until the balance of power tipped back in their favor. Meanwhile, a militant segment vociferously resisted unions throughout the entire period. In Canada, the national characteristics hypothesis does not explain the Canadian government’s steadfast adherence to industrial voluntarism and its refusal to grant substantive labor rights in the 1930s and early 40s. Similarly, counter to what the national characteristics hypothesis would predict, Canadian employer behavior more closely resembled realist resignation to an unfavorable balance of power than an active embrace of more collectivist values.

The internal union characteristics hypothesis goes a long way in explaining density divergence. Its accurate characterization of the relationship between state actors, labor militancy, and labor’s organizational development is particularly helpful. Where it falls short is in its mis-specification of the mechanisms driving labor movement divergence in both countries. Rather than the U.S. AFL outpacing the CIO, what needs to be explained is the de-radicalization of the CIO. And in Canada, the alliance between labor and the CCF must be explained, as it was not pre-ordained.

Finally, differences in the organization of racial categories seem to have played a role in density divergence. The Manichean divide between black and white in the U.S., reinforced by state power, created greater internal and external obstacles for U.S. unions, while the diverging trajectories of public sector unionism and anti-discrimination law in both countries intertwined to shape movement divergence in the 1960s and 70s. What remains to be explained is 1) why did U.S. labor end up in the same political coalition with reactionary, anti-union, white supremacists? And 2) why did the civil rights movement, and the social movements of the 1960s more broadly, not have as transformative an effect on the U.S. labor movement as they did on the Canadian labor movement?

While the competing explanations all raised numerous questions, taken together we can distill three that are of central importance towards developing an adequate explanation of U.S.-Canada union density divergence:

- 1) Why did Canadian labor forge a political alliance with the CCF at the same moment that U.S. labor joined a political coalition that included reactionary, anti-union white supremacists?
- 2) Why did the social movements of the 1960s have a more transformative, reinvigorating effect on the Canadian labor movement than the U.S. labor movement?
- 3) Why did the Canadian labor regime remain more resilient over time, while the U.S. labor regime eroded?

Answering the first two questions will take us beyond the world of unions and labor policy to explore the worlds of politics and social movements. However, once we have explored those other worlds, we will be better equipped to answer the last question, which will actually offer an explanation for union density divergence.

In the process of answering these questions, we will develop what I have called the “political incorporation” approach to explaining diverging union density. The next section of this study takes on that task.

Section 2—Political Incorporation and the Class Idea

The argument I advance in this study is that understanding U.S.-Canada union density divergence requires understanding the different processes of working class political incorporation that occurred in the U.S. and Canada in the 1930s and 40s. I argue that these processes shaped relations between parties and classes differently, as well as relations between the broad political left and the labor movement. They also affected the formation and development of different labor policy regimes and different labor movements in the U.S. and Canada. As a result, the class idea remained stronger in Canada, allowing Canadian labor to retain greater organizational resiliency as the postwar truce unraveled beginning in the 1970s. Thus, while U.S. union density has continued a downward spiral, Canadian density has managed to remain relatively stable over the past three decades.

In saying that the class idea remained stronger in Canada relative to the U.S., I mean that social class remained a more salient and legitimate principle of political organization. Instances of class conflict were and are more likely to be expressed and recognized politically as such in Canada, rather than being filtered through another principle of political organization, such as partisan conflict, or blocked entirely from entering the political discussion. This, I argue, is the result of two separate but related processes. On the union side, stronger links with the political left and broader social movements encouraged Canadian labor to think of and articulate its demands more in class terms. On the government side, class representation was more built into Canadian political and policy institutions, enabling them to comprehend and process political questions in class terms. By contrast, in the U.S., weakened links with the left and broader social movements encouraged labor to think of and articulate its demands more in narrow “interest group” terms. And on the government side, class representation was eschewed in favor of either partisan representation or individual rights, making it difficult for them to understand political questions in class terms.

In this second section, we will examine the complex back-and-forth between labor, capital, and the state that led to such divergent political and institutional outcomes in the U.S. and Canada. The analysis will proceed in three steps, each of which will comprise a chapter. First, we will look at divergences in class-based political representation in both countries, as we seek to understand why Canadian labor allied with a class-based political party, the CCF, at the very same moment that U.S. labor abandoned efforts to establish a labor party, instead allying itself as a junior partner within the Democratic Party. Second, we will seek to understand why the social movements of the 1960s had a more transformative effect on unions in Canada than in the U.S. To do so, we need to examine divergences in the postwar trajectories of relations between labor and the Left in both countries, and how that in turn shaped relations between labor and the New Left of the 1960s. Third, we will seek to understand why the U.S. labor regime eroded, while the Canadian labor regime remained more resilient over time. To do so, we will examine conditions surrounding the formation of both regimes in the 1930s and 40s, how those regimes developed in the postwar period, and how they shaped the working class upsurge and employer counter-offensive of the 1960s and 70s differently in both countries.

Chapter 6.

Party-Class Alliances in the U.S. and Canada, 1932-1948

Introduction

One of the first things that any study comparing U.S. and Canadian politics points out is the fact that the U.S. has a resolutely two-party system, whereas Canada has a multi-party system, and that one of these, the New Democratic Party (NDP), is a social-democratic party with close ties to labor. As we have seen in the previous section, the presence of the NDP in Canada, and the absence of an analogue in the U.S., has had important consequences for how union power and labor policy has developed in both countries over the course of the 20th century (Bruce 1989). But for the most part, these studies take this difference for granted. Either they use the presence/absence of an already-existing labor party as an “independent variable” to explain the phenomenon in which they are interested (labor union strength, social policy, etc.), or they view the presence in Canada and absence in the U.S. as a natural reflection of cultural values and institutions in both countries (Lipset 1989).

This is not at all to say that there has been no effort to question the existence of a two-party system in the U.S. To the contrary, there is a vast literature going back to the classic work of Werner Sombart that asks the question “why is there no labor party in the United States?” (Archer 2007; Foner 1984; Laslett and Lipset 1974; Lipset and Marks 2000; Lowi 1984; Sombart 1976).¹⁰³ Even though the question can only be posed by making an implicit comparison with other countries, with a few notable exceptions such studies focus largely on the U.S. case by itself, seeking to find the roots of the U.S.’ “exceptional” status as the sole capitalist democracy without a labor party. For the most part these scholars point either to the structure of political institutions, particularly the presidentialist system, or the outcome of certain 19th century political battles to explain this lack of a labor party. For all but a few, the possibility of a U.S. labor party was largely foreclosed by the turn of the 20th century.

By contrast, in Canada, few question why a social-democratic party like the NDP or its predecessor organization, the Cooperative Commonwealth Federation (CCF), did succeed. That Canada would develop a labor party of some sort is seen as natural,

¹⁰³ The question is often worded more generally as “why is there no socialism in the United States?”

almost inevitable. Instead, scholars are much more likely to place the CCF/NDP within a broader historical narrative about the development of Canadian socialism, with the CCF/NDP as the culmination of that narrative.

This chapter challenges both the idea of the inevitable failure of a labor party in the U.S., as well as the idea of an inevitably successful labor party in Canada. Instead, what we will see is that there was little that was natural or pre-determined about the success or failure of labor parties in either country. Prior to the 1930s, the U.S. and Canada shared a track record of significant but failed attempts at establishing class-based political organization. The two countries then diverged in the ensuing years. By the end of World War II, Canadian labor had indeed allied itself with the CCF, and U.S. labor had decisively abandoned any possible labor party project and cast its lot with the ruling Democratic Party. But in both cases, the formation of those different alliances was unstable, fraught with tension, and far from a foregone conclusion.

As we will see, the success or failure of a labor party in this period depended on the success or failure of a liberal-labor, or “Lib-Lab,” alliance of workers and liberal urban elites: a successful “Lib-Lab” alliance decreased possibilities for a labor party, and a failed “Lib-Lab” alliance increased them. The success or failure of the Lib-Lab alliance in turn depended on ruling parties’ political responses to the Great Depression. In Canada, the ruling Liberal and Conservative parties agreed on a repressive and conservative response to the crisis. This kept workers and small farmers politically excluded, hindered a “Lib-Lab” alliance, and left room for the CCF to articulate an independent farmer-labor alliance.

In the U.S., FDR and the Democratic Party strategically politicized the Depression with rhetorical appeals to the “forgotten man” and policy offerings that absorbed fractions of the working and agrarian classes, thus articulating a Lib-Lab alliance. At the same time, New Deal labor and agrarian policies accentuated intra-class divisions and diverted energy from developing independent class-based political organization. The result was a collapse of labor party efforts, with labor allying itself with a reactionary agrarian bloc and subordinating itself within the Democratic Party.

In order to establish this argument, the chapter proceeds as follows. First, I review how existing party systems in both countries have been “naturalized.” I then present new statistical evidence to re-evaluate how the U.S. and Canada have actually differed in their support for independent labor and left parties, going back to 1867. Instead of consistent, “natural” cross-border difference over time, the evidence shows a sharp divergence in the 1930s. The remainder of the chapter is then concerned with explaining this divergence as it unfolded in both countries between the mid-1930s and late 1940s.

The "Naturalization" of Party-Class Relations in the U.S. and Canada

Most accounts of U.S. and Canadian party systems make them seem like natural or inevitable outgrowths of political life in each country because they are based in theoretical models of party systems that view them as *reflections* of more fundamental social structures. More specifically, we can specify two variants of such a “reflection model” of parties:¹⁰⁴

- The “cleavage” model, which views parties and party systems as reflections of underlying social cleavages;
- The “institutional” model, which views parties and party systems as a function of underlying political institutions.

Before examining the historical development of U.S. and Canadian party systems in the second part of the chapter, we will first briefly consider these existing accounts in order to understand their theoretical predictions about U.S. and Canadian party systems, and to evaluate these against the historical evidence.

The Cleavage Model

Cleavage models of parties predict a natural translation of class interests into political organization—the “democratic class struggle” (Anderson and Davidson 1943; Korpi 1983; Lipset 1963). To the extent that this translation does not occur, or occurs in different ways, such theories point to differences in social cleavage structures, i.e. regional, confessional, ethno-linguistic divisions, etc. to explain the variance.

Cleavage models have long served to explain U.S.-Canada political differences. As with union density, scholars have identified differences in U.S. political culture and ideology that made it more difficult for collectivist or socialist politics to take root than in Canada (Hartz 1955; Horowitz 1968; Lipset 1989; McRae 1964). As Gad Horowitz (1968) wrote, “in the United States socialism was alien; in English Canada socialism was ‘at home’.” Others have emphasized factors that exacerbated sectionalism and decreased class salience in the U.S., such as state and employer hostility towards labor, ethnic and racial divisions, as well as religious and socialist sectarianism (Archer 2007; M. Davis 1980b; Hattam 1993; Katznelson 1981; Laslett and Lipset 1974:218-290; Shefter 1986; Voss 1993). Those focused on the structure of class alliances have stressed the role of a post-Reconstruction conservative coalition of northern industrialists and southern planters in blocking the development of a more universalistic welfare state (Esping-Andersen 1990; Orloff 1993; Winders 2005). In contrast, scholars looking at Canada argued that a more ethnically and religiously homogenous, less politically sectarian working class was better able to organize along class lines and increase class salience there (Horowitz 1968).

¹⁰⁴ I explore the theoretical underpinnings of these different conceptions of party-class relations in greater depth in my article, “Class Conflict and Class Politics: Party-Class Relations in the U.S. and Canada, 1932-1948.”

What unites these approaches is their assertion of an abiding pattern of *difference* between the two countries. For those adhering to culturalist “fragment theories,” the difference dates back to the American Revolution and results from the continued influence of Toryism in Canada. For those who argue that American exceptionalism was not *born* out of its eighteenth century revolution, but rather was *made* out of the sectional and sectarian divisions of political struggles, the die was largely cast by the late nineteenth century. Similarly, on the Canadian side, historians have constructed a narrative where the emergence of the CCF in the 1930s becomes part of a long-standing Canadian tradition of independent class politics, quite different from the tradition south of the border (McKay 2005; Palmer 1983; Penner 1977).

Based on these assertions of abiding cross-national difference, cleavage models of class politics would predict consistently higher levels of support for class-based political parties in Canada relative to the U.S. To the extent that there is variation, cleavage models would examine class alliances, predicting higher class salience with a farmer-labor political alliance, and lower class salience with a “Lib-Lab” alliance of labor and middle class elements.

The Institutional Model

Institutional models of political parties hold that levels of class-based political representation depend on a country’s political institutions. Countries with single-member, simple plurality electoral systems, more centralized governments, and a presidentialist separation of legislative and executive state functions will more likely have a two-party system of broad “catch-all” parties, whereas countries with proportionally representative electoral systems, more federalized governments, and parliamentary fusion of legislative and executive state functions will more likely have a multi-party system, with greater opportunities for class-based political representation.

Duverger laid out the fundamental tenets of the institutional model—what he called “three sociological laws”—in his classic study of political parties: “(1) a majority vote on one ballot is conducive to a two-party system; (2) proportional representation is conducive to a multiparty system; (3) a majority vote on two ballots is conducive to a multiparty system, inclined toward forming coalitions” (Duverger 1972). Adding to Duverger’s basic framework regarding electoral rules, other scholars have highlighted factors such as whether voting systems are majoritarian or representational, whether systems of governance are centralized or federalized, and whether executive power is fused with the legislative as in a parliamentary system, or separated as in a presidentialist system (Chhibber and Kollman 2004; Lijphart 1999; Lowi 1984; Schattschneider 1942). As with the cleavage model, the central idea of the institutional model remains that parties reflect existing political institutions.

Looking specifically at the U.S.-Canada comparison, many scholars have argued that U.S. presidentialist political institutions have virtually mandated a two-party system, whereas Canada’s parliamentary institutions have encouraged a broader array of parties (Duverger 1954; Lijphart 1999; Lowi 1984; Oestreicher 1988; Perlman 1928; Schattschneider 1942). These institutional differences subsumed the political

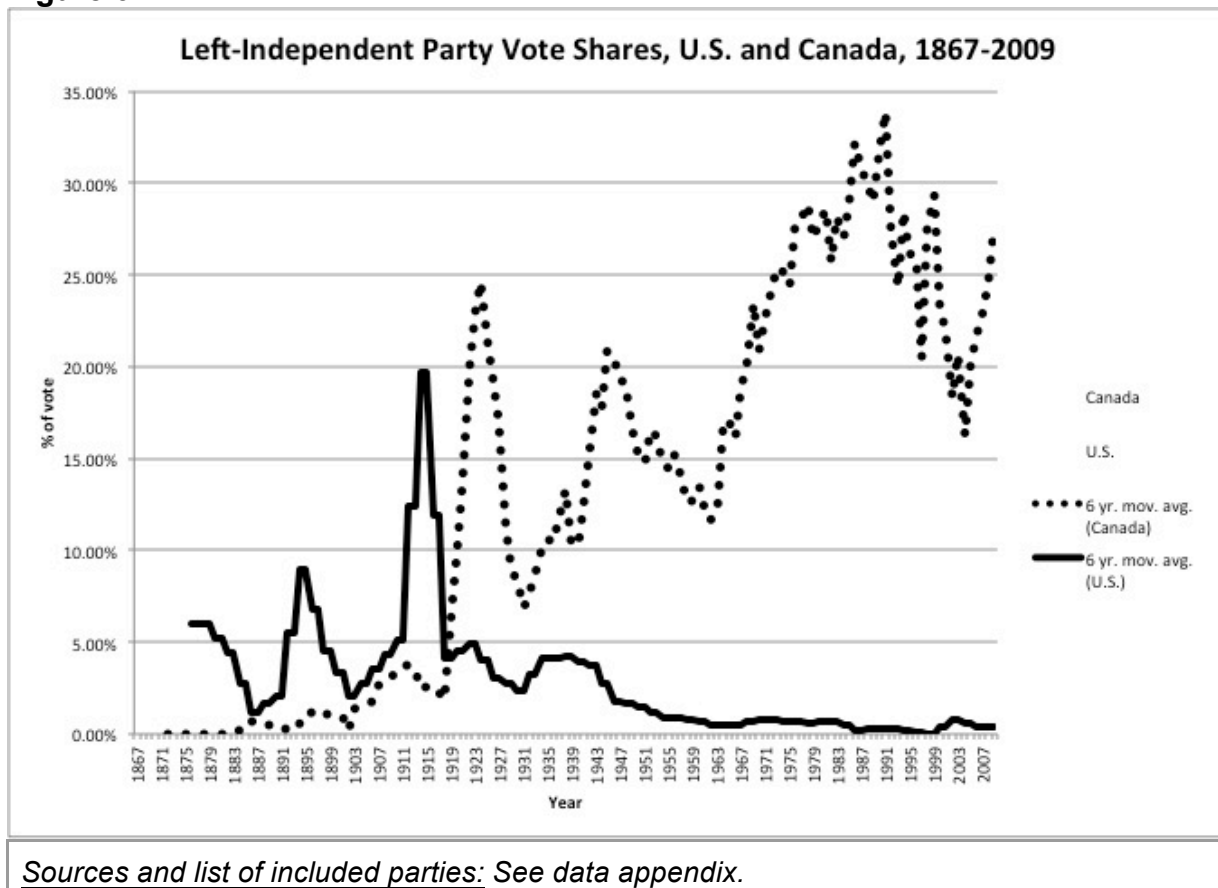
expression of class divisions within broad catch-all parties in the U.S., and allowed for greater class-based political expression in Canada. Again, as with cleavage models, institutional models of class politics posit a long-standing and abiding difference between the two countries, and predict consistently higher levels of support for class-based political parties in Canada relative to the U.S. over time.

From Difference To Divergence

As outlined above, reflection models of party systems predict that class-based political organization is naturally more prevalent in Canada, and that levels of support for such parties will be consistently higher in Canada relative to the U.S. To the extent that there is variation, reflection models examine variations in class alliances. But what does that data show in terms of actual support for class-based parties over time? In this section, I evaluate reflection models using a unique dataset I compiled of election results for all federal and provincial elections in Canada for which sufficient information on party affiliation is available from 1867 to 2009, combined with a U.S. dataset compiled by Hirano and Snyder (2007) which measures support for left-wing third party candidates in both state and federal elections between 1874 and 2004.¹⁰⁵ I use these two datasets to compare vote shares for independent left-wing parties in both countries, and how these vote shares have changed over time. Figure 6.1 illustrates the findings:

¹⁰⁵ Data for the Canadian case was compiled using riding-by-riding reports for both federal and provincial elections going as far back as data are available. I discuss more specifics about the dataset in a methodological appendix at the end of the chapter. Based on my own research and consultation with data archivists, I believe this to be the first-ever compilation of electronic data regarding third party voting patterns in Canada and the U.S. at both the federal and state/provincial levels.

Figure 6.1



Instead of long-standing difference between the two countries, as predicted by most reflection models, the data shows an initial period of *similarity* from the 1870s through the 1920s, a decade of *instability* from the 1920s through the early 1930s, and a period of *divergence* from the mid-1930s onward. The divergence involves a decisive *shift* in both countries: a clear and long-term increase in support for class-based political parties in Canada, and an almost total collapse in support for such parties in the same time period in the U.S. Also, the divergence coincides with the emergence and rise of the CCF in Canada, and with the ascendancy of the New Deal in the U.S.

Before continuing, it is worth examining this periodization of the data in greater detail, particularly the period between the early 1920s and mid-1930s. Looking solely at the statistical data, it could be argued that Figure 6.1 shows that the divergence between the two countries actually happens in those years following World War I. Why then do I argue that the post-World War I period is one of instability, not divergence?

It is true that the early 1920s marked the first time that left-independent parties made a strong showing in Canada, and that U.S. vote shares for left independent parties never surpassed Canadian vote shares after this period. Nonetheless, if we place the statistical data presented in Figure 6.1 within its historical context, the characterization of the period as one of party system instability and uncertainty in both countries becomes clearer.

Looking first at Canada, the surge in support for left-independent parties in the 1920s we see in Figure 6.1 represents the meteoric rise of the Progressive Party at the federal level and the United Farmers movement at the provincial level in Alberta, Saskatchewan, Manitoba, and Ontario. While these agrarian protest parties achieved impressive electoral gains initially, those gains largely proved fleeting. At the federal level, Progressives won 58 of 235 seats in the 1921 election, enough to constitute the Official Opposition (a position they refused). However, the party began to split apart soon after the election, and within a few years most Progressives had folded into the Liberal Party (Heron 1984; W. L. Morton 1950). At the provincial level, United Farmer/Progressive parties were able to form governments in Ontario, Manitoba, and Alberta. The Ontario party was swept out of office in 1923 after their victory in 1919, and went into decline. The Manitoba party won elections in 1922 and 1927, but then merged with the Liberals. The Alberta party was the most successful, forming the provincial government from 1921 to 1935. However, it dissolved after its crushing defeat in 1935. Thus, in no case were Progressive/United Farmer parties able to establish a lasting political presence, as demonstrated by the sharp decline of the curve in Figure 1 in the mid-1920s, as well as the fact that none of these parties continued to exist past 1935. In this they mirrored their contemporaries in the U.S., such as the Non-Partisan League, the Wisconsin Progressives, and the Minnesota Farmer-Labor Party. It was only in the 1930s with the emergence of the CCF that a stable and lasting class-based political party took hold in Canada.

Turning to the U.S., although vote shares for left-independent parties between the 1920s and early 1930s never reached the peaks seen in the immediate pre-World War I period, levels of support remained well within the historic range dating back to the late 19th century. As will be outlined in greater detail below, this post-World War I period marked the emergence of a new wave of politically independent agrarian radicalism in the U.S., particularly in the upper Midwest and Pacific Northwest. There were also several instances of CCF-style farmer-labor alliances. In hindsight, we can observe that these initiatives did not gain traction and did not survive past the 1930s. However, given past performance, it was by no means given at that time that the initiatives would fail. The experience of the prewar electoral upsurges remained fresh at the time, and the post-World War I farmer and labor party movements enjoyed significant support from important agrarian and labor leaders and constituencies. It was only in the late 1930s that we saw a decisive shift in historic levels of support for left-independent parties in the U.S., as that support virtually vanished.

For these reasons, I contend that the divergence in levels of support for left-independent parties does in fact date to the mid-1930s, not the early 1920s. While Canadian left-independent parties certainly fared better than their U.S. counterparts in the post-World War I period, their success was still fleeting, and more in line with past cycles of surges of support followed by ruling party co-optation and collapse, as opposed to the long-term establishment of the CCF. Meanwhile, significant efforts to build an independent farmer-labor party movement continued in the U.S. up through the 1930s, in keeping with the pattern going back to the 19th century. This contrasted sharply with the collapse of such efforts seen in the late 1930s.

What then does this data entail for existing party-class relation models? It is to that question that we now turn.

Institutional Models

Institutional models hold that presidentialist electoral systems mitigate class-based political organization, and parliamentary systems encourage it. In line with this, Figure 6.1 shows that support for class-based political organization has been weak in the U.S., rarely surpassing ten percent. Nevertheless, the data does show a decisive shift away from independent class politics in the U.S. around the 1930s. Prior to that, presidentialist institutional obstacles to class-based political organization did not impede party support as much as would be expected. Similarly, Figure 6.1 shows that, despite the advantages the parliamentary system may have offered, Canadian efforts at class-based party formation were frustrated up until the early 1930s. Indeed, for much of the period prior to the 1920s, left-independent party support was *higher* in the presidentialist U.S. than in parliamentary Canada. What then might account for the shifts in party fortunes in both countries in that critical time period of the 1930s? The evidence suggests that we must look beyond the role of political institutions alone.

Cleavage Models

If in fact Canadian demographics, immigration patterns, political values, and its relatively more rigid class structure were so much more hospitable to socialism than in the U.S., why then did class-based parties encounter such limited success until the 1930s? This is all the more puzzling if we consider that fellow workers in both Great Britain and Australia had managed to establish labor parties thirty years prior (Archer 2007). Likewise, if the U.S. political landscape was so hostile to class-based parties, why did they enjoy the degree of support that they did up until the 1930s? As Kimeldorf (1988) contends, perhaps the proper question for the U.S. case is not “why no socialism?” but rather “why some socialism?” Furthermore, what was it about the political and economic conditions of the 1930s that led simultaneously to a collapse of independent progressive parties in the U.S., and the consolidation of the CCF in Canada?

Cleavage models might propose some answers to these questions. One counter could be that the two lines in Figure 6.1 measure two different things, that there is a qualitative difference between the class politics of Canada and the U.S. As Horowitz (1968) summarizes, “Canadian socialism is...un-American in that it does not speak the same language as American socialism. In Canada, socialism is British, non-Marxist, and worldly; in the United States is it German, Marxist, and otherworldly.” Other scholars have also focused on the particularly sectarian nature of American socialism (Archer 2007; Lipset 1964). While this contention is certainly valid, it still fails to account for the shift we observe in both countries in the 1930s.

Additionally, while not denying that real differences that may have existed between the socialist movements in both countries, it is worth noting that for much of the period prior to the divergence, Canadian class-based political movements either

implicitly or explicitly modeled themselves after analogous movements in the U.S. In the late 19th century, groups like the Knights of Labor and the Patrons of Industry organized on both sides of the border (Cook 1984; S. Glazer 1937; Kealey and Palmer 1982). In the early twentieth century, U.S.-based labor and agrarian radical organizations such as the Socialist Party, Western Federation of Miners, the Grange, the Farmers Alliance, and the Non-Partisan League also organized in Canada (Laycock 1990; McCormack 1977; Wiseman and Isitt 2007). To be sure, the Canadian branches of these organizations asserted their independence, and were not identical to their U.S. counterparts. Nevertheless, the fact that Canadian socialists and radicals looked to the U.S. not only for inspiration, but for organizational affiliation and support, suggests that the differences between the two national movements may not have been quite as stark as suggested by proponents of the cleavage model.

As for explaining the divergence in class politics in the 1930s, cleavage model proponents could posit that the U.S. New Deal was yet another manifestation of the uniquely “egalitarian, anti-elitist, individualistic, and classically liberal” American national tradition, which “has weakened efforts to mobilize workers and others on behalf of socialist and collectivist objectives” (Lipset 1996:95). By both embodying the egalitarian ideals of the dissident movements, as well as adopting some of their proposed policies, Roosevelt’s New Deal was able to “steal their thunder” and undermine their independent mobilizing capacity (Hartz 1955:259-283; Lipset 1996:86; Lipset and Marks 2000:43-83). As for Canada, it could be argued that the Great Depression exacerbated the existing inequalities within the country’s more conservative, stratified class structure on the one hand, and that this, combined with the relative rigidity of the Canadian party system, created the conditions for the emergence of the CCF (Horowitz 1968:44-48; Lipset 1964:86-87).

While such explanations are plausible, they do not fully account for the cross-border shift in class politics depicted in Figure 6.1. Since a core assumption of the cleavage model is the long-standing pattern of political difference between the U.S. and Canada, it has difficulty accounting for patterns of change or divergence. Instead of trying to address the divergence, such explanations simply try to reconstruct the developmental trajectory to fit the model of long-standing difference. Thus, because we know—according to the cleavage model—that class-based political organization has always been marginal in the U.S., we can conceive of the decline of class-based political organization in the New Deal period not as a change, but simply as further confirmation of the long-standing pattern. Similarly, because the model holds that class-based political organization has always been “at home” in Canada, we can conceive of the rise of the CCF not as a qualitative shift, but rather as part of a long-standing tradition of socialist politics in that country. However, this amounts to a post-hoc account, and does not adequately explain the timing or trajectory of divergence.

Barriers to Working Class Organization

Factors such as state and employer hostility towards labor, working class disunity, ethnic and racial tensions, and religious and socialist sectarianism played important roles in inhibiting independent working class organization in the U.S., as

reflected in the graph. But Figure 6.1 also suggests that such barriers to independent working class organization affected Canadian labor as well, and the historical record confirms this (Heron 1996; Jamieson 1968; Palmer 1983). As in the U.S., workers were often divided along lines of craft, skill, religion, region, and ethnicity. The Canadian labor movement also experienced more than its fair share of political schisms and internecine conflict (Heron 1996; Kealey 1981; Palmer 1983). Thus, both Canadian and American workers faced significant inter- and intra-class barriers to political organization. These barriers weakened and delayed the development of labor's political organization in both countries. But it is unclear how these factors alone can explain the timing and nature of the divergence of U.S. and Canadian independent class politics, with collapse to the South and consolidation to the North.

What is especially puzzling in the U.S. case is that, with a few notable exceptions (Brody 1983; M. Davis 1980a), such accounts generally date the turn towards exceptionalism back to the late nineteenth century. However, the data show that levels of support for class-based parties recovered from their post-1886 dip, rose quite significantly in the first two decades of the twentieth century, and only declined decisively in the mid-1930s. Additionally, the decline in class-based party support occurred at precisely the moment when key political and legal obstacles to working class organization were *lowered*. Roosevelt's New Deal labor policies made it easier for workers to organize and counteract hostile employers. Furthermore, the period of the New Deal was a time where many of the ethnic and religious tensions that divided previous generations of workers diminished somewhat, as the U.S.-born children of the "new immigrants" of the early 20th century forged a new American working class nationalism (Cohen 1990; M. Davis 1980a).¹⁰⁶ Thus, the evidence suggests that barriers to class-based organization are important to understanding the overall weakness and delayed development of class politics in the U.S. and Canada. However, these factors alone cannot explain the diverging trajectories of class politics in the U.S. and Canada in the 1930s.

Class Alliances

To the extent that cleavage models explain diverging trajectories of class politics, they do so by examining the shape of class coalitions. The existing literature calls attention to three particular coalitions of interest. First, since the U.S. and Canada are both liberal democracies, Luebbert's (1991) work calls us to examine the stability of middle class coalitions in the two countries, and especially the possibility of moderate "Lib-Lab" coalitions of workers and middle class groups. Second, Moore's (1967) analysis draws our attention to the importance of the conservative coalition of Northern industrialists and Southern planters in explaining the shape of class politics in the U.S. Third, the work of Luebbert, Esping-Andersen, and others trains our focus on the fate of farmer-labor alliances in both countries as a predictor of the possibility of independent working class political organization.

¹⁰⁶ As Davis is careful to note, this new working class nationalism applied only to the white working class: "blacks, Mexicans, and especially Japanese-Americans need not apply" (M. Davis 1980a:75).

Looking first at the stability of middle-class coalitions, both the U.S. Democratic Party and the Canadian Liberal Party were able to build massive governing majorities in the period in question. Roosevelt's New Deal coalition garnered over sixty percent of the presidential vote and a three-quarters Democratic Congressional majority in the 1936 elections, whereas Canadian Prime Minister William Lyon Mackenzie King's Liberals won a seventy percent Parliamentary majority in the 1935 election (Leuchtenburg 1963; Reginald Whitaker 1977a). While these governing coalitions fluctuated and weakened in the ensuing years, they remained largely intact in both countries through the early 1950s. By Luebbert's own method of using electoral outcomes to measure class coalition strength, these results serve as strong evidence for stable middle-class coalitions in both countries. The critical difference is that the 1936 U.S. election marked a decisive move towards incorporating labor as part of a New Deal "Lib-Lab" coalition within the Democratic Party, whereas the 1935 Canadian election left labor and farmer groups excluded. Why then did we see the failure of Lib-Labism in Canada at this particular moment, and why did we see its success in the U.S.? The question is all the more puzzling when we consider that explicit Lib-Labism had been an established political tradition in Canada since the late nineteenth century (Heron 1984). Additionally, the Liberal Party had an established track record of successfully absorbing left-independent labor and agrarian political challenges up until that point, as most recently evidenced by its absorption of the Progressive Party in the 1920s (W. L. Morton 1950; Reginald Whitaker 1977a). Why then did it fail to absorb the CCF? Luebbert's framework traces the contours of *what* happened, but it does not explain *why* it happened.

Turning next to the issue of Moore's conservative coalition, it is clear that this coalition, along with its attendant legacy of slavery and racial caste hierarchies, has had enormous implications for American political development generally, serving as a brake on progressive social and political reforms (Alston and Ferrie 1985; 1993; Farhang and Katznelson 2005; Grubbs 1971; Kelley 1990). But these factors are actually less decisive on the specific question of the development of party-class alliances in the U.S. To be sure, racial divisions, sharecropper dependency and disenfranchisement, and planter political dominance, combined with weak Southern labor organization, destroyed any possibility for a farmer-labor alliance in the South. However, as will be shown below, efforts at forging farmer-labor alliances and establishing enduring left-independent political parties also ran aground in Northern states like Minnesota, Wisconsin, and Oregon, where slavery and race were less salient factors. As such, the legacy of slavery and racial caste hierarchies cannot fully account for the divergence .

Finally, in considering the possibilities for a social democratic coalition of workers and farmers, such a coalition did occur in a limited fashion in both countries. However, as Weir and Skocpol (1985) show, nominally similar coalitions can lead to dramatically different outcomes. In the case of the U.S. and Canada, the respective outcomes were a "dependent" class politics in the U.S., characterized by an alliance of labor with conservative agrarian elites within the framework of the Democratic Party, and an "independent" class politics in Canada, characterized by an alliance of labor, small farmers, and left intellectuals within the framework of the CCF.

In sum, Figure 6.1 poses serious challenges to reflection models of class politics. They generally predict consistent difference in degrees of class salience between the U.S. and Canada, but instead we see divergence. Their focus on class coalitions can identify which changes in class salience occurred, but cannot provide mechanisms to explain the outcomes. What then offers a better explanation? I argue that focusing on differences in the process of working class political incorporation in both countries offers a more fruitful avenue for explaining the divergence of U.S. and Canadian party-class alliances. Specifically, it does so by providing mechanisms to answer two key questions necessary to explain the timing and trajectories of class salience in the U.S. and Canada:

- 1) Why did a “Lib-Lab” coalition of labor and middle class elements succeed in the U.S. in the 1930s with the New Deal, but fail in Canada?
- 2) Why did an independent farmer-labor alliance succeed in Canada in the 1930s with the CCF, but fail in the U.S.?

Political Articulation And Class Politics

The timing and diverging trajectories of party-class alliances in the U.S. and Canada cannot be understood without accounting for shifts in the configuration of class coalitions in both countries. In turn, those shifting class coalitions cannot be understood without analyzing the role of political parties in shaping those coalitions.

Specifically, there are two mechanisms that played crucial roles in enabling or constraining different class coalitions:

- 1) Partisan conflict: In the U.S., FDR and the Democratic Party’s decision to make a partisan political issue out of the Great Depression created an opening to incorporate labor as part of a “Lib-Lab” coalition within the party. In Canada, the Liberals and Conservatives pursued a piecemeal response to the economic crisis, differentiating themselves only in the degree of repressiveness they directed against labor and agrarian protest. This failure to make a political issue out of the Great Depression in turn foreclosed the possibility of a “Lib-Lab” coalition.
- 2) The political use of policy: In the U.S., New Deal labor and agrarian policy offered enough material benefits to secure loyalty to the Democratic Party among farmer and labor constituencies, while also undermining the independent political power of these constituencies by accentuating intra-class divisions. In Canada, the Liberal and Conservative parties’ mixture of repression and neglect of farmer and labor constituencies left them politically excluded from the mainstream parties and available for an independent left political coalition.

Partisan Conflict

In attempting to maximize their vote shares in electoral contests, parties seek to differentiate themselves from rivals by emphasizing certain issues and identities over others. In so doing, they increase or decrease the political salience of those issues and identities, and create or constrain possibilities for political coalitions. The case of class politics in the U.S. and Canada illustrates how this process works.

The major social, economic, and political issue of the 1930s in both the U.S. and Canada was the Great Depression. But *how* mainstream parties in both countries framed the Great Depression, and the degree to which they sought to distinguish themselves politically from each other based on it, differed significantly. This in turn had profound consequences for class coalitions and class salience in the U.S. and Canada.

The United States

In the U.S., Roosevelt and the Democratic Party made a political issue out of the Great Depression, using the crisis and their response to it as a means of differentiating themselves from the Republican Party. Through rhetorical invocations of the “forgotten man,” FDR appealed to a working class identity among voters, and sought to position the Democratic Party as the “natural” home for such voters. In turn, as political scientist Samuel Lubell found, workers identified the Democratic Party as “their” party, viewed Roosevelt as their “friend and protector,” and voted accordingly. The result, according to Lubell, was “a class-conscious vote for the first time in American history” (Lubell 1941:9).

While Lubell’s interpretation suggests that the New Deal *increased* class salience in U.S. politics, the articulation model stands that reading on its head. Rather, we see labor’s absorption into the New Deal coalition as the successful articulation of a “Lib-Lab” alliance, which had the effect of *decreasing* class salience by undermining possibilities for independent class-based political organization, as shown in Figure 6.1.

The articulation model leads us to focus on the political work involved in “naturalizing” the link between labor and the Democratic Party. With the benefit of hindsight, to say that the Democratic Party made a partisan issue out of the Great Depression may seem so self-evident as to be almost trivial. That FDR launched the New Deal is often taken for granted as a necessary response to the Great Depression. What is forgotten is the degree to which the decision to make a partisan issue of the Great Depression, embark on the New Deal project, and reach out to workers was the contingent outcome of a series of political battles within and outside the Democratic Party.

In 1932, it was unclear to what extent the Democratic Party would seek to politicize the Great Depression as a means of mobilizing working class votes.¹⁰⁷ The party certainly sought to score political points by attacking Hoover’s handling of the

¹⁰⁷ Accounts of the 1932 campaign taken from (Freidel 1990:63-78; Leuchtenburg 1963:3-13; Schlesinger 1957:273-314), and contemporaneous newspaper accounts where indicated.

economic crisis, but did so by accusing Hoover not of inaction, but of “wasteful” deficit spending. For his part, Democratic National Committee chair John J. Raskob sought to downplay economic differences, preferring instead to make Prohibition the Democrats’ main campaign issue. Progressive Democrats set on challenging the party’s conservative course settled on Roosevelt as their candidate for the presidential nomination, despite his reputation for vacillating. They saw him as the candidate that could forge a winning coalition of urban progressives and rural Western and Southern populists around a program of economic liberalism. Rhetorically, this was the coalition that progressives saw articulated in Roosevelt’s appeal to “the forgotten man at the bottom of the economic pyramid” (New York Times 1932b).

Conservative party leaders such as Raskob and 1928 presidential candidate Al Smith viewed such class-laden rhetoric with alarm. In a thinly-veiled swipe at Roosevelt’s “forgotten man” speech, Smith declared in his Jefferson Day banquet address that “I will take off my coat and fight to the end to against any candidate who persists in any demagogic appeal to the masses of the working people of this country to destroy themselves by setting class against class and rich against poor” (New York Times 1932a). Soon after, Smith announced plans to challenge Roosevelt for the 1932 presidential nomination, setting the stage for a contested leadership fight within the Democratic Party. Thanks to Smith’s intervention, one of the key divisions in that contest would be the issue of politicizing the Great Depression along class lines, despite the expressed hope among some Roosevelt supporters that his appeal to the “forgotten man” would be short-lived (Krock 1932).

Roosevelt withstood Smith’s leadership challenge, accepting the Democratic nomination with his promise of a “new deal” for the American people. This, combined with his invocation of the “forgotten man,” provided the rhetorical framework for his campaign against Hoover. Continuing where Smith left off, Hoover assailed FDR for his perceived class-based political appeals, alleging that he espoused “the same philosophy of government which has poisoned all Europe...the fumes of the witch’s caldron which boiled in Russia” (quoted in Schlesinger 1957:437). This was despite the fact that Roosevelt’s 1932 platform was one of fiscal conservatism, including commitments to a 25 percent cut in federal spending and a balanced budget. Actual socialists were not yet enamored of Roosevelt, preferring instead the Socialist Norman Thomas or Communist candidates. But as with the leadership contest with Smith, the partisan conflict between Hoover and Roosevelt in the election accentuated the class character of Roosevelt’s rhetoric. This in turn created an opening for Roosevelt to articulate a “Lib-Lab” coalition within the Democratic Party.

The process of articulating that “Lib-Lab” coalition was far from complete in 1932, but it was underway. At the same time, that process was far from pre-ordained. A key initial condition for the articulation process to occur was the move within the Democratic Party to politicize the Great Depression along class lines. Whether or not this would happen in the 1932 campaign was not a settled question. But even though Roosevelt was vague on the question of a class-based electoral appeal, Al Smith’s factional challenge for the presidential nomination and the partisan contest with Hoover sharpened the political debate along class lines. As such, Roosevelt’s victory was

perceived as a victory for the progressive wing of the Democrats and the “forgotten man,” which created the conditions for a “Lib-Lab” alliance of urban middle class liberals, rural populists, and workers.

Canada

Comparing the U.S. with Canada highlights the degree to which the decision to politicize the Great Depression along class lines was far from a foregone conclusion, and how important that decision was for the articulation of a “Lib-Lab” alliance. In Canada, the mainstream Liberal and Conservative parties did not politicize the crisis along class lines. This left farmer and labor groups politically excluded, and foreclosed the possibility of a “Lib-Lab” alliance.

Neither major party grasped the depths of the crisis the country faced, and neither proposed much in the way of solutions, as both were ideologically opposed to government intervention in the economy and provision of relief benefits (Brodie and Jenson 1988:148; Horn 1984:6-9; Owram 1986:161; Reginald Whitaker 1977a:6-9). Prime Minister William Lyon Mackenzie King’s Liberal Party was in power when the Great Depression hit in 1929. But so oblivious was King to the magnitude of the crisis that, even after being voted out of office in 1930 on a wave of dissatisfaction with his handling of the crash, he was able to write in his diary that “the country was happy and contented, [manufacturers] & labour alike but for the election propaganda” (King 1930).

Conservative leader R. B. Bennett capitalized on dissatisfaction with King to take the Prime Minister’s office, but he did not seek to channel that dissatisfaction along class lines. Instead, Bennett framed the crisis as a problem of law and order. He scapegoated those who were organizing the poor and unemployed to demand relief, branding them as “subversives” and vowing to stamp them out under the “iron heel of ruthlessness.” He had prominent organizers jailed or deported, the Communist Party banned, radical literature censored, and meetings disrupted. Groups of idled workers were rounded up and shipped off to remote work camps. Bennett’s repressive strategy explicitly left progressive farmer and labor groups politically excluded (Hewitt 1995; Petryshyn 1982; Roberts 1986).

In a desperate attempt to stay in office, Bennett eventually proposed an economic relief package in 1935 that he labeled a “New Deal.” But it was too little, too late, and Mackenzie King’s Liberals were returned to office in 1935. Even then, neither party sought to invoke “forgotten man”-style class-based appeals, or any substantively alternate vision. Nor was there any effort to reach out to farmer and labor groups. The Liberals’ and Tories’ lack of imagination and outreach was symptomatic of a general crisis of faith not only in the mainstream political parties, but in the ability of capitalist ideas to solve the crisis. There was intellectual and political space for new ideas and new political formations to take hold (Brodie and Jenson 1988:164; Horn 1980:11-13; Owram 1986:135, 161).

It was in this uncertain environment that the CCF took shape. The initial meeting in Calgary in 1932 consisted of four groups: 1) agrarian populists from the United

Farmers of Alberta, Manitoba, and Saskatchewan; 2) labor representatives from a few unions, 3) representatives of local and provincial labor party organizations; and 4) socialist intellectuals, consisting of a rump “Ginger Group” of Progressive and Independent Labour MPs, as well as a group of Fabian academics from McGill and the University of Toronto, organized as the League for Social Reconstruction (LSR). Each group had disparate interests, but the conditions of the Great Depression, and the Canadian ruling parties’ collective failure to respond to it, left them all aggrieved and politically excluded. This exclusion created the “common foe” necessary to bring the disparate groups together (Lipset 1950:114; McHenry:23-25; Penner 1977:194).

Unlike in the U.S., neither mainstream political party in Canada sought to politicize the Great Depression along class lines. The Conservatives demonized farmer and labor groups organizing for relief, whereas the Liberals simply failed to respond to the crisis. In both cases, farmer and labor groups were pushed aside. This foreclosed the possibility of a “Lib-Lab” alliance, and left farmer and labor groups available for an independent class-based political project.

The Political Use of Policy

Parties when in power seek to craft policies or leverage existing policies as a means to incorporate new constituencies, or to divide and weaken potential challengers. This shapes possibilities for different configurations of class coalitions, which in turn affects levels of political class salience.

In the U.S. and Canada, partisan conflict opened or closed the possibility of a “Lib-Lab” coalition. But it was the political use of policy that cemented different outcomes. In the U.S., New Deal labor and agrarian policy offered enough material benefits to secure Democratic Party loyalty among certain farmer and labor constituencies and articulate a “Lib-Lab” coalition. At the same time, those policies undermined the independent political power of these constituencies by accentuating divisions among agrarian and working class fractions. In Canada, the Liberal and Conservative parties’ mixture of repression and neglect of farmer and labor constituencies left them politically excluded from the mainstream parties. This undermined the “Lib-Lab” coalition in Canada and created an opening for the CCF to emerge, thus increasing political class salience.

The United States

Roosevelt took office in 1933 amidst incipient labor and agrarian unrest, with capital in profound disarray (Bernstein 1970:14-15; Bubka 1970; Cochran 1977; Gilbert and Howe 1991:209-210; Milton 1982:27-29; Salmond 1995; Shover 1965a; 1965b). Frustrated with both major parties’ perceived lackluster response to the economic crisis, farmer groups were turning to independent parties. Not only were they building on a tradition of independent political organizing (Brody 1983; Clemens 1997; N. Fine 1928; J. D. Hicks 1931; Postel 2007), but they also had promising existing examples to point to. In Minnesota, the Farmer-Labor Party, established in 1918, had regularly won state and federal office throughout the 1920s, and claimed the governorship in 1931 (Gieske

1979; Haynes 1984; Valelly 1989). Other agrarian populist parties had been gaining traction across the upper Midwest and Pacific Northwest as well (Acena 1975; Lovin 1975; McCoy 1949; Morlan 1955; Rosenof 1974; Saloutos 1946b; 1946a). For their part, industrial workers remained politically up for grabs. There was as of yet no sign that either of the major political parties would do anything to address labor's grievances; Roosevelt made no mention of unions, labor organizing or collective bargaining rights during his 1932 campaign (Bernstein 1970:3).

FDR's initial policy solutions to the farm and industrial crises, the Agricultural Adjustment Act (AAA) and the National Industrial Recovery Act (NIRA), each had profound effects on the shape of agrarian and industrial class relations, with important consequences for the possibility of a "Lib-Lab" alliance.

Agriculture:¹⁰⁸ The core of the AAA involved production controls in exchange for farm subsidies financed through a tax on agricultural processors, with the goal of increasing farm prices. The focus on farm prices privileged agrarian elites, leading to the emergence of a conservative agrarian bloc within the New Deal. At the same time, a moratorium on farm foreclosures proved enough to tamp down radical impulses among family farmers. Groups representing smaller farmers, such as the National Farmers Union (NFU), backed away from their past support for independent farmer-labor politics in favor of a moderate "agrarian liberalism" and integration into the New Deal coalition (Flamm 1994; McMath 1995).

While AAA policy incorporated some subordinate agrarian class fractions, it excluded others. Since farm subsidies only went to landowners, tenant farmers, sharecroppers, and farmworkers were entirely shut out of its benefits. Additionally, planter and grower elites violently suppressed sharecropper and farmworker organizing, while the disenfranchisement of large portions of the Southern and Western agricultural workforce, along with long-standing dynamics of Southern sharecropper dependency, created further impediments for class-based political organizing (Alston and Ferrie 1985; 1993; Auerbach 1966; Grubbs 1971; Kelley 1990; Majka 1981; Shover 1965a; 1965b; Southworth 2002).

In sum, FDR's agrarian reform policies privileged agrarian elites, incorporated small farmers, and excluded sharecroppers and farmworkers. This undermined the agrarian constituency for independent political organization, and facilitated the articulation of a "Lib-Lab" alliance within the Democratic Party. At the same time, the AAA's consolidation of a conservative agrarian bloc within the New Deal limited the reform possibilities of the farmer-labor alliance that did emerge in the U.S.

Industry: Section 7(a) of the National Industrial Recovery Act (NIRA), enacted in June of 1933, asserted unions' right to organize and bargain collectively. Roosevelt resisted these provisions, but his advisors convinced him otherwise. Although Section 7(a) had no enforcement mechanism and was bitterly resisted by employers, its

¹⁰⁸ Discussion of New Deal agricultural policy draws on (Clemens 1997; Gilbert and Howe 1991; Hansen 1985; Hardin 1952; G. McConnell 1953; Saloutos 1969; 1974; Sheingate 2000; Skocpol and Finegold 1982; J. T. Young 1993).

symbolic value breathed new life into the labor movement (Bernstein 1970; Milton 1982). When the NIRA was declared unconstitutional in 1935, Roosevelt's advisors argued that a replacement policy "seems absolutely essential at a time of confusion like the present, if the country is not to fall into political chaos between discordant groups of extremists" (Dickinson 1935). That policy was the National Labor Relations Act (NLRA), or Wagner Act, passed in July 1935. It was similar to the NIRA, but added enforcement mechanisms, and banned company unions. Under the NLRA union membership exploded, with many in labor attributing these gains to the Act (Carter et al. 2006:Table Ba4783-4791; Milton 1982).

The perceived benefits of the Wagner Act drew labor towards Roosevelt. At the same time, business elites were abandoning Roosevelt and resisting his proposed "Second New Deal" reforms with ever-greater obstinacy. Deprived of business support, FDR embraced labor as a key new source of funds and votes for his 1936 re-election campaign (Edelman 1961; Goldfield 1989a; Levine 1988; Milton 1982; Rubin, Griffin, and Wallace 1983).

The Wagner Act and the 1936 election strengthened the "Lib-Lab" alliance in the U.S. While nominally hewing to "non-partisanship," labor shifted from its traditional voluntarist political strategy of "rewarding friends and punishing enemies" to a deeper engagement with the Democrats (Derber and E. Young 1961; Greenstone 1969; Stark 1936; Washington Post 1936). Key labor figures like Mine Workers President and CIO founder John L. Lewis, Clothing Workers President Sidney Hillman, Teamsters President Daniel Tobin, and others rose to prominence as advisors and officials in FDR's administration and the party (Alinsky 1949; Braeman, Bremner, and Brody 1975; Bruner 1936; Dubofsky and Van Tine 1977; 1987; S. Fraser 1991; McFarland 1972; New York Times 1936). Although some labor leaders continued to voice support for an independent labor party, the new era of government access dampened that support in practice. With Roosevelt in office, it seemed that labor had a seat at the table. As Hillman explained in an April 19, 1936 speech:

The position of our organization is known: that we are for a labor party...¹⁰⁹. But in the last two years things have happened.... These things have happened since the coming of the Roosevelt administration. We have participated in making the labor policy of this administration.... We know that the [NIRA] meant the revival of our organization.... We know that the defeat of the Roosevelt Administration means no labor legislation for decades to come. If the Roosevelt Administration is defeated, you will have the Republican Party.... The re-election of Roosevelt will not solve all our problems, but it will give us a breathing spell (Hillman 1936b).

Thus, as with New Deal agricultural policy, FDR's industrial policy helped to incorporate labor constituencies into an emerging "Lib-Lab" coalition. At the same time, it exacerbated intra-class divisions that hampered class-based organization outside that coalition. Specifically, the NLRA crystallized differences between the AFL and CIO by pitting the rival federations against each other over the Act's implementation and interpretation. This drew organizational energy away from independent political projects and sabotaged cross-union political collaboration, particularly at the local level.

¹⁰⁹ Hillman's Amalgamated Clothing Workers of America (ACWA) was the primary backer of the New York-based American Labor Party (ALP).

Paradoxically, these divisions worked to solidify the “Lib-Lab” coalition within the Democratic Party at the very moment where class salience was highest in the U.S., and labor seemed most poised to organize for independent class politics.

Frustrated with the disconnect between official Democratic Party rhetoric and policy supporting labor rights, and the reality of New Deal governors using state troops to break strikes, workers began organizing local labor parties in cities and towns across the country in the mid-1930s (Davlin and Lynd 1979). At the same time, numerous state-level farmer-labor and left-independent parties were gaining traction. In Minnesota and Wisconsin, such parties held the governor’s office and majorities of their respective Congressional delegations (Backstrom 1956; Gieske 1979; Haynes 1984; Valelly 1989). In Washington and Oregon, Commonwealth Federations inspired by the CCF captured their state Democratic Parties and proposed plans for independent political action (Acena 1975; M. Davis 1980a; Haynes 1986; Lovin 1975). In California, Upton Sinclair and his socialist-inspired EPIC (End Poverty in California) movement won 37 percent of the vote in the three-way 1934 gubernatorial election (M. Davis 1980a). In an attempt to create a national farmer-labor party movement, Wisconsin Progressive congressman Thomas R. Amlie organized the Farmer-Labor Political Federation in 1933, then the American Commonwealth Federation in 1935 (Lovin 1971; Rosenof 1974).

Workers backed FDR in 1936, but labor support for an independent party grew as post-election frustration with Roosevelt set in. His overly even-handed response first to the Flint auto strikes of the winter of 1936-37, then to the “Little Steel” employers’ vicious attacks in May of 1937, famously prompted John L. Lewis to remark that “it ill behooves one who has supped at labor’s table and who has been sheltered in labor’s house to curse with equal fervor and fine impartiality both labor and its adversaries when they become locked in deadly embrace.” Many were also growing exasperated with Roosevelt’s difficulty in moving key legislation in the new Congress. By that point Lewis was hinting strongly at forming a third party based on a farmer-labor alliance, noting that “it becomes increasingly imperative that the farm population and millions of workers in industry must learn to combine their strength for the attainment of mutual and desirable objectives” (Lewis 1937; Manly 1937; McCoy 1957; New York Times 1937).

In this context of dissatisfaction with Roosevelt, Wisconsin Gov. Philip LaFollette announced his plan to launch a new group, the National Progressives of America (NPA) (LaFollette 1938). But despite an auspicious organizational launch, LaFollette’s group went nowhere, and folded soon after the 1938 elections. In addition to the failure of the NPA, the 1938 elections saw the collapse of the remaining base for U.S. independent political action. In Minnesota, the Farmer-Labor Party went down to a crushing defeat, and in Wisconsin, Gov. LaFollette was unable to hold on to his position in the statehouse. Third party organizers like Thomas Amlie and other farmer-labor formations concluded that the independent political project was a failure, and folded themselves back into the Democratic Party. Roosevelt ran with strong labor support in 1940, and over the course of his third term, the “Lib-Lab” alliance within the Democratic Party was firmly solidified (Congress of Industrial Organizations, C. I. O. 1948 11-13; Gieske 1979; Lichtenstein 1982; Lovin 1971; 1975; McCoy 1957; Rosenof 1974; Valelly 1989).

To understand this collapse of class-based political organization at the very moment when U.S. class conflict and class salience was peaking, we must examine the role of the Wagner Act in crystallizing and exacerbating intra-class divisions. Both federations benefited organizationally from the industrial legality provided by the NLRA, as membership in both federations grew tremendously in this period (Tomlins 1979). But provisions within the Act, particularly those granting the National Labor Relations Board (NLRB) the power to determine appropriate bargaining units, created a focal point for crystallizing and exacerbating divisions between the AFL and CIO. AFL leaders complained loudly that the Act's interpretation and enforcement was biased in the CIO's favor, and the CIO countered with charges of their own (Herrick 1946:87). In their efforts to defeat the CIO at all costs, the AFL allied with employers and conservative farm interests to try and weaken key provisions of the NLRA and proposed Fair Labor Standards Act.

The focus on attacking each other may have galvanized organizational growth, but it hampered political organizing. Rival federations had to defend each others' "turf" against competing unions, distracting from efforts to channel workers' dismay with the Democrats into support for independent politics. The internecine conflict also paralyzed local labor councils, one of the main vehicles through which labor exercised its political voice. The AFL purged all CIO affiliates from the councils and withdrew support from CIO-sympathetic candidates. This effectively de-funded many local and state-level labor party movements (Davis 1980a:58-60; S. Fraser and Gerstle 1989; Lovin 1971; 1975). The combination of inter-organizational conflict and resource diversion deprived existing class-based political organizations of a crucial base, and left little energy to create new ones. The "Lib-Lab" alliance within the Democratic Party was now the only game in town.

Canada

The Great Depression radicalized Canadian workers and farmers, sparking increased labor and agrarian militancy. But unlike in the U.S., increased militancy did not win concessions from the state, nor did it lead ruling parties to address labor or agrarian concerns through policy reforms (Heron 1996:65-67). To the contrary, increased militancy provoked further state aggression and legal harassment. Canadian ruling parties' policies of repression and neglect of labor and agrarian constituencies foreclosed the possibility of a "Lib-Lab" alliance, kept farmer and labor organizations more unified, and created an opening for the CCF to articulate an independent farmer-labor alliance.

Policy of repression and neglect: Unlike in the U.S., Canadian ruling parties' response to the Great Depression excluded radicalizing farmer and labor constituencies. For farmers, the National Policy¹¹⁰ continued to be a sore point. Its

¹¹⁰ The National Policy was the overarching economic development policy of the Canadian government from Confederation through the early part of the 20th century. It was initially formulated in the 1870s to unite the northern colonies, create a domestic market, and facilitate the development of a resource extractive, export-based economy. Its key features were railroad building, settlement incentives, and most importantly, a tariff on imported manufactured goods. While this arrangement benefited eastern industrialists, financial interests, and

protective tariffs and railroad subsidies benefited Eastern industrialists, bankers, and railroad magnates, while leaving farmers indebted and vulnerable to international price fluctuations. Prime Minister Bennett's makeshift policies of increased tariffs and meager farm subsidies only served to close off more markets to Canadian farmers, while doing little to shore up collapsed farm prices (Brodie and Jenson 1988:159-162; Horn 1984:17; Neatby 1972:55-63).

As for labor, Bennett and his provincial counterparts offered paltry unemployment relief along with an ample dose of state repression. Police and troops violently broke up strikes in logging, mining, paper, auto, textile, and other industries. Provincial and federal leaders jailed and deported union organizers, confiscated organizing materials, and seized union property (Abella 1973:7; Fudge and Tucker 2001:153-227; W. H. McConnell 1971; Palmer 1983:219; Petryshyn 1982; Reginald Whitaker 1986). Although Mackenzie King reversed some of Bennett's most egregious anti-labor policies upon his return to office in 1935, he rebuffed calls for a Canadian Wagner Act (Fudge and Tucker 2001:193). Provincial and federal governments did enact some basic laws regulating minimum wages, hours of work, and collective bargaining, but nothing close to the U.S. NLRA (Fudge and Tucker 2001:153-227; W. H. McConnell 1971).

Greater organizational unity: The Conservative and Liberal parties' policies of repression and neglect not only excluded farmer and labor constituencies, but also galvanized and unified them. Unlike in the U.S., there were no policy reforms to divide agrarian and working class fractions. This created a viable base for the CCF.

Farmer organizing continued throughout the 1920s after the collapse of the Progressive Party, particularly through the formation of cooperative wheat pools and the formation of United Farmers parties in the Prairie provinces (Lipset 1950:99-117; Solberg 1987:198-202). But the collapse of the global wheat market in 1929, combined with the ruling parties' inability to cope with the broader crisis of the Great Depression, accelerated agrarian radicalization. Unlike in the U.S., Canadian farm relief policy was insufficient to placate any portion of the farm constituency. Instead, farmer groups turned away from the ruling parties and sought to exercise their political voice independently (McMath 1995:543-44). However, the experience of the Progressives had shown that a farmer-based party could not succeed, and that a coalition with urban workers was needed (Brodie and Jenson 1988:111-12).

But Canadian workers' organizations remained weak following a wave of violent state and employer repression throughout the 1920s. Union membership stood at 13.1 percent of the non-agricultural workforce in 1930, and was fragmented amongst the U.S.-affiliated Trades and Labour Congress (TLC) unions, national unions affiliated with the All-Canadian Congress of Labour (ACCL), confessional Québécois unions affiliated with the Canadian Catholic Confederation of Labour (CCCL), the Communist-led Workers Unity League (WUL), and numerous independent unions (Labour Canada 1980; Leacy et al. 1983). Meanwhile, as their U.S. counterparts were exploring new

railroad magnates, western farmers struggled with inflated equipment costs and shipping rates for their crops (Brodie and Jenson 1988; Brym 1978).

forms of political action, most Canadian labor leaders were hewing to the old voluntarist model (Fudge and Tucker 2001:196; H. A. Logan 1948:433).

The upsurge in class conflict on both sides of the border in the mid-1930s revitalized Canadian labor. Inspired by the CIO upsurge in the U.S., Canadian workers organized under the CIO banner, even though U.S. CIO officials were largely unaware of Canadian efforts, let alone supporting them (Abella 1973:4-5).¹¹¹ Despite the lack of any equivalent to the U.S. Wagner Act, Canadian union membership spiked by 36 percent between 1935 and 1937, from 281,000 to 384,00 (Leacy et al. 1983).

The lack of state recognized labor rights hampered Canadian unions in terms of numerical growth relative to their American counterparts. But the continued struggle against the state for recognition also had a unifying effect on Canadian labor. While AFL and CIO unions traded accusations of government favoritism as they fought over the implementation and interpretation of the NLRA in the U.S., Canadian unionists from both federations united to protest the lack of basic labor rights. TLC leaders, which included leaders of both AFL- and CIO-affiliated unions, viewed the split south of the border with concern, and even sought to insert themselves as mediators in an attempt to reconcile the feuding parties. The TLC expelled its CIO unions in 1939, two years after the U.S. split, and even then only under direct pressure from the AFL. Importantly, the TLC did not conduct an AFL-style purge of local labor councils when it expelled its CIO affiliates, leaving local councils available to affiliate with the CCF.¹¹² Also, unlike the U.S. CIO, the CCL sought from its very beginnings to reunite with the TLC. While the TLC rebuffed these overtures, the Canadian CIO did increase organizational unity within the labor movement by merging with the ACCL to form the Canadian Congress of Labour (CCL) in 1940 (Abella 1973:33-53; Galenson 1960:49-72). The Canadian state's refusal to recognize labor rights did not dissolve differences between rival federations, but it did mute their political significance.

Opening for CCF: State intransigence to Canadian labor's demands for recognition also ensured the failure of a "Lib-Lab" alliance by pushing supporters of political voluntarism towards official labor support for independent political organization.¹¹³ Although future CCL President Aaron Mosher attended the founding meeting of the CCF in 1932, he did not pursue union affiliation then.¹¹⁴ Indeed, the

¹¹¹ Canadian CIO organizing was largely led by former WUL activists, which was disbanded in 1935 as part of the Communist Party's turn to the "United Front" (Abella 1973:3).

¹¹² Only a small minority of local labour councils and local unions did in fact affiliate with the CCF (Forsey 1958 82). The important point is that the question of affiliation, as well as the political activity of local labour councils, was not as much of a flashpoint of contention between the TLC and CCL as it was between the AFL and CIO, where the conflict crippled the councils. To the extent that there was conflict over political action, it was between CCF and Communist Party supporters within the CCL (Abella 1973; Horowitz 1968).

¹¹³ This section focuses solely on the affiliation of the CCL with the CCF. The TLC maintained its non-partisan position throughout this period, although its leaders were sympathetic towards the CCF. At the time of the TLC-CCL merger to form the Canadian Congress of Labour (CCL) in 1956, the two federations compromised on the question of CCF affiliation, leaving the question to the discretion of each union and other subordinate bodies. However, with the transformation of the CCF into the NDP in 1961, the CLC officially affiliated itself with the new party (Forsey 1958; Horowitz 1968).

¹¹⁴ Mosher attended the 1932 meeting in Calgary in his capacity as head of the Canadian Brotherhood of Railway Employees (CBRE) and President of the ACCL.

question of CCL affiliation with the CCF was not clearly resolved until 1948. Many CCL officials, led by Secretary-Treasurer Pat Conroy, were wary of political affiliation and maintained a non-partisan stance. They resisted efforts led by Canadian Steel Workers Organizing Committee (SWOC) head Charles Millard to establish closer ties with the CCF. The voluntarists were assisted in their efforts to maintain an arms-length relationship with the CCF by the Communists, led by United Electrical Workers (UE) Canadian President C. S. Jackson (Abella 1973:73-77, 139-140).

The strains of class conflict during World War II brought the question of labor's political affiliations to the fore. In contrast to the U.S., where Roosevelt's wartime labor policy successfully absorbed the labor leadership and tightened the labor-Democratic Party alliance, King's wartime labor policy only further alienated Canadian labor. Recognizing the need to secure labor's cooperation in order to ramp up production, King's war cabinet¹¹⁵ issued Order-in-Council PC 2685, stating that workers in war industries should have collective bargaining rights. However, the order was merely advisory, and employers ignored it. Additionally, labor was excluded from any wartime planning agencies, despite repeated entreaties to be included.

This exclusion politicized wartime class conflict, as state repression of strikes exposed the gap between the promises of stated government policy and the reality of steadfast government intransigence. At their 1941 convention, the same year that the U.S. AFL and CIO both agreed to no-strike pledges for the duration of the war, the CCL affirmed a resolution on strike policy, stating that:

The [CCL] believes in the observance of contracts, and is therefore opposed to any strike where it is clearly and definitely established that such a strike is unjustified. The Congress desires to point out, however, that the refusal of employers to accept the Labour policy of the Government with regard to the right to bargain collectively often creates situations beyond the control of the Congress, but for which the Government has the remedy through the enforcement of its stated policy (Canadian Congress of Labour 1941:23).

Escalating industrial conflict across Canada in 1942 and 1943 created many situations beyond the control of the CCL leadership. The number of strikes nearly doubled between 1941 and 1943, from 231 to 402, with the number of workers involved spiking from 87,091 to 218,404 (Labour Canada 1977). King's response was a series of ever more repressive Orders in Council further restricting picketing and strikers' civil liberties (Camfield 2002; Fudge and Tucker 2001; Jamieson 1968; MacDowell 1978; McInnis 2002; Robinson 1990).

At the same time, spiraling class conflict spilled over into the political arena, as the CCF surged in industrial Ontario. The party took 34 seats in Parliament in the provincial election of August 1943 with 33 percent of the popular vote, enough to form the Official Opposition (Caplan 1963:102-104). By allying their Western agrarian base and the industrial working class in Ontario, the CCF was now a much more serious

¹¹⁵ Just prior to entering the war in September 1939, Mackenzie King invoked national emergency powers under the War Measures Act. This circumvented Parliament and concentrated power in the hands of the federal Cabinet. As such, all wartime legislation was created not by parliamentary procedure, but by cabinet edict (Fudge and Tucker 2001:229-230).

threat to the Liberals (King 1943a; 1943b). The party's success also showed voluntarist labor leaders that a class-based political party could be viable.

Declaring that he was "sick and tired of going cap in hand to Mackenzie King to get Labour policies adopted," the non-partisan Conroy backed a resolution at the 1943 CCL convention recognizing the CCF as the "political arm of labour" (Canadian Congress of Labour 1943:53-56). Although Conroy was a reluctant CCF supporter, and only came down decisively in favor of independent political organization at the 1946 convention (Abella 1973:73-80; Canadian Congress of Labour 1946:79-81), it was the Liberals' intransigence towards labor's wartime demands that pushed Conroy and his supporters down the path to CCF affiliation. The ruling party's policy of repression and neglect prevented a "Lib-Lab" alliance and allowed the CCF to articulate an independent alliance of farmers and labor.

Conclusion

What we have seen in this chapter is that there was very little that was natural or pre-determined about the failure or success of labor parties in the U.S. and Canada. Even if we grant cross-border differences in political cultures and institutions, what we saw in the data is that, prior to the 1930s, support for such parties was similar in both countries. This challenged the pattern of long-standing cross-national difference that reflection models of class politics predicted. Levels of labor party support diverged in both countries in the 1930s as the result of the successful articulation of a cross-class "Lib-Lab" alliance in the U.S. within FDR's New Deal coalition, and the failure of that alliance in Canada, which left political space for the CCF to articulate an independent farmer-labor alliance.

In order to understand the success or failure of "Lib-Lab" alliances in both countries, we looked at the role of partisan conflict and the political use of policy in shaping outcomes. In the U.S., FDR and the Democratic Party's move to politicize the Great Depression along class lines created an opening for articulating the "Lib-Lab" alliance, and the party's political use of policy incorporated certain farmer and labor constituencies while marginalizing and dividing others. This undermined possible bases for independent class politics. In Canada, neither mainstream party sought to politicize the Great Depression along class lines, while their policies of repression and malign neglect of agrarian and labor constituencies left these groups politically excluded and available for an independent left political coalition. This foreclosed the possibility of a "Lib-Lab" alliance and left political space for the CCF to articulate an independent farmer-labor alliance, thus enabling it to succeed where past efforts at establishing a labor party had failed.

Labor's alliance with the CCF in Canada and labor's absorption into the Democratic Party in the U.S. marked the first step of the process of working class political incorporation in both countries. As we will see in the following chapters, this difference had important consequences for labor policy and for labor unions themselves. In Canada, the presence of the CCF, and later the NDP, in the political realm created an institutionalized base for the articulation and defense of class-based

political demands. This not only served as a pro-labor pressure point in the political process, but also enabled unions to think of themselves not simply as groups representing their specific membership, but more broadly as *class representatives*. In the U.S., labor's absorption into the Democratic Party undermined this kind of thinking, as well as this kind of organizational base. Instead, labor was absorbed into the world of interest group politics, where it was encouraged to think of itself as the representative of its specific membership. The lack of class-based political representation undermined U.S. labor's ability to think of, let alone defend its interests in class terms. Instead, it began its postwar transformation into a *special interest*, whose organizational interests would remain institutionally tenuous and politically volatile.

While the process of political incorporation set the two movements on different paths in the period surrounding the Great Depression and World War II, that process of divergence was far from complete by the end of the 1940s. The second critical step in explaining the political divergence of U.S. and Canadian labor involves examining the different relationships between labor and the broader political Left that developed in both countries in the postwar decades. This will form the substance of the next chapter.

Chapter 7.

Repression and Rebirth: Red Scares and the New Left in the U.S. and Canada, 1946-1972

Introduction

In the previous chapter, we examined how different ruling party responses to the crisis of the Great Depression reconfigured party-class alliances in the U.S. and Canada. Roosevelt's "Lib-Lab" alliance absorbed labor and agrarian constituencies and crippled independent left party organizing, while the Canadian Liberals' and Conservatives' failure to absorb those constituencies led to the establishment of an independent farmer-labor alliance within the CCF.

A key argument of this study is that this shift in party-class relations had long-term consequences for postwar political development in both countries. However, it was not a simple story of path-dependent "lock-in." This shift shaped, but did not determine, the postwar trajectories of class politics in the U.S. and Canada. In this chapter, we will examine how and why class politics continued to diverge in both countries in the postwar period, and what role the shift in party-class relations played in that process.

The postwar decades in North America were marked most notably by economic expansion and the Cold War. Politically, the onset of the Cold War was marked by pervasive Red scares and significant political repression in both countries, while the 1960s saw the emergence of a "New Left." But this trajectory of Left repression and rebirth happened in different ways in both countries, with different implications for class politics. Looking first at repression, the U.S. story is well known. Fear of alleged Communist "subversives" provided the justification for a widespread, state-sponsored attack on individual leftists and left organizations, including left-led labor unions. The attack dealt a crippling blow to class-based organization in the U.S., eliminating or marginalizing a generation of left organizers, activists, and intellectuals, and leaving a lasting mark on U.S. political culture (Breitzer 2009; Cherny, Issel, and Taylor 2004; Schrecker 1998; 1999). In Canada, a similar fear of Communist subversion, driven by the discovery of actual Soviet spies in the Canadian government, also sparked a wave of political repression, including purges of left-led unions (Whitaker 1984; Whitaker and

Marcuse 1994). However, by all accounts these Red scares, while serious, did not approach the level of McCarthyism south of the border.¹¹⁶ Its legacy did not penetrate the popular culture to the same degree, and unlike the vast reams of scholarship devoted to the study of U.S. McCarthyism, the study of Canadian Cold War Red scares remains the rarefied preserve of a handful of scholars.

Looking next at rebirth, the U.S. and Canadian New Lefts shared a great deal in common. Generationally, both were youth/student-led movements. Politically, both emerged out of movements for nuclear disarmament and took inspiration from the U.S. civil rights movement.¹¹⁷ Both turned to issues of campus free speech, the Vietnam War, and more. Where they differed was in terms of class politics, particularly as they were linked to feminist and nationalist struggles. While some layers of New Left and labor activists in both countries may have started out supporting each others' struggles (Levy 1994; Palmer 2009), the Canadian New Left retained more structural and generational ties to the class politics of the "Old Left," for better or worse (Gray 1965). But as tensions between labor and the New Left in the U.S. began to flare over the Vietnam War, racism, and feminism, connections between segments of labor and the New Left in Canada grew stronger. While conservative "hard hats" assaulted anti-war protesters in the U.S., newly radicalized national unions in both English Canada and Quebec declared their independence from parent U.S.-based unions, while connecting with nationalist, feminist, and other social justice movements. In English Canada, this coalition expressed itself politically as the Waffle, an explicitly socialist nationalist caucus within the labor-based New Democratic Party (NDP) that mounted a strong challenge for party leadership (Bullen 1983). In Quebec, it culminated in the Common Front of 1972, a union-led social movement that organized a ten-day province-wide general strike. Although these movements themselves ultimately subsided, they inflected Canadian left politics and social movement organizations with a stronger class character than existed south of the border. The class idea remained more prevalent in Canada (Finkel 1997).

Again, as with the discussion of class-based political parties in the previous chapter, this differing outcome might seem obvious. According to scholars of American political culture, McCarthyism tapped into a deep-seated conservative individualism, tied to a characteristically American suspicion of elites (Fried 1997; Schrecker 1998). By comparison, the left in this account had at best a tenuous foothold in American political culture, temporarily bolstered by the crisis of the Great Depression and the New Deal (Lipset 1996). While McCarthyism's overzealous trampling of individual liberties may have been an overreach, its repression of class-based political forces carried with it an aura of inevitability. It was a reassertion of American individualism over an inherently

¹¹⁶ Following Ellen Schrecker (1998:x), I use the term "McCarthyism" broadly to encompass not only the specific acts of Senator Joseph McCarthy, but the entire "anti-Communist crusade...that dominated American politics during the late 1940s and 1950s."

¹¹⁷ There were no clear demarcations separating the New Left and the civil rights movement, and historians differ over how inclusively they use the "New Left" term. For the purposes of this analysis I will follow John McMillian (2003:5) in using a more focused definition of the New Left as a "mostly white student movement that promoted participatory democracy, crusaded for civil rights and various types of university reforms, and protested against the Vietnam War."

“foreign” collectivist ideology. Moreover, it fit within a broader historical pattern of Red scares and left repression going back well into the nineteenth century (G. Friedman 1991; Shefter 1986). Thus, although the specific student-led, counter-cultural nature of the U.S. New Left might have been something new, that it rejected class politics was not. As for Canada, it would make sense that postwar anti-Communist Red scares would not have as pervasive and destructive an impact on the political left as in the U.S., given its more collectivist political culture and greater amenability to socialist ideas. Likewise, that more collectivist political culture could explain the more class-inflected nature of Canadian New Left politics.

However, as with the analysis of class-based political organization in the previous chapter, a closer examination will show that the differential impacts of postwar Red scares on the class politics of the New Left in the U.S. and Canada was again a process of *divergence*, not difference. Prior to the post-World War II period, we will see that patterns of political repression and rebirth of the U.S. and Canadian left looked remarkably similar. The question then arises: why, given similar past histories of left repression and rebirth, did McCarthyism have as devastating an impact as it did in the U.S., but not in Canada? As with the foregoing analysis, political parties play a key role in explaining this divergent outcome. In the previous chapter, the focus was on different ruling party responses to the crisis of the Great Depression. In this chapter, the focus will be on how the outcome of those different ruling party responses, namely the absorption of U.S. labor into the Democratic Party’s New Deal coalition and the establishment of a labor party in Canada in the form of the CCF/NDP, shaped trajectories of class politics differently in the postwar period.

To preview, I argue that U.S. labor’s absorption into the New Deal coalition left the Communist Party (CP) as the closest approximation of a mass class-based political organization. However, its wartime “Popular Front” reorientation away from class politics and towards enthusiastic enforcement of the U.S. government’s wartime production policy, particularly a no-strike pledge in key war industries, alienated the CP from its working class base, leaving it isolated and vulnerable to attack in the postwar period. McCarthyism exacerbated this divide between the left and the organized working class, using the power of the state to dismantle left-led unions via the Taft-Hartley Act and to investigate and prosecute suspected Communists. The prior collapse of independent class-based political organization and political use of state policy enabled McCarthyism to have the particularly devastating impact it did, driving a wedge between the U.S. left and the organized working class and decimating a generation of left leadership. This led to the emergence of a New Left in the 1960s that, unlike previous waves of left renewal, largely lacked a working class base and a cross-generational leadership. The New Left radicalization over the course of the 1960s polarized the relationship between labor and the left, further undermining the basis for class politics in the U.S.

In Canada, the establishment of the CCF left two competing mass working class parties, them and the CP. The anti-Communist CCF leadership offered itself to the governing Liberals as a “loyal left,” and the Liberals in turn delegated to them to task of policing the rest of the postwar left. In this capacity, the CCF leadership attacked and purged Communist labor unions and political opponents with gusto. But recognizing

that Cold War anti-Communist hysteria could easily be turned against them, the CCF leadership also took steps to ensure that it did not get out of hand. For their part, the Liberals sought to keep persecution of suspected Communists centralized under their control and avoid the kind of public spectacle they observed in the U.S. Crucially, the Liberals resisted employer demands for a Canadian Taft-Hartley Act, which allowed Communist-led unions in Canada to persist organizationally even after they had been expelled from the major Canadian labor federations. Both the CCF and Liberal parties' interest in retaining political control mitigated the pervasiveness of the postwar Red scare in Canada. It weakened class-based political organization, particularly the CP, but did not decimate it. Importantly, the CCF's (later the NDP's) persistence as an established class-based political organization maintained an infrastructural base for class politics through the difficult early years of the Cold War. It ensured that the link between labor and the left, while strained, was not severed. As the New Left emerged in the early 1960s, it did so in dialogue with the NDP, sometimes heated. As the New Left developed and radicalized throughout the decade, the NDP provided an arena both for political conflict to unfold, but also to connect different constituencies organizationally to labor. The result was a more class-inflected New Left.

In order to establish this argument, the remainder of the chapter proceeds as follows. First, I problematize the fact of McCarthyism's pervasiveness by comparing it to previous cycles of left repression and rebirth in the U.S. and Canada from the late 19th century to World War II, establishing U.S. McCarthyism's distinctive characteristics. Second, I examine in greater detail why McCarthyism had a more pervasive and lasting impact on class politics in the U.S. than in Canada. Third, I explore how McCarthyism's effect on class politics shaped the developmental trajectories of the New Left in the U.S. and Canada.

McCarthyism in Comparative and Historical Perspective

Echoing a commonly held view, Ellen Schrecker (1998:x) described McCarthyism as "the most widespread and longest lasting wave of political repression in American history." Even though its last vestiges petered out over six decades ago, the anti-Communist crusade of the late 1940s and 1950s left an indelible impression on American political culture. "Though the Cold War is over and Communism has all but vanished from the scene," Schrecker writes, "the measures designed to eliminate its influence within the United States continue to provoke acrimony, mystification, and fear" (p. x).

Why did McCarthyism have such a pervasive, lasting influence? At first blush the answer might seem so over-determined as to be obvious. After all, Communism even at the height of the CP's influence had at best a tenuous hold in the U.S. Party membership never exceeded much more than 100,000 nationwide. With the onset of the Cold War, it seems inevitable in hindsight, given the association of Communism with the new Soviet enemy, that some sort of anti-Communist backlash would develop after World War II. And even without the Cold War, there was a long-standing, pre-existing

tradition of state repression of left-wing political movements in the U.S., particularly in the aftermath of war (Preston 1994; Shefter 1986; Voss 1993).

While not disputing that a post-World War II Red scare of some sort was highly likely given the circumstances and past history, what is less obvious is that this particular Red scare, McCarthyism, would have the pervasive, lasting influence that it did. We see this when we place McCarthyism in comparative and historical perspective. Relative to previous waves of left repression in the U.S., McCarthyism stands out in three ways:

First, its lasting effect on U.S. political culture. While other previous and subsequent waves of political repression put civil rights at risk, ruined lives and careers, and narrowed political debate, none other has approached McCarthyism's iconic space in the public lexicon (Caute 1979; Schrecker 1998).

Second, its effect on the relation between the left and the working class. Prior to McCarthyism, left-wing political movements were grounded in either the agrarian or working classes (Dubofsky 2000; Shannon 1967). While systematic detailed membership data for left political organizations is difficult to obtain, data that does exist is illustrative. For example, a 1908 survey of the U.S. Socialist Party's membership revealed that over 60% identified their occupation as either "craftsman" or "laborer," and an additional 17% identified themselves as farmers. Only 4.7% identified as "professionals" (Pischel 1909). Postwar left-wing movements lacked a strong working class base. This led to leftist ideologies being identified largely with urban intellectual elites and *counterposed* to the working class, a fact deftly exploited by a nascent neo-conservative movement in the latter part of the twentieth century (Perlstein 2008). At the same time, certain strata of postwar left intellectuals concluded that the working class, far from being the social base for left politics, was in fact a conservative constituency, salvageable only by an enlightened union leadership (Harrington 1972).

Third, the generational divide it created on the left. Prior to McCarthyism, nascent left movements drew leadership and mentorship from generations of activists involved in past defeated movements. McCarthyism created a generational gap between the "Old Left" of the 1930s and 40s and the "New Left" of the 1960s and 70s. As former SDS activist Michael Schwartz explained,

When the white student movement started out in the early sixties, the Civil Rights movement inspired us, but we didn't have anyone to tell us how to organize or even whom to organize. The left was a barren wasteland; there was no "Old Left." The progressives from the 30s or 40s, if they were around, were invisible and inactive, probably terrified. McCarthyism had just wiped everything out. It really felt like we were starting from scratch (Schwartz 2011).

This is not to claim that there was absolutely no generational continuity between the Old and New Lefts in the U.S. To the contrary, as historians such as Maurice Isserman (1993) and Peter Levy (1994) have shown, certain "Old Leftists" and labor leaders played important if under-appreciated roles in the formation of the New Left. However, these accounts also illustrate two major aspects that differed between Old/New left collaboration and previous cross-generational left collaborations. First, at

the organizational level, activists in previous defeated movements joined the organizations of the nascent movements; by contrast, Old Leftists and New Leftists kept to their own distinct organizations. Second, at the political level, with a few exceptions, the Old Leftists that engaged with the New Left had largely abandoned independent class politics, either integrating into the Democrats or steering clear of party politics entirely.

How then do we explain these distinguishing characteristics of McCarthyism as compared to previous waves of left repression? One plausible explanation would point to the combination of the Cold War and the socio-economic changes of the postwar world. According to such an account, the reality of the Soviet Union as a competing nuclear power gave the threat of Communist subversion more bite, while economic expansion, suburbanization, and the rise of “post-industrial society” reduced the political salience of class issues, thus allowing cultural and generational conflicts to come to the fore (Bell 1976; Dahrendorf 1959).

However, a cross-national comparison with Canada raises questions for such an account. Canada shared with the U.S. similar past histories of left repression and rebirth. Likewise, its postwar government feared the threat of Soviet subversion. Furthermore, Canada experienced a similar postwar economic expansion, along with similar socio-cultural shifts as occurred south of the border. And yet, postwar Red scares did not have as pervasive and lasting an influence as they did in the U.S. (Whitaker and Marcuse 1994).

Patterns of left repression: We see similar trajectories in both countries in the pre-McCarthyism period. The birth pangs of North American industrial capitalism in the late nineteenth century gave rise to a variety of forms of agrarian and working class protest on both sides of the border. Organizations like the Knights of Labor, Patrons of Industry, and others organized in both the political and economic realms, creating vibrant movements that challenged the dominant political forces of the day. While these movements heaved under the weight of a variety of internal contradictions, state and employer repression played key roles in their ultimate demise in both countries (N. Fine 1928; Fink 1983; Kealey and Palmer 1982; 1986; Palmer 1983; Voss 1993).

As working class protest took on a more explicitly socialist cast in the late nineteenth and early twentieth century, so too did it attract more attention from state investigators. In both countries, immigration officials harassed and deported foreign-born radicals as “undesirables.” In both countries, federal police forces—the Federal Bureau of Investigation (FBI) in the U.S., and the Dominion Police, and Royal Northwest Mounted Police (RNMP), later known as the Royal Canadian Mounted Police (RCMP) in Canada—monitored suspected “seditious” activity, including infiltrating radical organizations, opening personal mail, mounting prosecutions for criminal conspiracy, and more. This government surveillance and repression intensified with the onset of World War I. The Canadian government even arrogated to itself extraordinary wartime powers of censorship, arrest, and detention, which it used on suspected socialists and radical labor organizers. The massive postwar strike wave of 1919 triggered a major backlash and Red scare in both countries, exemplified by the Palmer Raids and

smashing of the Seattle General Strike in the U.S., and with the dismantling of the Winnipeg General Strike in Canada (Heron 1998; Kealey 1992; McCormack 1977; Penner 1977; Preston 1994).

Government repression of leftists and labor activists in both countries intensified once again during the Great Depression, as outlined in the previous chapter (Davin and Lynd 1979; Hewitt 1995; Petryshyn 1982; Roberts 1986; Zieger 1995). It continued with the onset of World War II, as the U.S. government used the 1940 Smith Act to arrest and prosecute hundreds of Trotskyist and Communist leaders and activists (Kohn 1994). In Canada, as happened in World War I, the federal government claimed extraordinary authority under the War Measures Act, replacing rule by Parliament with rule by Privy Council decree. In 1940, the government declared the Communist Party illegal and interned suspected Communists (Reginald Whitaker 1986).

Postwar Communist Threat: As in the U.S., the Canadian government feared internal Communist subversion after World War II. Indeed, it was in Canada that the threat of Soviet espionage was first uncovered, when Soviet cipher clerk Igor Gouzenko defected in Ottawa in September 1945, revealing that a network of Soviet spies had infiltrated several Canadian government agencies (Black and Rudner 2006). The Canadian government convened an official investigation, under the auspices of the awkwardly titled “Royal Commission to Investigate the Facts Relating to and the Circumstances Surrounding the Communication, by Public Officials and Other Persons in Positions of Trust of Secret and Confidential Information to Agents of a Foreign Power,” commonly referred to as the Kellock-Taschereau Commission. The Commission named at least twenty-two suspected Soviet spies, including thirteen civil servants. While only eleven of twenty trials ended in convictions, several on lesser charges, the proceedings brought the “Red Menace” to the fore politically. Among those convicted and jailed was Fred Rose, the only Communist Member of Parliament (Whitaker and Marcuse 1994:56-72).

As in the U.S., the postwar Red scare led to political attacks and purges throughout Canadian society (Whitaker and Marcuse 1994:161-243). Importantly for this study, this wave of attacks included a purge of Communist-dominated labor unions from the Canadian Congress of Labour (CCL) and the Trades and Labour Congress (TLC) that mirrored a U.S. purge of Communist-dominated unions from the Congress of Industrial Organizations (CIO) (Abella 1973; Whitaker and Marcuse 1994:310-363).

This comparison of patterns of left repression in the U.S. and Canada suggests two things. First, that governments and employers in both countries engaged in repeated and systematic repression of radical left-wing movements from the late nineteenth century through the Second World War. And second, that as the Manichean ideology of the Cold War took hold in the aftermath of the war, governments in both countries investigated and persecuted suspected Communists as part of a broader pattern of Red scares.

But despite these similarities, what is striking is the different effects that these postwar Red scares had in both countries. Without diminishing the real impact that Red

scares had on the lives of many Canadians, what is clear is that the levels of hysteria associated with McCarthyism did not reach the same level in Canada. As Reg Whitaker and Gary Marcuse, the pre-eminent scholars of the Cold War in Canada, wrote:

It is generally accepted that there was not a great deal of McCarthyism, as such, in Canada. There was no Senator McCarthy, no House Un-American Activities Committee. There were would-be McCarthys, but they misfired.... [T]here was a great deal of anti-Communism, but it was more likely to be *official* anti-Communism, sanctioned by the state and contained within the 'legitimate' boundaries of state-sponsored activities (Whitaker and Marcuse 1994:282).

Additionally, at a generational level the legacy of the Canadian Red scares was not as lasting. Culturally, McCarthyism has become an integral part of the U.S. (and Canadian) political lexicon that remains salient to this day. By contrast, the postwar Red scares in Canada are largely of interest to historians of the period. Whereas the scholarship and popular writing devoted to the study of McCarthyism is vast, the historiography related to Canada's place in the Cold War is rather thin. Organizationally, the continued presence of the CCF created a generational link between the Old Left of the 1930s and the New Left that was to emerge in the 1960s (Isitt 2011; Wiseman and Isitt 2007).

Finally, and most importantly for the purposes of this study, the Canadian Red scares did not fundamentally erode the base for and legitimacy of class politics. As shown in the previous chapter, electoral support for class-based political parties (primarily the CCF, and later the NDP) continued to grow in the postwar period. While the CCF experienced a period of decline in the 1950s, leading to its reconstitution as the NDP, it remained a legitimate and viable political party throughout the entire period.

The Canadian comparison calls into question the idea that McCarthyism was somehow an inevitable aspect of the Cold War. Relative both to previous waves of political repression in the U.S., as well as to Cold War Red scares in neighboring Canada, McCarthyism stands out for its lasting generational and political effects. Why then was McCarthyism as pervasive and lasting as it was? It is to that question that we now turn.

Explaining Divergent Red Scare Effects

To understand the particularly lasting generational and political effects of McCarthyism, it is not enough simply to look at Cold War paranoia or deep-seated fears of ostensibly foreign socialist ideologies. Whatever real fears of socialism existed in the U.S., they did not prevent class-based political organizing in the pre-World War II period as they did in the postwar period. And the Canadian example shows that it was possible to have Cold War anti-Communist witch hunts without the same pervasive and lasting effects that McCarthyism had on U.S. political culture and organization.

The key is to examine the role of parties and state policies in reconfiguring the relationship between left and the organized working class differently in the U.S. and Canada. Looking first at the role of parties, the critical factor was the presence or absence of a non-Communist independent left party. As for state policies, the key factor

was the presence or absence of policy regulating Communist participation in labor unions.

U.S.: Left Party Absence With Anti-Communist Regulation

The Democrats' absorption of independent labor and agrarian parties in the 1930s left the Communist Party (CP) as the most prominent remaining left independent political organization. This absorption had two consequences. First, in the broader political culture, it linked the idea of independent left politics with Communism. As Communism came to be identified as the mortal enemy, this further delegitimized independent left politics more generally. Second, within the CP, the party's "Popular Front" strategy of the late 1930s and 1940s prioritized political unity with mainstream "bourgeois" parties to defeat fascism over independent class politics. Rhetorically, this led the CP to de-emphasize its own class politics in favor of a broad "progressive" coalition (Post 1996). Organizationally, it led the CP to lend enthusiastic support to governmental wartime production policy, including enforcing no-strike pledges in key industries and assembly line speedup. This alienated the CP's working class base. Although Party membership expanded during the war, exceeding 100,000 members, the class composition of the party shifted as it tempered its class-based appeal (N. Glazer 1961:114-116). Thus, the absorption of the non-Communist left and the politics of the Popular Front narrowed the political space for class politics, while also driving a wedge between the party and the organized working class (N. Glazer 1961; Lichtenstein 1982; Post 1996; Schrecker 1998; Starobin 1972).

At a policy level, the passage of the anti-union Taft-Hartley Act in 1947 further deepened the split between labor and the left. Its loyalty oath provision required all union officials to sign affidavits certifying that they were in no way affiliated with the Communist Party or any related organization. Those unions whose officials refused to sign such affidavits were denied legal recognition and the ability to claim protections under Section 9(h) of the now-revised National Labor Relations Act (NLRA). This created a mechanism not only to purge Communist-led unions from the main labor federations, but to deprive them of institutional legitimacy and undermine their organizational basis. Once the Congress of Industrial Organizations (CIO) expelled Communist unions from its ranks in 1949, it then tasked non-Communist unions with raiding the membership of the expelled unions. Using the anti-Communist Taft-Hartley provisions, these non-Communist unions were able to petition for representation elections at firms represented by Communist-led unions where the incumbent union did not appear on the ballot. As a result, major Communist-led unions such as the United Electrical Workers (UE); the Farm Equipment Workers (FE); the Mine, Mill, and Smelter Workers (UMMSWA); the Fur & Leather Workers (IFLWU) saw their memberships decimated. Most were forced to merge into larger non-Communist unions, and those that did not were reduced to a shell of their former selves. In either case, state policy enabled anti-Communists to forcibly remove left leadership from their positions of power within the organized working class.¹¹⁸ This institutionalized split undermined the working

¹¹⁸ The International Longshore and Warehouse Union (ILWU) was a notable exception to this trend (Kimeldorf 1988).

class base that had sustained past left-wing political movements, leaving what remained of the left isolated and politically vulnerable (Stepan-Norris and Zeitlin 2003).

Canada: Left Party Presence Without Anti-Communist Government Regulation

In Canada, the ruling Liberals were firmly committed to combating the perceived Communist menace. At the same time, they looked south to the U.S. with alarm, and consciously sought to avoid a descent into outright McCarthyite paranoia. In an effort to balance fighting Communism and the potential social destabilization of McCarthyism, the Liberals centralized control over the management of Canadian Red scares. As one senior official put it, the goal was “to strike a happy medium between the dangers of unrestricted witch-hunting, on the one hand, and a too casual approach to the security problem on the other” (quoted in Whitaker and Marcuse 1994:187). Unlike in the U.S., no maverick political entrepreneurs were able to take up the anti-Communist crusade as their own. Those who tried, such as Opposition Conservative leader George Drew, found themselves marginalized and outmaneuvered by the Liberals on the anti-Communist issue.¹¹⁹ Additionally, Canada’s security service, the RCMP, remained under the supervision and control of the Privy Council,¹²⁰ unlike in the U.S., where J. Edgar Hoover was able to achieve a degree of bureaucratic autonomy and use his investigatory powers to his own ends (Schmidt 2000; Theoharis 2002).

For its part, the CCF leadership offered itself as a “loyal left” to the ruling Liberals, and took on the role of policing the rest of the left and the labor movement. This weakened those segments of the left targeted by the Red scares, but also kept the scope of Red scares in check. The Liberals did not want to lose control over the process, and the CCF leadership knew that anti-Communist witch-hunts could be used against them if taken too far (Whitaker and Marcuse 1994:269-272).

As for the Canadian CP, it pursued a similar wartime Popular Front policy as in the U.S., including support for a no-strike pledge, production speedup, and the Liberal King government. These positions placed CP policy to the right of the mainstream Canadian labor leadership, which refused to take a no-strike pledge for the war, and threw its support behind the CCF in 1943.¹²¹ As in the U.S., the CP’s Popular Front policy undermined its ability to articulate class-based politics, while also alienating its base in the working class. However, the presence of the CCF in Canada meant that the marginalization and missteps of the CP did not fundamentally undermine the basis for class politics in Canada as they did in the U.S., nor did they drive as much of a wedge between the political left and the organized working class.

¹¹⁹ While a deeper analysis is beyond the purview of this chapter, a central reason for Drew’s inability to mobilize politically around the anti-Communist issue was the impossibility of a conservative anti-Communist coalition between Drew’s Protestant, Anglo Conservatives and those of the Catholic, Francophone Union Nationale in Quebec. Here the two parties’ commitments to old national cleavages proved too deep to overcome (Whitaker and Marcuse 1994:205).

¹²⁰ The Privy Council is the executive body made up of the Prime Minister and top-level cabinet ministers, assisted by its own staff of career civil servants.

¹²¹ Neither Canadian labor federation, the Trades and Labour Congress of Canada (TLC) and the Canadian Congress of Labour (CCL), took a no--strike pledge during the war. However, only the CCL officially endorsed the CCF, although the party did enjoy support among certain layers of the TLC leadership.

Additionally, in terms of policy, the Liberals rebuffed employer entreaties to enact a Canadian version of the Taft-Hartley Act. King's successor as Prime Minister, Louis St. Laurent (also a Liberal), emphatically declared that "No one will ever convince me Canada needs a Taft-Hartley Act... I believe the right to organize is a good thing, not only for labour but also for society" (quoted in Whitaker and Marcuse 1994:195). In proclaiming the unlikelihood of a Canadian analogue to Taft-Hartley, Deputy Minister of Labour W. Elliott Wilson noted that "Canada has been fortunate in that it has not gone to extremes" in skewing its labor legislation either towards unions or employers, as in the U.S. "The pendulum has not swung so far in either direction," he added (Anonymous 1948).

This shaped the Communist purge of Canadian unions differently than in the U.S. As happened south of the border, Canadian labor leaders engaged in a vicious and systematic purge of Communist-aligned unions and their leaders from the Canadian Congress of Labour (CCL). The unions purged included many of those also purged in the U.S., including UE, FE, UMMSWA, and more. The key differences with the U.S. were that: 1) those leading the purges were CCF partisans, as opposed to Democratic Party-aligned Cold War liberals; and 2) the lack of any equivalent to Taft-Hartley allowed Communist-led unions to survive, albeit in weakened form, even after being purged from the major labor federations (Abella 1973).¹²² In combination with the survival of the CCF, this preserved a class-based left political infrastructure in Canada, helping to shelter a "militant minority" that sustained a link between the left and the working class, and served as a generational bridge between the Old and New Lefts (Isitt 2011).

In sum, the Canada-U.S. comparison shows that Cold War paranoia and cultural hostility to socialist ideologies cannot by themselves explain the particularly lasting generational and political effects of McCarthyism. An account that incorporates an analysis of parties and policies offers a more complete explanation. Specifically, the presence or absence of a non-Communist independent left party, as well as state policy regulating Communist participation in labor unions proved to be decisive.

McCarthyism and the New Left

How then did these different legacies of postwar Red scares influenced the development of the New Left in both countries? The 1960s New Left looked very similar in the U.S. and Canada in many respects. Both emerged out of youth discontent on the campuses, in reaction to the fears of nuclear holocaust, out of a desire to break out of the stifling conformity that had characterized the postwar period. Both counterposed

¹²² It remains an abiding contradiction of both the U.S. and Canadian CPs that, in spite of their Popular Front rhetoric and action in support of policies that undermined class politics, particularly during the war, Communist-led unions nonetheless remained some of the most militant working class organizations in the postwar period. As Stepan-Norris and Zeitlin (2003) show for the U.S. case, this contradiction was often the result of a disconnect between Party officials rigidly enforcing the party line, and CP-influenced union leaders who remained committed to workplace militancy. This contradiction is important for understanding how the Party's policies could serve to undermine the basis for class politics, while the destruction or survival of CP-led unions remained a crucial factor for preserving an organizational infrastructure for class politics in the postwar period.

themselves to an “Old Left,” by which they meant the class-based communist and socialist movements of the pre-war period. As with left movements in previous decades, there was also significant cross-border cross-pollination, with Canadian organizations drawing inspiration and organizational strength from their U.S. counterparts (Kostash 1980; C. Levitt 1984; Palmer 2009).

But there was an important difference between the Canadian and U.S. New Lefts. The Canadian New Left grew up in the face of an Old Left that was still very much an organizational presence. Although weakened by the effects of the Cold War, the CCF had managed to establish itself as a political presence, reconstituting itself as the New Democratic Party (NDP) in 1961.¹²³ Additionally, the less effective anti-Communist purges in Canadian unions left in place a “militant minority” of independent left-wing labor leadership. By contrast, the U.S. New Left grew up against an Old Left that by that time was more of an idea than a reality. As Schwartz termed it in the quote above, the perception among U.S. New Leftists was that “the left was a barren wasteland.” While subsequent historical research has certainly challenged the extent of this barrenness, the perception among New Left participants at the time was quite real (Breines 1989; Jezer 1982).¹²⁴

We can see this difference in the discussions within the New Left in both countries surrounding their relationships to the major parties. The U.S. New Left was decidedly critical of the structure of the U.S. party system. The Port Huron Statement of the Students for a Democratic Society, widely regarded as a seminal statement of the U.S. New Left, proclaimed that:

The American political system is not the democratic model of which its glorifiers speak. In actuality it frustrates democracy by confusing the individual citizen, paralyzing policy discussion, and consolidating the irresponsible power of military and business interests (SDS 1962).

The U.S. New Left rejected the idea of the Democratic Party as a primary vehicle for social change, and sought to develop a new politics independent of the two-party system, based on a coalition of students, the urban poor, and African-Americans (Gray 1965). But with the question of a labor party far removed from the U.S. political landscape by this point, the most that SDS was able to propose in terms of concrete political options was the establishment of a genuine two-party system, characterized by

¹²³ A key part of the transformation from the CCF to the NDP involved strengthening the explicit relationship between the party and the Canadian Labour Congress (CLC), the labor federation that emerged out of the 1956 merger of the TLC and CCL.

¹²⁴ Note that Schwartz is careful to limit his characterization to the white left, meaning the primarily campus-based movement epitomized by Students for a Democratic Society (SDS). As a wide array of scholarship on the civil rights movement has shown, African-American communities were able to preserve greater inter-generational continuities in the leadership of that movement. But even there, the character of the leadership shifted as a result of McCarthyism. Much of what is now known as the “early civil rights movement” of the 1930s and 40s was based in the Communist Party and several key CIO unions. However, the purges of Communist unions, the decimation of the Communist Party, and the failure of the CIO to organize the U.S. South dissolved the nascent “urban/ labor/left/civil rights coalition” that was forming, and meant that the postwar civil rights movement was largely deprived of a working class base. Instead, the organizational base of the movement was the Black church, although certain individual labor and left leaders from the previous period certainly played central roles (Goldfield 1997; Isaac and Christiansen 2002; Korstad and Lichtenstein 1988).

substantive political differences between the parties. The hope was for an ideological party realignment, with the conservative Southern Dixiecrats expelled from the Democratic Party, leaving the party as a true progressive coalition. However, SDS' experience working with the Mississippi Freedom Democratic Party and their failed attempt to be seated at the 1964 Democratic Convention disabused many New Leftists of the possibility of working within the Democratic Party (Gosse 2005).

The Canadian New Left also grappled with the question of how to relate to the realm of electoral politics, but in a different way than their U.S. counterparts. The presence of the NDP fundamentally altered the terms of the discussion. Organizationally, the NDP provided an incubator for the development of the Canadian New Left. While actual numbers are necessarily vague, a large portion of the Canadian New Left emerged out of the NDP (Gonick 1965; Gray 1965; Palmer 2009). The relationship between Old and New Leftists within the NDP was contentious, and some Canadian New Leftists envied the political independence enjoyed by the U.S. New Left, seemingly unencumbered by ties to stifling official party structures (Gray 1965). Nonetheless, the NDP created an organizational and generational link between the Old and New Lefts, and between the left and the organized working class, that was almost entirely absent in the U.S. As the Canadian New Left sought to reinvent social relations and develop a new politics in the 1960s, emulating their southern neighbors, important segments remained tied to a organizational infrastructure based on class politics.

The political and organizational consequences of this key U.S.-Canada difference became apparent over the course of the 1960s, as the New Lefts in both countries radicalized. In the U.S., New Left activists grew increasingly frustrated with their inability to end the war in Vietnam, address deep economic inequalities, move beyond the formal racial equality of the Civil Rights Act, and more. As a result, elements within the New Left began to question their ability to effect meaningful social change as a largely student-based movement. For a tiny but memorable minority, the solution to students' relative lack of "social weight" involved a rejection of U.S. society and a turn to individualized acts of violence, organized as Weatherman (Jacobs 1997). For many, the solution was a political rapprochement with the Democratic Party via the Kennedy and McCarthy campaigns, although the Chicago police riot at the 1968 Democratic Convention underscored the limits of such an approach (Breines 1989; Gitlin 1987; Katsiaficas 1999). But for a significant segment of the U.S. New Left, the solution was a return to the decidedly Old Left idea of the centrality of the working class as an agent of social change, albeit updated to reflect the world of the late 1960s. Inspired by the alliance of students and workers on display in France in May 1968, along with anti-colonial struggles in Asia, Africa, and Latin America, these radicalized, college educated New Leftists advocated a "turn to the working class." Concretely speaking, this often meant pulling up roots, moving to industrial areas to take factory jobs, and becoming shop floor organizers, a process known as "colonization" (Elbaum 2002). The hope was to establish links with a newly restive industrial working class, which was beset with a wave of shop floor unruliness and outright rebellion that became popularly known as the "blue collar blues" (Armbrister 1971; Sheppard 1971).

While colonization as a strategy had several shortcomings, chief among them was the yawning gap it exposed between labor and the New Left. Initially separated by the chasm of McCarthyism, the two had grown apart both organizationally and politically in the ensuing decades. The U.S. New Left of the late 1960s embarked on its turn to the working class as outsiders. Their organizational vehicles consisted of tiny revolutionary grouplets, to which they largely unsuccessfully sought to recruit actual workers.¹²⁵ This model of organizing often served to reinforce the existing divide between the left and the organized U.S. working class, as well as the Old and New Lefts (Mauss 1971).¹²⁶

As in the U.S., Canadian New Leftists came to see the importance of allying with sectors of the working class. They also took inspiration from the worker-student alliance in France, as well as the anti-colonial struggles unfolding in the Third World. But party systems and geo-politics led to very different outcomes in terms of relations between the New Left and the working class. Looking first at party systems, the continued presence of the CCF/NDP in Canada meant that the radicalization of the New Left over the course of the 1960s did not exacerbate the divide between labor and the left to the same degree as in the U.S. While the Canadian left certainly had radical grouplets, as in the U.S., the NDP provided an attractive institutional vehicle for leftists who wanted to orient towards the working class that was unavailable south of the border. In certain cases this took the form of so-called “entryist” groups, whereby left grouplets would operate within the NDP as an organized faction in an attempt to attract members to their own group (Isitt 2011; Webber 2009). More broadly though, New Left radicalization led to several efforts to articulate a more radical worker-student coalition within the NDP itself. In 1965, an organized “Left Caucus” challenged the leadership of the New Democratic Youth at its convention. According to a chronicler of the event,

[The Left Caucus’] draft programme called for Canada's withdrawal from NATO, the immediate nationalization of basic and key sectors of the economy, ultimate workers' control of factories, student and faculty representation on all governing bodies of the universities, and the recognition of Quebec's right to self-determination (Gray 1965).

The Left Caucus challenge itself came close, but proved unsuccessful. However, it was the prelude to a much more serious and sustained effort to redefine the politics of the NDP along more radical lines, the Movement for an Independent Socialist Canada, more commonly known as the Waffle. From its formation in 1969 to its expulsion from the NDP in 1972, the Waffle pushed to make the NDP, in its own words, “a truly socialist

¹²⁵ Some important exceptions that were more successful in bridging the worker-student divide were the union reform caucuses that developed in several key industrial unions in the 1970s, including the Teamsters (IBT), the United Auto Workers (UAW), the Steelworkers (USWA), and the Mineworkers (UMWA), among others. While these formations were often heavily influenced and staffed by college-educated New Leftists, they were not explicitly revolutionary or leftist organizations. Unlike many revolutionary groupings of the time, they sought to appeal to and organize workers around concrete shop-floor issues, as opposed to broad political positions. But even in these cases, few of the caucuses survived the 1970s, with the notable exception of Teamsters for a Democratic Union (TDU) (A. Brenner et al. 2010; Georgakas and Surkin 1998).

¹²⁶ Not all New Leftists who made the turn to the working class took rank and file jobs. A certain strata sought to bridge the gap between labor and the New Left by taking staff jobs with labor unions. While this strategy ultimately proved more successful in terms of the career longevity of those who chose that path, it involved less of a labor-left alliance and more of an absorption of individual New Leftists into the labor movement (Ganz et al. 2004).

party.” It saw the core mission of the NDP to be “building of a mass base of socialists, in factories and offices, on farms and campuses” (NDP Waffle 1969). In 1971, Waffle leader James Laxer came close to unseating longtime party stalwart David Lewis as NDP leader at the party’s convention. Laxer took Lewis to a fourth ballot, capturing 37 percent of the delegate votes on that final ballot. This showed the Waffle to be far more than the fringe group that the NDP leadership had painted them to be (Bullen 1983; D. Morton 1986). By comparison, no left group in the U.S. had a similar degree of influence within a major party.

While the presence of the NDP preserved an organizational link between the left and the working class in Canada, contemporary geopolitics strengthened it. Cold War politics, particularly surrounding the U.S. war in Vietnam and other Third World decolonization struggles, focused greater attention on the U.S.’ position as an imperial hegemon. In Canada this took the form of a new left nationalism, with Anglophone and Francophone variants.

In English Canada, the focus was on U.S. control of the Canadian economy and the resulting threat to Canadian independence. Broad concern about U.S. economic domination developed in Canada around the proceedings of the Task Force on Foreign Ownership and the Structure of Canadian Investment, created in 1967 by the Liberal government of Lester B. Pearson. The Task Force’s 1968 report, commonly known as the Watkins Report after the Task Force’s chair, University of Toronto economist Mel Watkins, attracted national attention. For Watkins personally, the Task Force had a radicalizing effect, driving him to play a leading role in the formation of the Waffle and the drafting of its Manifesto, which declared that:

American corporate capitalism is the dominant factor shaping Canadian society. In Canada, American economic control operates throughout the formidable medium of the multi-national corporation. The Canadian corporate elite has opted for a junior partnership with these American enterprises. Canada has been reduced to a resource base and consumer market within the American Empire (NDP Waffle 1969).

This resurgence of Canadian left nationalism had contradictory effects on the labor-left alliance. On the one hand, many officials of the major “international” labor unions (those headquartered in the U.S.) viewed the resurgence of Canadian nationalism and the emergence of the Waffle with alarm, as the nationalist critique also posed the question of why Canadian workers should be subject to foreign rule. These leaders were also wary of angering their parent unions south of the border, which were often staunch supporters of U.S. foreign policy (Scott 1978). At the same time, as will be discussed in greater detail in the following chapter, the left nationalist political movement was accompanied by an emerging nationalist union movement. Spearheaded by an upsurge in public sector unionization, Canadian workers began shedding their international union affiliations and joining new Canadian unions in greater numbers. Many of these national unions espoused more militant class politics, and fostered ties between the unions and New Left social movements, particularly the nascent feminist movement. Thus, the emergence of Canadian nationalism created conditions for a closer alliance between the New Left and segments of the organized

working class (Luxton 2001; McInnis 2011; Palmer 1983; Sangster 2010; Warskett 1997).

In French Canada, the focus was more explicitly on Quebec's colonial status, and the national oppression of the Québécois at the hands of English Canadian capital. Drawing inspiration both from the Black Power movement in the U.S., as well as anti-colonial liberation movements, the Québécois left transformed itself over the course of the 1960s and '70s into the most militant, class conscious, and broad-based left movement in North America (Mills 2010). Central to this process was the transformation of Québécois labor unions and their close alliance with the political left. Initially founded in 1921 as a federation of cleric-dominated confessional unions, the Canadian and Catholic Confederation of Labour (CTCC) reinvented itself in 1960 as the secular Confederation of National Trade Unions (CSN).¹²⁷ The CSN became one of the main driving forces behind the "Quiet Revolution," a process of social reform in Quebec that shook off the pervasive conservative influence of the Catholic church and challenged Anglophone social and economic dominance (Confédération des syndicats nationaux and Centrale de l'enseignement du Québec 1987; Rouillard 1989).

As the Quebec nationalist movement radicalized over the course of the decade, the CSN served as a hub linking together various social movements, particularly in major urban areas such as Montreal. CSN President Marcel Pépin spoke of the creation of a community-based "Second Front" in the struggle against capital, with the "First Front" being the world of the workplace (Pépin 1966). Michel Chartrand, an open socialist and elected head of the powerful CSN Montreal Central Council in 1968, transformed that body into a hub of left social movement activity. It provided a home not only for those focused on labor issues but also for supporters of national liberation struggles in Vietnam, Palestine, Angola, and Mozambique, and opponents of fascist regimes in Portugal, Spain, and Greece. So broad was the reach of the Central Council that historian Sean Mills notes that "the lines that separated labour and the left began to blur" (Mills 2010:14). By 1972, the convergence of labor and the left in Quebec culminated in the Common Front, an alliance of the three major Quebec labor federations¹²⁸ and community organizations that organized a ten-day province-wide general strike against the government (Confédération des syndicats nationaux and Centrale de l'enseignement du Québec 1987:236-237).

As in English Canada, the radicalization of the New Left in Quebec sparked by a growing nationalist consciousness strengthened the tie between the left and the working class. In sum, despite similar origins in the student and peace movements, postwar Red scare legacies shaped the U.S. and Canadian New Lefts differently. In the U.S., the absence of a class-based party and McCarthyism's severing of the link between labor and the left accentuated the generational gap between the Old and New Lefts, and deprived the New Left of a class basis. In Canada, the survival of a non-Communist class-based party and the less effective anti-Communist purges retained the link

¹²⁷ Acronyms are based on the French names.

¹²⁸ There were (and remain) three major Quebec labor federations: the CSN; the Quebec Federation of Labour (FTQ), which primarily comprises international (U.S.-based) unions; and the Centrale de l'enseignement du Québec (CEQ), primarily comprising teachers unions.

between labor and the left, creating a greater degree of generational continuity between the Old and New Lefts, and providing an infrastructure for a new class politics. As elements of the New Left radicalized in both countries and sought to reorient towards a political alliance of students and workers, the structure of party systems and geopolitics accentuated the labor-left divide in the U.S., while narrowing it in Canada.

Conclusion

In this chapter, we have sought to understand why class politics in the U.S. and Canada continued to diverge in the postwar period. More specifically, we have sought to explain why postwar Red scares in both countries had such different effects, and how the legacies of those Red scares shaped the emergence and development of the U.S. and Canadian New Lefts. To sum up, the argument presented in this chapter is that in the U.S., labor's absorption into the Democratic Party in the 1930s weakened the link between the left and the working class, a link that McCarthyism then severed. This largely deprived the U.S. New Left of a working class base, and exacerbated the generational divide between the Old and New Lefts. As the New Left sought to re-forge a worker-student alliance in the late 1960s, Cold War politics and Democratic Party liberal hegemony served to deepen the divide between labor and the left. By contrast, in Canada, the continued presence of the CCF/NDP as a class-based political party retained a stronger link between the left and the working class, mitigating the excesses of the postwar Red scare and retaining a class-based political infrastructure. While this did not ensure peaceful relations with the emerging New Left, it did ensure that the New Left would emerge in closer dialogue with the organized working class. As the Canadian New Left sought to reorient towards the working class, a resurgent Canadian left nationalism combined with the class-based political infrastructure of the NDP offered a framework for strengthening the link between the New Left and labor. By this point, we have examined how processes of working class political incorporation differed in the U.S. and Canada, and how this shaped relations between unions and the left differently in both countries. In the following chapter, we will tie everything together, examining how these different processes of political incorporation shaped the formation and development of labor regimes in the U.S. and Canada. More specifically, we will focus our attention on the political and policy consequences of labor being constituted as an interest group as opposed to a class representative. We will see concretely why the class idea matters.

Chapter 8.

Class vs. Special Interest: Labor Regimes and Density Divergence, 1911-2011

Introduction

In the previous two chapters, we examined how U.S. and Canadian unions made different political alliances in the years surrounding the Great Depression and World War II, and how those different alliances subsequently shaped relations between labor and the left in both countries. In this chapter, we will see how those alliances worked to shape labor policy and working class power in the U.S. and Canada, and how this in turn affected union density rates.

To review, we saw in our analysis of competing explanations for U.S.-Canada union density divergence that the proximate cause of the divergence was the combination of an eroding labor regime in the U.S. and a more resilient labor regime in Canada. These differences in labor regime strength made it relatively easier for Canadian workers to join unions and remain union members than their U.S. counterparts, primarily by restricting employers' ability to interfere in workers' decision as to whether or not to unionize. However, we also saw that labor regime strength is largely a function of working class organizational power, and the ability to embed that power within state institutions. The key challenge then is to explain why the Canadian working class has been better able to exert its organizational power and institutionalize it over time.

The argument I advance in this chapter is that Canadian unions were better able to exert and institutionalize their organizational power relative to U.S. unions because the outcomes of political battles in the 1930s and 40s left Canadian labor better able to act as—and be recognized as—a *class representative*. By contrast, those political battles in the U.S. undermined labor's ability to identify itself and act in class terms. Rather, U.S. labor identified as an *interest group*, and was recognized as such within the political and administrative spheres.

While the distinction may seem semantic at first, I argue that it had major consequences for labor's organizational power in both countries. These consequences derive from the different organizing logics that attached to each role, and how those logics enabled or constrained labor's scope of action in each country. While Canadian labor's role as a class representative fit into a class idea that broadened and legitimated

its scope of action, U.S. labor's role as an interest group fit into a market idea that narrowed and delegitimized its scope of action.

These organizing logics did not emerge fully-formed, but rather developed over time. Critically, they involve a process of mutual recognition between labor, capital, and state actors: each logic entails a certain *presentation* of self as a group, as well as a *reception* of that presentation by other groups. Each prescribes a different set of roles and expectations for each group, and over time those roles become institutionalized. In turn, those roles enable or constrain different types of action. Table 8.1 summarizes these differences in organizing logics, which we first saw in the introduction:

Table 8.1—Differences in Organizing Logics

Organizing Logic	Class Idea	Market Idea
Group Role—Labor	Class representative	Interest Group
Group Role—Capital	Class representative	Interest Group/Individual Employers
Group Role—State	Mediator	Adjudicator
Rights	Collective	Individual
Bargaining	Group-based	Contract-based
Interests	Class/General	Special/Particular
Institutionalization	High	Low
Politicization	Low	High

Returning to a key theoretical point made in the introduction, one of the central tenets of this argument is that there is something specific about working class-based organization. And, to the extent that working class organizations can act and be recognized as class-based organizations, their claims are considered more legitimate, and they are better able to advance and defend their interests. By the same token, the very act of denying the specificity of working class-based organization, instead equating it with other types of organizations, inherently weakens those organizations' legitimacy, and undermines their ability to advance and defend their interests.

In this chapter, we will examine how different processes of political incorporation in both countries helped to create these different organizing logics, and the consequences of those logics as they developed over time. In order to do so, we will focus first on the conditions surrounding labor regime formation in both countries in the 1930s and 40s, which set up the organizing logics. Then, in our analysis of how those logics developed over time, we will focus on two aspects of this development: first, the internal aspect, meaning how the different organizing logics affected labor's "presentation of self," and second, the external aspect, meaning labor's reception by and integration into other institutions.

Looking first at the conditions surrounding labor regime formation, the Canadian labor regime was created as a result of working class upsurge from below, whereas the U.S. labor regime was created as part of an elite reform project from above. This original difference influenced the organizing logics of each regime. Whereas the Canadian labor regime was organized around recognizing the existence of class conflict and seeking to mitigate it, the U.S. regime was organized around protecting workers' individual rights. Although this created a more interventionist Canadian system that restricted labor's scope of action in important ways, it also reinforced a collective, oppositional class identity vis-à-vis both employers and the state. Meanwhile, the U.S. system's focus on rights led to a stronger focus on legalistic proceduralism. Additionally, labor drew different lessons from these different processes of regime formation. Whereas Canadian labor learned the value of winning gains through disruptive mass mobilization, U.S. labor learned the value of winning gains through sympathetic politicians and favorable legal precedents.

As for the consequences of these different organizing logics, the central point is that different organizing logics created different relations between class conflict and politics. In terms of the external aspect, Canadian labor's incorporation as a class representative provided a mechanism for translating class conflict into the political realm. By this I mean that worker unrest and protest in Canada was recognized by the state as a *class* issue, and dealt with as such. This led to a consistent pattern of worker protest followed by government reform. By contrast, U.S. labor's incorporation as an interest group blocked this translation process. Instead of being recognized as a class issue, worker unrest that spilled out beyond the regularized collective bargaining process was misrecognized as the result of individual issues, particularly worker alienation. To the extent that issues related to unions found their way into the political realm, it was not as class issues, but as *partisan* issues, namely the narrow interests of a key Democratic Party constituency. This left U.S. labor policy less institutionalized, more politically contentious, and more subject to charges of partisan favoritism than in Canada.

Turning next to the internal aspect, Canadian labor's stronger ties to social movements and the political left reinforced its organizing and mobilizing capacity, while facilitating labor's articulation of class issues in the political realm. Canadian labor's political alliances tended to work in concert with unions' economic pressure to advance labor's interests, while ensuring that they would be politically articulated as class interests. By contrast, U.S. labor's alliance with the Democratic Party diverted and undermined its organizing and mobilizing capacity, while blocking its ability to articulate class issues in the political realm. U.S. labor's political ties often worked at cross-purposes to its own interests. Instead of being able to leverage worker unrest to achieve political gains, as in Canada, U.S. labor often undermined its organizing and mobilizing capacity to maintain and develop its political alliances.

With the class idea more embedded in political and policy institutions, as well as its own organizational culture, Canadian labor was better positioned than U.S. labor to advance its interests and defend past gains. Thus, even as the overall political and economic climate in North America became much less favorable to labor starting in the

1970s, Canadian unions, and the Canadian labor regime more broadly, remained resilient, while U.S. unions and the U.S. labor regime crumbled.

Labor Regime Formation: Class vs. Interest Group

The origins of the different organizing logics of the U.S. and Canadian labor regimes lies in the conditions surrounding their initial formation. While Canadian labor's long struggle from below helped to shape a labor regime that recognized classes and class conflict, U.S. labor was "granted" its demand for industrial legality relatively early in its mobilization process, as part of an elite reform project from above—the New Deal. The resulting labor regime focused more on protecting workers' individual rights, and elided class divisions.

In this section we will examine these differences in the conditions surrounding labor regime formation in greater detail, specifying both differences in the process of regime formation and substantive differences in the structures of both regimes.

The United States

Regime Formation Process

Although the Wagner Act was a response to an upsurge in working class mobilization (Bernstein 1970:ch. 6; Goldfield 1989b), it was also part of a conscious reform project initiated from above by FDR's New Deal administration (Skocpol, and Finegold 1990).¹²⁹ The initial basis for the Wagner Act, contained in Section 7 of the National Industrial Recovery Act (NIRA), was passed in 1933, soon after FDR's accession to office and before the tumult of 1934. While the NIRA had no enforcement mechanism, it nonetheless provided a symbolic endorsement of collective bargaining rights, which in turn led to an uptick in union organizing (Milton 1982). Once the NIRA was declared unconstitutional in 1935, the NLRA was immediately proposed as a replacement policy. It essentially reproduced Section 7 of the NIRA, but added enforcement penalties and other mechanisms to compel employers to bargain with unions.

By that point, the labor unrest of the period was clearly on the minds of the policymakers. However, just as important was the Administration's reputation. As a key advisor suggested to Labor Secretary Frances Perkins in discussing the need for legislation to replace the NRA, "[t]he maintenance of the prestige of the Administration is the one hope for the triumph of moderate and constructive policies, as against extremes of mob-policy on the one hand and reactionary policy on the other" (Dickinson 1935). The NLRA was an effort to navigate between these two extremes.

¹²⁹ These two positions are usually counterposed to each other, often directly, as in the case of the competing articles by Goldfield and Skocpol & Finegold cited here. However, the very fact that there is a debate in the U.S. case as to whether the NLRA was a response to labor insurgency or a top-down reform project speaks to the argument made here. Whereas it is at least possible to create plausible accounts of the formation of U.S. labor policy that emphasize either working class upsurge or autonomous state action, this is utterly impossible for the Canadian case, as we will see in greater detail below.

Union density began to climb upon passage of the Wagner Act in 1935, but truly exploded after the Supreme Court ruled it to be constitutional in 1937. The extent to which we can attribute this explosion in union density to the Act itself as opposed to unions' independent mobilization has been a matter of considerable scholarly debate (Barenberg 1993; Manza 2000; Piven and Cloward 1977; Rubin et al. 1983). Our goal here is not to adjudicate between these competing positions. Rather, what is important to note for our purposes is the broad sense among both labor and employer groups that the Wagner Act was something that the New Deal administration did *for* labor.

On the employer side, there was tremendous resistance to the Wagner Act, and it was only with the 1937 ruling that it was constitutional that they gave it grudging acceptance. Even after outright repeal or overturning seemed to be off the table, employer groups continued with constant efforts to amend or undermine the law. Central to this strategy was an insistence that the NLRA was “biased” and “one-sided” in its structure and administration, lining government power up on the side of labor (Associated Press 1937; National Association of Manufacturers, 1938a). Invoking the danger of sagging business confidence in that period, two counsel for the National Association of Manufacturers wrote that “there will be little permanent improvement in business morale or confidence unless and until government again accepts the role of impartial umpire and proclaims to all groups alike that their efforts must be conducted within the bounds of law, reason, and fair play” (National Association of Manufacturers, 1938b). Employer claims of “bias” and “imbalance” continued unabated through the 1930s and 40s, and played a key role in the move to create “balance” in labor policy with the Taft-Hartley Act in 1947.

On the union side, the presentation and passage first of Section 7 of NIRA, then the Wagner Act, created the impression that the Administration was granting rights to labor. In discussing NIRA, AFL President William Green noted that “[w]hen the Congress of the United States carefully prepared and included Section 7A in the National Recovery Act, Labor believed that *it had been accorded* the legal and moral right to organize into unions of its own choice” (Green 1934b).

Moreover, the Administration's legislative proposals almost immediately shifted attention from mass mobilization in the workplace to lobbying in support of legislation. There was of course a great deal of debate about this within unions at the time, and it would be wrong to say that labor abandoned mass mobilization in this period. However, the Wagner Act did draw labor into the legislative process, and many within labor believed that the legislative route held the greatest promise for ensuring labor's strength and long-term viability.

One of the strongest advocates for such a legislative route was Clothing Workers President and CIO founding figure Sidney Hillman. In an April 1936 address to one of his union's key locals, he tackled the tension between mass mobilization and legislation head-on:

Now you may come and ask me: why should we be concerned about the law? Why shouldn't we rely on our own power? I say to you that if labor is to make real progress, labor must have some legislative support. Of course, without it, we would continue to make some progress, just as

we have in the past, but I mean broad progress.... If we are going to get ahead, we must have further legislation. We need more than legislation on the regulation of wages and hours. We need a legislative guarantee of the right to organize. We had 7a in the [NIRA] code, Now we have the Wagner Act.... Labor must learn to use its economic and political power (Hillman 1936a).

While many contemporary scholars have criticized U.S. unions' narrow focus on labor law and the internal political process (lobbying, etc.), what is important to note here is that this focus emerged in part out of the very conditions of labor regime formation in the U.S. The state's early and active involvement in responding to labor unrest with collective bargaining legislation created an impression that the laws themselves created greater union strength, as opposed to the laws being understood as the state's response to labor's show of force. This, combined with the New Deal Administration's sustained courting of labor support created incentives for seeking reforms from above through political allies as an interest group, as opposed to through mobilization from below as a class.

Regime Formation Elements

In addition to examining the conditions of labor regime formation, we must also examine how actual elements of the emerging labor regime itself also shaped its future development. Two features of U.S. labor regime that were particularly important in influencing its future stability and ability to promote its stated objectives were 1) its quasi-judicial structure, which emphasized legalistic procedure and integrated the regime more tightly into the regular court system; and 2) its "non-partisan" structure, with NLRB members appointed by the President to serve as ostensibly impartial arbiters. The first element privileged legal acumen over facilitating collective bargaining, while also subjecting labor-related rulings to broader judicial review. The second element privileged partisan representation (Democrats vs. Republicans) over class representation (unions vs. employers), leaving labor board decisions more vulnerable to charges of partisan bias. In each case, the result was a labor regime that de-emphasized the specific power dynamics involved in class conflict, and instead substituted a formal equivalence between the parties involved.

While these elements of the U.S. labor regime are taken for granted today, they were not inevitable. To the contrary, they actually represented a departure from initial labor regime structures. Specifically, instead of a strict quasi-judicial structure, labor boards initially combined case adjudication with labor-management conciliation services, which would have created an agency more generally concerned with expedient handling of labor-management relations as a whole. Also, labor boards initially had a tripartite instead of a non-partisan structure. Keeping those in initial structures in place would have led to a much different labor regime structure—one much closer to the structure adopted in Canada.

Quasi-judicial structure: The initial attempts to establish an "industrial court" to adjudicate labor disputes emerged out of efforts to implement the 1933 NIRA. While Section 7(a) of the NIRA was initially conceived as a self-policing provision, the explosion of union organizing and strikes that ensued following its passage quickly disabused government officials of this notion (Morris 2005:25). President Roosevelt

established the National Labor Board (NLB) on August 5, 1933 to “consider, adjust, and settle differences and controversies” arising from labor strife (quoted in Morris 2005:25). This broad and vague definition of the Board’s scope and function allowed for both adjudicative and conciliatory roles for the Board.

As the Board developed over the following two years, these dual roles remained part of the Board’s structure. The primary focus was on reaching agreement between the opposing parties. As an October 1934 NLRB¹³⁰ brief explained with regard to enforcement, “[p]rinciple ought not to be sacrificed to expediency, but on the other hand legalistic interpretations of 7(a) ought not to be insisted upon where genuinely harmonious relationships can best be brought about by agreement” (National Labor Relations Board 1934:14).

A central concern of Department of Labor (DOL) officials trying to figure out how the new labor board would function was limiting its scope of activities: “Because the Board is supposed to exercise quasi-judicial authority or to act as an arbitrator, and should refrain from weakening its own position by urging employers and employees to take steps which might bring about temporary peace but which are not based squarely on justice and legal rights” (U S Department of Labor 1934b). Out of their experience with the dual function of the Board, some of its members also called for the separation of mediation and judicial functions, on the grounds that too deep involvement in specific cases could undermine the Board’s adjudicative authority (Associated Press 1934). Additionally, there remained confusion as to how to divide up conciliation cases between the NLRB and the DOL, especially since it was often not immediately apparent whether a case involved Section 7(a) issues until a hearing had been held (U S Department of Labor 1934b).

By the time of the passage of the Wagner Act, the ambiguity was gone, and the NLRB was declared a strictly quasi-judicial agency. In a memorandum prepared for President Roosevelt in advance of a meeting with new NLRB members, his aides outlined the NLRB’s functions: “the work of the Board will be to decide specific cases and to refrain from research work.... In order to work harmoniously with agents in related fields, the Board should refrain from mediation or conciliation” (U S Department of Labor 1935).

According to the Wagner Act’s primary author, this separation of adjudicative and conciliatory functions was largely “in the interest of clarity and simplification” (Casebeer 1987:359). However there was likely tension between those in the DOL who advocated a broader role for the Board, including conciliation, and those on Senator Wagner’s staff who saw the quasi-judicial nature of the Board as a key source of its strength and independence. Importantly, this also applied to the Board’s tight integration into the federal court system (Casebeer 1987:345). The architects of the Act believed that quick internal access to the courts would facilitate enforcement, not hamper it.

¹³⁰ The NLRB itself predated the Wagner Act, established as it was by Presidential order on June 29, 1934. That NLRB was given the power “to make investigations, to hold labor elections, to hear cases of discharges of employees and to act as a voluntary arbitrator” (Roosevelt 1934).

However, it quickly became apparent to those charged with implementing the law, as well as those whom the law was initially designed to protect, that the quasi-judicial structure of the NLRB came with significant costs. First, as already illustrated by scholars such as Richard Block and Karl Klare, greater integration into the court system subjected labor board decisions to more extensive judicial review. This created a dynamic where judges would end up balancing workers' more novel collective rights established by the NLRA statute against more deeply entrenched individual rights of property and contract (Block 1993; Klare 1977). Second, it offered employers greater opportunities to focus on pursuing legal strategies to block unionization, as opposed to focusing on reaching settlements with unions. As inaugural NLRB member Edwin Smith explained to an employer group:

[E]mployers will most satisfactorily further their relations with trade unions if they cease to think in terms of legal restraints which they may exercise against them. Successful dealing with trade unions depends on the growth of mutual confidence between the employer and his workers' representatives. Such confidence is never assisted by the fact that one party to negotiations sits with a lawyer at his elbow and his inward glance firmly directed at statutes and courts, seeking not for points of accommodation but for some means by which he can embarrass and frustrate the party of the second part (Smith 1937:8-9).

Third, and most broadly, the quasi-judicial structure created a framework for the labor regime that privileged legal knowledge and expertise over knowledge of labor-management relations. This implicitly de-emphasized the power imbalances inherent in the labor-management relationship, instead emphasizing the strict formal equivalence of opposing parties before the law. NLRB member William Leiserson complained of this growing tendency as early as 1940:

The problem is really more far-reaching than the NLRB itself. It threatens the whole idea of scientific investigation and administrative control as it was thought out and worked out in Wisconsin years ago. As new administrative agencies have been created here, great numbers of lawyers have been recruited to man them. These have been trained in the new ideas about administrative law [emphasis in original] that are now current in the law schools. Their knowledge of labor relations, for example, is confined to decisions of courts on labor cases. They do not distinguish between the administrative procedures by which a Board carries on its own work and the decisions of the courts with respect to regulations that involve questions of due process of law. They therefore are concerned mainly with getting out rules of practice for the guidance of lawyers who have business before the Board, and they largely neglect the administrative regulations necessary for the intelligent handling of the cases and the personnel....

I have had occasion to say that it won't be long before we will have an association of practitioners before the Labor Board, to whose members both employers and unions will be forced to go to get the benefits of the Act because no layman could understand the legal practices and procedures. This is the trend here in Washington, and it threatens, I think, to develop a new body of technical law just as ill-adapted to dealing with modern problems as the common law and the equity law now are.... I think it threatens the whole idea of flexible and informed handling of modern economic problems by expert administrative agencies (Leiserson 1940).

Leiserson's concerns would prove prescient, as the NLRB evolved in an increasingly legalistic direction. The "separation of powers" provision in the Taft-Hartley Act, which created the Office of the NLRB General Counsel, further entrenched the NLRB's legalistic framework. In mimicking the formal procedures of judicial due

process, it effectively undermined unions' ability to defend their collective bargaining rights by creating a barrier of access to the Board's legal powers (Block 1993).

Representational Structure: In addition to the problems related to creating the NLRB as a strictly quasi-judicial body, there were also problems related to the representational structure of the Board. Between the passage of NIRA and the NLRA, FDR's administration vacillated between making the Labor Board tripartite, with representation from unions, employers, and "the public;" or non-partisan, with representation by "neutral" experts.

The initial NLB was constructed as a tripartite panel, with three representatives each from labor and management, and with Senator Wagner serving as the chair and representative of the state. Subsequent iterations of the national Board, as well as several of the ad hoc regional and industry-specific boards that proliferated during the short life of the NIRA, also employed a tripartite structure (Morris 2005; National Labor Relations Board 1934; U S Department of Labor 1934a).

With the shift to the National Labor Relations Board, however, tripartism was replaced with non-partisanship. Although Wagner's original bill for what would become the NLRA specified a tripartite Board, that provision was gone by the time that Congress passed the bill in July 1935. The rationale was tied to the decision discussed above to separate out the board's conciliation and mediation work, and make it a purely quasi-judicial body (J. A. Gross 1981; National Labor Relations Board 1985). As a Chamber of Commerce representative argued in the hearings regarding the bill, "because it is a judicial board, the NLRB should not be one in which 'some of the members directly represent one of the parties litigant and owe a duty to them. . . . it would be better to have the board constituted of members who owe a duty to no one, just like the Federal courts'" (quoted in Flynn:2000:1383, n. 10). Echoing this sentiment, Labor Secretary Frances Perkins noted a few years later that "it seems preferable to me to retain the present status of the Board as one completely representative of the public rather than to make it openly tripartite in character. The latter arrangement would inject partisanship into a situation in which it is extremely important to maintain as much impartiality as possible" (Perkins 1939:3).

The non-partisan structure of the Board created a situation where a great deal hinged on the individual actions of specific Board members, and the degree to which they could maintain an aura of fairness and impartiality before the opposing parties. This was further complicated by the fact that Board members' primary identification would be not only with "the public" in general, but with the President who appointed them. Together, these factors combined to politicize and delegitimize the Board.

The ostensibly "neutral" status of each individual member left them open to charges of bias from opposing sides, which is precisely what happened. As discussed above, management embarked on a sustained campaign to discredit the Board as "biased" and "one-sided." On labor's side, AFL unions charged that the Board favored CIO unions, and CIO unions feared that the NLRB would fall too much under the sway of management influence (Booker and Coe 1986; Gellhorn and Linfield 1939). Noting

what he considered a disturbing trend in 1939, CIO Secretary James B. Carey testified before the Senate that:

[A]t least a part of the personnel of the Board appears to have lost sight of the purpose of the Act and to have abandoned to a great degree the rigid and strict furtherance of those purposes, in order that they might indulge in playing politics — adjusting the principles of the law in an outrageous way to "pressure" and threats from the known and avowed enemies of the Act.... It is not beyond possibility that this kind of shabby manipulation of what is a good piece of legislation could very well turn the Act into a deterrent to industrial democracy" (Carey 1939)

For his part, Roosevelt viewed such criticism from all sides as a sign that the Board as a whole was fulfilling its duties in an impartial manner (Associated Press 1937). But what this view overlooked was the degree to which such attacks signaled mistrust of the Board on all sides.

In addition to creating conditions for mistrust of the Board, the non-partisan structure also ironically left the door open for its politicization. As political appointees with a vaguely defined mission to represent "the public," as opposed to the interests of labor or management, Board members had an incentive to represent the interests of the Administration that appointed them. This dynamic was initially less apparent, as Presidents Roosevelt and Truman largely hewed to the spirit of the NLRA in seeking to appoint seemingly neutral Board members, usually civil servants or academics. However, this began to change under President Eisenhower, who appointed management-side labor attorneys to the Board, and intensified under subsequent administrations (Flynn 2000).

While Flynn argues that this process of more politicized appointments ended up sneaking tripartism back into the NLRB, it was actually something different. The politicized appointments snuck *partisanship* back into the functioning of the NLRB. Members were not appointed as "labor" or "management" representatives, even though they often ended up union-side or management-side labor lawyers. Rather, they were "Democratic" or "Republican" appointees. It was their *political* affiliation, not their class representative affiliation, that was most salient. This ensured that struggles over Board nominations would remain in the arena of partisan political conflict, as opposed to institutionalized within the routine administration of the U.S. labor regime.

The conditions of regime formation, and specific elements that emerged out of that regime formation process, had a profound effect on the future trajectory of the U.S. labor regime. In terms of conditions, the New Deal administration's quick response to labor upsurge and its active pursuit of a labor reform project gave both union and management leaders the impression that the government was granting rights to labor. Many within labor attributed unions' explosive growth in the late 1930s and 1940s to the laws themselves, rather than seeing the laws as the result of massive labor mobilization. The seeming success of labor laws in achieving gains that had eluded unions for decades shifted labor's focus from organizing and mobilization to seeking political influence through lobbying and inside negotiations.

As for elements, the decision to shift from precedent and establish the NLRB as a non-partisan, quasi-judiciary body set in place dynamics that would ensure the U.S. labor regime's politicization and delegitimization. The strict quasi-judicial focus undermined labor's ability to defend its interests by de-emphasizing the power imbalances inherent in the labor-management relationship, instead emphasizing the strict formal equivalence of opposing parties before the law. And the decision to create a non-partisan Board instead of a tripartite Board not only opened the Board up to charges of bias and mistrust from all sides, but replaced class-based representation with partisan representation. This built partisan conflict into the structure of the Board, undermining its long-term stability and legitimacy.

Taken together, these factors worked to integrate the U.S. labor regime within a "market idea" framework, with labor functioning as a formally equivalent party or interest group within that framework. There was little recognition within that formally equivalent framework of the power imbalances inherent in the labor-capital relationship, let alone of labor's status as a class representative. At the same time the focus on legalism created incentives to focus on particular issues of law, while labor's focus on seeking influence as an interest group narrowed its scope of vision.

Canada

The conditions surrounding labor regime formation were quite different in Canada, as were several key elements of the labor regimes that emerged out of this early period. Whereas U.S. labor dealt with a reform government that actively responded to the labor upsurge of the 1930s with reform proposals, Canadian labor faced a hostile state that responded to labor upsurge with increased repression. It was only under the combined pressure of a massive wartime strike wave and an electoral threat from the ruling party's left flank that it acquiesced to implementing labor reforms. Unlike in the U.S., there could be no debate about whether labor reform came "from above" or "from below": labor rights were forcibly extracted from a hostile government by labor's own independent economic and political mobilization (MacDowell 1978). Accordingly, Canadian labor drew different lessons from its struggle for industrial legality, and the resulting labor regime differed in important respects from its U.S. counterpart. Specifically, labor itself learned the value of winning gains through mass mobilization, while the labor regime developed a focus on recognizing the existence of class conflict and seeking to mitigate it (Fudge 1990; Robinson 1990; 1993).

Regime Formation Process

Looking first at the process of regime formation, Canadian labor remained politically excluded for nearly a decade longer than in the U.S. As outlined in Chapter 6, the Canadian government initially responded to the crisis of the Great Depression and resulting working class unrest with a policy of repression and neglect. Union organizers and suspected radicals were monitored, rounded up, and often deported; union meetings were broken up and union halls were vandalized. Meanwhile, there was little in the way of relief or public works programs to mitigate the economic impact of the

Depression (Horn 1984; Manley 1998; Neatby 1972; Petryshyn 1982; Roberts 1986; J. H. Thompson and Seager 1986).

When William Lyon Mackenzie King retook the Prime Minister's office in 1935, he toned down the level of state repression, but nonetheless refused to accede to labor's demands for a Canadian Wagner Act. In keeping with his well-defined views on labor-management relations, and his steadfast belief in the continued validity of the 1907 Industrial Disputes Investigation Act, which he drafted, King clung to the notion that union recognition and contract negotiation should be voluntary. He could not abide the idea of injecting government compulsion into labor-management relations (Fudge and Tucker 2001; MacDowell 1978; Wells 1995a).

It took World War II to disabuse King of his voluntarist notions. In order to assure guaranteed wartime production, King's war cabinet issued Order-in-Council 2685, which laid out a framework for establishing collective bargaining and union representation in war industries, but with no enforcement mechanisms. While the government was reticent to enforce compulsory collective bargaining, it showed no such reticence when it came to imposing mandatory wartime wage controls. Employers flagrantly disregarded the collective bargaining recommendations, while labor continued to strike both for recognition and to protest the wage controls. The government responded with increasingly stringent wartime restrictions on striking, but to no avail. Strikes continued to escalate (Camfield 2002; Fudge and Glasbeek 1995; Fudge and Tucker 2001; McInnis 2002).

The final straw occurred when the wartime class conflict on the shop floor spilled over into the political realm. After some early success in a few Western provinces, the CCF began to break through in Ontario, the industrial heart of Canada and its most populous province. The first indicator was the February 1942 by-election in York South, where the CCF candidate defeated the Conservative Party leader and former Prime Minister (Granatstein 1967). In August of 1943, the CCF surged in the Ontario provincial elections, winning enough seats to form the Official Opposition. Additionally, CCF candidates prevailed in other key by-elections in 1943. Reflecting on these losses, King wrote that "it may well be that losses to the CCF and Labour [the Labour Progressive Party, as the Communist Party was known at the time]... will cause some of our people to realize that labour has to be dealt with in a considerate way" (King 1943b). By mid-September, King had convinced his cabinet of the need for compulsory collective bargaining policy, and in February 1944, almost ten years after passage of the Wagner Act, the cabinet enacted PC 1003, which created a Wagner Act-style mechanism for certifying union representation and enforcing collective bargaining rights (Fudge and Glasbeek 1995; Fudge and Tucker 2001).

That ten years of political exclusion and delay in regime formation shaped the character and development of both Canadian labor and the Canadian labor regime. First, as already explored in Chapter 6, political exclusion from the governing parties left space for labor to ally with a class-based political party, the CCF. This created a mechanism for translating class conflict into the political realm, and for pressuring the governing parties from without (Bruce 1989). Second, political exclusion reduced

opportunities for labor to achieve gains through influencing sympathetic political leaders. Whereas U.S. labor leaders were faced with the tantalizing prospect of being granted “a seat at the table,” nothing of the sort was on offer for Canadian labor leaders. By necessity, labor’s focus had to remain on building its organizing and mobilizing capacity (Robinson:1990:222-229). Third, political exclusion meant that class conflict during World War II strengthened labor’s power in Canada, as opposed to undermining it as happened in the U.S.

This last point requires some elaboration. By the onset of World War II, U.S. labor was already incorporated as a loyal junior partner within the ruling New Deal coalition. One of President Roosevelt’s first acts after the bombing of Pearl Harbor was to call a meeting of labor and management representatives to ensure continuous wartime production. At that meeting, both AFL and CIO representatives agreed to a “no-strike pledge” for the duration of the war (Taft 1959:219-221). However, wartime speedup and wage controls virtually guaranteed an increase in strike activity, pledge or not. Sure enough, strike rates spiked in 1942 and 1943. In their roles as partners in the war coalition, U.S. labor leaders were called upon to enforce the no-strike pledge. They responded by launching campaigns to squelch the strike wave and re-impose industrial peace. This drove a wedge between the leadership and the rank and file, undermining labor’s mobilizing capacity and reinforcing its reliance on government action to achieve gains (Kersten 2006; Lichtenstein 1982).

Canadian labor’s wartime political exclusion had a very different effect on labor organization. While Prime Minister King sought to emulate Roosevelt in extracting a no-strike pledge from labor, union leaders demanded Wagner Act-style collective bargaining laws in exchange. King offered the voluntary provisions of PC 2685 instead, so labor leaders refused to sign a no-strike pledge (Abella 1973; Fudge and Tucker 2001:235-238). As in the U.S., the combination of wartime production speedup, wage controls, and state-imposed strike restrictions proved an explosive mixture, and strikes erupted across Canada. But without any duty to the government to police its ranks, as in the U.S., Canadian labor leaders were able to use the wartime strike wave to pressure the government to accede to its demands for labor legislation. Rather than driving a wedge between the leadership and the membership, Canada’s wartime strike wave had a galvanizing effect, unifying rival factions, officials, and members in a common goal of achieving industrial legality (Robinson 1990:243-252).

Similarly, the postwar strike wave that shook both countries had different effects on their respective labor movements. U.S. union leaders used the postwar strike wave as a “safety valve” to vent rank and file discontent while demonstrating to government officials their ability to serve as “responsible” bureaucrats (M. Davis 1980a:66-68; Zieger 1995:212-227). By contrast, in Canada the postwar strike wave served to keep the membership mobilized and to pressure the government for permanent labor rights. Since PC 1003 was an emergency edict issued under the Canadian Privy Council’s wartime powers, it was by definition temporary and set to expire with the end of the war. Canadian workers’ postwar mobilization ensured that the gains won under PC 1003 would be institutionalized in more permanent legislation. The result was the 1948 Industrial Relations Disputes and Investigations Act (IRDIA), which formed the basis of

the postwar labor regime and became the template for analogous provincial legislation (MacDowell 1978:194-195; Robinson 1990:254-255).

It is important to recognize that this galvanizing effect of labor's political exclusion had little to do with any inherently more social unionist vision on the part of Canadian union leaders. To the contrary, Canadian union leaders were every bit as eager as their U.S. counterparts to portray themselves as "responsible," to police their membership, to get a seat at the table of government decision-making, and more. The problem was that there was no opportunity to do so. Furthermore, in an ironic twist, Canadian union leaders wanting to become responsible and compliant could only pressure government to listen to them by engaging in disruptive, confrontational tactics. We can get a flavor for this tension between wanting to be "responsible" unionists and being forced to be disruptive from correspondence between CCL Secretary-Treasurer Pat Conroy and an official in the powerful Department of Munitions and Supply (DMS), regarding a 1944 situation at Anaconda Brass in Toronto, wherein workers were consistently rejecting company efforts to extend the work day.

Expressing dismay at the constant flow of new workers that seem to be outvoting the (presumably more "responsible") "usual steady union group," Conroy explained his predicament:

The main point is that if the Union is to do a good job, it needs a wider coverage so that the workers may be held responsible to the Union. Through this our Union might do a better job of convincing the workers of the need for a longer work day. If they had union shop or recognition on a scale that would enable them to control the employees in the sense of doing a better job, they would be glad to cooperate (Conroy 1944).

Here, Conroy is clearly aiming to establish the kind of routine, well-established collective bargaining relationships that characterized many industrial plants in the postwar decades. But without proper legal mechanisms in place for controlling labor, Conroy could only get the government's ear to propose such ideas when the workers he represents engaged in "irresponsible" disruptive activity.

As a corollary to this basic irony, Canadian union leaders striving for "responsibility" could only make a credible case to government officials as to their ability to control their members by retaining the support and loyalty of the membership. Unlike in the U.S., where incorporation into the New Deal coalition gave labor leaders an alternate base of legitimacy, Canadian labor leaders' legitimacy remained based largely upon membership support (Camfield 2002:162; Robinson 1990:246-255; C. A. B. Yates 1993:58-64).

Keeping these ironies in mind, and being careful not to portray Canadian labor leaders as somehow inherently more progressive than their U.S. counterparts, the central point remains that the conditions surrounding labor regime formation in Canada accentuated an organizational focus on class independence and militancy, as opposed to influence-seeking as a coalition partner within the ruling party. Political exclusion facilitated an alliance with an independent, class-based political party, while also galvanizing labor mobilization around demands for labor rights. Political exclusion also

ensured that the wartime strike wave in Canada bolstered union power, instead of undermining it as in the U.S. The result was a Canadian labor movement more imbued with the class idea.

Regime Formation Elements

As in the U.S., both historical conditions surrounding labor regime formation and specific elements of the emerging labor regime shaped its future development. Two key differences with the U.S. regime stand out which enabled the Canadian regime to retain greater resiliency over time: 1) whereas the U.S. NLRB was established as a strictly adjudicatory body, Canadian labor boards retained both adjudicatory and conciliatory functions; and 2) whereas the NLRB had a “non-partisan” structure, Canadian labor boards were established as tripartite representative bodies.

Adjudication and conciliation: In the U.S., once policymakers decided that the NLRB would serve as a quasi-judicial body, the chief concern was then to make that body resemble an actual court as much as possible. This required the Board to appear as detached as possible from the parties involved, so as to be able to adjudicate the facts of individual cases dispassionately. As such, legislators separated out the NLRB’s adjudicatory and conciliatory functions, housing the conciliatory functions initially in the United States Conciliation Service, a unit within the Department of Labor.¹³¹ As we saw in the previous section, this mimicry of judicial structure constricted the Board’s action within a narrow legalistic framework, and undermined labor’s ability to defend its interests by concealing the power imbalances inherent in the employment relationship underneath a formal legal equality.

In Canada, policymakers’ central focus in crafting the Canadian labor regime was on imposing industrial peace (Fudge and Tucker 2001:261). The Canadian government only turned to establishing compulsory union recognition and collective bargaining as a last resort, after their initial strategy of placing ever-stricter limits on workers’ ability to strike had failed. As such, maintaining judicial impartiality was less important than controlling labor militancy and preventing strikes. The resulting policies granted labor recognition and collective bargaining rights, but at the cost of severe limits on labor’s scope of action. Strikes would only be allowed after a period of compulsory government conciliation, as well as a “cooling off” period, and union leaders were required to take measures to quell unlawful worker protest (McInnis 2002:156-169; Wells 1995a). Given the way that union recognition and strike suppression were intimately intertwined in the creation of the Canadian labor regime, so too did it make sense to establish a more fluid relationship between adjudicatory and conciliatory functions at both the federal and provincial levels.¹³²

¹³¹ The Taft-Hartley Act removed the USCS from the DOL, establishing it as its own independent agency, the Federal Mediation and Conciliation Service (FMCS). This further entrenched the strict separation between labor adjudication and conciliation in the U.S.

¹³² To be clear, adjudicatory and conciliatory functions remain organizationally distinct in Canada, as in the U.S. At the federal level, for example, there is a Canada Industrial Relations Board (CIRB) and a Federal Mediation and Conciliation Service (FMCS). The difference has to do with the relation between the two agencies, and the

But just as the decision in the U.S. to establish a strictly quasi-judicial NLRB came after a period of experimenting with a mixed judicial-conciliatory Board, so too did the Canadian decision to keep the two functions more closely intertwined come after a period of experimentation with a strictly judicial labor board. One of the first attempts at establishing a labor board in Canada was the Ontario Labour Court, created in 1943, prior to the proclamation of PC 1003. Going beyond the quasi-judicial structure of the NLRB, it was established as an actual branch of the High Court of Ontario, staffed by High Court judges, who rotated in and out for two-week periods. Here was a system designed to ensure strict impartiality and clearly-defined legal authority. However, the Labour Court model ran into difficulties. As it turned out, strict legal interpretations and rules of evidence did not always fit union certification cases. Specific expertise in labor relations was important for settling contentious labor-management conflicts adequately. Judges lacked this expertise, and with two-week stints serving on the Labour Court, did not have enough time to develop expertise on the job. Thus, when federal policymakers worked on crafting the policy that would serve as the new model for the federal government and the provinces, they explicitly rejected the Labour Court model in favor of a quasi-judicial administrative structure. However, unlike the U.S. quasi-judicial structure, it was also a structure that incorporated conciliatory functions (MacDowell 1978:191-192, 195).

As with the U.S. NLRB, the Canadian quasi-judicial structure also channeled shop floor conflict into the narrow confines of legal interpretations (Camfield 2002; Fudge and Glasbeek 1995; McInnis 2002; Wells 1995b). However, the closer link between quasi-judicial and conciliatory functions led to important differences. As Panitch and Swartz have explored in detail, the resulting structures laid the groundwork for extensive state intervention in labor disputes, which placed severe constraints on labor's ability to exercise its economic power. This was particularly the case with compulsory conciliation provisions included in Canadian law (Panitch and Swartz 1984; 2003). At the same time, extensive direct state intervention in the functioning of the labor regime had two more salutary effects for labor. First, it also constrained employers' ability to disregard the law, as the state sought to maintain the integrity of the collective bargaining process in the name of industrial peace (Block 1993:26-27; J. Logan 2002:145-149). Second, the threat of state intervention prevented labor leaders from developing the idea that the state served to protect labor rights. The difference between preserving the stability of collective bargaining institutions and shoring up labor's organizational power remained clear. Third, more direct state intervention by definition brought class conflict more explicitly into the political realm. In making class conflict more of a political issue, state intervention created a broader, more unified target for labor's ire, one that larger groups of workers could see might directly affect them. This in turn fostered a relatively more independent, oppositional class

degree to which mediation and conciliation is built into the union recognition process supervised by the labor board. In Canada, the existence of first contract arbitration provisions automatically inserts the conciliation service into the recognition process in a way that is unheard of in the U.S. Efforts at reforming U.S. labor law, such as the failed Employee Free Choice Act (EFCA) of 2007-2010, would have actually created a more Canadian-style relationship between the adjudicative and conciliatory branches of the U.S. labor regime, as it contained provisions for first contract arbitration.

consciousness in Canada, as would become apparent in the upsurge of the 1960s and 70s.

Tripartism: Whereas U.S. policymakers opted to create a “non-partisan” NLRB made up of members representing only “the public,” Canadian policymakers opted for a tripartite representational structure. U.S. policymakers rejected tripartism out of fears of injecting outright partisanship into the regulation of labor-management relations. But as we saw in the previous section, the “non-partisan” structure accentuated the importance of individual Board members’ interpretations of the law, while paving the way for injecting party-based partisanship into the Board’s functioning. This in turn undermined the NLRB’s long-term legitimacy and stability.

By contrast, the tripartite structure in Canada reinforced the labor regime’s legitimacy and stability over time. Having labor and management representatives on the boards ensured that both parties felt that their views were fairly represented, and that both had a stake in the maintenance of the boards as institutions (Block 1993; Kumar 1993). This was particularly important for limiting management’s ability to question the very legitimacy of the boards, as happened in the U.S. For labor, the tripartite structure was particularly important in that it explicitly recognized the distinct class interests of labor and capital. This facilitated the protection of collective rights over possible competing individual rights of property and contract, while mitigating, although far from eliminating, the tendency towards narrow legalism more prevalent in the non-partisan, quasi-judicial NLRB (MacDowell 1978:195). At a more symbolic level, the tripartite structure also promoted labor’s identification as a class representative, while undermining employers’ ability to portray business interests as the general or “public” interest.

As with the decision to combine adjudicative and conciliatory functions, the decision to opt for a tripartite structure was closely related to the Canadian state’s primary goal of imposing industrial peace. Although class representatives may not be as well-versed in the finer points of labor law as quasi-judicial experts, the belief was that their greater familiarity with the dynamics of industrial relations would facilitate reaching agreements and avoiding strikes. Additionally, their representative status would ease both parties’ acceptance of board rulings. In sum, policymakers privileged reaching agreement, avoiding strikes, and ensuring compliance with board decisions over strict adherence to legal procedure.

While Canadian employers bitterly resented the government’s imposition of compulsory collective bargaining, by the end of the 1940s they were generally resigned to its inevitability. Instead of full-fledged resistance to the new labor regime as a whole, management pursued a strategy of seeking policy amendments that would work in its favor. None of the reforms were aimed at changing the tripartite structure of the boards. Where U.S. employers challenged even the notion that employers could serve in a representative capacity on government advisory boards, Canadian employers by the end of the 1940s had largely resigned themselves to such an arrangement (Fudge and Tucker 2001; McInnis 2002).

* * * * *

The conditions surrounding the formation of the Canadian labor regime, along with specific elements included in the emerging regime, powerfully shaped the labor regime's long-term prospects for stability and legitimacy. In terms of conditions, government intransigence meant that labor rights had to be forcibly extracted from a hostile state as a result of escalating labor militancy. Whereas U.S. unions working within the framework of the New Deal learned the value of seeking influence within government, Canadian labor learned the value of independent organization and militancy to influence policy from without. Government delay in acceding to labor reforms also meant that wartime and postwar strike waves galvanized and unified Canadian labor's power, instead of undermining it as in the U.S.

As for elements of the labor regime, Canadian policymakers diverged from their U.S. counterparts in two crucial respects. First, they combined adjudicative and conciliatory functions within the labor boards, rather than separate out conciliation and make them strictly quasi-judicial bodies as in the U.S. Second, they established tripartite instead of non-partisan labor boards. In both cases, this was the result of the government's top priority in crafting labor policy being imposing industrial peace. While the regime design did little to reduce strikes, it did compel greater employer compliance, which increased its legitimacy and overall stability.

Taken together, these conditions and elements of labor regime formation left a Canadian regime that allowed for the recognition of class divisions and class interests, while encouraging labor to organize and act independently as a class representative, as opposed to seeking influence within the ruling party. As a result, the class idea was more deeply embedded in labor policy and practices than in the U.S.

What then were the consequences of these differences in labor regime formation? My central argument is that the different organizational logics embedded in the two labor regimes translated class conflict into the political realm differently. Externally, meaning how institutions processed class conflict, the Canadian regime was better able to recognize worker unrest as a class issue, whereas the U.S. regime often translated similar waves of worker protest as either individual troubles or partisan conflict. This in turn had important consequences for the long-term stability and legitimacy of both countries' labor regimes, as class conflict strengthened the Canadian regime, while the U.S. regime remained less institutionalized and more politically contentious. Internally, meaning how labor articulated its own interests, Canadian labor's deeper ties to social movements and the left reinforced its organizing and mobilizing capacity over time. Additionally, its structural independence from the main ruling parties and alliance with a class-based party facilitated labor articulating its issues as broad class issues, rather than narrow special interests, as in the U.S. This had important consequences for labor's long-term organizational and mobilizational power.

In the following sections we will examine how these consequences played out in greater detail. We will start with the external consequences, followed by the internal consequences, and then look at how those consequences combined to shape union

density divergence. In order to focus our inquiry, we will examine two aspects of each type of consequence. Externally, we will first examine the development of the U.S. and Canadian labor regimes over time, including the extension of collective bargaining rights to public sector workers, then look at state and employer responses to the worker upsurge of the 1960s and 70s. Internally, we will first examine how the emergence of public sector unionism affected unions' self-conception, then consider the differing effects of nationalism and foreign policy on union functioning.

External Consequences: From Class Conflict to Politics

To review, "external consequences" refers to how actors outside labor, particularly employers and the state, understood class conflict. In both the U.S. and Canada, employers continued to display high levels of class consciousness, understanding the threat that labor organization posed to their power, and understanding the need for coordinated action to keep labor's power in check.

Where the two countries differed was in how the state understood and processed class conflict. In the U.S., there was a mistranslation of class issues into politics. Class issues were instead understood as individual problems, or as narrow partisan interests of a Democratic Party constituency. This made policy reform more difficult either by dissipating the political effect of worker protest, or by making it a partisan issue. Meanwhile, existing labor policy interpretation shifted more towards individual rights and enforcing legalistic formal equality. The more individualized, rights-based labor regime favored employers by eliding class power imbalances and thus not limiting employers' ability to manipulate the collective bargaining process.

In Canada, by contrast, the state recognized and dealt with class issues as such. Periodic worker protest translated into political pressure for reform, leading to a cycle of regular policy amendments, usually in a pro-labor direction. At the same time, the labor regime's focus on industrial peace recognized class power imbalances and did more to restrict employers' ability to manipulate the collective bargaining process.

Labor Regime Development

Policy Development and Administration

United States: The U.S. saw a continuation of labor regime development trends that emerged in the 1930s. The focus on mimicking the forms of legal procedure and due process transferred a template based on individual rights into an area of law fundamentally based on collective rights. This submerged the power imbalances inherent in employment relationship, creating instead a formal equivalency between labor and capital as interest groups.

The first major postwar indicator of this trend was the Taft-Hartley Act. While clearly designed to limit labor's power, the law was cloaked in the language of "balance"

and “due process.” Section 14(b) “balanced” the right to join a union with the right to refrain from joining a union, paving the way for right-to-work laws and undermining union security. The separation of prosecutorial and adjudicative functions of the NLRB with the creation of the Office of the General Counsel was done in the name of establishing “due process.” But as we saw, this primarily served to limit labor’s direct access to the Board by mediating its access through the General Counsel (Block 1993). And, while not directly related to formal legal equivalence, the anti-Communist affidavit included in Section 9(h) implicitly undermined the legitimacy of working class-based demands, tying them to a treasonous Communist ideology.

After employers’ setbacks of the 1930s and early 40s, the perceived “imbalance” of the Wagner Act’s promotion of collective bargaining rights, and the “irresponsibility” of labor’s postwar strike wave, Taft-Hartley was part of a concerted effort by management to reassert its “right to manage” as a counterbalance to labor’s right to collective bargaining (Harris 1982; NAM NIIC 1945).

A key part of employers’ efforts to reassert their right to manage involved creating a new doctrine within U.S. labor law known as “employer free speech.” Again relying on legalistic notions of formal equality, employer free speech rights “balanced” union organizers’ right to make their case to workers as to why they should join a union against management’s right to make their case as to why workers should not unionize. Implicit in the very notion of “employer free speech” is a model whereby unionization is not an independent decision for workers to make as to how they prefer to organize themselves, but rather a contest where workers are forced to choose between two opposing and external forces, “the union” and “the company.” In the interest of ensuring that workers hear “both sides” of the unionization argument, employer free speech in practice legalized captive audience meetings and other forms of employer intimidation that have since become standard fare in the anti-union playbook (Bronfenbrenner 2009; Secunda 2012).

The doctrine originated in Section 8(c) of the Taft-Hartley Act, but its application remained contentious for several years afterwards, as the NLRB and federal courts sparred over the section’s interpretation. The Board sought to strike a balance between ensuring access to “both sides” of the unionization argument and protecting workers from intimidation with its *Bonwit Teller* decision,¹³³ imposing a labor relations version of the federal “equal time” provision for parties and candidates in elections. The courts looked dimly upon that decision, although they did not go so far as to overturn it. However, that was accomplished in 1953 with a change in NLRB personnel. Ruling in its *Livingston Shirt*¹³⁴, *Peerless Plywood*¹³⁵, and *Chicopee Manufacturing Co.*¹³⁶ decisions, the new NLRB rejected the logic of *Bonwit Teller*, affirming instead a broad employer right to free expression over the course of union election campaigns. In creating an analogy with political free speech rights and formal equality under the law, the new NLRB overlooked Supreme Court Justice Learned Hand’s earlier observation

¹³³ *Bonwit Teller, Inc.*, 96 N.L.R.B. 608 (1951).

¹³⁴ *Livingston Shirt Corp.*, 107 N.L.R.B. 400 (1953).

¹³⁵ *Peerless Plywood Co.*, 107 N.L.R.B. 427 (1953).

¹³⁶ *Chicopee Manufacturing Co.*, 107 N.L.R.B. 106 (1953).

that “[w]hat to an outsider will be no more than the vigorous presentation of a conviction, to an employee may be the manifestation of a determination which it is not safe to thwart”¹³⁷ (Aaron 1962; Adell 1965).

In addition to shifting labor policy dramatically in employers’ favor with those two decisions, the NLRB set up in 1953 also signaled a shift in the functioning of the Board more generally. Whereas Presidents Roosevelt and Truman generally abided by the non-partisan structure of the NLRB and appointed either academics or long-term civil servants to the Board, Eisenhower broke with that tradition, appointing experienced management-side labor attorneys instead. This marked the beginning of the explicit politicization of NLRB appointments, whereby Board appointees were no longer seen as representing a disinterested idea of “the public,” but rather as representing the political agenda of the president who appointed them. As the *National Association of Manufacturers’ Law Digest* noted, “They [the NLRB] seem to have proceeded on the assumption that since they were appointed by a new Administration they had a license to overhaul any or all of the Board’s policies” (quoted in Draper 1989:34). While the Kennedy Board overturned several of the Eisenhower Board’s most pro-management rulings, the federal courts intervened to re-assert employer free speech rights (Adell 1965). Thus, while Board partisanship made rulings more politically contentious and vulnerable to being overturned by subsequent Boards, court oversight gave an advantage to more conservative, legalistic interpretations of the statute. This dynamic intensified as the partisan divide sharpened with President Reagan’s appointees, and NLRB appointments are now regularly a flashpoint of partisan conflict between Democrats and Republicans (Draper 1989; Flynn 2000; R. Turner 2005).

This “quiet revolution” at the NLRB eroded the Board’s long-term legitimacy and stability by injecting political partisanship into the Board’s functioning (Flynn 2000). While Republican presidents were more likely to appoint management-side attorneys, and Democratic presidents were more likely to appoint union-side attorneys, this new, more politicized structure was qualitatively different from the tripartite boards of the wartime and pre-Wagner period. First, the implicit tripartite structure was refracted through party identification; more than being management and union representatives, these Board members were first Republican and Democratic appointees. Instead of recognizing distinct class interests, this partisan structure reduced class interests to partisan “special interests.” Second, Board appointees were almost invariably attorneys, not actual union or management representatives. As such, their appointment virtually guaranteed an intensification of adherence to formal legalism on the Board, as opposed to the more flexible reconciliation of opposing interests that is supposed to occur on an actual tripartite board.

In sum, the “legalization” of the NLRB undermined labor’s power and enhanced employers’ power by obscuring the power imbalances inherent in the employment relationship beneath a formal equality, while the Board’s politicization undermined the legitimacy of labor’s claims by making them appear as those of a partisan “special interest.”

¹³⁷ Quoted in *Federbush Co.*, 121 F.2d 954, 957 (1941)

Canada: In Canada, the labor regime's emphasis on imposing industrial peace placed serious restrictions on labor's scope of action, erecting stiff barriers for union certification and striking, and demanding "responsibility" from union leaders in preventing labor unrest. But the regime's concern also reinforced a recognition of class divisions through its tripartite conciliation structures, while imposing significant restrictions on employer behavior as well. Additionally, greater state intervention also increased government sensitivity to class conflict. The result was a labor regime that encouraged greater class-based mobilization, and resulted in a dynamic of spikes in class conflict leading to regular legislative reforms, usually in a pro-labor direction.

After the achievement of PC 1003 in 1944, the next major step in the development of the Canadian labor regime was the establishment of union security provisions. Compared to the U.S., the process of establishing union security provisions in Canada mirrored cross-border differences in the initial establishment of collective bargaining rights. In the U.S., union security was granted from above. The Roosevelt administration offered basic union security in the form of "maintenance of membership" clauses¹³⁸ at the outset of World War II in exchange for adherence to a no-strike pledge and enforcement of production quotas (Lichtenstein 1982:78-81). In Canada, union security in the form of the "Rand Formula" was extracted from the state as part of the settlement of a bitter 99-day strike in 1945 by UAW members at the Ford plant in Windsor, Ontario (Fudge and Tucker 2001:283-287; C. A. B. Yates 1993:51-54). As with both labor regimes in general, the conditions under which union security was won mattered for its long-term stability. In the U.S., union security provisions were caught up in the anti-labor backlash following the war, as the Taft-Hartley Act outlawed the closed shop and allowed right-to-work laws. In Canada, the Rand Formula diffused across the country and became institutionalized (Fudge and Tucker 2001:293).

Aware that PC 1003 was due to expire soon after the war, Canadian workers kept pressure on the government to craft a more permanent postwar labor regime (Robinson 1990:254-255). That came in 1948 with the passage of the federal IRDIA, accompanied by similar legislation in each of the ten provinces. Coming one year after the passage of Taft-Hartley in the U.S., a comparison of the two acts is instructive. As already mentioned, the Canadian legislation was more restrictive than Taft-Hartley in terms of union certification and limits on striking. However, it lacked the hallmarks of the Taft-Hartley legislation: right to work provisions, the anti-Communist affidavit, and employer free speech protections.

This was not for lack of trying on the part of Canadian employers. To the contrary, they aggressively sought to incorporate those Taft-Hartley provisions into the Canadian legislation, both at the federal and provincial levels. Quebec employers actually succeeded in including an anti-Communist provision in that province's legislation, and BC employers managed to win provisions for criminally prosecuting strikers (Canadian Manufacturers' Association 1947a; 1947b; Fudge and Tucker 2001:295-297; McInnis 2002:161-169; Stewart and Dalton 1948).

¹³⁸ Maintenance of membership clauses do not require union membership as a condition of employment, but require that those workers who do join the union retain their membership for the duration of the collective bargaining agreement currently in effect.

For the most part though, Canadian policymakers rebuffed such employer proposals. First, they thought that the IRDIA was not as “unbalanced” as the Wagner Act, and therefore did not require a Taft-Hartley-style correction. As Deputy Minister of Labour W. Elliott Wilson noted, “Canada has been fortunate in that it has not gone to extremes. The pendulum has not swung too far in either direction (Anonymous 1948). Second, the Canadian government did not feel that specific anti-Communist legislation was necessary because, as discussed in Chapter 7, they were confident that the CCF could do a good job of policing and containing the Communist left on its own (Fudge and Tucker 2001:298). As for employer free speech, such provisions were not included in the IRDIA. However, in subsequent decades eight out of eleven Canadian jurisdictions did adopt some explicit form of employer free speech protection. However, these protections have remained much more narrowly circumscribed than in the U.S., and are counter-balanced by extensive employer interference prohibitions (Adell 1965; Doorey 2007; McPhillips 1982).

As the Canadian postwar settlement solidified, a pattern developed that Benjamin Isitt has likened to a “tug-of-war” between labor and capital, mediated through state legislation. In this tug-of-war, labor unrest would lead to state intervention, which would then culminate in legislative amendment of labor laws. For example, even though employers in Quebec and British Columbia were able to win more draconian restrictions on labor than the other provinces in the late 1940s, workers in those provinces soon rebelled, engaging in militant strikes that succeeded in repealing many of the most egregious labor restrictions (Isitt 2011; Rouillard 2004).

The postwar tug-of-war in Canada was clearly organized along class lines, not partisan politics. Tripartite labor boards dealt with cases by bringing employer and union representatives together to resolve them, not by engaging in partisan back-and-forth as in the U.S. Politicians dealt with labor unrest as a class issue, not as protestations of a narrow partisan interest group. The result was a more legitimate and stable labor regime.

In sum, the Canadian labor regime’s focus on imposing industrial peace imposed tighter restrictions on some union activities than the U.S. regime, but also restrained employer behavior. The balance encouraged union mobilization, as mobilization could lead to policy reforms, while also keeping employer power in check. It also prevented labor regime erosion over time, as the labor regime was not politicized along partisan lines. Rather, it remained organized along class lines, with tripartite structures assuring class representation and more stable rulings over time.

Extending Collective Bargaining to the Public Sector

The differences between the formation and development of private sector labor regimes in the U.S. and Canada in the 1930s and 40s repeated and reinforced themselves with the formation of public sector labor regimes in the 1960s. As before, U.S. public sector workers were granted various forms of union rights relatively early by sympathetic politicians. Meanwhile, Canadian public sector workers had to fight for longer, and extracted their collective bargaining rights from a reluctant and often hostile

state. The result was a more a more domesticated U.S. labor movement, as compared to a more mobilized Canadian labor movement.

United States: The large-scale extension of collective bargaining rights to U.S. public sector workers began in a few states such as California, Massachusetts, and Wisconsin in the late 1950s.¹³⁹ The most significant early breakthrough was President Kennedy's Executive Order 10988, issued in 1962, which extended limited collective bargaining rights to federal government workers. However, public sector unionism did not begin to grow significantly until the late 1960s (Freeman 1986; Lewin and Goldenberg 1980; McCartin 2006; Miller and Canak 1988; Najita and Stern 2001).

In all these cases, public sector collective bargaining rights were largely granted from above by sympathetic Democratic Party politicians. The new laws varied significantly in their scope, ranging from rights to "meet and confer" with management all the way to binding arbitration. As a whole, the laws governing public sector unionization tended towards the weak end of the spectrum, and none granted the right to strike (Freeman 1986:46-47; Robinson 1993:29-30).

Additionally, the fact that sympathetic politicians granted collective bargaining rights often gave the impression that they were offering payback to loyal constituencies. This was literally true in some cases, as with Kennedy's proclamation of EO 10988, which was understood as a reward in recognition of union support in the 1960 election, particularly in the hotly-contested state of Illinois, which Kennedy just barely won (Miller and Canak 1988:269, 287 n. 44). Thus, the conditions surrounding the establishment of collective bargaining rights helped to reinforce the political perception of labor as a narrow "special interest."

Canada: The Canadian government only began extending collective bargaining rights to public sector workers in the mid-1960s, starting with postal workers. As with private sector workers in the 1930s and 40s, Canadian public sector workers had begun organizing as far back as 1889, but had faced opposition and intransigence from government officials in terms of winning recognition and collective bargaining rights. Quebec Premier Jean Lesage summarized the government's imperious attitude towards its workers when he declared in 1962 that "the Queen does not negotiate with her subjects" (quoted in Boivin 1972:705). Instead, the Civil Service Commission unilaterally determined wages and working conditions in the public sector. While the federal government did begin consulting its workers via advisory groups in the 1940s, and permitted dues checkoff for employee associations as of 1953, full-fledged collective bargaining in the public sector remained far off.

The turning point was in 1963, when the Conservative government of John Diefenbaker rejected the Civil Service Commission's wage proposals, triggering a rebellion among federal workers. Coincidentally, the government also lost the confidence of Parliament that year, leading to elections where the Conservatives were

¹³⁹ Municipal workers in certain large cities had started unionizing earlier, as had teachers and health care workers, many of whom are in the public sector. Nonetheless, public sector organizing on any kind of significant scale only began in the 1960s.

replaced by the Liberal Party, now led by Lester B. Pearson. Upon taking office, Pearson appointed a Preparatory Committee on Collective Bargaining in the Public Service to design a new public sector collective bargaining policy. The question now was no longer if, but how to implement collective bargaining in the public sector.

The Preparatory Committee's proposals included full collective bargaining rights with recourse to binding arbitration and no right to strike. However, events soon overtook the Committee, as postal workers staged a massive and popularly-supported walkout in 1965. This indicated to the government that strike restrictions may be ineffectual, while simultaneously increasing demand for the right to strike among other groups of public sector workers. As a result, the Preparatory Committee modified its proposals, now providing a mechanism which would allow public workers the right to strike (Arthurs 1968; Lewin and Goldenberg 1980; Palmer 1983:264-265).

The revised proposals provoked a backlash among employers and their political representatives, who were appalled at the idea of allowing government workers to go on strike, and warned of the dire consequences that it would entail. But by this point, Pearson understood the need to grant full collective bargaining rights to public sector workers, including the right to strike. As he explained to a Member of Parliament who wrote him to complain about the proposed legislation:

After very careful consideration, my colleagues and I concluded that in the existing climate of public opinion in this country, and especially in the Province of Quebec, to introduce legislation which failed to provide civil servants with bargaining rights comparable, in the philosophical sense, to those available to other employees in the private sector, would court not only extreme opposition from the ranks of organized labour, but far more dangerous, a wave of serious unrest in the Public Service.

Nobody wants chaos and disorder in the ranks of the civil service. My colleagues and I have concluded that the threat of such disorder is not academic, and that it is a good deal less likely to occur in a realistic bargaining relationship rooted in law than it would be if we attempted to make work stoppage illegal in all circumstances. My own feeling is that if public servants are to be told that under law they can never strike, one may be precipitating the very thing one is trying to prevent (Pearson 1966).

Pearson's logic was fully in keeping with the central tenets of the Canadian labor regime as it was established in the 1940s: above all, avoid disorder and ensure industrial peace. It also captures the dynamic of labor protest followed by legislative reform that characterized the postwar development of the Canadian labor regime in general.

The resulting federal legislation, known as the Public Service Staff Relations Act (PSSRA), was enacted in 1967. In its basic outlines, it bore a strong resemblance to the private sector IRDIA: allowing full collective bargaining rights, including the right to strike for most public sector workers, while placing strict limits on strike authorization and a strong burden of "responsibility" on union leaders for controlling shop floor militancy. Like the IRDIA, the PSSRA was to be administered by a tripartite board, known as the Public Service Staff Relations Board (PSSRB).

In sum, the formation of the public sector labor regime in Canada mirrored and reinforced many of the same tendencies that emerged out of the formation of the private sector labor regime. First, its provisions were extracted from the state through worker protest, not granted by sympathetic politicians, reinforcing for Canadian labor the importance of mobilization and militancy. Second, in its design, it sought overall to limit workplace conflict, and in so doing recognized labor's distinct rights while imposing certain restrictions. Third, in its administration, it solidified its recognition of distinct class interests through its tripartite structure.

Altogether, this ensured a stable labor regime with a high degree of legitimacy among all parties. Once the law was in place, unionization of the public sector exploded, reaching close to 80 percent of public workers by the 1980s. Similar laws were also enacted in the provinces, allowing provincial and municipal workers to join the burgeoning Canadian public sector labor movement.

State Responses to the 1960s-70s Working Class Upsurge

While it is important not to caricature the 1950s and early 1960s as a period of class quiescence, the late 1960s did mark a decisive shift in the character of class conflict in both countries. As we saw in Chapter 4 in the section on strikes, strike rates in both countries began to spike in the mid-1960s after declining fairly consistently in the years following World War II. This signaled a new wave of working class unrest, a fraying of whatever truce or understanding existed in the postwar decades.

But although the manifestation of class conflict may have looked similar in both countries, it was understood and interpreted in very different ways, and led to different outcomes. In Canada, it was seen as a "crisis of collective bargaining," a crisis in class relations that required a state policy intervention. The result was a new series of policy reforms that strengthened the Canadian labor regime. By contrast, in the U.S., worker unrest was understood primarily as a crisis of the individual worker, a crisis of status related to workers' increasing sense of alienation in an increasingly "post-industrial" society. While state actors did weigh policy options, they were all related to alleviating the worker's problems *as an individual*. There was no sense of workers' problems being a class issue, tied to a broader set of social relations and power dynamics. As such, worker unrest did not translate into pressure to address what was by then a severely weakened labor regime. Instead, U.S. labor was left in the 1970s trying to persuade increasingly unreliable allies in the Democratic Party to pass a new round of reform legislation, again making labor appear as a "special interest" lobbying for legislative favors.

Canada: Class Issues as Class Issues

Faced with growing working class unrest, including crippling strikes at key employers including the postal service and the railroads, the Canadian state was concerned about the dangers of chaos and disorder that this portended. Importantly, state actors understood the unrest as symptomatic of a crisis of institutions, the institutions that were essential for reproducing and maintaining social order.¹⁴⁰

The state's response was to convene a special Task Force on Labor Relations in 1966, which would analyze the causes underlying the wave of working class unrest, and propose policy changes. The Task Force was chaired by noted McGill University industrial relations scholar H.D. "Buzz" Woods. Over the next two years, Woods coordinated a massive, multi-pronged, comparative and historical analysis of all aspects of the Canadian industrial relations system and its role in Canadian society as a whole. Tapping the expertise of dozens of leading scholars, the Task Force commissioned no fewer than 73 ancillary reports, while committee members traveled abroad to examine industrial relations systems in the U.S. and several European countries (McInnis 2011:276).

The final report, issued in December 1968, confirmed government fears: wide-scale worker unrest was symptomatic of no less than "a crisis of confidence in the present industrial relations system" (Canada Task Force on Labour Relations and Woods 1968:3). The system was straining under the weight of employers whose stated support for collective bargaining was belied by their recalcitrance on the shop floor, a new generation of workers challenging the authority of their elected union leaders, and a government that increasingly resorted to coercive labor injunctions to impose its will. The Task Force saw in the unrest "a sense of frustration that the social, economic and political institutions of society are not pressing effectively for the removal of the disparities [in availability of human rights]" (Canada Task Force on Labour Relations and Woods 1968:39).

While sympathetic to workers' plight, the committee nonetheless viewed increasing worker protest with great alarm. Of particular concern to them was their observation that "worker dissatisfaction sometimes runs as deeply against the union and collective bargaining as against management" (p. 98), undermining union leaders' ability serve as "responsible" representatives. Indeed, the committee noted with dismay that "militant behaviour has paid off frequently in recent years, even where union membership militancy has taken illegal forms," and that "once having tasted the fruits of their militancy, union members may find it irresistible to display that militancy again" (p. 103).

Despite these challenges to its authority, the Task Force nonetheless came down firmly in favor of shoring up collective bargaining as an institution, "not only because of its virtues, ... but also because we see no alternative that is compatible with the heritage of Western values and institutions" (p. 137). They lauded the role that collective

¹⁴⁰ For more detailed accounts of the labor unrest of the 1960s in Canada, see (McInnis 2011).

bargaining had played in extending democracy to the industrial sphere, reducing “the disparity between the rights of the individual as a worker and his rights as a citizen.” Going further, they noted that “the curbing or elimination of arbitrary authority in the hands of management has been one of the greatest contributions of unions and collective bargaining. (p. 97).

The challenge for the Task Force was to shore up the legitimacy of the industrial relations system by maintaining “a minimal degree of consensus with respect both to the fundamental tenets of the industrial relations system and to its current operational framework of rules and regulations without which it cannot hope to endure” (p.93).

To that end, the committee proposed a lengthy series of proposed reforms to the structure and functioning of Canadian collective bargaining. These proposals, while not all adopted, set a new pattern for the Canadian labor regime. This was symbolized most clearly by its recommendation to add a preamble to the Canada Labour Code positively affirming the state’s commitment to collective bargaining as an institution (p. 138). In addition to shaping the subsequent development of federal labor law, the Woods Report also served as a template for many of the province-level labor reforms that occurred over the course the 1970s (Baigent, Ready, and Roper 1992:5; Taras and Ponak 2001a:232; P. C. Weiler 1980).

While the substance of these labor law reforms was certainly important in and of itself, what is of particular interest for the purposes of our analysis is how the Woods Task Force reinforced the previously-established pattern of labor regime development in Canada, albeit on a broader and more systematic scale. Convened in response to mass worker unrest, out of a concern for maintaining industrial peace and social order, the Task Force recognized that worker unrest as a class issue, related to structural power imbalances in society. In response, it proposed a series of policy reforms aimed at addressing those structural power imbalances, albeit in a way that constrained both labor and management’s scope of action. The result was a labor regime that strengthened over the course of the 1970s and 80s.

U.S.: Class Issues as Individual Alienation

As worker unrest spread in the U.S. in the late 1960s and early 1970s, it attracted increasing attention from both the state and the media.¹⁴¹ But whereas the unrest was interpreted as a class issue in Canada, it was largely interpreted as a problem of individual alienation in the U.S. Rather than seeking to examine the possible structural causes behind the rash of wildcat strikes, policy advisors and reporters alike chose to plumb the depths of workers’ psychology to understand the problem.

The favored term was the “blue collar blues,” a blanket label applied to everything from frustrated life expectations, to depression caused by the mind-numbing organization of work, to the perceived loss of power and status of blue collar work (Goodling 1970; New York Times 1970). The turn to psychology was necessary

¹⁴¹ For detailed accounts of the labor militancy of this period, see (A. Brenner et al. 2010; Cowie 2010).

because the very idea that it could be a problem related to class was excluded *a priori*. As Nicholas von Hoffman explained:

As a class these people have no solidarity, no awareness of themselves as a group apart as a group with a special destiny. Because they're not a class in anything like the Marxist use of that term, they're highly unpredictable people. It's impossible to assume that they will act in certain ways according to their perceived class interest (von Hoffman 1971).

The Nixon administration took notice of the emerging problem. In a 1970 memorandum prepared for Secretary of Labor George Schultz entitled "The Problem of the Blue-Collar Worker," Assistant Secretary for Policy, Evaluation, and Research Jerome M. Rosow outlined a diagnosis of the problem and a possible course of treatment. Echoing the popular media of the time, Rosow emphasized twin threats: the "economic squeeze" and the "social squeeze." The economic element centered around workers' eroding purchasing power as a result of increasing family obligations and inflation, combined with limited possibilities for upward job mobility. The social element focused on how blue-collar workers now felt like low-status "forgotten people...unsure about their place in the 'mainstream' of American society" (Rosow 1970:8).¹⁴²

Importantly, Rosow asserted that "people in the blue-collar class are less mobile, less organized, and *less capable of using legitimate means to either protect the status quo or secure changes in their favor*" (p. 7, emphasis added). As the idea that the problem is class-related was excluded *a priori*, so too was the idea that workers have any independent means at their disposal to better their situation. This is not likely the result of an anti-union animus on Rosow's part, as there were plenty of policy proposals in the memo that would undoubtedly be branded as "socialist" were they to be proposed today, including family subsidies for child care and ensuring the right to higher education for children of blue-collar workers. Rather, it is more indicative of the erasure of the class idea in the U.S. by this time. The idea that unions could play a role in shaping broad social issues was virtually unthinkable. Instead, both economic and social problems were framed at the level of the individual.

The erasure of the class idea was equally on display in the Nixon administration's next attempt at addressing the "blue collar blues," a 262-page report issued in 1972 entitled *Work in America* (HEW Task Force 1972). Written by a special Task Force convened by the Secretary of Health, Education, and Welfare, the report explored in depth the broad role of work in society, workers' collective psychology, the effects of work on personal health, and more. Its detailed policy proposals outlined plans for the redesign of work to make it less alienating, along with full employment and job retraining policies. What was missing from *Work in America* was unions. The section on "The Role of Trade Unions," the only section that discussed unions, was all of two pages long, and focused mostly on how unions had also contributed to the problem of worker alienation, and now found themselves to be targets of workers' ire, along with management (pp. 112-114).

¹⁴² Notice the echoes of Roosevelt's "Forgotten Man" speech from Chapter 6.

The contrast with the Woods Report is striking. Whereas the entire crisis in Canada was conceived of as a crisis of the industrial relations system,¹⁴³ a system in which unions were an essential constitutive part, the crisis in the U.S. was conceived as a problem of individuals in their relation to society as a whole. There is no acknowledgment in this conceptual model of groups or power dynamics between groups. As such, it is understandable that unions barely merited any mention in the discussion.

Since the worker upsurge of the 1960s was interpreted not as a class issue, but rather a problem of individuals, the policy solutions did not address labor policy or labor-management power dynamics. Thus, workplace protest in the U.S. did not translate into policy reform, as it did in Canada.

This is not to say that labor policy was not in need of reform. To the contrary, labor regime erosion and union decline was already evident by the 1970s. But with the labor regime incapable of translating worker pressure into policy reform, labor had to continue its inside game of seeking influence as an interest group within the Democratic Party. But, as detailed elsewhere, the Democratic Party by the 1970s was distancing itself from labor and becoming less and less reliable as an ally, even as labor's dependence on the party was increasing (M. Davis 1986). As such, despite having a Democratic President and Democratic control of both houses of Congress, the 1977 Labor Law Reform Bill died when it failed to withstand a Senate filibuster in 1978 (Cowie 2010:296-298).

The failure of the Labor Law Reform bill starkly exposed labor's limited power within the Democratic Party coalition, while also illustrating how the political system viewed labor. In what is now a well-worn tactic, those opposed to the law attacked it as a favor for a narrow "special interest," namely unions. Typical of this approach was a letter from a Wyoming employer to President Carter, where he wrote:

It has always been my understanding that the President of the United States was elected to serve the total population, and not just one special segment. On this issue, 75 percent of the nation's employees, whom you are also supposed to represent, are not unionized by choice. And yet, you exercise the power and influence of your office in support of the union position in this matter. It is obvious that the financial support of the labor organizations is buying your support and influence (Zook 1978).

While employers would be expected to attack legislation designed to facilitate unionization, what is significant here is the degree to which this identity of labor as a "special interest" was pervasive, not only among employers, but among labor's

¹⁴³ This is not to say that alienation was not considered an issue in Canada. To the contrary, the Woods Report devoted several pages to a discussion of the alienation of modern work life. The key difference is that they viewed this alienation also as a product of the broader crisis of confidence in the industrial relations system. Implicit in its analysis was the idea that unions could and should have a role to play in addressing worker alienation: "Unions, like management, have failed in this new and more challenging area, although they have responded comparatively well to worker concerns about their terms and conditions of employment and their subordinate status in relation to their employers. To some extent this failure is due to the fact that unions and collective bargaining were not designed to handle problems growing out of the nature of work itself" (Canada Task Force on Labour Relations and Woods 1968:98).

ostensible allies in government. Administration support for the bill came more from a desire to placate a key constituency as opposed to a belief in the need to shore up collective bargaining rights. As such, when other political priorities came up, they took precedence over labor's interests, and the Administration did not do all in its power to overcome Senate resistance to the bill (Cowie 2010:292-295).

The differing responses to the working class upsurge of the late 1960s and early 1970s in the U.S. and Canada both illustrated how much labor regimes had already diverged in both countries by that point, while also reinforcing the existing developmental trajectories. Whereas the Canadian labor regime allowed for an effective translation of class mobilization into the political realm, leading to regular policy reforms, the U.S. labor regime consistently mistranslated class mobilization into the political realm, diffusing labor's independent political pressure. While Canadian labor gained benefits from increased mobilization, U.S. labor continued its turn inward, relying ever more on retaining its flagging influence within the Democratic Party.

Internal Consequences: Class Identity and Class Demands

While differences in labor regime development in the U.S. and Canada led to different perceptions and handling of labor and working class political demands, they also had consequences for labor's conception of itself. In the U.S., labor's abandonment of political independence in favor of an alliance with the Democratic Party, combined with the Cold War isolation from the left and social movements, encouraged it to think of itself and act as an interest group. As such, it limited itself to making economic improvements at the bargaining table, while looking for political reforms using inside influence and lobbying. As its influence within the Democratic Party weakened, labor was unprepared to return to a more mobilizational strategy, as its independent organizing capacity had been sapped by decades of behaving as a responsible interest group. The intensified employer and government attacks on labor beginning in the 1970s and accelerating in the 1980s exposed labor's underlying organizational weakness, allowing employers to engage in what UAW President Douglas Fraser despairingly called a "one-sided class war."

In Canada, labor also sought to behave "responsibly," to achieve economic improvements at the bargaining table, and to lobby the legislature. But labor's greater political independence through its alliance with the NDP, combined with closer ties to broader social movements, encouraged it to think of itself and act as more of a class representative. As such, it retained a degree of independent organizational capacity that was lacking in the U.S. Labor continued to fight more for broader social reforms, while also mobilizing political pressure outside the halls of Parliament. This greater organizational capacity in turn left Canadian labor better equipped to withstand the increased employer and government attacks on labor beginning in the 1970s and 80s.

In Chapters 6 and 7, we explored how U.S. and Canadian labor's different political alliances took shape in the decades following World War II. Here we will focus

on two factors that reinforced those cross-border political differences in the 1960s and 70s, and how they affected labor's organizing capacity: 1) differences in the role of public sector unionism; and 2) the differing effects of nationalism. While the rise of public sector unionism reinvigorated both labor movements at least temporarily, the effect was much more transformative in Canada than in the U.S. As for nationalism, U.S. labor's tight integration into the Cold War consensus alienated it from the social movements of the period, while Canadian labor's ties to a resurgent nationalism in English Canada, and a national independence movement in Quebec, reinforced labor's movement-oriented character.

Given that much of the detail surrounding labor's political alliances was covered in Chapters 6 and 7, the discussion here will be brief.

Public Sector Unionism

Canada

The new Canadian public sector unions transformed the character and complexion of the Canadian labor movement. Often formed out of bitter struggles and closely linked with new social movements, particularly feminism, they re-injected a dose of 1930s-style movement building and class consciousness into the Canadian labor movement as a whole. It was often through public sector unions that the linkages between labor and the New Left discussed in Chapter 7 were formed (Luxton 2001; Robinson 1990:288-292; Sangster 2010; Warskett 1997).¹⁴⁴

Public sector unions soon came to play an influential role in the Canadian Labour Congress. Partially this was a result of their sheer numerical growth. But in their vocal push for a broader social agenda and closer political ties with the NDP, they alienated the most conservative elements within the Canadian labor movement, namely the twelve building trades unions. This group ultimately left the CLC in 1981, and nine of the twelve soon formed the rival, more conservative Canadian Federation of Labour (CFL).¹⁴⁵ The exodus of the conservative building trades further bolstered the power and influence of the public sector unions within the CLC, allowing them to steer the federation as a whole in a more progressive direction (Robinson 1993:32).

Finally, as inherently national unions, as opposed to the U.S.-headquartered "international" unions that previously dominated Canadian labor, the public sector unions tied into the growing trend in the 1960s and 70s towards greater national autonomy for Canadian unions. As detailed below, the turn towards autonomy allowed

¹⁴⁴ While Robinson argues that public sector unionism is inherently more politically progressive than private sector unionism, the example of public sector unionism in the U.S. belies his claim. Formerly militant activist public sector unions such as AFSCME and 1199 have become among the most fervent supporters of labor's alliance with the Democratic Party at all costs, and devote considerably more of their energy to electing Democratic politicians than supporting broader social movements or mobilizing for progressive policies. Far more important than the structural position of public sector unions is their political character, which is shaped both by the conditions surrounding union founding, and the political alliances those unions make.

¹⁴⁵ The CFL disbanded in 1997, with most of the affiliates rejoining the CLC.

Canadian labor to express a greater social movement character, unencumbered by the conservative policies of its southern counterpart.

The United States

U.S. public sector unions emerged out of the tumult of the 1960s, intimately tied to the civil rights movement, as most clearly illustrated by the 1968 Memphis sanitation strike (Honey 2007; McCartin 2006). As a result of the public sector upsurge, millions of women and African-Americans joined the ranks of U.S. labor, fundamentally transforming its complexion (Moody 1988:82). For a time, it appeared possible that public sector unionism might also change the character of U.S. labor. But by the mid-1970s, the movement energy from the public sector had largely dissipated. Instead, public sector unions followed their private sector counterparts in adopting an interest group orientation. Unlike other countries, including Canada, the growth of public sector unionism in the 1960s did not have a progressive “spillover” effect on the rest of the labor movement (Cowie 2010:62).

Part of the explanation for the failure of public sector unionism to exert a more transformative influence on the U.S. labor movement lies outside the labor movement. Specifically, it has to do with the domestication and de-radicalization of the civil rights movement over the course of the 1970s. To the extent that public sector unionism had a movement tinge, it was due to the influence of the Black freedom struggle. But as the civil rights movement became more bureaucratized and more incorporated into the Democratic Party, so too did the public sector unions (M. Davis 1986).

But there was also a component that was internal to the labor movement. That had to do with the factional struggle that unfolded within the AFL-CIO over the course of the 1960s. It pitted a conservative wing led by AFL-CIO President George Meany and his allies in the building trades unions against a liberal wing led by UAW President Walter Reuther. While Meany fully embraced the interest group/business unionist model, Reuther still held on to remnants of a social unionist vision, a vision he had largely abandoned in practice after the 1950 Treaty of Detroit. It was Reuther’s UAW that made overtures to the social movements of the 1960s, that paid for the placards for the 1963 March on Washington, that provided a venue where Students for a Democratic Society could draft its Port Huron Statement, and attempted to position labor as a progressive counterweight within the Democratic Party. In the new public sector unions, Reuther saw a potential ally against the Meany faction. But Meany’s skillful political maneuvering left Reuther isolated and outvoted, and in 1968 he pulled his UAW out of the AFL-CIO (M. Davis 1986; Lichtenstein 1995).

With Reuther gone, the public sector unions were isolated within the AFL-CIO. As *Time* magazine noted in reference to the role of Jerry Wurf, firebrand President of the American Federation of State, County, and Municipal Employees (AFSCME), on the Federation’s board, “the vote usually ranges from 25 to 1 to 34 to 1, depending on how many other union chiefs are present to vote down Jerry Wurf” (quoted in Cowie 2010:62). Unlike in Canada, where the public sector unions were more uniformly movement-oriented and built up enough votes to influence the broader labor movement,

the movement-oriented faction of public sector unionism in the U.S. remained small and marginalized. U.S. labor remained committed to its role as a broker and interest group within the Democratic Party.

Comparative Nationalisms

The rise of public sector unionism in the U.S. and Canada pushed both labor movements in a more progressive, movement-oriented direction, but that movement was blunted in the U.S. By contrast, nationalism in the 1960s and 70s played a very different role in the two countries. In Canada, an economic nationalism in English Canada, along with a sovereigntist nationalism in Quebec, had a radicalizing effect on labor, drawing it into closer alignment with the left and social movements. In the U.S., labor's firm embrace of Cold War nationalism, reinforced by its McCarthyite purge of its own left in the 1940s and 50s, entailed a full-throated defense of U.S. intervention abroad, including the war in Vietnam. This alienated labor from the New Left and social movements. Moreover, in articulating a strident anti-Communism, it also placed labor in a position where it was undermining its own moral and political legitimacy, as there was a fine line between making union demands and being accused of interfering with the "free market," the bedrock of what was then known as the "Free World."

Canada

While Canadian workers had long been accustomed to being members of labor unions based in the U.S., that practice came under scrutiny in the 1960s. This was part of a broader nationalist trend within Canada, whereby Canadians became more suspicious of the role of foreign, particularly American, domination of the economy. It was University of Toronto economist Mel Watkins who first raised concern about Canadian economic dependence with the release in 1968 of the Report of the Task Force on the Structure of Canadian Industry, commonly known as the Watkins Report (1968). That report explored in detail the degree to which foreign/U.S. ownership was pervasive, including "external ownership of well over half of all manufacturing industries, and close to all assets in the high value manufacturing industries, plus over half of all mining assets" (Marchak 1985:674). The Watkins Report was followed in 1970 with the publication of Kari Levitt's *Silent Surrender: The Multinational Corporation in Canada* (1970),¹⁴⁶ which inaugurated the intellectual tradition in Canada known as the "New Canadian Political Economy" (Clement 1996). Watkins went on to play a key role in the founding of the Waffle movement within the NDP, which gave political expression to the concerns raised by scholars in this "dependency school."

As discussed in Chapter 7, the Waffle had a rocky relationship with Canadian labor, as several of the key unions supporting the NDP were tied to U.S. Internationals, particularly the Steelworkers and Autoworkers, which ultimately led to its expulsion from the NDP. Nonetheless, even those unions hostile to the Waffle were sensitive to the critiques it raised. Starting in the early 1970s, the CLC adopted rules requiring greater Canadian autonomy over Canadian union affairs within international unions. This took

¹⁴⁶ Perhaps not coincidentally, Levitt is the daughter of none other than Karl Polanyi.

the form of five “minimum Canadian standards,” including among other things provisions for election of Canadian union officers by Canadian union members, vesting responsibility for determining national policies with the Canadian leadership, and empowering Canadian officials to speak for Canadian union members (Robinson 1990:282; Schenk and Bernard 1992:45). As part of increasing their political autonomy, Canadian unions also began raising critiques of U.S. foreign policy, a policy which their parent unions often strongly supported (Robinson 1990:286).

Meanwhile, in Quebec, the Quiet Revolution fomented a profound shift in the character of unionism in that province. Previously confessional unions affiliated with the Canadian Catholic Confederation of Labour (CTCC) transformed into the secular Confederation of National Trade Unions (CSN), which allied with the growing Québécois independence movement. Together, they formed a working class nationalist movement that utterly transformed the province and built the strongest working class movement in North America (Mills 2010).

Although not going as far as their Québécois brothers and sisters, more Canadian unions started declaring their independence from their U.S.-based parent unions starting in the late 1960s. Between 1962 and 1982, membership in national unions more than tripled, from 503,229 to 1,625,949, while the percentage of all Canadian union members in national unions surged from 33 percent of the total to 53 percent of the total (CALURA reports, 1962 and 1982). That number has now risen to 68 percent (HRSDC 2012:Table 1). A large part of this is the growth of public sector unions, but it is also a function of private sector workers forming national unions, such as the Canadian Auto Workers (CAW).

The growth of national unionism in English Canada and Quebec was tied to a growth in union militancy. In many cases, the CAW being the most dramatic, the break with the parent union was the result of a critique of the accommodationist, concessionary stance taken by the U.S. union (Gindin 1995). Combined with the growth of movement-oriented public sector unionism, the move towards national unionism increased the organizational capacity of labor as a class representative.

United States

Whereas Canadian and Québécois nationalism strengthened their respective labor movements and reinforced their class identification, U.S. nationalism decidedly weakened labor and reinforced its alliance with conservative forces within the Democratic Party. Central to this process was labor’s postwar embrace of anti-Communism and U.S. foreign policy.

As detailed in Chapter 7, McCarthyism and the Cold War drove a wedge between labor and the left. This deprived labor of a broader social vision, while detaching the left from its traditional working class base. The AFL-CIO that emerged from the anti-Communist purges of the postwar period was a staunch ally not only of the Democratic Party, but of U.S. foreign policy and the global fight against Communism.

This had profound consequences for labor's organizational capacity. As a veteran organizer from the CIO's Operation Dixie reflected:

I think that by '48 — that was the [CIO] convention that finally told the story. You accept the Marshall Plan, you tie American labor to American foreign policy. Now its a different thing when you strike. You're striking against your country. And now it's a different thing when you ask for wage increases (quoted in Griffith 1988:158).

Put differently, labor's support for U.S. foreign policy undermined its ability to articulate a broader social vision that could be seen as running counter to the ideological orthodoxy of the Cold War. Exercising basic labor rights could be construed as fundamentally unpatriotic, even treasonous.¹⁴⁷ Rather than reinforcing its organizational repertoire, U.S. labor's political vision limited that repertoire.

Additionally, labor's support for U.S. foreign policy put it at odds with much of the New Left, which was leading the movement to end the war in Vietnam. This deprived it of potential allies and allied labor even more firmly with some of the most conservative, hawkish elements of the Democratic Party.

To be sure, there were elements within U.S. labor that were firmly against the Vietnam War, most notably Reuther, along with many of the public sector unions. They sought to retain labor's progressive social vision, and saw labor's isolation from the movements of the 1960s as a problem. Nonetheless, they remained a minority within the AFL-CIO, and were unable to shift federation policy (Lichtenstein 1995:405-409; Robinson 1990:286).

All told, U.S. nationalism tied labor to an ideology and set of policies that both undermined its organizational capacity and alienated it from potential allies. It narrowed labor's social vision, and reinforced its position as a key constituency within the Democratic Party.

In sum, differences in the political incorporation of U.S. and Canadian labor had important consequences for how each movement conceived of itself. Canadian labor's incorporation as a class representative allowed it to retain greater organizational capacity and brought it together with other progressive movements that allowed it to think of itself in broader class terms. By contrast, U.S. labor's incorporation as a special interest weakened its organizational capacity and increased its reliance on an unstable and unreliable political coalition within the Democratic Party. When combined with differences in labor regime strength, these differences in organizational capacity created the underlying mechanisms driving union density divergence in the U.S. and Canada.

¹⁴⁷ It is also worth noting that labor's support for U.S. foreign policy for many years involved providing support to undermine independent unions that the U.S. government deemed too potentially hostile to U.S. interests (Scipes 2010).

Conclusion

In this chapter, we have seen how differences in labor regime formation and development in the U.S. and Canada, combined with differences in working class political incorporation, led to the establishment of two different organizing logics in both countries. In the U.S., labor was incorporated as an interest group into a labor regime governed by a market idea. In Canada, labor was incorporated as a class representative into a labor regime governed by a class idea.

This in turn led to differences both in how working class issues were perceived and processed by employers and the state, as well as how labor conceived of itself. In the U.S., working class issues were “mistranslated” as either personal problems related to social alienation and status anxiety, or as the narrow “special interests” of a key Democratic Party constituency. In both cases, this mistranslation diffused and delegitimized the political effect of worker unrest, and weakened the U.S. labor regime. In Canada, working class issues were understood and addressed as such. Worker unrest was understood as a crisis in the industrial relations system, and policymakers responded with detailed studies followed by proposals for policy reform. Workers’ economic pressure translated into policy reforms, which strengthened the Canadian labor regime over time.

As for self-perception, U.S. labor’s alliance with the Democratic Party, its divorce from the left, and its strong embrace of Cold War anti-Communism limited any ability to think and act as a class representative, and instead reinforced its self-conception as a broker and interest group within the Democratic Party. This left it isolated from potential allies in the social movements of the 1960s, while its increasing reliance on internal influence within the Democratic Party undermined its organizing and mobilizing capacity. In Canada, labor’s alliance with the CCF/NDP allowed it to retain closer ties to the political left and the social movements of the 1960s. This allowed labor to conceive of itself more broadly as a class representative. The social movement upsurge of the 1960s and 70s, tinged with a new economic or sovereigntist nationalism, galvanized labor, increasing its organizing and mobilizing capacity.

The differences in political incorporation and regime development led to a Canadian labor regime that legitimized class issues and facilitated addressing them, while they led to a U.S. labor regime that delegitimized class issues and prevented addressing them. As employer aggression flared in both countries in the 1970s, the Canadian regime held employers in check and better protected workers collective bargaining rights. Meanwhile, the U.S. labor regime was exposed as a hollowed-out shell, incapable of reining in employers and allowing workers to exercise their legal rights. As a result, union density stayed relatively stable in Canada through the ensuing decades, while it declined precipitously in the U.S.

Conclusion

In this study we have sought to understand why, despite significant social and economic similarities, working class political and organizational strength has remained stronger in Canada than in the U.S. What I have shown is that this was not the result of differences in fundamental cultural values, nor of structural economic differences, nor of differences in individual preferences regarding unions and collective organization. Nor was it simply a function of differences in labor laws and policies. Rather, differences in working class political and organizational strength resulted from differences in how the working class was politically incorporated in the U.S. and Canada in the years encompassing the Great Depression and World War II.

Recapping our examination of competing explanations for diverging working class organizational strength, we saw that structural economic shifts explained little, as the employment structure in both countries shifted towards the service sector in mid-century, but without causing union decline in Canada. We also saw that, the growth of public sector unionism in both countries did alter their overall union growth trajectories, but did not conceal an underlying convergence in private sector density. Rather, both public and private sector unionism diverged in similar ways and at similar times. While geographic shifts in employment seem to have affected U.S. union density, this simply raised the question as to why inter-state density is so much more dispersed in the U.S. than in Canada.

Our examination of individual preferences showed that union density divergence is not likely the result of stronger anti-union sentiment in the U.S. Surveys and polling data show little relationship between individual preferences for union representation and actual levels of union representation, and differences in employer opposition to unions seem to result much more from the institutional environment in which employers operate than they do from actual differences in individual employer attitudes.

While macro-economic policies such as monetary and trade policy seemed to have little effect on union density, labor relations policy very often did. In terms of rules governing union certification, first contract negotiation, union security, and strike activity, the current Canadian labor regime provides relatively greater protections to workers and their unions than the U.S. regime, while placing relatively stronger constraints on employers' ability to intervene in workers' efforts to exercise their collective bargaining

rights. However, we also learned that these regimes have themselves diverged significantly over time, with the U.S. labor regime eroding and the Canadian labor regime remaining relatively resilient, even strengthening in some respects. This raised the question as to why there was such a divergence in labor regimes.

In the course of examining different explanations for why the overall environment shaping working class power in both countries changed over time, we saw that differences in political institutions provide convincing mechanisms to explain density divergence, but that those institutions themselves have changed over time too, and that that institutional change must be explained as well.

Differences in national characteristics, to the extent that they exist, do not explain density divergence. In the U.S., employers did not temporarily modify their values in a collectivist direction in the postwar period. Rather, some took a “realist” approach, accepting collective bargaining temporarily until the balance of power tipped back in their favor. Meanwhile, a militant segment vociferously resisted unions throughout the entire period. In Canada, the national characteristics hypothesis does not explain the Canadian government’s steadfast adherence to industrial voluntarism and its refusal to grant substantive labor rights in the 1930s and early 40s. Similarly, counter to what the national characteristics hypothesis would predict, Canadian employer behavior more closely resembled realist resignation to an unfavorable balance of power than an active embrace of more collectivist values.

Differences in internal union characteristics do help to explain density divergence, but existing accounts focusing on internal union characteristics do not adequately specify the mechanisms driving labor movement divergence in both countries.

Finally, differences in the organization of racial categories seem to have played a role in density divergence. The Manichean divide between black and white in the U.S., reinforced by state power, created greater internal and external obstacles for U.S. unions, while the diverging trajectories of public sector unionism and anti-discrimination law in both countries intertwined to shape movement divergence in the 1960s and 70s. What remains to be explained is 1) why did U.S. labor end up in the same political coalition with reactionary, anti-union, white supremacists? And 2) why did the civil rights movement, and the social movements of the 1960s more broadly, not have as transformative an effect on the U.S. labor movement as they did on the Canadian labor movement?

The political incorporation argument I have advanced in this study addresses the questions left unanswered by competing explanations. In so doing, it offers a more complete account of the divergence of working class organizational power in the U.S. and Canada over the course of the twentieth century. It also advances our understanding of the specific challenges that working class organizations face in the political arena as class-based organizations, and the paradoxical effects that state actors and policy regimes can have on those organizations.

As I have argued, the social and political struggles of the 1930s and 40s forged two labor movements and two labor regimes that, although bearing a surface resemblance, were organized along different logics. In Canada, the working class was incorporated as a class representative, whereas in the U.S. it was incorporated as an interest group. That difference in political incorporation enabled or constrained labor's legitimacy and organizational capacity in different ways in both countries. Canadian labor's role as a class representative legitimized it and expanded its organizational capacity, while U.S. labor's role as an interest group delegitimized it and undermined its organizational capacity. Simply put, the class idea was more firmly embedded in politics, policies, and organizational practices in Canada relative to the U.S.

These differences in political incorporation did not emerge fully formed, but rather were the outcome of political struggles waged in specific historical contexts. In particular, I have identified two key political processes that fundamentally shaped these different processes of political incorporation. The first was the restructuring of party-class alliances in both countries in the 1930s and 40s, where U.S. labor decisively abandoned the project of building an independent working class party in favor of an alliance with the Democratic Party, at the same moment that Canadian labor forged an independent class alliance with progressive agrarian forces under the banner of the CCF. The second was differences in the effects of postwar Red scares on the relationship between labor and the left in both countries. While anti-Communism took its toll on working class movements in both countries, the labor-left alliance was severed in the U.S., but only strained in Canada. The outcome of these processes was a U.S. labor movement that conceived of itself more as an interest group representing a specific constituency within the Democratic Party, and a Canadian labor movement that conceived of itself more as a class representative with closer ties to a broader social movement.

In conjunction with these reconfigurations of labor's political alliances in both countries, a central aspect of working class political incorporation in both countries was the formation of new labor regimes to govern class conflict in the workplace. The conditions surrounding the formation of those regimes, along with specific structural features, reinforced different understandings of organized labor in both countries, both for labor itself and for labor's relations to capital and the state. In the U.S., labor quickly won basic reforms from a sympathetic government that sought to incorporate it as a key constituency in its ruling coalition. In Canada, labor had to struggle for a decade longer than its U.S. counterparts to win a similar set of reforms, and only then did so by forcibly extracting them from a recalcitrant state. This process encouraged U.S. labor to seek reform through influencing "labor-friendly" politicians, while it required Canadian labor to seek reform through militancy and organizing. As a result, Canadian labor shored up its organizational capacity, while U.S. labor focused more on cultivating political relationships and developing policy expertise.

As for structural features, the U.S. labor regime sought to reproduce the formal equality of the legal system, while the Canadian labor regime sought foremost to impose industrial peace. In the U.S., the search for formal equality led to a separation of adjudicative and conciliatory functions, a focus on legalistic proceduralism, and tighter

integration with the federal courts. This privileged legal knowledge over specific knowledge of labor relations, while placing workers' collective rights in competition with employers' more-entrenched individual rights of property and contract. In Canada, the focus on industrial peace led to more fluid relation between adjudicative and conciliatory functions, a focus on mediating between competing labor and management interests, and greater independence from the federal courts. While this regime still privileged legal knowledge, it also allowed for greater flexibility to address specific aspects of labor-management relations, while placing workers collective labor rights on more solid footing. Importantly, the Canadian labor regime more fully recognized the existence of labor and capital's competing interests, and sought to insert itself as a mediator between those interests. By contrast, the legalistic structure in the U.S. simply treated labor and capital as opposing parties in a dispute, and offered itself as a forum for the parties to resolve the dispute among themselves. While the more interventionist Canadian regime placed greater restrictions on labor's scope of action, it also held employers in check more than the U.S. regime. This difference would prove crucial in later years.

The Canadian labor regime's recognition of class divisions was also reflected in its tripartite structure. Not only did this institutionalize class-based identification, but it also reinforced labor regime stability by ensuring that both labor and management felt that their views were fairly represented before the board, and that both had a stake in the maintenance of the institution as a whole. By contrast, the structurally "non-partisan" form adopted by the U.S. National Labor Relations Board undermined the long-term stability and legitimacy of the U.S. labor regime. As presidential appointees, Board members came to be identified with the administration that appointed them, injecting partisan divisions into the Board's functioning. This in turn left the Board open to accusations of favoritism towards one party or the other, and ensured that U.S. labor policy and its interpretation would remain politically contentious, as opposed to institutionalized as in Canada.

Taken together, these differences in working class political incorporation and labor regime formation led to differences in the perception and processing of class issues in the political sphere, while also reinforcing labor's different conceptions of itself. This became apparent as worker unrest grew in both the U.S. and Canada in the 1960s. Whereas the Canadian state clearly understood and dealt with the unrest as a class issue, in the U.S. it was largely understood as a result of individual problems related to alienation and status anxiety. While the Canadian state responded to worker protest with policy reforms, the U.S. state responded with calls for improving the quality of work life and creating more opportunities for career advancement. Proposals for U.S. labor regime reforms were bitterly opposed as providing favors to a Democratic Party "special interest," and were ultimately defeated, in large part due to recalcitrance among certain ostensible labor "allies" within the Democratic Party.

Meanwhile, differences in labor's political alliances led to differences in labor's self-conception as well as its relation to the social and economic upheaval of the 1960s. In the U.S., labor's alliance with the Democrats, its divorce from the left, and its strong support for Cold War anti-Communism reinforced its self-conception as a broker and

interest group within the Democratic Party establishment. This left it isolated from the burgeoning social movements of the period, and more reliant on a Democratic Party that was proving more and more unreliable. Not only did this undermine labor's organizing and mobilizing capacity, but it also weakened the social movements of the period by depriving them of a working class base. In Canada, labor's alliance with the NDP (and with the PQ in Quebec) kept it more closely linked to the movements of the period. This, combined with a resurgent economic or sovereigntist nationalism, had a galvanizing effect on labor, bolstering its organizing and mobilizing capacity.

These tandem processes reinforcing Canadian labor's role as a class representative and U.S. labor's role as an interest group ensured greater labor regime resiliency in Canada, while leading to labor regime erosion in the U.S. As employers in both countries mounted a more concerted counter-offensives against labor in response to labor militancy and inflationary pressures, the Canadian regime restrained employers more than its U.S. counterpart, better protecting workers and helping unions to maintain their membership. By contrast, the eroded U.S. labor regime failed to protect workers, while labor's alliance with the Democrats undermined its ability to recognize and mobilize against the employer counter-offensive, leading to a "one-sided class war" waged by employers that has largely persisted up until today.

This then is the story of how trajectories of class politics and working class power diverged in the U.S. and Canada over the course of the twentieth century. However, it is not the end of the story. In these concluding sections, we will examine what has happened to working class political and organizational strength in the more recent past, and end with some considerations and conjectures on what these developments hold for the future of the U.S. and Canadian working classes.

The Class Idea Under Attack

The period since the mid-1970s, often referred to as the "neo-liberal" era, has been difficult for the working class and working class movements in general. It has been a period of increasing state austerity, employer aggressiveness, job loss and employment instability, and income inequality, all in the name of increased economic "dynamism," "competitiveness," and free market orthodoxy (Albo 2009). However, as we have seen in this study, there has been a good deal of cross-national variation in how neoliberal policies have affected the working class and working class organization. In the case at hand, the effects have been much deeper and widespread in the U.S. as compared to Canada. As I have argued, a key reason for this has been that the class idea, the degree to which class has served as a salient and legitimate principle of political organization, has been more deeply embedded in politics, policies, and practices in Canada relative to the U.S.

However, more than three decades of sustained neoliberal assault on working class institutions has taken its toll across the board. Here we will briefly review the development of U.S. and Canadian working class movements in recent decades, and how the broad political shifts of the period have affected them.

U.S.: Concessions, Partnership, and the Fleeting Search for Revival

The fate of the U.S. labor movement since the mid-late 1970s has been well documented and need not be rehearsed here in great detail (D. Clawson and M. A. Clawson 1999; M. Davis 1999; Fantasia and Voss 2004; Moody 1988). It is the narrative underlying much of the industrial relations scholarship on union decline that we reviewed in the first section of this dissertation. Employer hostility, deregulation, Reagan and PATCO, plant closings, NLRB gridlock, and continued erosion of unions and collective bargaining have by now become standard elements of a story that speaks of the “disappearance” of the U.S. working class (Cowie 2010). In the current environment it is virtually impossible even for analysts sympathetic to labor to speak of its current plight without at least implicitly calling into question its very viability (Dixon and Fiorito 2009; Moyers 2012).

Since Douglas Fraser somewhat belatedly recognized that labor was under attack in 1979, the movement has struggled to figure out a response to the management onslaught. The initial response was one of retreat, starting with the contract that Fraser himself negotiated between the UAW and a Chrysler Corporation fending off bankruptcy in 1979. For the first time in UAW history, Fraser agreed to contract concessions in the hope that they would save the financially troubled firm. The trend took off in earnest in the early 1980s, as company after company lined up to demand givebacks from their unions. Pattern agreements in steel, mining, meatpacking, auto, and other basic industries were dismantled, leaving the labor movement in disarray (Moody 1988; Slaughter 1983).

Over the course of the 1980s and into the 1990s, the new pattern of concession bargaining became institutionalized within a new regime of labor-management partnership. The centerpiece of this new regime was its focus on “employee participation” programs which, under the guise of improving the quality of work life, instead introduced a new form of workplace control known as “management by stress” (Arnold 1999; Fantasia, D. Clawson, and Graham 1988; Parker and Slaughter 1994). The emphasis on partnership, especially in a situation where an aggressive management was clearly only interested in a “partner” it could control, undermined labor’s ability to articulate and defend workers’ interests by increasing its dependence on management beneficence and decreasing its class identity.

By the mid-1990s, the sense of organizational crisis within the U.S. labor movement had reached a point where, for the first time in the history of the AFL-CIO, there was a contested election for the leadership, and the challenger “New Voice” slate led by Service Employees International Union (SEIU) President John Sweeney defeated the incumbents. This led to new hopes for labor’s organizational renewal, as scholars and progressives hailed Sweeney’s call for a renewed focus on organizing (D. Clawson and M. A. Clawson 1999; Milkman 1998). New studies showed the benefits that innovative tactics and resource mobilization had on reversing union decline, and there was serious talk of possibilities for union renewal (D. Clawson 2003; Lopez 2004; Voss and Sherman 2000). Nonetheless, organizing remained exceedingly difficult and attacks

on unions continued, as perhaps illustrated most devastatingly by the five-year Detroit Newspaper strike and lockout (Rhombert 2012). Labor continued its downward spiral.

Talk of union renewal largely subsided by the mid-2000s as the AFL-CIO was wracked by internecine conflict that led to seven affiliates leaving to form the Change to Win Federation (CtW) in 2005 (Estreicher 2006). The CtW unions included three of the country's largest: SEIU, the International Brotherhood of Teamsters (IBT), and the United Food and Commercial Workers (UFCW). While reasons behind the split are complex, the shorthand version of the critique articulated by those leaving to form CtW was that the AFL-CIO was not serious about developing a plan to organize workers on a scale large enough to reverse labor's decline.

The type of large-scale organizing promoted by CtW, although mainly SEIU, focused on circumventing the broken NLRB election process and negotiating "neutrality agreements" with large corporations. These would ostensibly guarantee management neutrality in organizing campaigns, leaving workers to choose freely whether or not to join the union. In certain cases, when accompanied by strong commitments to on-the-ground organizing, some unions have used such neutrality agreements to good advantage (Hurd 2008; J. Logan 2003). But critics charged that campaigns for management neutrality, particularly as practiced by SEIU, often gave up fundamental worker rights and agreed in advance to weak contract provisions in exchange for neutrality. These critics charged that, by lowering standards, SEIU's organizing tactics were undermining possibilities for rebuilding working class power, and served mostly to increase SEIU's dues base (Early 2008).

Union political action in 2008 did play a key role in getting Barack Obama elected as president. In exchange, labor was hoping for passage of the Employee Free Choice Act (EFCA), the first effort at comprehensive labor law reform since the failed effort of 1977-78. And yet, in a replay of the previous episode, EFCA failed in Congress, despite a large majority in the House and a (just barely) filibuster-proof majority in the Senate. Again labor's allies in the Democratic Party proved to be unreliable at best (Lofaso 2011).

While this capsule summary of U.S. labor's development over the past three decades is cursory at best, what is important to note is that, although strategies changed over time, the overall ideological framework did not. Labor remained stuck within its role as an interest group, relying more on seeking influence with sympathetic politicians and negotiating somewhat less unfavorable terms with emboldened, aggressive employers. To the extent that labor pursued more mobilizational strategies, discussion of such strategies was largely at the level of technique and execution: how much to spend on organizing, how many organizers to hire, what tactics to use for greatest impact. With some exceptions, there was little sense of trying to develop a broader working class identity. To the extent that labor leaders dared talk about class at all, it was in the context of "defending the middle class," a much vaguer term that once again obscures the power relations underlying class differences between workers and employers in the workplace. The class idea remained elusive in the U.S.

Canada: The Crisis of Class Organization

While many labor scholars and union leaders in the U.S. continue to look north to Canada as a model to which they aspire, there are growing signs that Canadian labor is in a state of crisis as well (Jackson 2006). Although union density remains much higher than in the U.S., there is increasing concern that Canadian labor's organizational power is eroding. Many unions, particularly in the private sector, are accepting concessionary agreements similar to those for which they criticized their U.S. counterparts two decades ago. They have also backed away from the more militant rhetoric and action of the recent past, embracing instead the discourse of labor-management partnership (H. Rosenfeld 2009). And even in the public sector, some striking unions have failed to connect their struggles to the broader community or their own members, leaving them vulnerable to charges from anti-union public officials that they are merely "greedy special interests" (Camfield 2011).

Meanwhile, in the political realm, despite the NDP's historic positive role in articulating and defending labor's interests, it has faltered in this respect in recent years, and its relationship with labor has frayed. As with social democratic parties on a global scale, the NDP has not been immune from the rightward tilt towards "Third Way" politics. NDP-led governments in Ontario, Manitoba, Saskatchewan, and British Columbia have often proven all too willing to wage attacks on unions, particularly in the public sector, in the name of fiscal discipline (Bernard 1994; Camfield 2011; Pilon, Ross, and Savage 2011; Savage 2010). This has provoked rebukes and accusations of betrayal from labor leaders, and some unions such as the CAW have gone so far as to sever their historic alliance with the NDP in favor of a more "strategic" approach to politics (Savage 2012). For its part, elements within the NDP have repeatedly questioned its formal ties to labor, although delegates still voted to retain those ties at its 2011 party convention (Canadian Press 2011). So diluted has the class character of the NDP become that some analysts charge that "It is now virtually impossible to discern what sets an NDP government apart from those led by traditional parties of business" (Evans 2012).

For its part, the Canadian state has become much more hostile towards labor. While our examination of the development of the Canadian labor regime has shown that state intervention in labor relations, particularly labor disputes, has been far more common in Canada than in the U.S., that intervention in the past has served to strengthen the labor regime in certain ways, both by reining in employer aggression and by bolstering the legitimacy of collective bargaining rights by placing the force of the state behind them. However, in recent decades state action has served more to erode the regime. The state's singular obsession with imposing industrial peace has morphed from a concern with achieving "balance" between union and employer interests to a concern with eliminating strikes at all cost. This has given birth to a regime of what Panitch and Swartz (2003) have termed "permanent exceptionalism," whereby the state repeatedly turns to "exceptional" forms of intervention, particularly back-to-work legislation, as a means of imposing order. In so doing, permanent exceptionalism has curtailed labor rights and undermined the legitimacy of the labor regime's stated "rules

of the game,” as the state has made clear that it will discard those rules when they prove to be inconvenient to its goals.

In sum, the class idea is under attack in Canada, just as it has been in the U.S. for decades. Significant elements within Canadian labor are moving away from their traditional role as class representatives fighting for broad social issues in favor of defensive battles to protect their narrow self-interest. Canada’s class-based political party is moving away from class politics and becoming ever more indistinguishable from the mainstream ruling parties. And the Canadian state has felt less obligated to protect labor rights as a means of ensuring industrial peace, preferring instead a more explicitly coercive approach.

But despite these very real setbacks, the class idea remains more embedded in politics, policies, and practices in Canada compared to the U.S. The institutional legacy of the political struggles of the 1930s and 40s, as well as the 1960s and 70s, still shapes the political terrain differently in both countries. Having said that, the problem of renewing class politics remains an open and hotly-debated question in both countries, especially with the renewed focus on class and inequality in the wake of the 2008 economic crisis.

What then is the future of class politics in North America? Is the class idea still relevant in the twenty-first century? If so, what must be done to revive it? We close with a consideration of these questions.

The Road Ahead

If we as a society care about the dangers of increasing economic inequality, job insecurity, and the erosion of democracy, then we must be concerned with rebuilding and strengthening working class institutions. And a central part of this task must be rebuilding the very idea of the working class. One of the main effects of the attacks on the working class over the past three decades not only in the U.S. and Canada, but across most capitalist democracies, has been to undermine the idea of the working class, or, in the case of the U.S., to erase it almost entirely.

And yet, as this study and many others have shown, it is no understatement to declare that the (organized) working class serves as the single most important force for democracy and social reform (Rueschemeyer et al. 1992). It is the working class that has expanded notions of democracy to include the workplace, that has fought for the creation of social programs that reduce inequality, that creates “norms of fairness” in the labor market to counteract employers’ race to the bottom (Western and J. Rosenfeld 2011), and much more.

But much of this ability to serve as a force for democracy and social reform hinges on the ability to act as a *class*. It is this that provides the base for progressive class alliances and transformative social movements. As we have seen in this study, the organized working class in the U.S. has weakened to the extent that it retreated from its role as a class representative and instead settled into a narrow role as the defender of

its membership's "special interests." Relative to the U.S., the Canadian working class was able to hold on more to its class identity, and as a result, not only are unions stronger in Canada, but Canadian society enjoys lower levels of inequality and a stronger welfare state. However, that class identity is fading in Canada, as federal and provincial governments seek to inject the logic of markets deeper into politics and social policies.

What then are the prospects for rebuilding the class idea? Certainly this cannot simply be a question of changing our language of class. Most importantly, the class idea emerges out of practice, out of acting as a class. We saw some potential for this in 2011, first with the protest movement in Wisconsin against Governor Scott Walker's attacks on public sector unions, and then later on a broader scale with the explosion of the Occupy movement (van Gelder 2011; M. D. Yates 2012). While rife with internal contradictions (what nascent social movement isn't?), these movements were notable for their decidedly class-oriented focus. Instead of mealy-mouthed calls to "save the middle class," the Wisconsin movement explicitly defended labor, while Occupy pitted the "99 percent"—those whose living standards have stagnated over the past three decades—against the "1 percent"—those who have appropriated almost all the economic growth of the past three decades. Granted, the Wisconsin movement was dealt a setback when it failed to unseat Walker in a 2012 recall election, and the Occupy movement remains a work in progress. Yet these examples remain important for demonstrating that class remains a critical issue in U.S. politics, reports of its demise notwithstanding, and that it remains possible to organize movements around the idea of class.

Class-based organization remains more resilient in Canada, despite recent setbacks. Segments within the labor movement remain important bases from which to rebuild the idea of the working class. Especially promising are certain local examples, such as the Greater Toronto Workers' Assembly and the revitalized Toronto and York Region Labour Council (TYRLC) (Camfield 2011). The problem in Canada has to do with the complicating factor of the NDP. Despite its nominal commitment to workers' issues and its structural links to the trade unions, the NDP functions more like a traditional political party than part of a working class movement. And yet, in presenting a model of "actually existing class politics," it makes the task of imagining how a new class politics might look all the more difficult. The fact that it achieved its best-ever electoral success in 2011 and now serves as the Official Opposition in Ottawa, after years of serving as the perennial third party, somewhat ironically serves as an impediment to the longer-term goal of rebuilding the idea of the working class and reinventing class politics (Ross and Savage 2012).

Despite the real challenges and obstacles, what we see now are small openings for the renewal of class politics in both the U.S. and Canada. The outcome remains uncertain, and there are strong grounds for pessimism regarding the future of the working class, both as an idea and as a reality. Nonetheless, the important first step is making the simple observation that the working class matters, and that it is a renewal of class politics that can offer real hope for overcoming inequality and revitalizing democracy.

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Data Appendix:

Statistical Sources and Selection

This study relies on a wide variety of statistical data sources, spanning over a century, from two different countries. To the extent possible, I have sought to use data that is as reliable and as comparable as possible. In order to do so, I have had to make a variety of choices about which sources to use, how to compensate for missing data, and how to ensure data comparability. This appendix outlines how I selected and compiled the various data sources presented in this study. It also reports the full data tables upon which the charts in this study are based.

In some cases, I simply use complete data series compiled by governmental or other reputed statistical agency. For those cases, the full citation is provided with the relevant chart. However, in many cases, compiling a complete time series required combining and/or interpolating data from several different sources. This was particularly the case for data series on union density, vote shares, and goods vs. service sector employment.

Union Density

Figure 0.1 tracks union density rates in the U.S. and Canada between 1911 and 2011. This required compiling time series data both for union membership and non-agricultural employment. I chose to switch to using collective bargaining coverage rather than simply union membership as the numerator when such disaggregated data became available, in 1977 for the U.S. and 1997 in Canada, so as to provide as complete a picture of the extent of collective bargaining in each country. Given that collective bargaining contract terms are determined at the firm level in both countries, and do not extend to entire sectors, the difference between membership and collective bargaining coverage numbers is quite small, usually between 1 and 2 percent, and does not substantively change the overall trajectory for union density in either country.

For both the U.S. and Canada, this involved combining data from a variety of sources. Additionally, there were specific issues involved in disaggregating union density by goods vs. service sector employment, and by public vs. private sector employment. I discussed some of those considerations in the text itself, but provide additional detail here.

United States

Union Membership: Data for union membership comes from three sources:

- 1) For aggregate union membership from 1911 to 1972: The Bureau of Labor Statistics' series reporting "Union Membership, 1880-1999," which can be found in Table Ba4783-4791 of Carter, Susan B. et al. 2006. *Historical*

Statistics of the United States Millennial Edition Online. New York: Cambridge University Press, available online at <http://hsus.cambridge.org/HSUSWeb/toc/tableToc.do?id=Ba4783-4791>.

- 2) For aggregate union membership from 1973 to 2011, as well as public vs. private sector union membership from 1973 to 2011 and state-by-state union density from 1964 to 2011: Estimates from the Census Bureau's Current Population Survey (CPS), as compiled by Barry T. Hirsch and David A. McPherson and reported at www.unionstats.com. For the years 1973-1976, estimate is for union membership. From 1977-2011, estimate is for collective bargaining coverage. For the years 1973-81, data comes from the May Current Population (CPS). For the years 1983-2011, data comes from the CPS Outgoing Rotation Group (ORG) Earnings Files. There were no union questions in the 1982 CPS, so membership data for that year is interpolated by averaging membership figures for 1981 and 1983. State-by-state union density statistics for the years 1964 through 1972 are taken from Barry T. Hirsch, David A. Macpherson, and Wayne G. Vroman, "Estimates of Union Density by State," *Monthly Labor Review*, Vol. 124, No. 7, July 2001, pp. 51-55, and the remaining years from 1973 to 2011 are from the CPS. Note that the 1964-1972 estimates are direct estimates of union density. Underlying disaggregated data on union membership is unavailable from Hirsch et al. (personal communication with Hirsch, April 27, 2012). To create state-by-state membership estimates, I used employment figures from the Bureau of Labor Statistics' Current Employment Statistics as the denominator, and then multiplied reported employment by the density percentage figure that Hirsch et al. reported in their *Monthly Labor Review* article. Hirsch indicated that this would result in reasonable estimates for state-by-state union membership for these years (personal communication with Hirsch, April 30, 2012).
- 3) For public vs. private sector union membership from 1960 to 1973 and state-by-state union membership from 1939 to 1963: Troy, Leo, and Neil Sheflin. 1985. *U.S. Union Sourcebook: Membership, Finances, Structure, Directory*. West Orange, N.J.: Industrial Relations Data and Information Services, Table 7.2, p. 7-4 (state-by-state) and Appendix A, pp. A-1-A-2 (public vs. private)

Non-Agricultural Employment: Data for U.S. non-agricultural employment comes from two sources:

- 1) For aggregate non-agricultural employment from 1911 to 1972, goods vs. service sector employment, and public vs. private sector employment from 1960 to 1972: Carter, Susan B. et al. 2006. *Historical Statistics of the United States Millennial Edition Online*. New York: Cambridge University Press, Table Ba470-477, available online at <http://hsus.cambridge.org/HSUSWeb/toc/tableToc.do?id=Ba470-477>.
- 2) For aggregate non-agricultural employment, goods vs. service sector employment, and public vs. private sector employment from 1973 to 2011: Estimates from the Census Bureau's Current Population Survey (CPS), as

compiled by Barry T. Hirsch and David A. McPherson and reported at www.unionstats.com.

- 3) For state-by-state employment from 1939 to 2011: Estimates from the Bureau of Labor Statistics' Current Employment Survey (CES). Time series for certain states begin later than 1939, which required combining and interpolating CES data with other data sources:
 - a. CES data for Illinois begins in 1947. To estimate data between 1939 and 1946, employment data from the 1940 Census, published in the 1944 Statistical Abstract of the United States was used for the 1939 data, and data for 1943 came from the 1950 Statistical Abstract. Intervening years were interpolated.
 - b. CES data for Michigan begins in 1956. Employment data from the 1940 Census, published in the 1944 Statistical Abstract of the United States, was used for the 1939 data point. Data for 1949-1952 is taken from the 1953 Statistical Abstract of the United States. Remaining dates are interpolated.
 - c. CES data for Minnesota begins in 1947. Employment data from the 1940 Census, published in the 1944 Statistical Abstract of the United States, was used for the 1939 data point. Data for 1943 is from the 1950 Statistical Abstract of the United States. Intervening dates are interpolated.
 - d. CES data for Alaska begins in 1960, and for Hawaii in 1958. Given their small size, I omit these two states from years prior to their appearance in the CES data.

Canada

Union Membership: Data for union membership comes from three sources:

- 1) For aggregate union membership from 1911 to 1975: *Directory of Labor Organizations in Canada*, as reported in Leacy, F. H., M. C. Urquhart, and K. A. H. Buckley. 1983. *Historical statistics of Canada*. Ottawa: Statistics Canada, available at http://www5.statcan.gc.ca/access_acces/archive.action?l=eng&loc=E175_177-eng.csv.
- 2) For aggregate and province-by-province union membership from 1976 to 1995: *Corporations and Labour Unions Reporting Act, Part 2*, (CALURA) as reported in Statistics Canada, Table 279-0026 - Number of unionized workers, employees and union density, by sex and industry based on the Standard Industrial Classification, 1980 (SIC), annual, available online at <http://www5.statcan.gc.ca/cansim/a34?lang=eng&id=2790026&searchTypeByValue=1&mode=tableSummary&p2=35>.
- 3) For aggregate union membership, goods vs. service sector membership, and province-by-province membership from 1997 to 2011: *Labour Force Survey*, available online at <http://www5.statcan.gc.ca/cansim/a34?lang=eng&id=2820078&searchTypeByValue=1&mode=tableSummary&p2=35>.

- 4) For province-by-province union membership from 1941-1967: Eaton, J. K., and Kebebew Ashagrie. 1970. *Union growth in Canada, 1921-1967*. Ottawa: Information Canada, p. 80.
- 5) For Canada public vs. private sector membership from 1961 to 1989: Bergeron, Jean-Guy. 1993. "Unionization in the Private Service Sector." Ph.D. Dissertation, Centre for Industrial Relations. Toronto: University of Toronto, Table 2.1, p. 12. Membership data from 1990 to 1996 is interpolated.

Non-Agricultural Employment: Data for non-agricultural employment comes from four different sources:

- 1) Employment data for 1921 to 1967: Eaton, J. K., and Kebebew Ashagrie. 1970. *Union growth in Canada, 1921-1967*. Ottawa: Information Canada, Table VI-A, p. 78.
- 2) Employment data for 1968 to 1976: Bain, George Sayers. 1978. "Union Growth and Public Policy in Canada." Employment Relations Branch, Canada Department of Labour 1-50, Table 1, p. 3.
- 3) Employment data for 1976-1995: CALURA, Table 279-0026: Number of unionized workers, employees and union density, by sex and industry based on the Standard Industrial Classification, 1980 (SIC), available online at:
<http://www5.statcan.gc.ca/cansim/pick-choisir?lang=eng&p2=33&id=2790026>.
- 4) Employment data for 1997-2011: Labour Force Survey, Table 282-0078: Employees by union coverage, North American Industry Classification System (NAICS), sex and age group, annual, available online at: <http://www5.statcan.gc.ca/cansim/a34?lang=eng&id=2820078&searchTypeByValue=1&mode=tableSummary&p2=35>.
- 5) For measurements of Canadian Transportation, Communications, and Utilities (TCU) sector measurements from 1961 to 1967: Eaton, J. K., and Kebebew Ashagrie. 1970. *Union growth in Canada, 1921-1967*. Ottawa: Information Canada, Table IV, p. 74. TCU sector employment measurements, 1968-1975: Labour Gazette. For TCU sector employment measurements, 1976-1995: CALURA. TCU employment excludes "public utilities" sub-category in 1948 SIC, and "Utilities" sub-category in 1960 SIC. The size of the sector drops in 1976 due to a reclassification in the shift from the SIC to the NAICS system. For TCU sector union membership between 1980 and 1989, the data is not disaggregated by sub-sector as it is for previous years. In each previous year, membership in the "Public Utilities" and "Gas, Water, and Power Utilities" sub-categories remains relatively constant around 50,000 members. Thus, to allow for rough comparability, I have subtracted 50,000 from the sector totals for 1980, 1984, 1986, and 1989.
- 6) *Special Note on employment from 1911 to 1920:* Labour Canada did not start collecting data on non-agricultural employment until 1921. Thus, there is a ten-year period from 1911 to 1920 where there is annual data on

union membership, but not non-agricultural employment. To create union density statistics for this period, I used 1911 census data on “gainfully employed” persons (subtracting agricultural employment) to create a union density data point for 1911. I then generated estimates for the years between 1911 and 1921 by linearly interpolating between the 1911 data point and the first Labour Canada estimate of the paid non-agricultural workforce in 1921. The 1911 census data was obtained from *Historical Statistics of Canada*, Series D8-85: Work force, by industrial category and sex, census years, 1911 to 1971.

Table A.1: Union Density, U.S. and Canada, aggregate and public vs. private, 1911-2011

Year	United States			Canada		
	Aggregate	Public	Private	Aggregate	Public	Private
1911	9.8	3.9	10.3	7.4		
1912	9.8	3.9	10.6	†		
1913	10.4	4.9	10.9			
1914	10.5	5.1	10.8			
1915	10.2	4.8	10.8			
1916	10.2	4.9	10.8			
1917	11.0	5.0	11.9			
1918	12.1	4.6	13.6			
1919	14.3	5.7	16.0			
1920	17.5	6.7	17.7			
1921	17.6	6.9	17.3	16.0		
1922	14.0	6.4	13.9	13.6		
1923	11.7	6.9	11.6	13.2		
1924	11.3	6.9	11.3	12.2		
1925	11.0	6.9	11.8	12.3		
1926	10.7	6.8	11.5	12.0		
1927	10.6	6.8	11.7	12.1		
1928	10.4	7.1	11.4	12.1		
1929	10.1	7.7	10.7	12.6		
1930	10.7	8.5	11.3	13.1		
1931	11.2	8.0	11.8	15.3		
1932	11.3	7.8	12.6	15.3		
1933	9.5	5.5	12.9	16.7		
1934	9.8	4.8	13.7	14.6		
1935	10.8	4.8	11.9	14.5		
1936	11.1	4.5	12.6	16.2		
1937	18.6	5.8	16.5	18.2		
1938	23.9	5.5	18.3	18.4		
1939	24.8	6.0	18.9	17.3		
1940	23.5	6.4	20.3	16.3		
1941	25.4	6.7	22.6	18.0		
1942	24.2	7.4	24.9	20.6		
1943	30.1	8.0	28.4	22.7		

1944	32.5	8.8	29.8	24.3		
1945	33.4	9.8	30.5	24.2		
1946	31.9	11.3	29.8	27.9		
1947	31.1	12.0	30.7	29.1		
1948	29.6	12.1	30.1	30.3		
1949	30.0	12.1	29.9	29.5		
1950	29.0	12.3	29.6	29.0		
1951	31.5	12.0	30.7	28.4		
1952	31.2	12.0	31.5	30.2		
1953	32.5	11.6	32.2	33.0		
1954	33.3	11.4	31.9	33.8		
1955	31.9	11.4	31.5	33.7		
1956	32.1	11.1	31.1	33.3		
1957	31.7	10.6	31.1	32.4		
1958	31.5	10.6	29.7	34.2		
1959	30.8	9.4	28.6	33.3		
1960	30.0	10.8	31.9	32.3		
1961	28.6	10.6	31.9	31.6	16.4	33.8
1962	28.5	24.3	31.6	30.2		
1963	27.9	25.1	31.2	29.8		
1964	27.7	26	31	29.4		
1965	27.8	26.1	30.8	29.7		
1966	27.8	26.1	30.3	30.7	20.8	31.7
1967	27.9	27	30.5	32.3		
1968	28.1	27.3	29.9	33.1		
1969	27.4	26.9	29	32.5		
1970	27.6	32	29.1	33.6	32.4	32.2
1971	27.1	33	28.2	33.6		
1972	26.6	35.4	27.3	34.4		
1973	24.0	37	26.6	36.3		
1974	23.6	38	26.2	35.7	26.8	27.5
1975	22.2	39.6	26.3	36.8		
1976	22.1	40.2	25.1	32		
1977	26.5	40.1	23.3	33.3		
1978	25.8	40.5	22.5	32		
1979	27.0	44.2	23.2	32.1		
1980	25.7	43.4	21.7	32	55.0	29.3
1981	23.9	41.6	20.4	32.4		
1982	*	*	*	32.9		
1983	23.3	45.5	18.5	35.2		
1984	21.6	43.9	17	34.9		
1985	20.5	43.1	15.9	34.3		
1986	19.9	43.2	15.2	34.5	57.0	24.2
1987	19.2	42.5	14.4	33.8		
1988	19.0	43.5	14	34		
1989	18.6	43.5	13.5	34.4	58.0	24.7
1990	18.3	43.3	13.2	35.1		

1991	18.2	43.3	12.9	35.5		
1992	17.9	43.2	12.5	35.5		
1993	17.7	43.8	12.1	34.9		
1994	17.4	44.7	11.9	34.2		
1995	16.7	43.5	11.3	34.6		
1996	16.2	43	11			
1997	15.6	42.3	10.6	33.7	74.6	21.3
1998	15.4	42.5	10.3	33.0	74.4	20.8
1999	15.3	42.1	10.2	32.3	74.7	19.9
2000	14.9	42	9.8	32.4	73.9	20.2
2001	14.8	41.7	9.7	32.3	75.1	19.9
2002	14.6	41.9	9.3	32.2	75.4	19.6
2003	14.3	41.5	9	32.2	75.5	19.8
2004	13.8	40.7	8.6	31.7	75.3	18.9
2005	13.7	40.5	8.5	32.0	74.6	19.2
2006	13.1	40.1	8.1	31.7	74.4	18.8
2007	13.3	39.8	8.2	31.5	74.2	18.6
2008	13.7	40.7	8.4	31.2	73.9	17.9
2009	13.6	41.1	8	31.5	74.4	17.8
2010	13.1	40	7.7	31.5	74.9	17.5
2011	13.0	40.7	7.6	31.7	74.7	17.5

Line indicates break in series.

* There was no U.S. CPS survey administered in 1982

† See note 6 under Canada>Non-Agricultural Employment in Data Appendix for explanation of union density from 1911-1920.

Goods vs. Service Sector Employment

Figure 2.1 tracks employment in the goods and service sectors in the U.S. and Canada between 1931 and 2011.

The U.S. data is taken from the Bureau of Labor Statistics' Current Employment Statistics dataset, which is continuous from 1939 to the present.

The Canadian data is compiled from three different sources. Data for 1931, 1941, and 1951 is taken from Canadian census data, as reported in (Worton 1969 p Table 1). To ensure comparability with the U.S. BLS data, I have omitted data on agricultural employment, and reclassified utility workers as part of the service sector. I interpolated data between these data points from 1931 through 1960. From 1961 to the present, I use employment data from Statistics Canada's Labor Force Survey (LFS), which is a household survey. However, the LFS changed significantly in 1976, meaning that I combined two separate data series, one from 1961-1975, published in *Historical Statistics of Canada, Section D: The Labour Force* (Leacy et al. 1983), and another from 1976 to the present, available from Statistics Canada (Table 282-008, <http://estat.statcan.gc.ca>).

**Table A.2: Employment, Goods vs. Service Sectors,
U.S. and Canada, 1931-2011**

Year	U.S.		Canada	
	Goods	Services	Goods	Services
1931			39.0	55.0
1932				
1933				
1934				
1935				
1936				
1937				
1938				
1939	37.6	62.4		
1940	38.2	61.8		
1941	40.8	59.2	39.8	58.9
1942	43.0	57.0		
1943	44.0	56.0		
1944	42.8	57.2		
1945	40.3	59.7		
1946	38.6	61.4		
1947	39.4	60.6		
1948	39.1	60.9		
1949	37.6	62.5		
1950	38.3	61.7		
1951	39.0	61.0	42.8	55.7
1952	38.7	61.3		
1953	39.2	60.8		
1954	37.7	62.3		
1955	37.9	62.1		
1956	37.7	62.3		
1957	37.1	62.9		
1958	35.6	64.4		
1959	35.9	64.1		
1960	35.3	64.7		
1961	34.5	65.5	33.9	66.1
1962	34.5	65.5	33.7	66.3
1963	34.2	65.8	33.8	66.2
1964	33.8	66.2	34.3	65.7
1965	33.8	66.2	33.9	66.1
1966	34.0	66.0	34.1	65.9
1967	33.2	66.8	32.7	67.3
1968	32.8	67.2	31.9	68.1
1969	32.5	67.5	31.7	68.3
1970	31.2	68.8	30.8	69.2
1971	30.3	69.7	30.4	69.6
1972	30.2	69.8	30.0	70.0
1973	30.5	69.5	30.3	69.7

1974	29.8	70.2	30.2	69.8
1975	27.7	72.3	28.9	71.1
1976	27.7	72.3	30.1	69.9
1977	27.8	72.2	29.6	70.4
1978	27.8	72.2	29.4	70.6
1979	27.8	72.2	29.6	70.4
1980	26.8	73.2	29.2	70.8
1981	26.4	73.6	28.9	71.1
1982	25.1	74.9	26.8	73.2
1983	24.5	75.5	26.1	73.9
1984	24.8	75.2	26.2	73.8
1985	24.2	75.8	26.0	74.0
1986	23.4	76.6	25.9	74.1
1987	23.0	77.0	25.7	74.3
1988	22.7	77.3	25.9	74.1
1989	22.3	77.7	25.8	74.2
1990	21.7	78.3	25.1	74.9
1991	20.8	79.2	23.6	76.4
1992	20.3	79.7	22.8	77.2
1993	20.0	80.0	22.2	77.8
1994	19.9	80.1	22.4	77.6
1995	19.7	80.3	22.7	77.3
1996	19.6	80.4	22.5	77.5
1997	19.5	80.5	22.9	77.1
1998	19.3	80.7	23.0	77.0
1999	19.0	81.0	23.0	77.0
2000	18.7	81.3	23.1	76.9
2001	18.1	81.9	22.8	77.2
2002	17.3	82.7	22.9	77.1
2003	16.8	83.2	22.6	77.4
2004	16.6	83.4	22.7	77.3
2005	16.6	83.4	22.4	77.6
2006	16.6	83.4	21.8	78.2
2007	16.2	83.8	21.3	78.7
2008	15.6	84.4	21.1	78.9
2009	14.2	85.8	19.8	80.2
2010	13.7	86.3	19.7	80.3
2011	13.7	86.3	19.8	80.2

Vote Shares

Figure 6.1 presents statistical evidence from two separate sources. The first dataset comprises data on all votes cast for U.S. House, Senate, and all statewide offices between 1876 and 2004. It was compiled by Stephen Ansolabehere, Shigeo Hirano, and James M. Snyder, Jr., and forms the basis of Hirano and Snyder's paper analyzing the decline of third party voting in the U.S. (Hirano and J. M. Snyder 2007). The data presented in Figure 6.1 comprises only vote shares for third parties that the authors identified as left-wing parties. According to the authors, "based on the historical literature and sources such as the *Biographical Dictionary of the American Left*, we classified each party as Left or Other (non- Left)" (p. 2). The data excludes presidential votes to better focus on third party movements as opposed to individual candidates (p. 2, fn. 6).

The second dataset comprises data on all votes cast in Canadian federal and provincial parliamentary elections between 1867 and 2009. I compiled this dataset from the following sources:

Table A.3: List of Sources for Votes Cast in Canadian Federal and Provincial Elections, 1867-2009

Jurisdiction	Source
Federal	<i>History of Federal Ridings Since 1867</i> , http://www.parl.gc.ca/About/Parliament/FederalRidingsHistory/HFER.asp)
Alberta	<i>A Century of Democracy: Elections of the Legislative Assembly of Alberta, 1905-2005</i> (Legislative Assembly of Alberta, 2006), and <i>Elections Alberta</i> , http://www.elections.ab.ca/Public%20Website/730.htm .
British Columbia	<i>An Electoral History of British Columbia, 1871-1986</i> (Elections British Columbia, 1988), <i>Electoral History of British Columbia Supplement, 1987-2001</i> (Legislative Library of British Columbia, 2002), and <i>Elections British Columbia</i> , http://www.elections.bc.ca/index.php/resource-centre/reports/
Manitoba	<i>Historical Summaries, 1870 to 2006</i> (Elections Manitoba 2007), and <i>Elections Manitoba</i> , http://www.elections.mb.ca/en/Results/index.html
Nova Scotia	<i>Nova Scotia Provincial Elections 1867-2010</i> (Elections Nova Scotia 2011, http://electionsnovascotia.ns.ca/electionsstatistics.asp)
Ontario	<i>Electoral History of Ontario, Candidates and Results, with Statistics from the Records, 1867-1982</i> (Office of the Chief Election Officer, Province of Ontario, 1984), and <i>Elections Ontario</i> , http://www.elections.on.ca/en-CA/Tools/PastResults.htm
Prince Edward Island	Historical data obtained directly from Chief Election Officer Lowell Croken (e-mail dated September 8, 2010), and <i>Elections PEI</i> , http://www.electionspei.ca/provincial/historical/results/main.php
Quebec	Drouilly, Pierre, <i>Statistiques Électorales du Québec, 1867-1989</i> (Québec: Bibliothèque de l'Assemblée Nationale, 1990), and <i>Élections Québec</i> , http://www2.electionsquebec.qc.ca/corpo/francais/elections-generales-provincial.asp
Saskatchewan	<i>Provincial Elections in Saskatchewan, 1905-1986</i> (Chief Electoral Office, Province of Saskatchewan, 1987), <i>Report of the Twenty-Second General</i>

Data for Newfoundland is excluded, as it did not join Confederation until 1949. Data for New Brunswick is also excluded because candidates in that province did not have party affiliations until 1935, and thus could not demonstrate any shift before and after the formation of the CCF. Similarly, the Yukon and Northwest Territories are excluded because candidates only began having party affiliations in the 1970s. Nunavut is excluded because it only became a territory in 1999.

Figure 6.1 reports vote shares using a six-year moving average. This smoothens out data from off-year elections while preserving overall trends.

Figure 6.1 reports only vote shares for left-wing third parties. As with Hirano and Snyder, I used historical sources to distinguish left parties from other third parties. The table below provides a complete list of included parties.

Table A.4: List of Canadian Left-Wing Third Parties

Abbreviation	Full Name
CLAB	Canadian Labour
CCF	Co-operative Commonwealth Federation
CPC	Communist Party of Canada
FARM	Farmer
FL	Farmer Labour
FUL	Farmer-United Labour
CCFIND	Independent Co-operative Commonwealth Federation
LABIND	Independent Labor
PROGIND	Independent Progressive
LAB	Labour
LF	Labour Farmer
LPP	Labour Progressive Party
MLP	Marxist-Leninist Party
NATLAB	National Labour
NDP	New Democratic Party
NPL	Non-Partisan League
OUVIND	Ouvrier indépendant
PDE	Parti de la démocratisation économique
POC	Parti ouvrier canadien
PATRON	Patrons of Industry
PROG	Progressive
PWM	Progressive Workers Movement
SOC	Socialist
SOCLAB	Socialist Labour
UF	United Farmers
UFA	United Farmers of Alberta
UFO	United Farmers of Ontario

UFOL	United Farmers of Ontario-Labour
UFL	United Farmers-Labour
UNPROG	United Progressive
UNREF	United Reform
UNREFM	United Reform Movement
UNITY	Unity