

# **LABOR IN MOVEMENT: Contradictory Articulations of Union, Community, and State in Neoliberal New York**

Gabriel Hetland, Department of Sociology, University of California, Berkeley  
(ghetland@berkeley.edu)

**ABSTRACT:** In scholarship on the contemporary American labor movement, the (neoliberal) state and community are frequently portrayed in diametrically opposed terms: the former as monolithically negative, the latter as unambiguously positive. Despite its grain of truth, there are two problems with this Manichean opposition. First, it misses the *contradictory* nature of labor's current relationship to the state and community. As the following examination of labor struggles in New York retail shows, there is nothing inherently negative about labor-state relations, nor are community-labor alliances inherently positive. Second, it is a mistake to posit dynamic entities like "labor", "community", and "the state" as *inherently* positive or negative. This latter problem stems from the static analytical framework employed by most labor scholars, and can only be avoided with recourse to a more dynamic form of analysis, which pays attention to the *processes* through which (partially) fluid social phenomena like labor, community, and the state *become*, through mutual interaction, positive or negative, or both at the same time.

**Keywords:** *labor; state; community; neoliberalism; social movement unionism*

On February 8, 2006, the workers of Footco Inc., a small footwear chain with ten stores spread throughout New York City's least-affluent neighborhoods, celebrated a victory that few of them could have imagined just a year before: the signing of a union contract. In addition to job security and a significant wage increase, the contract provided employer-covered health care and paid vacation and sick time. For the mostly immigrant workers, accustomed to toiling up to seventy hours per week at below minimum wage, these gains represented a considerable material improvement in their lives. At a press conference celebrating the victory, the joy felt by Footco's newly-unionized employees was evident. Melissa, a worker from the Caribbean island of St. Vincent, recalled how workers had overcome their initial reluctance to organize for fear of losing their jobs. Jose, a Mexican immigrant and one of the campaign's leaders, addressed reporters in an emotional mix of Spanish and broken English, saying, "What can I say, I feel so happy."

Although Footco signed the contract with the Retail Wholesale Department Store Union (RWDSU), the press conference at which Jose and Melissa spoke took place at the office of Make the Road by Walking (MRBW), a Bushwick-based worker center. The fact that the organizing triumph was announced at the Brooklyn office of MRBW, located just blocks from two of Footco's stores, rather than at RWDSU's Manhattan headquarters, is indicative of the unusual nature of the Footco victory, which was made possible by a unique, though at times tension-ridden, community-labor alliance forged between RWDSU and MRBW. Of equal significance was the crucial, albeit contradictory, role played by an actor not present for the celebration: the state. Through the use of a consumer boycott, led by MRBW, the campaign bypassed the traditional National Labor Relations Board (NLRB) electoral route to union certification, which RWDSU leaders, based on their past experiences, saw as an option of last resort. At the same time, the campaign utilized a multi-million-dollar back-wage case brought by the New York State Attorney General (AG) as an important source of leverage against Footco, demonstrating that, like the moon, the state has two sides.

The unique nature of the Footco campaign makes it an excellent vehicle through which to understand the difficult and uneven process of transformation—from an older model of “business unionism” to a newer model of “social movement unionism”—currently underway in the American labor movement (Seidman 1994; Moody 1997; Turner and Cornfield 2007; Milkman and Voss 2004; Lopez 2004; Tait 2005). In particular, the campaign offers a window through which to view the relationship between labor, community, and the state at the dawn of the twenty-first century. Since the neoliberal turn of the 1980s and 1990s, labor-community and labor-state relations have

frequently been portrayed in diametrically opposed terms. The (neoliberal) state has been seen as a monolithically negative force, which unions must overcome or avoid (Clawson 2003; Fantasia and Voss 2004; Chun 2005). Community, by contrast, is frequently painted as the state's mirror opposite: a spontaneously progressive realm preternaturally disposed to support labor (Clawson 2003; Sciacchitano 1998; Cornfield et al. 1998). While this Manichean opposition highlights an important dimension of labor's current reality, these mythologies of state and community fail to capture the *contradictory* nature of labor's relationship to community and the state. As my analysis of the Footco and several related campaigns in New York retail demonstrates, state and community actors can both play simultaneously positive and negative roles vis-à-vis labor.

The contrasting portrayal of community and the state prevailing within existing scholarship on labor also points to a methodological shortcoming common not just to labor scholars, but to sociology as a whole: the tendency to reify dynamic social processes (Lukacs 1971; Brubaker 2004). As my analysis demonstrates, it is a mistake to see dynamic entities such as "labor", "community", and "the state" as fixed. The meaning of these terms—in a very "real" and not merely discursive sense—is not set once and for all, but must be continuously produced (and reproduced) over time. Since relations between labor, community, and the state are dynamic and change over time, it makes sense to *study* these relations *over time*, utilizing analytical tools sensitive to the *processual* nature of social phenomena (Burawoy 1989, 1998; Mahoney 1999; Abbot 2005; Sewell 2005). In an attempt to capture the temporal dynamism of social reality, I have situated the Footco campaign within a broader context of recent organizing in New York's retail sector, using a narrative analysis which extends backward in time to two

prior organizing efforts and forward to one subsequent campaign. Instead of viewing the four campaigns as inert bundles of discrete factors, suitable for statistical testing (see e.g. Bronfenbrenner 1997), I analyze them as interconnected “moments” within a larger process of learning and experimentation. In seeing labor as a set of dynamically interrelated processes, my methodological approach thus accords with the common-sense understanding of labor as a *movement*.

## MYTHOLOGIES OF STATE AND COMMUNITY

Labor unions in the United States have had a long and contentious relationship with the state. In the twentieth century alone—from the use of the Colorado National Guard in the “Ludlow Massacre” of 1914 to Ronald Reagan’s firing of the striking PATCO airline workers in 1981—labor has generally confronted the federal government as an enemy force (Lichtenstein 2002). By the late 1970s, the brief period of seeming reconciliation between labor and the state, which began in the 1930s and extended through the postwar boom years of the Keynesian class compromise, had ended. With the onset of neoliberalization in the 1980s and 1990s, and the latest corporate assault on the working class, the state reemerged as the seemingly implacable foe of labor, firmly dedicated to furthering the interests of capital at the expense of workers (Harvey 2004).

Given this history, it is hardly surprising that the (neoliberal) state has assumed “mythological” (Turner 1969) status as a monolithically negative force within most contemporary labor scholarship. Rick Fantasia and Kim Voss (2004) thus characterize PATCO as “a conspicuous public humiliation for the trade union movement, one that

displayed the degree of economic violence that could be unleashed by *a state willing, once again, as it had been in pre-1930s America, to shed any pretense of neutrality*” (68, emphasis added). Jennifer Chun (2005:14) concurs, arguing that, “In the United States, the terrain of national culture, not the legal arena, serves as a source of moral legitimacy for unions”. Scholars examining the positive role elected officials in the *political* arena have played in labor disputes have managed to partially dispel the image of the state as uniformly negative (Johnston 1994; Waldinger et al. 1998; Lopez 2004; Milkman 2006). But even this scholarship leaves intact the negative portrayal of the (neoliberal/post-PATCO) state’s *legal* machinery.

The taken-for-granted view of “community”, as an unproblematic (and frequently unexamined) resource for unions to tap into as needed, has been nearly the opposite within contemporary labor scholarship (Sciacchitano 1998; Cornfield et al. 1998), despite some notable exceptions (Needleman 1998; Fine 2005b). One of the most passionate pleas for a more community-centered unionism comes from Dan Clawson (2003:118), who calls for a “fusion” between labor and the “new social movements” such that “the union is the community and the community is the union” (see also Sciacchitano 1998). According to Clawson, “Employer resistance to the law *drove* unions to become more innovative and radical—which often meant community-oriented” (99, emphasis in original). Drawing an explicit contrast between the state, as negative and/or ineffectual, and community, which, like most labor scholars he simply *assumes* to be unambiguously positive, Clawson argues that, “Worker rights are won, if they are won at all, by mobilizing enough community support and publicity; *the strength of the movement,*

*rather than the effectiveness of state legal processes, becomes the key to success*” (125, emphasis added).

The problem with these portrayals of community and the state is not that they are false, but that they are incomplete. It is certainly the case that, as a general rule, US labor has confronted the (neoliberal) state as a hostile foe. It is also undoubtedly true that some of the most dynamic organizing struggles in recent decades, such as SEIU’s Justice for Janitors campaign, have succeeded by engaging community allies in civil society (Waldinger et al. 1998; Clawson 2003; Fantasia and Voss 2004; Tait 2005). What the above views—of the post-PATCO state as overwhelmingly and/or monolithically negative and community as unambiguously positive—miss, however, is the *duality* of labor’s relations with the state and community. As my examination of Footco and other contemporary labor struggles in New York’s retail sector reveals, the relationship between labor and the state can be simultaneously positive and negative. Additionally, while joining with community allies can allow unions to achieve victories which would be otherwise impossible, community-labor alliances are often unstable and riddled with tensions. Rather than portraying the state as negative and community/civil society as positive, it makes more sense to see both as ambiguous vis-à-vis labor, as Gramsci noted long ago (1971). The achievement of successful partnerships between labor, community and state actors is just that—an *achievement*—and a fragile one, as the following accounts of four interconnected labor struggles in New York’s retail sector will make clear.

## THE GREENGROCER CAMPAIGN: EXPLOITING CONTRADICTIONS IN THE STATE

In 1998, what had begun several years earlier as an effort to recover workers' illegally withheld back wages helped launch a citywide campaign to organize New York's greengrocer industry.<sup>1</sup> The Greengrocer campaign was led by a community-labor coalition, composed of the *Asociacion Mexicano Americano de Trabajadores* (AMAT – Mexican American Workers' Association), the Lower East Side Community Labor Coalition (CLC), and Local 169 of the Union of Needletrades, Industrial and Textile Employees (UNITE). Immanuel Ness, a political scientist and former union organizer who founded CLC in 1996 to press for changes in the greengrocer industry, explains the campaign's strategy, "Organizers hoped that by harnessing worker militancy to a community's power to boycott, they could achieve a more widespread and permanent improvement in wages and working conditions" (Ness 2005a:72).

The first target of the AMAT-CLC-Local 169 coalition was a ten-block stretch of twenty greengrocers in Brighton Beach, Brooklyn. The campaign started out well, with union organizers quickly managing to secure signatures from 75% of the five hundred greengrocery workers in the area. In spite of the lack of a sustained community boycott (Ness 2005b:64), Local 169 felt confident of victory, and decided to move forward with NLRB elections. Employers responded with a carrot-and-stick approach, firing and intimidating the most pro-union workers, while raising the wages of workers who remained. Despite the illegality of these tactics, the employers' strategy worked, and the union was defeated in the NLRB elections. According to Ness (2005b:64), "The Brighton

Beach drive, though successful in increasing wages—at least temporarily—demonstrated the futility of holding NLRB elections when employers are able to intimidate workers”.

Stung by this defeat, the coalition moved on to its next target: the Lower East Side of Manhattan. Having learned from its previous experience, this time around the coalition decided to wage its battle outside of the NLRB framework. The relationship between labor and the state in the campaign was not, however, wholly negative. At the same time that it disarticulated its linkage to the hostile NLRB, the campaign was in the process of rearticulating new, more positive, linkages with several different state institutions. These links, to the New York State Attorney General (AG) Eliot Spitzer and the New York State Department of Labor (DoL), proved invaluable, allowing the campaign to bring significant pressure to bear upon employers through a series of back wage legal cases brought by the AG, and a DoL investigation of systemic conditions in the industry.

An additional factor in the campaign’s success was its ability to defeat a fierce anti-union ideological campaign waged by local employers. To counter employers’ (false) charges that Local 169 was a lawless, divisive force within the community, with links to the Mafia and drug dealers (Ness 2005a:76), organizers presented the campaign as a positive force for the *community as a whole*, and not simply a *workers’* struggle. This was done by reaching out to employers as a unit and offering, in Ness’s (2005a:75) words, “to negotiate a neighborhood-wide agreement that would ensure the economic viability of the greengroceries while improving the condition of the workers”. When reaching out to employers failed, the campaign began community boycotts, leading to union recognition at six neighborhood greengrocers (Ness 2005a:76-77).



The chief lesson of the Greengrocer campaign concerns the contradictory character of the state. Sometimes, however, it takes more than once to learn a lesson, as the final campaign of the greengrocer struggle, an effort to organize several large greengrocers in Greenwich Village, shows. Despite having learned the pitfalls of NLRB elections in the Brighton Beach campaign, the ease with which union organizers were able to get workers in the targeted stores to sign union recognition cards convinced Local 169 that it could win through a traditional NLRB election. Due to a complicated set of factors, including legally dubious personnel changes by store managers, a fierce anti-union ideological campaign, and intra- and inter-union squabbling, this final campaign was unsuccessful, with the union losing the election (Ness 2005a:78-83). This loss did however teach several union staffers, including two destined to play key roles in the Footco victory, that whenever possible, NLRB elections should be avoided. Their positive experience with the AG—which in addition to its help on the campaigns discussed above also negotiated an industry-wide Greengrocer “Code of Conduct” signed onto by over 300 hundred employers (Ness 2005a:89-90)—in turn, taught Local 169 officials the benefits of utilizing the state’s “friendlier” side.

#### THE MINIMAX BOYCOTT: PUSHING COMMUNITY POWER TO ITS LIMIT

In early 2003, a few years after the end of the greengrocer struggle, three recently fired workers from Minimax, a medium-size discount clothing store in Bushwick, decided that they had had enough from their former employer, who for years had failed to pay overtime wages.<sup>2</sup> With the help of Make the Road by Walking’s Workplace Justice

organizer, Nieves Padilla, the former workers, along with half a dozen current employees, approached Morris, Minimax's owner, about recovering their unpaid wages, which allegedly totaled \$90,000 (MRBW press release 2003; El Diario de Hoy 2003).<sup>3</sup> After Morris refused to pay up, MRBW launched a boycott of Minimax, demanding "back wages for former workers and a raise for current and future Minimax employees" (MRBW 10/30/03). Following a six-month struggle, Morris agreed to a \$65,000 back wage settlement, and promised to pay current workers minimum wage and overtime, and to provide them with several paid sick and holiday days (MRBW 3/19/04).

Although the Minimax agreement applied to only a few dozen workers (and ultimately benefitted even fewer), the campaign's success was dependent upon MRBW's ability to portray the boycott as something that would benefit the working class, and the local community, as a whole. As MRBW member Bert explains, "If the workers went to court the workers will surely win their back pay. But *the workers want to make a change, not only for themselves, but for all the workers*. We can only win demands like the raise and so on, by pressuring the boss with protests and [a] boycott. The court will not go there" (*Workers Solidarity* 2004, emphasis added). The contrast drawn by Bert between the holistic utility of extra-legal community action and the futility of a legalistic strategy bears a striking resemblance to the contrasting portrayal of the state and community within existing literature on social movement unionism (see e.g. Clawson 2003; Tait 2005).

The apparent success of the Minimax boycott may thus seem to offer confirmation of the taken-for-granted, unequivocally positive view of community found within the labor literature (Sciacchitano 1998; Cornfield et al. 1998; Clawson 2003).

Such a view, however, stands in need of two qualifications. The first relates to the shadowy entity known as “community”. As the following passage from an October 2003 MRBW press release makes clear, the Minimax victory involved much more than the activation of a pre-existing, spontaneously progressive, “natural” sphere of community:

Over seven hundred *community residents* have already signed a commitment to boycott Minimax stores. Workers and residents will continue to mobilize support for the boycott, declaring to business owners in Brooklyn neighborhoods that consumers will not tolerate exploitation and abuse of the *community residents* that those businesses employ [emphasis added].

The use of the term “community residents” to refer to both workers and consumers demonstrates MRBW’s attempt to actively *construct* community as a sphere inclusive of potentially divisive interests but capable of transcending those divisions on a higher plane.

The ephemeral nature of the Minimax victory provides the second reason why overly celebratory views of community-centered organizing strategies must be rejected. When asked about the campaign, MRBW’s co-director Andrew Friedman expresses a sense of tempered satisfaction, reflecting the limitations of the concessions MRBW managed to extract from Minimax. According to Andrew, the Minimax agreement was “much less than a union contract...the heart of [which]...is the just cause provision, that you can’t get fired without a procedure. This had nothing like that...but it was still something, and it was a lot more than we had been able to get anywhere else” (interview with author 4/6/06). Andrew also admits that MRBW has been unable to effectively monitor or enforce the terms of this agreement, a fact which prompted him to begin

thinking about how to combine MRBW's "community power"—the strength and limitations of which the Minimax boycott amply demonstrates—with additional sources of power, in order to do more than merely hold local employers' feet to the fire.

#### FOOTCO INC: AMBIGUITIES OF A COMMUNITY-LABOR ALLIANCE

At the same time that MRBW was thinking about how to force low-road retailers to implement more lasting, institutional changes in their employment practices, Jeff Eichler, the former organizing director at UNITE Local 169 during the Greengrocer campaign, was looking for community partners in his new capacity as organizing director of the Retail Organizing Project at the Retail Wholesale Department Store Union (RWDSU). Jeff explains the need for community-labor alliances by drawing a comparison between the 1930s and today, arguing that, "In the 1930s, there was an organic connection between unions and communities. Unions were based in working-class communities and they were working-class institutions, they were accepted. At that time you didn't even have to think about working with the communities, it was just assumed" (interview with author 5/9/06). The present lack of an "organic" connection between unions and (increasingly fragmented) working-class communities—what Katznelson (1981) characterizes as the split between the politics of work and the politics of community—means that, "To come back we [unions] have to make real partnerships with communities. Oftentimes, going in on our own is not the most effective way to organize" (ibid).

Neither Andrew nor Jeff remembers the exact details of how they met, but in 2005 MRBW and RWDSU launched a joint partnership, the *Despierta Bushwick* (Wake Up Bushwick) campaign, to improve the wages and working conditions of local retail workers. With one hundred workers spread across ten stores, and millions of dollars in unpaid back wages, Footco Inc. was chosen as the first target to test the *Despierta Bushwick* campaign's three-pronged strategy. Building directly upon the lessons, and social networks, of the Greengrocer and Minimax campaigns, the strategy consisted of: 1) a MRBW-led community boycott of Footco's stores; 2) RWDSU outreach to Footco workers (led by Manuel, a lead organizer from the Greengrocer campaign, whom Jeff recruited to RWDSU); and, 3) a back wage lawsuit brought by the New York State Attorney General. The Footco campaign can thus be seen as an attempt to combine three sources of leverage: the "associational power" of a community-based worker center; the "structural power" of a workplace-centered union (Silver 2003); and the legal power of the state (Mann 1986).

In early August 2005, the campaign closed in on Footco, with the AG providing notification of a multi-million dollar back wage lawsuit on the same day that MRBW threatened a boycott unless Footco agreed to sign a neutrality agreement—which the campaign called a "Good Business Community Agreement" (GBCA)—pledging "to allow the workers in all ten stores to join a union of their choice [i.e. RWDSU] and to negotiate a contract in good faith with the workers and their union" (MRBW 2/8/2006). The GBCA stipulated that the contract negotiation process would be overseen by a Community Labor Relations Board (CLRB). Consciously set up as a means to avoid the NLRB, the power of the CLRB came not from the state but from the *moral* authority of

respected local community and religious leaders, who pledged to monitor and enforce the terms of the GBCA in an independent and neutral manner. At the same time, the campaign skillfully made use of the AG's *legal* clout, with Patricia Smith, the head of the AG's Labor Bureau making it known to Footco that her office would "take into account the future earning potential of the workers" in figuring out the final settlement amount in the back wage case (interview with author 5/25/06). The campaign's simultaneous use of moral and legal power again demonstrates the dangers of drawing too great a distinction between the-state-as-negative and community/culture/civil society-as-positive vis-à-vis labor (Chun 2005; Clawson 2003; Tait 2005).

Confronted with pressure from multiple sides, Footco signed the GBCA almost immediately, ending the campaign's first stage of struggle and initiating a second, more protracted, phase. The CLRB faced its first major test in November 2005 when contract negotiations began to falter. MRBW and RWDSU, suspecting that Footco was not negotiating in good faith, pressured the CLRB to allow MRBW to start a boycott. The threat of a boycott was enough to bring Footco back to the bargaining table, and in December 2005, RWDSU and Footco reached an accord, with the shoe retailer agreeing to a (greatly reduced) back wage settlement of \$400,000 and a two-year contract valued at over \$2 million. In January 2006, the contract was overwhelmingly ratified by Footco's workers.

The Footco victory demonstrated the viability of the *Despierta Bushwick* campaign's three-pronged strategy. The campaign's success depended, however, not only upon its ability to overcome Footco's intransigence and foot-dragging, but also upon the ability of MRBW and RWDSU to overcome intra-campaign, inter-organizational

tensions. These tensions stemmed from a variety of factors, including interpersonal conflict, turf battles, and differences of organizational ideology and culture. One of the sharpest sources of strain came from the virulently anti-union feelings expressed by a handful of members of MRBW's Workers in Action committee. During weekly WIA meetings (which I regularly attended for nearly six months), these members frequently argued that RWDSU should not be trusted since, "Unions are businesses...only interested in monthly dues". MRBW was seen in a completely different light, as a "family", presided over by "La Mama" (Workplace Justice organizer Nieves), and motivated not by financial self-interest, but by "love".

At several points during (and after) the Footco struggle, the tension between MRBW and RWDSU threatened to derail the *Despierta Bushwick* campaign completely. Meetings between the two organizations were often tense and occasionally degenerated into ugly shouting matches between several WIA members and one of RWDSU's organizers. In addition to the anti-union feelings discussed above, a second key source of conflict had to do with differences in decision-making styles between the two organizations, with MRBW more committed to process-based, participatory decision-making and RWDSU more interested in efficiency and outcome (see Needleman 1998). The most serious difficulty this led to came during the contract negotiation process, when MRBW and RWDSU disagreed about how to respond to Footco's request that WIA members be excluded from the bargaining table. Given their mistrust of RWDSU and unions in general, along with their understanding of MRBW's commitment to "membership power" (see Jenkins 2003), WIA members adamantly insisted on being present. RWDSU leaders were not opposed to this in principle, but were anxious lest

Footco walk away from the table, and were therefore willing to exclude WIA members if doing so would help secure a contract (as it proved to).

The end of the Footco struggle did not eliminate the tension between MRBW and RWDSU, and the fact that their partnership managed to survive at all, and win an impressive organizing victory, is a testament to the patience and dedication of the leaders of both organizations, as well as a number of WIA members. The Footco triumph is proof of the benefits that community-labor alliances can provide. These benefits have been recognized by many labor scholars (Waldinger et. al. 1998; Clawson 2003; Fantasia and Voss 2004; Fine 2005a, 2005b; Evans 2007). But the Footco campaign also demonstrates something else, which scholars have focused little attention on: that, however necessary and beneficial they may be, community-labor alliances are not immune from the conflicts which rage in society at large.

#### ASSOCIATED: THE LIMITS OF LEARNING

As discussed above, the strategy which led to the Footco victory was built upon the lessons, positive and negative, of the Greengrocer and Minimax campaigns. Through my narrative analysis, I have sought to demonstrate that these campaigns should be seen, not as isolated bundles of inert variables, but as interconnected “moments” within a single “learning process”. This learning process extends into the final struggle I analyze, the *Despierta Bushwick* campaign’s ongoing effort to organize Associated, a large grocery store just down the block from Footco. The evidence of “learning” in the Associated campaign is demonstrable, with MRBW and RWDSU managing, through a



concerted effort over many months, to almost completely overcome the near-crippling inter-organizational tensions which so plagued the Footco struggle. Despite this, victory at Associated has proven elusive. The main reason for this is the fierce intransigence of Associated's owners, who have shown their willingness to go to jail before giving in (Greenhouse 2008). The inability (thus far)<sup>4</sup> of MRBW and RWDSU to overcome this intransigence is a reminder that—while learning may be a necessary, albeit intangible and underappreciated, factor in successful labor organizing—in a world marked by profound inequalities of power and resources, there are limits to learning.

Before detailing the nature of these limits, it is worth examining how MRBW and RWDSU managed to transcend the rancor which nearly prevented the Footco victory from occurring. This occurred in three main ways. First, to combat the anti-union attitudes of WIA members, MRBW conducted a series of popular education workshops, held during WIA weekly meetings, on the history and structure of American trade unions. Although I was unable to attend these sessions, from conversations with MRBW leaders and WIA members, they appear to have helped considerably. Additionally, the real-life knowledge WIA members have gained from working with RWDSU—in meeting rooms and on picket lines—over the course of the lengthy Associated campaign, now in its third year, has done wonders to lessen their mistrust of unions. I was able to personally verify this during fieldwork carried out in the summer of 2007 (a year into the campaign), when I heard little animosity from WIA members towards RWDSU or unions in general, a marked contrast to what I heard and witnessed from WIA members a year before.

Second, in response to the interpersonal tensions which had plagued joint strategy meetings, RWDSU implemented a personnel change, moving the organizer who had

clashed with WIA members during the Footco struggle off the *Despierta Bushwick* campaign and hiring a new organizer, Laura Tapia, to replace him. To facilitate her acceptance by WIA members, Laura was given an office at MRBW and has regularly attended weekly WIA meetings. Laura's arrival has also helped lessen the final source of friction between MRBW and RWDSU, relating to differences in decision-making styles, since she has been much more willing than her predecessor to go along with MRBW's commitment to participatory decision-making and "membership power". MRBW in turn has shown its willingness to modify the form which this commitment takes, by agreeing to conduct joint meetings with RWDSU without WIA members present.

Through these three mechanisms, MRBW and RWDSU have managed to almost completely overcome the tensions which threatened their partnership during the Footco struggle. Yet despite this, the *Despierta Bushwick* campaign has been unable to reproduce the success of the Footco campaign in its struggle against Associated. Before examining the main reason for this—the fierce resistance shown by Associated's owners—it is worth mentioning a few of the other factors which have stood in the way of success. The most important of these is the (non-)role of the New York Attorney General, which waited over two years from the start of the campaign to file a back wage lawsuit against Associated. This stands in marked contrast to the AG's speedy, decisive, and well-coordinated actions against Footco, and may reflect changing priorities as the office passed from Eliot Spitzer to Andrew Cuomo, following Spitzer's November 2006 election as New York Governor.<sup>5</sup> A second problem faced by organizers was division amongst Associated's workforce, with over a third of the workers familiarly related to one of the store's owners, and thus effectively off limits to RWDSU. Finally, despite the

ability of MRBW and RWDSU to move past their differences, the Associated campaign has suffered from problems internal to MRBW's WIA committee, which led to several damaging gaps in MRBW's boycott of Associated.

The chief reason for the lack of success at Associated, however, has been the tremendous opposition shown by Associated's owners, demonstrating that the strength of capital—or “employer resistance”—remains one of the most important determinants of union success (Bronfenbrenner 1997). After MRBW launched its boycott in June 2006, Associated's top brass demonstrated the lengths to which the company was willing to go to maintain control over its workforce by firing two baggers who had complained about working for years and receiving only tips and no wages (Lombardi 2006). While the *Despierta Bushwick* campaign—through pressure from the AG (still under Spitzer's control) and the national media—was able to force Associated to offer to reinstate the workers, only one chose to do so, with RWDSU and MRBW organizers seeing this as a demonstration of the power Associated's owners continue to wield over the workforce. Additionally, despite the near-certainty of (potentially significant) losses from MRBW's multi-year boycott, Associated company executives have consistently refused to meet with MRBW or RWDSU.

In early October 2008, the campaign moved into a new stage, when Associated's president and vice-president “were arrested...on charges that they had cheated workers out of more than \$300,000 and had falsified business records that they gave to state officials” (Greenhouse 2008). As the *New York Times* reported, the men “pleaded not guilty”, demonstrating Associated's determination to fight any attempt to hold it accountable. In addition to arresting Associated's top two executives, the AG (now under

Cuomo's control) filed a lawsuit against the company, seeking to recover over \$600,000 in unpaid back wages (ibid.). These developments make it likely that the *Despierta Bushwick* campaign will not end up empty handed. It remains to be seen, however, whether MRBW and RWDSU will find some way to overcome the fierce determination shown by Associated executives to keep their store union free.

#### CONCLUSION: SEEING LABOR AS A *MOVEMENT*

The last decade has seen a veritable explosion of studies, particularly within sociology, examining the American labor movement. Despite the bittersweet irony that, as Michael Burawoy (2008) and others have noted, this surge of academic interest in labor coincides with labor's continuing decline in fact—with the percentage of unionized workers in the private sector reaching a postwar low of 7.4% in 2006 (Hirsch 2008)—many scholars have found reason to hope in the rise of a new form of “social movement unionism” (Clawson 2003; Lopez 2004; Fantasia and Voss 2004; Milkman and Voss 2004; Turner and Cornfield 2007). Labor's turn to community allies in civil society, and away from hostile state institutions, like the NLRB, is emblematic of this new, more combative form of unionism (Waldinger et. al. 1998; Clawson 2003; Fine 2005b; Tait 2005).

The campaigns examined above can certainly be seen within the framework of social movement unionism, demonstrating as they do the usefulness of community-labor alliances and the difficulties unions continue to face with the NLRB. But the campaigns also challenge two deeply held mythologies found amongst scholars using this

framework: of the (neoliberal) state as monolithically negative and of community as unambiguously positive. As my analysis demonstrates, this Manichean opposition fails to capture the *contradictory* character of labor's current relations with both community and the state. While it is certainly true that labor has, as a rule, encountered the (neoliberal) state as a hostile foe best avoided, my examination of the positive role played by the New York State Attorney General (and to a lesser extent the NYS Department of Labor) in New York's retail sector shows that the (post-PATCO) state can also act as labor's friend.<sup>6</sup> My analysis of the tensions between MRBW and RWDSU, in turn demonstrates that, despite the value and (increasingly the) necessity of community-labor alliances, such alliances may be ridden with conflict and can be challenging to maintain. Just as the state should not be written off, neither should civil society be seen as a panacea for labor; as Gramsci (1971) notes, the relationship of labor to both state and civil society is deeply ambiguous.

This ambiguity is related to the third challenge my analysis poses to contemporary labor scholarship. This challenge concerns the dynamic nature of social phenomena. In positing (partially) fluid entities like community and the state as *inherently* positive or negative, labor scholars have often downplayed or ignored this dynamism.<sup>7</sup> This is due to the "static" analytical framework underlying most recent work on labor (and most sociological work in general). This framework operates by "freezing" fluid social processes to allow for comparisons, based on the presence or absence of key variables, across cases which are (seen as) fixed in time (see Skocpol 1979 for a particularly determined and self-conscious example of this approach; for critiques see Burawoy 1989; and, Sewell 2005). It would of course be a mistake to dismiss the insights this approach

has yielded within labor studies, from which strategies and tactics are most effective in organizing campaigns (Bronfenbrenner 1997), to the characteristics unions need to “break the iron law of oligarchy” (Voss and Sherman 2000). I have relied upon static analysis myself, in seeking to explain differences between the campaigns analyzed above.

The problem is that labor scholars (and most sociologists in general) have frequently failed to recognize the *limitations* of a purely static approach. As I see it, drawing upon the work of earlier critics (Lukacs 1971; Fantasia 1988; Burawoy 1989, 1998; Johnston 1994; Mahoney 1999; Brubaker 2004; Abbot 2005; Sewell 2005), static analysis suffers from four problems: 1) decontextualization; 2) the assumptions of isolation, and 3) timelessness; and, 4) how to explain change. The problem of decontextualization refers to the (misplaced) assumption that social objects can be analyzed outside of context, leading to the establishment of “universal laws”, held to be good in all times and places. The second and third problems refer to the (equally misplaced) assumptions that social objects can be meaningfully analyzed in isolation from one another and “outside” of history, leading to a denial of the interconnectedness and historicity of social phenomena. Finally, there is the difficulty static analysis has in dealing with change, with the question of how a given object of analysis might go from one (seemingly inherent) “state of being” to another.

To give this argument some flesh, I have constructed two figures offering contrasting representations of the campaigns analyzed above. Figure 1 provides a “static” view of the campaigns, while Figure 2 shows the “dynamic” view, which underlies the narrative analysis of the campaigns I have employed above. A great deal of useful information can be gleaned from the static analysis of Figure 1: it shows, for instance, the

universal inability of the campaigns in my sample to achieve a union contract if the campaign 1) utilized an NLRB election, and/or, 2) was faced with a high-strength employer. Figure 1 also shows that the only two successful campaigns in my sample, Greengrocer LES and Footco, shared the following four features: 1) a community-labor alliance; 2) operating outside the framework of the NLRB; 3) with the support of the AG; and, 4) confronting a low-strength employer. Finally, Figure 1 shows that the only unsuccessful campaign facing a low-strength employer and operating outside the NLRB, Minimax, did not have a community-labor alliance or support from the AG.

These are valuable findings, and may be of use to community and labor activists (and even anti-union employers). In spite of this usefulness, Figure 1 nonetheless suffers from the four problems associated with static analysis identified above. First, in Figure 1 the campaigns are presented in a completely decontextualized manner. The reason this is a *problem* (as opposed to an irrelevant observation), not just in my examples but for static analysis in general, is because it can lead to the unwarranted conclusion that the conditions identified as “necessary” for “success” in particular cases—the four factors common to the Greengrocer LES and Footco campaigns, for instance—can be transplanted to any time and place, and turned into universal laws which operate irrespective of context.<sup>8</sup> Context, however, is not something which can be easily “controlled”, or relegated to “colorful background”. As Barrington Moore (1966) shows with respect to liberal democracy in France, England and the United States, there can be multiple paths leading to the same destination. Context matters.

The second and third problems, what I have called the assumptions of isolation and timelessness, can also be seen in Figure 1, which presents the campaigns as mutually

independent entities existing “outside” of historical time. I have shown that this is decidedly *not* the case; that, as Figure 2 demonstrates, the campaigns should be seen as interconnected moments within a single learning process, with the latter campaigns built upon the lessons of earlier struggles. Despite the undoubted value that static “snapshots” like Figure 1 have as heuristic devices which facilitate comparison across cases, the downside to such snapshots—in which events can easily be made to appear as isolated and timeless—is that they can obscure the *connections* between cases. There are, of course, important differences between the successful and unsuccessful campaigns in my sample, and Figure 1 is useful as a means of highlighting these differences. What Figure 1 cannot show, however, is the way in which earlier “failures” may be *necessary elements* in later “successes”,<sup>9</sup> due to the “learning process” described in the narrative above. Narrative, in fact, is unique amongst methods in its ability to illuminate the processual nature of social reality (Mahoney 1999).

The final limitation of static analysis is the difficulty it has accounting for change. Figure 1 can, for instance, be used to show the existence of a correlation between the presence of certain variables—1) a community-labor coalition, 2) working in conjunction with the Attorney General, 3) operating outside the NLRB, 4) against a low-strength employer—and a given outcome—the achievement of a union contract. Figure 1 cannot, however, explain *how* these particular variables lead to a given outcome, nor why they might be present in one case rather than another. Nor can it explain how certain variables (such as “AG Role” or “Community-Labor Alliance”) can be *transformed* from a state of “absence” to a state of “presence”. Although proponents of static analysis (see e.g.



Skocpol 1979) tout its ability to explain why different outcomes occur, even on this front it is clearly limited (if used in isolation from other methods).

The solution to the limitations of static analysis is obviously not to abandon this analytical approach (the benefits of which I have been at pains to recognize). Given the dynamism of the social world—of phenomena like labor, community, and the state—however, it is important that labor and other scholars become more willing to recognize the limitations of static analysis, and to admit the benefits of more dynamic forms of analysis, such as narrative, which are too often dismissed as being merely “descriptive”. The ongoing resurgence of scholarly interest in labor is a most welcome development. And with a new president willing to use the phrase “labor movement” without grimacing, it is possible that labor may regain some currency in popular and media discourse in the coming years as well. In order to make sense of these and other developments, it is important to “see” labor the way most people talk about it, as a set of dynamic, interconnected processes, that is as a *movement*.

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Appendix: Charts and Tables

**Presence of Key Variables**

<i>Campaign</i>	<b>NLRB Election</b>	<b>AG Role</b>	<b>Community-Labor Alliance</b>	<b>Strength of Capital</b>	<b>Outcome</b>
Greengrocer BB	Y	N	N	High	Failure
Greengrocer LES	N	Y	Y	Low	Success
Greengrocer Village	Y	Y	Y	High	Failure
Minimax	N	N	N	Low	Failure
Footco Inc.	N	Y	Y	Low	Success
Associated	N	Y*	Y	High	Failure (?)

Key: Success = union contract (or similar, long-term enforceable agreement)  
 Failure = no union contract (or similar long-term, enforceable agreement)

Figure 1. The “Static” View: Comparing cases by outcome according to the presence or absence of key variables.

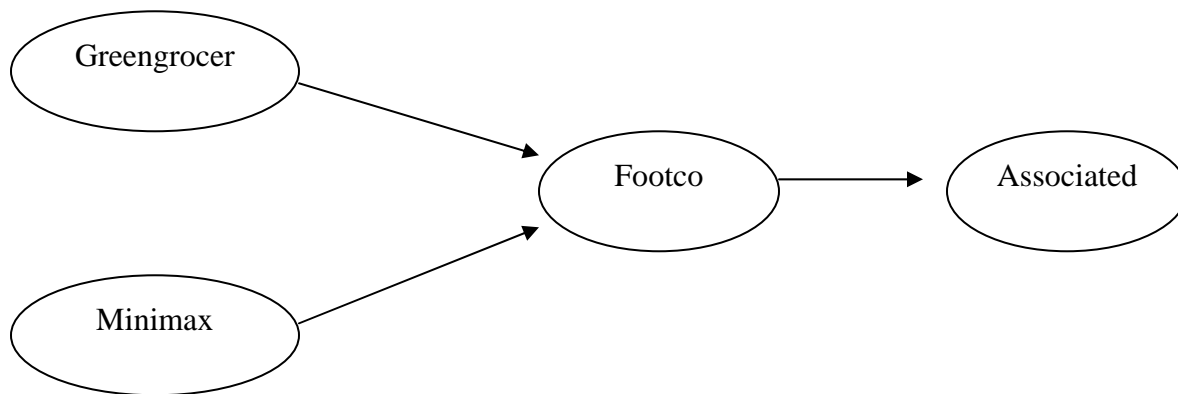


Figure 2. The “Dynamic” View: The Learning Process.

## Notes:

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<sup>1</sup> The following draws heavily upon Ness 2005a, especially, Ch. 4.

<sup>2</sup> The following three case studies are based on fieldwork conducted by the author between January 2006 and August 2007, as well as follow up interviews (in-person and by phone) through February 2009.

<sup>3</sup> All citations of MRBW are from press releases or internal documents.

<sup>4</sup> Since the Associated campaign is ongoing, it is certainly possible that organizers will find some way to achieve victory. It would therefore make sense to insert the phrase “thus far” whenever speaking of the campaign’s “lack of success”, though stylistic considerations, and my own assessment of the campaign’s likely trajectory, prevent this.

<sup>5</sup> Cuomo cannot be blamed entirely for the slowness of the AG’s action in the Associated campaign, which started in June 2006, when Spitzer was still the New York AG. It is highly likely that the AG’s initial sluggishness related, first to Spitzer’s gubernatorial campaign, and secondly to the inevitable delays associated with the transition from Spitzer to Cuomo. The *subsequent* delay, between January 2007 when Cuomo took office and October 2008, when the AG finally took decisive action in the case, seems to indicate a shift in priorities as the office passed from Spitzer to Cuomo.

<sup>6</sup> This finding echoes a point made by Melvyn Dubofsky (1994), who argues that the relationship between labor and the state over the course of American history should be seen as contradictory and ambiguous. Dubofsky’s analysis stops in the 1970s, and he therefore does not comment on the *neoliberal* state.

<sup>7</sup> This privileging of “static” forms of analysis is not limited to discussion of the state and community, but permeates labor studies (and sociology) as a whole. A particularly clear example of this is the way labor scholars continue, despite Rick Fantasia’s (1988) potent critique over two decades over, to discuss different demographic groups’ dispositions towards unions, as though these dispositions were natural and inherent to the groups in question, rather than a contingent *product* of political action. See, for instance, Waldinger & Der-Martirosian’s (2000:page??) discussion of “unionization preferences”: “Some groups of workers—African-Americans most definitely, women quite possibly—are both unhappier *and* more pro-union than the rest” (emphasis in original).

<sup>8</sup> The miniscule size of my sample obviously prevents any testing for statistical significance, but the *logical* point I am making regarding the limitations of static analysis, which has been used for samples as small as mine—see e.g. Skocpol 1979—still remains.

<sup>9</sup> This discussion also reveals the ambiguity of terms like “success” and “failure”. In my discussion I have referred to the Footco campaign as successful, because it secured a union contract, and the Associated campaign as a failure, because (thus far) it has not. In a different sense, however, with respect to community-labor relations for instance, the Associated campaign has been more “successful” than the Footco campaign.