

Denison University

Denison Digital Commons

Student Scholarship

2023

The Impact of Economic Codetermination: A Comparative Analysis of Union Strategy in 1980s US, UK, and Germany

Madeleine Murphy
Denison University

Follow this and additional works at: <https://digitalcommons.denison.edu/studentscholarship>

Recommended Citation

Murphy, Madeleine, "The Impact of Economic Codetermination: A Comparative Analysis of Union Strategy in 1980s US, UK, and Germany" (2023). *Student Scholarship*. 165.
<https://digitalcommons.denison.edu/studentscholarship/165>

This Thesis is brought to you for free and open access by Denison Digital Commons. It has been accepted for inclusion in Student Scholarship by an authorized administrator of Denison Digital Commons.

**The Impact of Economic Codetermination: A Comparative Analysis of Union Strategy in
1980s US, UK, and Germany**

Madeleine Murphy
Denison University
Philosophy, Politics, Economics Senior Research
2023

Introduction

How and why does change happen? This is an existential question that every activist, political leader, and engaged citizen likely wants the answer to. Some might say that change happens in the streets with unified chants echoing through crowds. Others say it is within the halls of power when elected leaders amend and create the written law. There are also those who might say change lies with those that have money and in corporations board rooms or hold more skepticism and see change as arising from back rooms and shady deals. All of these perspectives boil down to the chicken-egg question of if law changes society or if society changes law. I will not answer this massive question in this research, but I hope to unravel a bit of the puzzle by examining labor union strategy over three different countries that have three distinct political and social landscapes during a time period where labor rights in those three countries changed in different ways.

We are sadly living in a time where little unities us. The religious, political, and cultural schisms seem too far to cross. But across these divides almost everyone works. According to the International Labor Organization a staggering 3.3 billion people work across the globe.¹ The computer I am typing this on the paper or screen you are reading this on the shirts on our backs all required hours of work from a multitude of people. It is mindboggling to think about the amount of people whose labor went into making just the things within your eyeline at this moment. This does not even count the labor that went into making you who you are like teachers, doctors, and authors who taught you, kept you healthy and words inspired you. Work touches every corner of our world. While work is a ubiquitous fact it can cause immense controversy. Some view work as an outpouring of themselves so a threat to work is a threat to identity. Work can control and coerce people, or it can be a meaningful expression of true

¹ “World Employment and Social Outlook.”

passion. Work disputes have caused violence and different perspectives on labor divide national identities. Because work is ubiquitous, yet the reality of work or labor rights is different across different countries labor disputes (or lack thereof) serve as a good conduit to study the interaction between political systems and social change.

In this research I will examine the question of how difference in social and political structures or priorities can cause differences in work. I will do this by focusing on three countries and their labor union strategy at the same approximate time in history, the early 1980s. The countries I will examine are the United States, the United Kingdom, and Germany. I chose these three countries as case studies because the United States and the United Kingdom follow a similar trend away from labor power in the 1980s, but Germany disrupts this trend by passing laws that bring workers into the managerial space through co-governed supervisory boards and works councils.

In my first section I will focus on the United States and the PATCO, Professional Air Traffic Controllers Association, strike in 1981. The United States had a long history of union strength in the manufacturing and trade fields. In the mid 1930s to recover from the Great Depression President Roosevelt increased the American workforce through New Deal programs. These governmental programs created jobs for people across the country ballooning the public sector workers. Public sector workers did not enjoy the same labor protections as other workers, so this new workforce was left with no representation. One of these uniquely challenging public sector jobs was Air Traffic Controllers. After many negotiations and bargains over the years PATCO air traffic controllers went on a widespread strike in 1981 in response to Reagan, who they endorsed, not meeting their demands for better wages, conditions, and benefits. The strike was unsuccessful, PATCO was decertified as the bargaining agent for air traffic controllers, and

many controllers went back to work or retired under threat of arrest. The unions unsuccessful strategy that focused on wages, benefits, and conditions reflects the United States highly capitalist republican democracy where the philosophic idea that property is the backbone of society carries through as a national ideal.

In the second section I will turn to the United Kingdom. Unionization and labor representation in the United Kingdom fell by every possible measure in the 1980s. A specific case study that illustrates this is the widespread miners strikes in 1984-1985. The strike was sparked by the proposed closures of pits nationwide. These strikes were widespread, community focused, and sometimes turned violent as illustrated by the Battle of Orgreave. Focusing in on just the pits in Scotland the tension between managerial relations and market relations as well as regional differences are revealed. Labor was confined to bargaining in the market relations space (wages, conditions, and benefits) rather than the managerial space (operation of the firm) resulting in a disillusion of trust between managers and employees. The strike was thwarted by Margret Thatcher's conservative government strategies of stockpiling coal and securing nonunion drivers to transport the coal. The labor losses in the 1980s did not only impact the workers in the 1980s it caused a ripple effect that has made it harder for unions to be recognized ever since. This is because new firms set up in the 1980s were much less likely to have recognized labor indicating a societal shift away from wanting unions in new firms. The United Kingdom is governed by a constitutional monarchy in the tradition of Hobbes with a strong central leader, the Prime Minister or Monarch, getting to decide when the legislature is dissolved or reelected. Given the political structure undergirding the society and economy in the United Kingdom this is not completely surprising as the union fell to this fate in the 1980s.

Germany in about the same time period diverges from the trend away from labor power the United States and the United Kingdom experienced because of the passage of the Codetermination Act of 1976. Codetermination means labor and capital jointly vote and get a say in the management of a firm. Economic codetermination or this type of labor power within firms has a long history in Germany finding its roots back before World War II. Codetermination was revived after the war and is put in practice with the 1976 act requiring firms that employ more than 2,000 workers to have a council that is 50/50 split between laborer's and workers. This act was politically popular and set Germany up to be flexible during the economic shocks of reunification and set them up for long term success. This economic structure is an example of Germany's unique political system and approach to rights. Germany mediates rights and has a very strong legislative government that elects the central leader illustrating a structural commitment to co governance. This unique political and social landscape would make the success Germany has had with Economic codetermination hard to replicate.

In the last section I will conclude. I will additionally offer my opinions and some possible next steps for any future union strategy.

United States: "A Band-Aid for Cancer"

The United States has a long history of union strength. The first union was formed in Baltimore in 1866² and at its peak, 35% of all workers in America were covered by a union contract.³ Despite this long and storied history unionization rates took a nosedive in the 1980s and currently only 10% of workers are unionized.⁴ In the 1980s anti-communist rhetoric, the failure to institutionalize worker voice in decision-making spaces, and Reagan's policies came to

² Terrell, "Research Guides."

³ Desilver, "10 Facts about American Workers."

⁴ "Union Members Summary - 2022 A01 Results."

a head creating the perfect storm weakening America's unions and pointing out flaws in Americas union strategy that focused on conditions, wages, and benefits rather than institutional representation. This union strategy is still the status quo with the largest union organization, the AFL-CIO, defining collective bargaining as "the process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment, including pay, benefits, hours, leave, job health and safety policies, ways to balance work and family."⁵ To this day unions have a focus on workers' pay and conditions. This convergence of social and political forces as well as union strategy focused on pay and conditions is particularly apparent in the 1981 Professional Air Traffic Controllers Organization (PATCO) strike.

Air Traffic controllers fall under the umbrella a of public sector workers which is a sector of the workforce that have had a long and bumpy path to gaining labor representation. The public sector workforce boomed in the 1930s after 1930s President Franklin Delano Roosevelt implemented a wide range of public works programs and financial reforms aimed to quell great depressions unemployment called the New Deal. New Deal projects-built post offices, schools, roads, planted trees, constructed trails, and even painted murals that stand to this day These new deal programs like the Works Progress Administration and the Civilian Conservation Corps all required new public sector workers increasing workers but leaving them without the ability to organize in the same way their colleges in the private sector could. When the National Labor Relations Act of 1935 was passed, which is the bedrock of labor rights in America, public workers were excluded from protection. These workers remained without many protections till and executive order by JFK in 1962, granting federal employees the right to collectively bargain but still barring them from barging for their wages or striking.⁶ These policies left a massive and

⁵ "Collective Bargaining | AFL-CIO."

⁶ Loomis, *A History of America in Ten Strikes*. 181

growing workforce that was often working uniquely difficult jobs with no representation and no route to gain representation. The policy against strikes changed in the 1970s as a result of worker action in a widespread postal workers strike against their union direction making it the largest wildcat strike. Postal workers do physically taxing work that provides invaluable service to every citizen reached a breaking point when Congress voted themselves a 50% raise but no raise for the postal workers.⁷ In March 1970, after rejecting a 5.4% raise, more than two hundred thousand postal workers struck from New York to Los Angeles against the orders of their union making it the nation's largest wildcat strike. They halted the whole postal system and settled a final agreement of collective bargaining rights and a 14% raise.⁸ Their worker-driven wildcat strike changed the tide for public sector workers and opened the door for future public service workers, like the air traffic controllers, to act.

In the background of worker action at this time was the Red Scare and the rise of anti-communist sentiments reinforced by legislation. The Red Scare grew with the cold war from the 1950s-the 80s and created wide-ranging public dislike for anything that could be even tangentially associated with communism. The rhetoric spun by politicians and cooperation's that linked unions and communism together I believe was part of the fall of unions in the 1980s. This rhetoric took the form of "corporations bombarding staff with propaganda" and million dollar advertisement campaigns to counter the perceptions of bosses as "cigar-chomping plutocrats."⁹ These efforts were all in hopes of painting labor as 'militant and radical' justifying the use of state power to suppress this "un-orthodox" political and economic doctrine.¹⁰ Researchers found that since reconstruction anticommunism has "linked an antilabor and laissez-faire agenda with

⁷ Loomis. 182

⁸ Loomis. 183

⁹ Fischer, *Spider Web: The Birth of American Anticommunism*. 265

¹⁰ Fischer. xv

fears of subversion, influencing not only the evolution of conservative politics but even the bounds within which twentieth-century politics came to be practiced.”¹¹ Research uncovered that through an informal network of activists across the political and business spheres a specific view of American values was spread that linked the philosophy of antilabor and laissez-faire economics with being a true American within the context of anticommunism and fear of the USSR creating an economic reality that was harsh on workers' rights.¹²

Moves by politicians to fight communism in the 1940s led to the passage of legislation that harmed workers in the 1980s because the legislation brought business and political interests into alignment. The Economic Policy Institute found that while “employer-friendly laws were on the books on the 1940s, 1950s, and 1960s, it was not until the 1970s that employers began to take full advantage of their power.”¹³ Prime among these employer-friendly laws is the Taft-Hartley Act in 1947. Taft-Hartley which strengthened employer influence by banning mass boycotts, union donations to federal campaigns, and wildcat strikes as well as giving companies permission to terminate anyone who did not agree on labor issues. One of the largest impacts of Taft-Hartley that we still deal with today was its allowance of ‘right-to-work’ state laws where states could force unions to represent people who do not pay dues which makes unionization much more difficult.¹⁴ In addition to the Taft-Hartley Act, in 1947 the House Un-American Activities Committee began its hearings. The House Un-American Activities Committee was the most prominent institutionalized example of the Red Scare and a loud anti-communist voice. This committee held hearings to ‘uncover’ communist subversion in all corners of American

¹¹ Fischer. xiii

¹² Fischer.

¹³ Mishel, Rhinehart, and Windham.

¹⁴ Loomis, *A History of America in Ten Strikes*. 151

life.¹⁵ Not only did employers have this legislative support they had a legal one with the Supreme Court. The Supreme Court in this time period was an ally to employers issuing several verdicts that expanded employer rights and limited the employers' obligations in bargaining.¹⁶ The institutional support from the legislative and legal systems was underpinned by philosophical shifts in corporate training grounds and business schools. Through seminars, training books, and speeches “business schools in the 1970s began to teach students that unions were an unnecessary expense on the cost and balance sheet and tutored them in how to avoid unionization.”¹⁷ The business leaders of the 1980s had the educational background and legislative avenues available to push their agenda over any efforts of workers to secure their rights building an alignment of business interest and political power.

While direct causation is almost impossible to prove in politics or economics the social shift caused by the Red Scare seemed to have a real impact on the number of American’s who held a union membership. Both the Taft- Hartley Act passed and The House Un-American Activities Committee began hearings in 1947 and, as found by the Economic Policy Institute, union membership after experiencing strong upwards trends began to plateau in 1957 and then go into free fall not long after. Unionization rates were climbing fast from 1929-1946 going from 15% in 1936 to 34% in 1946 and holding at around 35% till 1957. In 1957 rates started falling and accelerated in the 1980s with unionization rates at 20% in 1980 and hitting a low of 9% in 2019.¹⁸ One way to view this rise, plateau and falling trend is to see the fall in 1957 as the main turning point. But if you combine the Economic Policy Institute data with the political context of the 1947 House Un-American Activities committee hearings and the Taft-Hartley Act the change

¹⁵ “UCI Libraries - The War Within, Part 2: McCarthyism during the Cold War.”

¹⁶ Mishel, Rhinehart, and Windham, “Explaining the Erosion of Private-Sector Unions.”

¹⁷ Mishel, Rhinehart, and Windham.

¹⁸ Mishel, Rhinehart, and Windham, “Explaining the Erosion of Private-Sector Unions.” Figure A

in 1946 seems more significant. Before 1946 unionization rates were rising fast but that progress was stopped and reversed. The political rhetoric that linked communism or “un-American activities” and union activities seemed to be part of what turned the tide of union strength.

The alignment of business and political interest against labor power leading to union decline in this period is seen across both political parties in the 1980s. Democratic mayor of Atlanta Maynard Jackson and Republican president Ronald Regan are the perfect examples of this. Both politicians have ties to the labor movement offering a glimmer of hope that they would be sympathetic to the movement but once they were put in power, they prioritized business interests. Jackson was a progressive and was the first black attorney to work for the National Labor Relations Board but as mayor “placed corporate concerns about inflation over the dignity of the workers who had elected him.”¹⁹ This was evident when workers wanted to negotiate a 50 cent raise and Jackson refused to talk or even take their call.²⁰ Ronald Reagan is known as an incredibly anti-labor president but he was surprisingly endorsed by PATCO and was a former union president leading the Screen Actors Guild.²¹ Despite his extensive experience in the labor movement, he won his gubernatorial primary by campaigning on an anti-protest law and order agenda. Once he made it to the white house, he put his rhetoric into action gutting the Occupational Safety and Health Administration and complaining about policies that keep workers safe.²² Regan is likely most well-known for his ‘Reganomics’ ideas and pro-business laissez-fair polices. As his library attests to now “Reagan advanced domestic policies that featured a lessening of federal government responsibility in solving social problems, reducing

¹⁹ Loomis, *A History of America in Ten Strikes*. 184

²⁰ Loomis. 184

²¹ “Hall of Honor Inductee.”

²² Loomis, *A History of America in Ten Strikes*. 189

restrictions on business, and implementing tax cuts.”²³ This alignment of business power and political power regardless of political party created a uniquely challenging environment for workers in the 1980s, as illustrated by the PATCO Air Traffic controllers’ strike.

Air traffic control work is generally seen as remarkably intense and emotionally taxing. Through the years PATCO, The Professional Air Traffic Controllers Association has made efforts to better the compensation and wages of air traffic controllers through a myriad of tactics. The union started when controllers slowed down air traffic by following FAA rules to the T pointing out the dangerous shortcuts they were taking before and as a result secured pay raises and more comfortable chairs from the FAA. The workers flexed their power to disrupt major transit paths while also pointing out the shortcuts around FAA standards they were taking to keep air traffic flowing the way the country expected. This victory caused controllers from around the country to meet in LaGuardia airport and create PATCO. As a public sector union, they were still beamed from striking but used multiple sick-outs to protest hostile supervisors resulting in Nixon signing a bill that let controllers retire with full benefits.²⁴ Their aggressive strategies and repeated wins built PATCO’s reputation as “the most militant, most densely organized union in any bargaining unit of the nation’s largest employer, the U.S. Government”²⁵ PATCO seemed to be leading the way for public sector unions and while they still did not have legal rights to strike, they were finding ways to secure wins for workers.

While it seems that PATCO is in its prime after securing these wins the Air Traffic Controllers started to become increasingly annoyed at the union leadership. This was particularly evident when PATCO endorsed Carter for president then once in office Carter ended the early

²³ “The Reagan Presidency.”

²⁴ Loomis, *A History of America in Ten Strikes*. 186

²⁵ Loomis. 186

retirement program and downplayed reports of hypertension among air traffic controllers as well as making controllers legally liable for crashes.²⁶ The member's annoyance at leadership turned into a dramatic change in the leadership with a new slate of “radicals ruling the union” in 1980.²⁷ The radicals did not solve the union's problems. They ended up endorsing Regan under the assumption that he would agree to their demands for a \$10,000 pay raise and fully funded retirement. Their assumption was far from reality and in the bargaining process the Regan administration instead offered a 5% raise, the removal of caps on overtime pay, paid lunch breaks, bonuses for working nights, and severance pay.²⁸ This deal was not close to what the union wanted but it was still above what had been offered by the government in the past so the union agreed to it. While the union might have agreed members and locals overwhelmingly rejected this contract calling it a “band-aid for cancer.”²⁹ The union was now sitting in a position with an angry member base and even through a 1955 law made strikes by government workers punishable by a year in prison they thought they retained a strong bargaining chip outside of striking- how could the president fire all the nation’s air-traffic controllers. On the other side the conservatives were mad at the conceptions that Regan made, and other republicans made it clear to Regan’s team that the rejected contract would be the final offer. This left them in a stalemate with a rejected contract and neither side willing to make any concessions. A strike seemed to be the last option and it was both an illegal and unpopular one. PATCO did not have public support to execute a strike and were publicly called one of the most arrogant unions for slowing flights and causing disruptions. Despite these critiques the PATCO regional vice president said “Why would a group of people, with all of the threats and rhetoric being made against them, with

²⁶ Loomis. 187

²⁷ Loomis. 188

²⁸ Loomis. 189

²⁹ *ibid*

everybody in government saying what they're going to do to them, go out and break the law? If we do that, don't you think it means we have serious problems in our occupation?"³⁰ The decision was not taken lightly and with no resolution to their concerns in sight on April 3, 1981, PATCO declared a strike and controllers got on the picket line instead of returning to their towers.

Bluntly the PATCO strike did not work. Reagan, backed by conservative activists, responded ready to demonstrate a tough leadership style. In press conferences after the strike, he gave controllers 48 hours to return to work or they would be terminated. These threats just angered and invigorated striking workers with one striker who served in Vietnam quoted as saying "I wouldn't have listened to Ho Chi Minh then, and I won't listen to Ronald Reagan now."³¹ Despite their determination the union did not cause the disruption they were expecting. Flights fell by only 50% and while airlines suffered losses, they remained on Reagan's side. A staggering 45,000 people applied to fill the positions left open by striking workers and Reagan banned all the striking workers from being employed by the government ever again. After Reagan threatened their jobs 10% of the workers returned to work.³² One of the final nails in the coffin was the decertification of PATCO in 1981 as the official bargaining unit for the air-traffic controllers.³³

Not only did the strike fail it may have created a negative perception of unions. To start with there was not broad support for PATCO's actions from other unions. The AFL-CIO while not publicly opposed to the strike actions they said privately that "this could do massive damage

³⁰ Loomis, *A History of America in Ten Strikes*. 190

³¹ Loomis. 190

³² Loomis. 191-192

³³ Loomis. 192

to the labor movement” and banned other unions from engaging in secondary strikes.³⁴ AFL-CIO’s actions shows a lack of solidarity from other labor organizations and the 45,000 people who applied to fill the open jobs, which the striking workers created demonstrated a lack of public solidarity and shows where public opinion fell in regards to the strike. The conservative political rhetoric used the strikes as a symbol of government bloat rather than workers who were seeking a better life. PATCO’s large and very public failure kickstarted a war on unions. One of the ways this new war on unions took form was the Arizona Criminal Intelligence Systems Agency (ACISA) in 1983. They were effectively a state-sponsored undercover police force that was deployed to quash strikes and they wiretapped many union meetings.³⁵ Across the country unions were facing new and unexpected challenges like ACISA as a new era began and the state cracked down on unions.

The local union leader’s description of a union contract as a “band-aid for cancer” is the best description of the American union approach that I can find. American unions prioritized getting a higher wage, increased benefits, and safer conditions as opposed to institutionalizing worker voice in decision-making. This means that any wins did nothing to counteract the foundational capitalist worker-employee relationship power dynamic. Instead of trying to fix an oppressive system they were trying to make life under the system slightly less horrible. This reluctance to address underlying power structures impacted the structure of the union itself. The stratification of power within the Union created a system where “when many workers said ‘The Union’ they meant the elected officers, not themselves. They saw the union almost like they saw their bosses.”³⁶ These leadership systems manifested dangerously because “Unions assumed

³⁴ Loomis. 190

³⁵ Loomis. 193

³⁶ Loomis. 196

their contracts with companies were stable and focused on raises and benefits for members instead of challenging corporate power.”³⁷ This may be a harsh assessment of the Union but when looking at the result of the PATCO strike it does not seem completely off base.

This union strategy that prioritizes wage condition and benefits within the system rather as opposed to addressing the power dynamics in a capitalistic society is partially a result of the political and economic structure in the United States. The United States is governed by a constitutional democracy within a highly capitalist market system. The United States political system was born partially in reaction to the British monarchy after the American Revolution. Because of this it seems to prioritize values like individuality, freedom, opportunity, and representation. These values are represented in the philosophies of John Locke whose theories influenced the Founding Fathers. Locke’s social contract and theory of property are specific example of this and illustrate Americas unique intertwining of capitalism and constitutionalism. Lock’s social contract is what takes a society out of the State of Nature. The state of nature proceeds politics but does not proceed property with a communal goods becoming property when “he hath mixed his labor with, and joined to it something that is his own, thereby makes it his property.”³⁸ The Social Contract come into play as a way for people to collectively protect their private property and put limits on others infringing on their private property. The Social Contract is created when “anyone divests himself of his natural liberty, and puts on the bonds of civil society, ...by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it.”³⁹ The security of property

³⁷ *ibid*

³⁸ Locke, *Second Treatise of Government*.19

³⁹ Locke. 52

through a socially contracted state is the core of Locke's society. This idea that property is the backbone of society carries through American life with the individualistic and opportunity mindset of capitalism bleeding into national values.

American Unions did not fall with just one blow. A perfect storm of the political and corporate interests aligning, a legal environment that favors employers, and public opinion that had been primed with rhetoric linking unions and communism. This storm reached a head in 1981 with the unsuccessful air-traffic controllers' strike. Unionization rates continued to fall since the 1970s/1980s but an increased energy around unionization has emerged recently particularly post-pandemic. Between 2021 and 2022 there was a 51% increase in union election petitions and there are 60 million workers who wanted to join unions but couldn't.⁴⁰ This demonstrates an impressive shift and a possible return to historic American union power. But I worry it will not be long-lasting if unions do not adjust their strategy. American unions are heavily focused on wage, condition, and benefits improvements- all things that are very easily attacked by legislation, as seen by the PATCO strike, and do not get to the root cause of the employer v. worker power dynamic. Until unions adjust their strategy, I worry workers will end up with more band-aids for cancer.

United Kingdom: Managerial verses Market relations

The United Kingdom enjoyed a stable level of Union density from the 1940s to the 1970s. In the 1970s union density skyrocketed and reached a peak of 71% but it quickly fell through the 1980s.⁴¹ During the 1980s unionization rates in the United Kingdom fell by every possible measure. There was a 20% fall in bargaining recognition by establishments,

⁴⁰ Shierholz, Poydock, and McNicholas, "Unionization Increased by 200,000 in 2022."

⁴¹ Disney, Gosling, and MacHin, "British Unions in Decline." 404

membership fell by 3.3 million, and the proportion of workers covered by a collective agreement fell from 71% to 54%⁴² These falls reversed any and all gains from the 1970s and sadly echoes the fate of the labor movements in the United States during the same period. The United Kingdom in the 1980s experienced a parallel swing away from union power illustrated by focusing on Scottish pits during the 1984-85 coal miners strikes where workers were constrained to the market relations space rather than the managerial relations space. Additionally, the political situation in the two countries were similar as Margret Thatcher's strategy in response to the strikes mirrored Reagan's in the United States

Labor relations and the role of the union in the United Kingdom mirrored that of the union's in the United States. Unions were mostly constrained to the role of 'market relations' and there was resistance to including them in 'managerial relations.' In this circumstance market relations consist of the terms and conditions on which labor is hired like wage, insurance, health conditions, and time off. This is contrasted from the managerial relations which are "what management seeks to do with its labor having hired it" including the direction of the company and higher level operational choices.⁴³ This division happened in the coal industry proceeding the strike where on the local pit level "managers sought to diminish significantly the involvement of workers and their union representatives in the planning and organization of production, or "managerial relations... representing a fundamental breach of trust."⁴⁴ The managerial verses market relations division set up expected roles that workers and managers could operate within and the tension between those two perspectives is reflected throughout the 1984 Coal miners' strike.

⁴² Disney, Gosling, and MacHin. 403

⁴³ Phillips, "Workplace Conflict and the Origins of the 1984-85 Miners' Strike in Scotland." 155

⁴⁴ Phillips. 172

The 1984 strike was in reaction to the United Kingdom's National Coal Board (NCB) decision to cut the United Kingdom's national coal output by 4 million tons creating a projected 20 coal pit closures and the loss of 20,000 jobs. This decision came as a result of the Coal Industry Act of 1980 that set the goal of an entirely self-funded, unsubsidized coal industry by 1983/1984.⁴⁵ This act was strongly criticized by the Labor party in parliament as well as the National Union of Mineworkers (NUM). The goals that the legislation created remained despite criticism and the NCB admitted that the Coal Industry Act necessitated large-scale pit closures.⁴⁶ These closures were also said to be economically necessary because a Monopolies and Mergers Commission (MMC) report found that "escalating labor costs were identified as exacerbating the industry's unprofitability." This report, which the NCB chairman called his bible, said that mines were uncompetitive as the home-grown engineers (union workers) were crowding out the possible cost controlling private businesses.⁴⁷ The decision to close the pits outraged the NUM and led them to take action through widespread strikes in 1984-1985.

During the year long strike 187,000 workers left work marking the largest industrial dispute in post-war Britain.⁴⁸ The impact of this strike on many communities cannot be overstated. As one resident reports "Some people haven't spoken to each other since it started...It goes deeper than deep."⁴⁹ Tensions ran high throughout communities with friendship ending over husbands' decisions to break a picket line. The issue of pit closures did not just touch the workers it affected the whole community as reflected in their rallying cry "When they close a pit, they kill a community." Wives of the striking miners realized that "without the pits there was

⁴⁵ Phillips, "Workplace Conflict and the Origins of the 1984-85 Miners' Strike in Scotland." 157

⁴⁶ Phillips. 157

⁴⁷ Phillips. 160

⁴⁸ Pittam, "Miners' Strike."

⁴⁹ Pittam.

little hope for their children's future or the viability of the mining community."⁵⁰ Jobs in the pits and community health were intertwined meaning that when the workers were fighting for their jobs they were fighting for the preservation of their community. And workers were legitimately fighting as this strike got violent. The largest example of this is the Battle of Orgreave. The strikes had consistently been met with heavy police presence, but it reached a fever pitch in Orgreave on June 18th, 1984.⁵¹ Riot police had been called in from across the country to push back miners who were trying to disrupt production by attempting stop coke from getting into Scunthorpe steel furnaces. The expected push between the two sides escalated with police using 'short shields' for the first time instead of defensive long ones to hold a line. Police horses began to charge the crowd and the situation was described as "running battles and miners were falling over and police officers were batoning them."⁵² This battle resulted in the arrest of nearly one hundred striking workers and even more injuries on both sides including the prominent union leader Arthur Scargill.⁵³ These strikes were widespread and contentious as workers, excluded from managerial relations, fought for market wins to keep their community together. These dynamics are even clearer in the smaller case study of Scotland pits where the workers, like American workers, did not have a voice within 'managerial relations' and the worker pressure drove the union to militant action.⁵⁴

Scottish pits are an interesting case study because the tensions between managerial relations and market relations are more clear and regional differences are revealed. Scottish pits were falling behind and while workers and owners were both seeing the same problem, they had

⁵⁰ Gildea, "The Miners' Strike of 1984-5."

⁵¹ Johnson, "Orgreave."

⁵² Johnson.

⁵³ Johnson.

⁵⁴ Phillips, "Workplace Conflict and the Origins of the 1984-85 Miners' Strike in Scotland." 152

very different perspectives of what was going on resulting in a disillusion of trust.⁵⁵ The disillusion of trust and lack of workers involved in managerial relations is especially evident when examining the differing perspectives of employers and employees on why pits were struggling. While managers thought that the fall in output was because of low work ethic and high absenteeism the workers saw the problems as stemming from poor communication and anxiety about the future.⁵⁶ Even though there was a disconnect causing workplace issues there was not communication to resolve it. A pit manager is quoted as saying that “talking was not the answer”⁵⁷ illustrating that supervisors had no desire to integrate worker voice in planning assuming that their interests are fully aligned with the managers. This issue and disillusion of trust is a symptom of the lack of institutionalized worker voice, or workers in ‘managerial spaces.’

Worker involvement in managerial spaces was also vital because of the regional variants in miners’ experience resulting in different priorities and perspectives. While the NUM was a national union the different regions had very different opinions as shown in the results of the votes on pay negotiations with the NCB shortly before the 1984 strike. In Scotland 73% of the workers voted against the proposed pay contract it and in Nottinghamshire, in the center of England, it was 77% the other way. The pay contract ended up passing in a divisive 56-44 vote.⁵⁸ The stark regional differences in opinion emphasize the need for worker voice in all levels of ‘managerial relations.’ One national union, restricted to negotiating only in the market relations space, cannot full represent a diverse workforce with contradicting opinions among its ranks.

⁵⁵ Phillips. 156

⁵⁶ Phillips. 164

⁵⁷ Phillips. 165

⁵⁸ Phillips. 157

The response by Scottish miners to the passage of the pay contract despite their vote against it was to adopt a more militant strategy from the pit level up. The miners elected a more radical communist as the president of the NUM Scottish Area who led the way with more left-wing policies and mobilizing union members to resist closures through industrial action. The ground level Scottish worker support is key because, unlike some other strikes across the United Kingdom the NUM Scottish Area strike was not outlawed by the High Court. Some of the miners strikes in 1984-1985 were ruled illegal because the union implanted them without balloting members. While the strikes were nationwide, they were not technically a national strike because there was never a national ballot from the union to certify the strike.⁵⁹ In contrast the Scottish union had gotten the agreement of their members at a previous meeting.⁶⁰ This reinforces the community level dedication previously mentioned. Community by community miners mobilized and tried to work from the pit level up to protect their jobs.

Despite the Scottish workers legally striking they, along with the rest of the United Kingdom miners, were thwarted by Thatcher's policy. Thatcher and her government's strategy was "to do everything to undermine the miners' will to continue a lengthy strike by demonstrating that its effects were limited."⁶¹ A coal strike would obviously have extremely detrimental effects on citizens cutting off access to heat and energy. To prevent this detrimental effect "thatcher had taken steps to stockpile enough coal and coke to keep the country supplied for at least six months in case of a strike. She also made secret deals with non-unionized drivers to transport the coal, ensuring that power outages would not cripple the country as during previous strikes."⁶² These deals did not just keep coal flowing to citizens it also undermined the

⁵⁹ Foster, "10-Minute Talks."

⁶⁰ Phillips, "Workplace Conflict and the Origins of the 1984-85 Miners' Strike in Scotland." 169

⁶¹ Travis and editor, "National Archives."

⁶² Pruitt, "When Margaret Thatcher Crushed a British Miners' Strike."

power of the workers. The workers power in the market system is the product they produce so by refusing to be producers, going on strike, they hoped to disrupt the market. Instead, their coal production was supplemented through Thatcher's stockpiling so the power they thought they could exercise did not have the same effect. I see this as a result of workers being excluded from 'managerial relations.' A shift in perspective away from viewing workers as only producers to seeing them as equals at the management table I believe would have drastically change the impact and outcome of the strike in the 1980s.

The pressures on workers and crackdown on unions during the 1980s in the United Kingdom did not just adversely affect laborer's during that time, it caused a ripple effect. Researchers studying the fall in unionization in the 1980s found that one of the significant causes was the fall in recognition in new establishments.⁶³ They found that the year when the establishment was set up was significant in determining whether unions were successful in that establishment, and it was harder for unions to be successful in establishments setup in the 1980s. For instance, if a workplace was founded in the 1960s when the culture and laws favored labor more than it was easier for a union to be successful rather than a shop established in the 1980s at the height of labor troubles.⁶⁴ This matters because it means that the struggle workers are undertaking is not just for their workplace it is for the hundreds of workers after them particularly in the new firms. This should create a vested interest in not just changing an isolated workplace but the whole system.

The constraint of laborer's concerns to the market relations space combined with conservative policies that undermined worker power is sadly a repeated story. In both the United States and the United Kingdom workers went on strike, removing their productivity from the

⁶³ Disney, Gosling, and MacHin, "British Unions in Decline." 415

⁶⁴ Disney, Gosling, and MacHin.

market, but the government was able to easily replace that productivity. In the case of the United States Regan banned striking air-traffic controllers from working and 45,000 of people applied to fill those seats. In the United Kingdom Thatcher made deals to keep coal flowing around striking worker. In both cases unions were bargaining over pay, conditions, and benefits because they were constrained to the 'market' relations space. If the workers were allowed to be important players in the managerial space, then they would likely be less replaceable because they have a real stake in the work beyond just what they individually produce. Firm level involvement in managerial relations would also address the disillusion of trust and geographic differences seen in the Scottish pits.

Given the political system in the United Kingdom it is unsurprising that workers were excluded from managerial relations. The United Kingdom is a Constitutional Monarchy and a capitalist country. As opposed to the American system where there is an elected head of state and laws are decided on by elected legislative bodies while the United Kingdom retains a monarch as the head of state and has a separate head of government, the Prime Minister. The laws and policy of the United Kingdom are decided by the parliament. The Parliament is similar to the United States Congress save the key difference that terms of members are not fixed, and parliament can be dissolved or called at any time by the monarch at the request of the Prime Minister.⁶⁵ This power over a legislative body held in one central leader mimics the philosophy of Hobbes' Leviathan. Leviathan is one of Hobbes most well-known works and sets out an argument that without a social contract that vest power in a strong leader we all remain in a "solitary poor nasty brutish and short"⁶⁶ state of nature. To escape this state of nature people, form a social contract where one "give(s) up my right of governing myself, to this man, or to this assembly of men, on

⁶⁵ Kelly, "Dissolution and Calling of Parliament Bill 2021-22."

⁶⁶ Hobbes, *Leviathan*. 76

this condition, that thou (1) give up thy right to him, and (2) authorize all his actions in like manner. This done, the multitude so (2) united in one person, is called a commonwealth.”⁶⁷ A commonwealth is formed by all members giving up rights to a central leader. Applied to a capitalist system this philosophy would encourage the capitalist division of power between managers and employees and the strict division of who gets to ‘manage.’ Interacting in both the political and economic spheres it seems that there are echoes of Hobbes strong central power in United Kingdom’s society.

Germany: Economic Codetermination in practice

Much of discourse around labor rights under different economic systems paints the options in a binary. You can either live in a free-market capitalist system or move to the other extreme and have centrally controlled communist regime. What this binary miss is a third option. That option I see as economic codetermination. Economic codetermination is demonstrated in German’s system where workers are integrated into supervisory boards, the decision-making groups of most companies and markets still operate in a free market structure with strong workers councils. In Germany Supervisory Boards are part of the corporate structure and have a high level of influence over the firm as they appoint the members of management, deal with all business operation, and create reports on accounts and recommendations on divisions of profits.⁶⁸ Germany also has works councils that operate like more powerful unions within the firm and have the right to be consulted about dismissals, the right to negotiate over pretty much every part of condition and work life, and the right to inspect payroll among other things.⁶⁹ In

⁶⁷ Hobbes. 109

⁶⁸ Page, “Co-determination in Germany - A beginner’s guide.” 23

⁶⁹ Page. 14-15

Germany there are structurally many routes and systems in place to ensure that workers are heard and part of decisions within firms.

Economic Codetermination in Germany can be traced all the way back to 1848 and began to pick up steam in 1922 until it was stopped by the Nazi regime. Whole books could and have been written to explain the history of German Economic codetermination and its long and winding path is important to understanding why it still exists in Germany today. Codetermination was first proposed as a law in 1984 by Carl Degenkolb, a factory owner who joined parliament after the German revolution of 1948.⁷⁰ Degenkolb reached the view that “workers who otherwise had no substantial property to etch a living, needed to participate in the functioning of the economy as much as in political activity Factories were not to be governed arbitrarily by an owner or employer but by consent and by law.”⁷¹ This first draft of codetermination did not become law and efforts were stopped by changing political landscape with Aristocracy “coming to its senses” in 1849 and trade unions were suppressed again.⁷²

After this the fate of codetermination was shaped by the changing political regimes in Germany. Ideals of Codetermination continued slightly under Wilhelm II with works councils painted as an alternative to unions in the Workers Protection Act of 1891. This Act included a section stating that “employers had to let workers express a view and elected works councils could be part of that.”⁷³ In 1918 the two goldilocks’ conditions of codetermination emerged- bargaining power was equal between capital and labor and the labor movement was united.⁷⁴ This led to the first codification of codetermination in the 1920 Work Councils Act. The 1930s

⁷⁰ McGaughey, “The Codetermination Bargains: The History of German Corporate and Labor Laws.” 147

⁷¹ *ibid*

⁷² McGaughey, “The Codetermination Bargains: The History of German Corporate and Labor Laws.” 148

⁷³ McGaughey. 152

⁷⁴ McGaughey. 155

brought with it economic instability because of the wall street crash and rising fears of communism bolstered the rising Nazi party and on the day after May Day, traditionally a celebration of laborer's, in thirty minutes "all union offices were occupied by the SA and SS. All union leaders were arrested and imprisoned, and all union assets were seized."⁷⁵ While the 1920 Work Council Act ushered in what seemed to be a stable and strong trade union system but it all collapsed in just thirty minutes.⁷⁶ Under the Nazi regime everyone had to "follow the leader of business" and codetermination was fully abolished in 1934.⁷⁷ After World War II and during reconstruction unions emerged in a greater position of power and the Allies encouraged them as a way to spread democratic ideals into German life.⁷⁸ Article three of Germany's new constitution, or Basic Law, that emerged after reconstruction stated that "property carries responsibility" and while that does not grant an explicit right to codetermination the principal of codetermination became implicit in the constitution scheme.⁷⁹ Codetermination became compulsory for the first time with the Works Council Act of 1952 and after a change in political party a consensus was reached and the Codetermination Act of 1976 was overwhelmingly passed. The Codetermination Act remains the main law that governs codetermination in Germany.⁸⁰

The Codetermination Act of 1976 created a system where labors voice has equal representation on supervisory boards. The act states that firms with more than 2,000 workers must have a 50/50 split of workers and supervisors on supervisory boards.⁸¹ The act was politically popular with only 5% of the German legislature voting against it. Part of its political

⁷⁵ McGaughey. 161

⁷⁶ McGaughey. 161

⁷⁷ McGaughey. 162

⁷⁸ McGaughey. 165

⁷⁹ McGaughey. 167

⁸⁰ McGaughey. 171

⁸¹ Mertens and Schanze, "The German Codetermination Act of 1976." 75

popularity had to do with the strength of German Unions and their unique focus. Unlike unions in the United States and United Kingdom “the German union movement has insisted from the beginning of the century ... in specific forms of institutionalized participation in the decision-making process of enterprises.”⁸² German unions focused on getting their voices into the managerial space and into positions where they could impact not just the conditions but the structure of the firm.

While the Act was politically popular it does not come without its debate and there were concessions made that weaken the voice of workers in these supervisory boards. While on paper there is 50/50 parity between workers and employers there are nuances that in practice split the employee group into three categories and may give shareholders more power in practice. Employee representatives can be worker representatives, union representatives, or managerial employees. Worker representatives must have been company employees for at least one year and union official are eligible if they are “officials of trade unions that are represented within the company” not technically employees of that company.⁸³ Managers are delineated from workers when they have free discretion, hold a key position and a “hypothetical polarity of interests between managerial employee and the employees that carry out his directives”⁸⁴ The management representatives poses an particularly interesting conundrum because while they do not count towards the shareholder side they will likely identify with shareholders over workers.⁸⁵ This is exacerbated by the fact that because of the way the chairman of the board is elected they will typically represent the employer side and is the tiebreaker effectively giving employers a double vote. During debate over the Act the Social Democratic Party and trade unions advocated

⁸² Mertens and Schanze. 76

⁸³ Mertens and Schanze. 78

⁸⁴ Mertens and Schanze. 79

⁸⁵ Mertens and Schanze. 78

for an “11th man procedure” where there is one neutral member to settle ties and the double vote by employers is avoided.⁸⁶ The arguments for the 11th man procedure were met with constitutional concerns that unless the tie-breaker is held on the shareholder side the whole system could be unconstitutional on the grounds of “uncompensated expropriation of shareholder property or a violation of the principle of free collective bargaining.”⁸⁷ The current system where the chairman, who is not automatically a shareholder or worker, resolves tie votes demonstrates a compromise between the two competing viewpoints.

The unique approach to labor relations through Economic Codetermination is indicative of a larger German social trend to mediate rights. Rights can be approached many ways there are countries where they minimize or discrimination rights and others who mediate rights. Minimizing rights believes that only the most fundamental of rights deserve constitutional recognition. Discrimination of rights balances the importance of different rights to judge which rights are more fundamental. Discrimination of rights is the standard way that the United States approaches rights across the political spectrum with judges given the power to interpret and chose between rights take precedent when they compete.⁸⁸ Germany is unique because of their rights mediation approach. Mediation of rights shifts the perspective from what the constitution says about rights to “what government is actually doing to the people and why.”⁸⁹ This approach allows a question of rights to be settled by true politics often in the legislature or community. This approach is clearly seen in workers councils and supervisory boards as decisions about the management of the firm are deliberated and voted over in the realm of true politics.

⁸⁶ Mertens and Schanze. 79

⁸⁷ Mertens and Schanze, “The German Codetermination Act of 1976.” 79

⁸⁸ Greene, *How Rights Went Wrong: Why Our Obsession with Rights Is Tearing America Apart*. xvii

⁸⁹ Greene. xx

Rights mediation and allowing controversial issues to be settled by true politics is also demonstrated by how Germany handled the contentious issue of abortion in 1975. In contrast to the all-or-nothing way abortion was decided in America, “the constitutional court did not simply choose between rights but instead forced the state to take both the rights of the fetus and the rights of the women seriously.”⁹⁰ As the issue grew and changed over time the 1975 decision “had forced compromise, which in turn enabled cooperation on related issues.”⁹¹ This led to legislation passing in 1992 that was called “group bill” because it took into account so many different perspectives in the abortion conversation. Political parties compromised and the bill makes it legal to obtain an abortion the first 12 weeks as well as includes a suite of services for women and children that everyone agreed on. By taking a mediation approach people were forced to sit down and work out the problem together in the realm of politics creating longer lasting more stable change and avoiding some of the divisive turmoil that contentious issues like abortion has sparked in nations that took an all-or-nothing approach to rights.

Applying this mediation to labor rights it quickly becomes apparent that this is an innovative flip to traditional work dynamics putting the employer/ employee relationship on its head. By intentionally including both employers and employees in the structural environment and viewing their (often competing) rights on equal footing the traditional power dynamics that govern labor disputes is broken down. This environment is built because the German “state government does not so much intervene in the economy as aggressively shape a framework for effective competition in close cooperation with business and labor.”⁹² This approach mirrors the

⁹⁰ Greene. 124

⁹¹ Greene. 129

⁹² Greene.

way that German courts handled rights mediation and pushes disputes back to the realm of true politics and therefore to the realm of possible compromise.

The German system does not come without its downsides. The council/ board system is incredibly complex and can be considered over bureaucratization. The election process alone is an example of this. When there are more than 8,000 workers in a firm the employee representatives are elected by a delegation but if it is less than 8,000 there is a direct election. There are separate nomination groups for wage earners vs. salaried earners and managerial workers have their own system where they are nominated by their fellow managers.⁹³ It is a great example of democracy in action but multiply this system across a whole country worth of firms and the bureaucracy adds up. The German system also has the drawback that it would be incredibly hard to reproduce. German economic codetermination would likely not work somewhere like the United States or the United Kingdom because it requires “a distinctive form of capitalism based on the intentional blurring of boundaries between business and society, the private sphere, markets, and politics.”⁹⁴ German political and economic systems are distinctly arranged to prioritize the power of the legislature unlike the strong central leader in the United Kingdom or American individualism. German economic markets are tied to German society and their different conception of capitalism and so it is harder to tell the cause of the positive results seen in Germany making it hard to reproduce.

The labor strategies in Germany are also hard to reproduce because of the unique political structures that place a strong emphasis on the power of councils and boards. Germany operates as a Federal Democratic Republic.⁹⁵ Like the United States and the United Kingdom, they are

⁹³ Page, “Co-determination in Germany - A beginner’s guide.” 29.

⁹⁴ Page, “Co-determination in Germany - A beginner’s guide.”

⁹⁵ UW Madison Law Library, “Government and Political Structure - Germany Legal Research Guide - Research Guides.”

divided into a legislature and an executive branch but distinctly from the other nations the legislature in Germany, the Bundestag, is incredibly powerful. While in the United Kingdom the executive leader can dissolve the parliament in Germany the legislature creates the executive. The Federal Chancellor is the head of state in Germany and is elected by the Bundestag and they can only be voted out by the parliament.⁹⁶ This system places a high emphasis on co-governance where the power lies in representative councils with the ability to elect their leader. Applying this to the economic sphere it is easy to see parallels with an economic codetermination system. Germany would be categorized as a capitalist country, but it is a mixed system that combined private freedom with government relations and economic planning.⁹⁷ This balance is seen in the supervisory boards, and I think aligns with Ellerman's Neo Abolitionist theory. Ellerman sees the wage labor system as a human rental system where the worker is renting themselves out to be a tool of an employer like you would rent a car. Under this perspective the solution would not be socialism because to Ellerman that is just renting yourself to the state instead democratic representation should be applied to the economic sphere. He presents instead a "private property market economy where the people who work in each enterprise are the legal members or "owners" of the enterprise. Each firm would be a *private* democratic organization where the people working in it are its citizens."⁹⁸ To counteract the human rental system Ellerman believes we should apply democracy in the economic sphere which parallels the structure and strength of the German Bundestag. These theories also echo through Germanies supervisory board and works council system where workers and managers equally work together to guide the firm. In the German political and economic sphere one can see an emphasis on debate and democratic co

⁹⁶ "German Bundestag - Election of the Federal Chancellor."

⁹⁷ Global Edge MSU, "Germany."

⁹⁸ Ellerman, *Neo-Abolitionism: Abolishing Human Rentals in Favor of Workplace Democracy*. 8

governance through a strong legislature and economic codetermination with worker representation in firms.

Germany took a very different tact than the United States and the United Kingdom in the 1980s when dealing with labor. Around the same time the United States and the United Kingdom were in the midst of labor struggle and unions were losing power Germany was signing into law an expansion of economic codetermination granting workers say over the conditions and structure, they work in. While both PATCO in the United States and Coal workers in the United Kingdom were unsuccessfully striking there is not a specific case study of labor contention to point to in Germany during the 1980s demonstrating this different reality for workers. Did this different approach have any different long-term outcome for German workers? Only about 10 years after economic codetermination became law Germany went through two major economic and social shifts. The first was the fall of the Berlin Wall and the second was the major cost of the reunification.⁹⁹ Major market changes require flexibility and adaptability, and the German decentralized system provides that. It is argued that “Without the autonomy of wage bargaining it’s doubtful that the political process would have been able to come close to the level of flexibility that it did in the 1990s.”¹⁰⁰ Because the unions and workers are integrated into the system wide planning and “managerial space” that means that interests are more often aligned and firms can react quicker because everyone is on the same page.

Conclusion

In about the same time period three industrialized nations had three wildly different changes in labor realities. In the United States after a long history of labor strength Air Traffic

⁹⁹ Spitz-Oener, “The Real Reason the German Labor Market Is Booming.”

¹⁰⁰ Spitz-Oener, “The Real Reason the German Labor Market Is Booming.”

Controllers went on strike for better pay and conditions but were unsuccessful starting a decline in labor participation ever since. In the United Kingdom labor had a similar fate with the coal miners. Coal miners also went on strike for better pay and conditions but were thwarted by policies that undermined their position of power. In contrast Germany was enshrining labor strength through the Codetermination Act. Of 1976 Even though World War II stopped any momentum the labor movements had labor picked back up and during the rebuilding they passed laws so that workers have a structured voice in their workplace. Why is it that two nations had unfruitful uprisings and even violent disruptions to try and make employers listen to workers while in the other nation they decide that firms should be cogoverned by their workers. I think that the difference is both in strategy and society. German labor seemed to take the strategy of advocating for institutional voice instead of bargaining for wages and conditions which was the approach of the United States and United Kingdom workers. This analysis is not a dig at United States and United Kingdom workers because I think these strategies are a reflection of the differing political and social environment and values in these three nations.

As I hoped to emphasize throughout this paper the political structures and philosophic underpinnings of these three countries are very different creating different national identities and norms. In the United States, following Lockean theories of the state existing to safeguard private property, the free-market capitalist ideas of honest work and competition bleed into national values creating a priority on profit and gaining victory for yourself. In the United Kingdom, following the Hobbesian idea of a strong central leader, the Prime Minister has the ability to dissolve the legislature and applied to a capitalist system this perspective maps onto preserving the power dynamics between employers and employees. Germany takes a different tact with the legislature electing or removing the Head of State. This emphasis on power held in the larger

legislative body or council is mirrored in the economic codetermination system of worker councils and supervisory boards.

So, returning to unanswerable question that began my interest in this research- when making change does law change society or does society change law? While Germany is not a perfect system it may shed some light onto how change happens. All of these case studies but Germany in particular show that society and law are inextricably intertwined. Societal actions are determined by laws and the political or legal structures creating the norms you are used to and operate within. These laws also can react to society reflecting unique national identity. This relationship between society and structure expands into the economic realm influencing how individuals or unions interact with the market and what power structures the market may or may not build. When comparing these case studies, it does seem clear that change is only truly possible when you are in the rooms of power and hierarchy is broken down. While workers in the United States and the United Kingdom were banging on the doors of power trying to get their message across to their employer and those with political power German workers were across the table from their employer co-governing the firm. The German system does point towards stability which brings up the question- can stability be the goal when discussing social change? Some may see German stability as complacency and actions the United States and the United Kingdom as wins because they disrupted the status quo. While I believe firmly in the value of peaceful unrest and have participated in my fair share of chants on city streets, I do not think that stability and social change are mutually exclusive. If you are hoping for lasting change then you should be hoping that you do not have to repeatedly yell in the streets for your rights. As I believe the Economic codetermination system demonstrates you do not have to sacrifice stability or peace for your voice to be heard and respected.

I am hopeful that this research is not only an examination of past labor history but offers a step forward and suggestions of possible future labor strategy. I believe that a shift in union strategy and company policy to include workers in more than just bargaining over wages and benefits would be a huge step in the right direction. This would recenter the deliberative and representative values of a democracy as well as expand the role of the worker beyond that of an instrument. Under the current system strikes are often the only option to wield worker power. A worker's power is their labor and one of the reasons the air traffic controllers and the miners were unsuccessful is because their labor was replaceable meaning their power was nonexistent. By including workers in the managerial space their power and influence grows and they are no longer just a tool for their employer they are equal partners in creating a firm. This expands worker power and creates a situation where compromise, conversation, and flexibility are possible socially and politically.

Works Cited

- “Collective Bargaining | AFL-CIO.” Accessed April 23, 2023. <https://aflcio.org/what-unions-do/empower-workers/collective-bargaining>.
- Desilver, Drew. “10 Facts about American Workers.” *Pew Research Center* (blog). Accessed March 13, 2023. <https://www.pewresearch.org/fact-tank/2019/08/29/facts-about-american-workers/>.
- Disney, Richard, Amanda Gosling, and Stephen MacHin. “British Unions in Decline: Determinants of the 1980s Fall in Union Recognition.” *ILR Review* 48, no. 3 (April 1, 1995): 403–19. <https://doi.org/10.1177/001979399504800302>.
- DOL. “Hall of Honor Inductee: Ronald Reagan.” Accessed April 24, 2023. <http://www.dol.gov/general/aboutdol/hallofhonor/2018-reagan>.
- Ellerman, David. *Neo-Abolitionism: Abolishing Human Rentals in Favor of Workplace Democracy*. Cham: Springer, 2021.
- Fischer, Nick. *Spider Web: The Birth of American Anticommunism*. Champaign: University of Illinois Press, 2016.
- Foster, Roy. “10-Minute Talks: The Miners’ Strike of 1984-85.” The British Academy. Accessed April 23, 2023. <https://www.thebritishacademy.ac.uk/podcasts/10-minute-talks-miners-strike-1984-85/>.
- German Bundestag. “German Bundestag - Election of the Federal Chancellor.” Accessed April 19, 2023. <https://www.bundestag.de/en/parliament/function/chancellor>.

- Gildea, Robert. "The Miners' Strike of 1984-5: An Oral History." Oxford, Faculty of History. Accessed April 23, 2023. <https://www.history.ox.ac.uk/miners-strike-1984-5-oral-history>.
- Global Edge MSU. "Germany: Introduction." Accessed April 18, 2023. <https://globaledge.msu.edu/countries/germany>.
- Greene, Jamal. *How Rights Went Wrong: Why Our Obsession with Rights Is Tearing America Apart*. New York: Mariner Books, 2021.
- Hobbes, Thomas. *Leviathan*. Indianapolis: Hackett Publishing Company, 1994.
- Johnson. "Orgreave: The Battle That's Not Over." *BBC News*, October 10, 2016, sec. UK. <https://www.bbc.com/news/uk-37562740>.
- Kelly, Richard. "Dissolution and Calling of Parliament Bill 2021-22," April 19, 2023. <https://commonslibrary.parliament.uk/research-briefings/cbp-9267/>.
- Locke, John. *Second Treatise of Government*. Indianapolis: Hackett Publishing Company, 1980.
- Loomis, Eric. *A History of America in Ten Strikes*. New York: The New Press, 2018.
- McGaughey, Ewan. "The Codetermination Bargains: The History of German Corporate and Labor Laws." *Columbia Journal of European Law* 23, no. 1 (n.d.): 135–76.
- Mertens, Hans-Joachim, and Erich Schanze. "The German Codetermination Act of 1976," 1979.
- Mishel, Lawrence, Lynn Rhinehart, and Lane Windham. "Explaining the Erosion of Private-Sector Unions: How Corporate Practices and Legal Changes Have Undercut the Ability of Workers to Organize and Bargain." Economic Policy Institute. Accessed April 16, 2023. <https://www.epi.org/unequalpower/publications/private-sector-unions-corporate-legal-erosion/>.
- Page, Rebecca. "Co-determination in Germany - A beginner's guide." Accessed April 17, 2023. https://www.boeckler.de/de/faust-detail.htm%3Fsync_id=HBS-007045.
- Phillips, Jim. "Workplace Conflict and the Origins of the 1984–85 Miners' Strike in Scotland." *Twentieth Century British History* 20, no. 2 (January 1, 2009): 152–72. <https://doi.org/10.1093/tcbh/hwn047>.
- Pittam, David. "Miners' Strike: The Decades-Old Feud That Still Divides Communities." *BBC News*, March 6, 2019, sec. Nottingham. <https://www.bbc.com/news/uk-england-nottinghamshire-47401859>.
- Pruitt, Sarah. "When Margaret Thatcher Crushed a British Miners' Strike." History.com, November 16, 2020. <https://www.history.com/news/margaret-thatcher-miners-strike-iron-lady>.
- Ronald Reagan. "The Reagan Presidency." Accessed April 21, 2023. <https://www.reaganlibrary.gov/reagans/reagan-administration/reagan-presidency>.
- Shierholz, Heidi, Margaret Poydock, and Celine McNicholas. "Unionization Increased by 200,000 in 2022: Tens of Millions More Wanted to Join a Union, but Couldn't." Economic Policy Institute. Accessed April 16, 2023. <https://www.epi.org/publication/unionization-2022/>.
- Spitz-Oener, Alexandra. "The Real Reason the German Labor Market Is Booming." *Harvard Business Review*, March 13, 2017. <https://hbr.org/2017/03/the-real-reason-the-german-labor-market-is-booming>.
- Terrell, Ellen. "Research Guides: This Month in Business History: Founding of the National Labor Union and the 1st National Call for a 8-Hour Work Day." Research guide. Accessed March 13, 2023. <https://guides.loc.gov/this-month-in-business-history/august/national-labor-union-8-hour-work-day>.

Travis, Alan, and Home affairs editor. "National Archives: Margaret Thatcher Wanted to Crush Power of Trade Unions." *The Guardian*, July 31, 2013, sec. UK news.
<https://www.theguardian.com/uk-news/2013/aug/01/margaret-thatcher-trade-union-reform-national-archives>.

"UCI Libraries - The War Within, Part 2: McCarthyism during the Cold War." Accessed April 24, 2023. https://www.lib.uci.edu/sites/all/exhibits/warwithin/index.php?page=section_2.

"Union Members Summary - 2022 A01 Results." Accessed March 13, 2023.
<https://www.bls.gov/news.release/union2.nr0.htm>.

UW Madison Law Library. "Government and Political Structure - Germany Legal Research Guide - Research Guides." Law Library- UW Madison. Accessed April 18, 2023.
<https://researchguides.library.wisc.edu/germany>.

Wever, Kirsten S., and Christopher S. Allen. "Is Germany a Model for Managers?" *Harvard Business Review*, September 1, 1992. <https://hbr.org/1992/09/is-germany-a-model-for-managers>.

"World Employment and Social Outlook: Trends 2023." Report, January 16, 2023.
http://www.ilo.org/global/research/global-reports/weso/WCMS_865332/lang--en/index.htm.