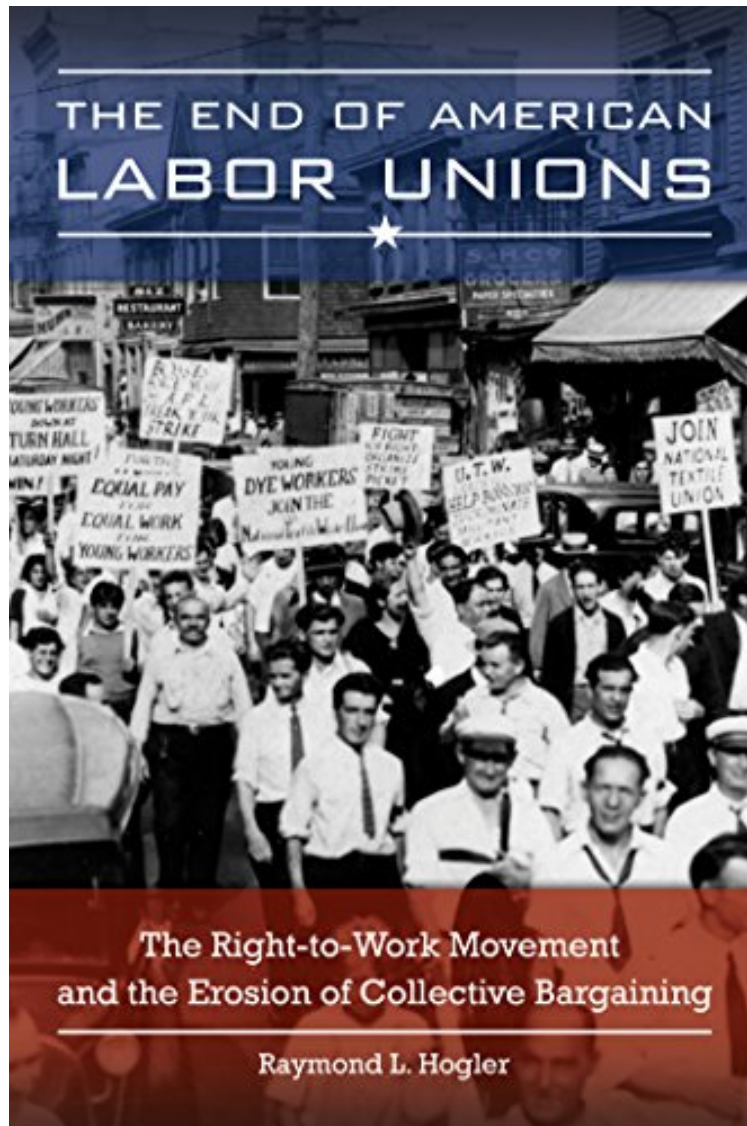


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The End of American Labor Unions: The Right-to-Work Movement and the Erosion of Collective Bargaining: The Right-to-Work Movement and the Erosion of Collective Bargaining

Raymond Hogler

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6 of 7 people found the following review helpful. The Elephant and the Fly By Tom Louderback

The classic logic fallacy of composition reveals the faulty and oftentimes disingenuous reasoning behind the so called right-to-work laws of today. For example, the US Supreme Court has equated employees as individuals with employers as corporations in case after case while pretending they have protected the "liberty" of both. This is like trying to equate an elephant with a fly. It would be more appropriate to compare employees organized as labor unions with their employers, but the high court prefers an unrealistic comparison that gives property rights precedence over other rights. This is old story that finds antecedents in the early years of our nation's history writes Prof. Raymond Hogler. Over 200 years ago, the framers of our US Constitution recognized an irreconcilable contradiction in human affairs which they expected to bedevil all branches and levels of government forever. They saw that the individual freedom of faithful citizens is not totally independent. In actual practice, their freedom is dependent on community, societal, and governmental actions to sustain it. That means we pay a price for acceptance into any community and that price is obedience of laws intended to promote the common good. Those laws guarantee individual rights in return. There obviously needs to be a balance of rights with duties in the real world, Hogler explains. For every right and freedom enjoyed by one citizen, other citizens make sacrifices or perform duties. It seems like everything we do brings us face-to-face with this contradiction between individual freedom and the common good. As Hogler point out, freedom and liberty are different concepts. That's something we've forgotten in recent years. For our founders, "freedom carried connotations of belonging, social connection, responsibility and obligation. Liberty, in contrast, implied separation and individual autonomy instead of mutual cooperation." Thus and so, "freedom is a web of right, duties, loyalties, and commitment, and moral precepts grounded in the social order." We usually think of "liberty" as emancipation from bonds of servitude and slavery. In the context of freedom, liberty needs to be balanced with the other values. The so called right-to-work laws of today intensify this contradiction, Hogler believes. Those who conceptually support labor unions believe that individual workers need to join together collectively to match the power of business owners most of whom are well organized corporations. Giving your personal support to the labor union in your workplace is a responsibility of freedom. Supporters of this concept would complain that those who want to work in labor union organized workplaces without paying either member dues or non-members fees have forgotten the difference between liberty and freedom. Simultaneously, the public is frequently confused about what the term "right-to-work" actually means. Historians know these laws were purposely misnamed. Stripped to their essentials, these laws prohibit labor union agreements that would require workers to pay either member dues or non-member fees. Proponents of these laws disingenuously claim member dues and non-members fees are the same thing, but they surely know better. Laws in states that permit both and many court decisions clearly define non-member fees as payments for the services consumed by non-members. That means the labor unions are specifically prohibited from charging non-members for any costs related to their political activities. The US Supreme Court clarified that distinction in 1956: "We only hold that the requirement for financial support of the collective bargaining agency by all who receive the benefits of its work does not violate either the First or Fifth Amendments." In Hogler's view, it is ironic that the proponents of the so called right-to-work laws are actually advocating something that amounts to a privilege and not a right. Quoting the famous legal scholar Wesley Hohfeld, he writes "If an individual possess a right rather than a privilege, it follows that specific duties with attach to its exercise."

By examining the history of the legal regulation of union actions, this fascinating book offers a new interpretation of American labor-law policy—and its harmful impact on workers today. • Provides a unique interpretation of labor law from a multidisciplinary perspective that encompasses history, politics, economics, culture, and psychology • Considers the role organized labor played in creating the American middle class and what role it might play in the future • Shows the adverse consequences of the contemporary right-to-work movement • Examines the politicized nature of law in America • Offers recommendations for political action to restore union vitality

"A critically important and timely study . . . The End of American Labor Unions is an extraordinary read and a fundamentally imperative addition to academic library reference American Labor History reference collections and supplemental studies reading lists." - Midwest Book "The End Of American Labor Unions is a good little book, packed with insight and analysis. . . . [It] is very much worth the read." - People's World "Hogler's claim that hierarchical individualism breeds distrust, undermining solidarity, offers potentially fruitful insights into not merely unions' troubles but also perhaps into conservatism's broader political strategy. Summing Up: Recommended. Undergraduate, graduate, research, and professional collections." - Choice "The End of American Labor Unions is a tour de force. . . . This is an outstanding work of scholarship, which should be compulsory reading for those with an interest in the legal basis that underpins the workings of society, more generally, and the legal strictures that have been

and are continuing to drain the life out of American unions." - Labor History About the Author Raymond L. Hogler is professor of management at Colorado State University in Fort Collins, CO.