

BOOK REVIEW

Democracy at Work: Contract, Status and Post-Industrial Justice, by Ruth Dukes and Wolfgang Streeck. Hoboken, New Jersey: Polity Press, 2023. \$22.95 U.S., paper. ISBN: 978-1-509-54899-6. Pages: 1-182.

Reviewed by Gerard Di Trolio¹

When looking at the contemporary workplace, it may seem quixotic to invoke the very twentieth century ideals of industrial citizenship and democracy. However, Ruth Dukes and Wolfgang Streeck have done an admirable job doing so in *Democracy at Work: Contract, Status and Post-Industrial Justice*. Their willingness to interrogate the underlying assumptions of labour law can help us to begin to think on how to make it relevant in an era of precarious work. Dukes and Streeck note how the employment relationship is more than just a contract. The legal *status* of an employee provides certain rights and responsibilities that protects them from the unequal nature of the employment contract and the power it gives to employers. For Dukes and Streeck, labour law from its origins through Fordism and now neoliberalism has been an interplay where contract or status has been emphasized at different moments. Fordism in the Global North saw status have real power while in the neoliberal era, a contract has come to dominate the employment relationship (p. 58).

The authors' project in resurrecting the notion of industrial citizenship is to try to create as level of field as possible between employer and employee. That is why they employ the idea of the *labour constitution*. This concept refers to all the laws, institutions, statuses, and regimes that shape working conditions that merely studying the labour market cannot illuminate (p. 15). A *labour constitution* can be all the regulations and extensive regime of collective bargaining found under Fordism or the employment contract dominated conditions found under neoliberalism. The book's overview of the emergence of industrial citizenship helps to situate the theory properly in history. They compare the work of Hugo Sinzheimer and Philip Selznick who were major theorists of labour law in Weimar Germany and the postwar U.S. during the height of Fordism, respectively. Sinzheimer envisioned a state-managed capitalism for Weimar Germany where labour played a major role in regulating the employment relationship and had a say within firms. This vision was instituted by the Social Democrats in Weimar Germany (p. 43).

But when the Great Depression came and before the Nazis took power, Sinzheimer declared a "crisis in labour law" because the capitalists no longer wanted to play by the rules and sought to decrease wages and workers found themselves with much less leverage due to high employment (p. 45). Sinzheimer came to see that "the crisis of labour law was a crisis of the entire economic order." Selznick took a very different approach to the law. The work of Selznick focused on the supposed progressive evolution of firms and how the law shaped it. Selznick saw law as shaping social change through affirming or granting new rights (p. 29). But absent from his work was political economy or analysis of capitalism as a system. Selznick's work was very much a product of its time (p. 30), and the American optimism of the early 1960s would not last.

Dukes and Streeck have examined these thinkers to demonstrate the limits of previous approaches to labour law. Progressive labour law like that in Weimar Germany was unable to withstand the Great Depression, while the rise of neoliberalism did away with any ideas that firms were developing in a progressive direction in its dealings with labour. They reach the conclusion

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that for a *labour constitution* that gives the worker a say in shaping the workplace, there must also be an *economic constitution* that places limits on the market. Building a society where industrial justice is a reality “may ultimately require a reconstruction of the economy, making it subservient to society” (p. 46).

The strongest sections of the book deal with how a new *labour constitution* could be forged in our neoliberal age. Dukes and Streeck propose a “restoration of industrial justice from below” (p. 123). This is a helpful insight for several reasons. It would require workers not only to be organized but also maintain a militant posture. It was the assumed security of the postwar settlement that led unions to complacency, and they were caught on the backfoot when the neoliberal onslaught began. Because of the flexibility of work arrangements that neoliberalism has created, the authors believe that different industries may have different forms of regulation based on the wishes of those who work in them. They compare gig worker, Amazon warehouse worker, care worker, and university professor, all sectors where there has been much discussion of those workers being left behind.

The authors envision policies that would allow for ample room for collective action so workers could experiment on what works for them based on their industry (p. 124). And they believe that occupational communities are still the ideal way for workers to come together to advance their interests (p. 122). Ideally, these occupational communities would come together and articulate a fairer vision for workers in their industry in ways that is relevant to today. Thus, industrial justice could be achieved for a heavily female workforce, like that of care workers in a manner that would not emphasize the male bread winner as was the case in the Fordist era.

The emphasis on occupational communities is not without its problems. As the authors admit, occupational communities can be exclusionary based on race, gender, and skill (p. 124). This leads to a major gap in the book’s theorization, the issue of migrant workers. Very early on, the authors recognize that the experience of work is shaped by “gender, race, age, nationality, social class, and so on” (p. 11). They also recognize the challenges facing migrant workers, like those in the care sector (p. 103). While they recognize the super-exploitation in many cases of migrant workers, there is little to no discussion of the issue of granting some sort of permanent residency status or citizenship. In the Global North, the reliance on migrant workers continues to increase as birth rates are stagnant. For an effective *labour constitution* to be enacted for workers that were previous excluded and to have unions that can make it happen, this is an issue of utmost importance. Dualized labour markets and super-exploited migrant workers are major factors facing any movement for industrial justice that addresses the weaknesses of previous eras. A frank discussion of how to incorporate migrant workers as full members of a system of industrial citizenship is greatly needed.

Democracy at Work is a book that is suitable for those who at least have some knowledge of labour law and industrial relations. Many of the concepts could be difficult to grasp by those just beginning to learn about those areas, but it is useful to more advanced students as well as scholars and policymakers who are interested in studying how work can be improved. Dukes and Streeck have given us an important contribution to how we can think about transforming work and ultimately the economy as a whole in order to serve working people.