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Organizations, Movements, and Networks

Charles Heckscher
Rutgers University

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ORGANIZATIONS, MOVEMENTS, AND NETWORKS

CHARLES HECKSCHER*

I. INTRODUCTION

The decline of labor over the last few decades has spawned competing diagnoses and proposals for change. One set has focused on the way unions are organized — whether they have enough size, strategic focus, internal coordination and communication, and whether their finances and other resources are properly allocated.[1] A second set has focused on mobilizing movements around issues of social and economic justice.[2] So far, neither approach — strengthening union organizations or generating working-class mobilization — has had much success.

This article argues that the debate between the two perspectives misses a fundamental point: that social and economic developments have transformed the nature of both organizations and movements. Employer organizations are moving from bureaucratic structures to more decentralized, process-based forms, with different points of strength and weakness than the familiar bureaucratic behemoths that unions faced a half-century ago. At the same time, social movements have evolved from mass-based to identity-based forms that are also more fluid and decentralized. Labor cannot succeed without understanding both of these transformations, and its response must involve a move away from traditional ways of organizing towards more network-based forms, including systematic alliances with related groups and the use of "swarming" pressure in the place of mass strikes.

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* Professor of Labor Studies and Employment Relations and Director of the Center for Workplace Transformation, Rutgers University.

1. *See, e.g.*, Charles Craver, *The Current and Future Status of Labor Organizations*, 36 LAB. L.J. 210 (1985); PIERRE-ERIC TIXIER, AN IMPOSSIBLE FRENCH SOCIAL COMPROMISE? THE FIRM AS THE BASIS OF SOCIAL REGULATION (GIP-Mutations Industrielles, Working Paper No. 5.47, 1996).

2. *See, e.g.*, REKINDLING THE MOVEMENT: LABOR'S QUEST FOR RELEVANCE IN THE 21ST CENTURY (Lowell Turner et al. eds., 2001) [hereinafter REKINDLING THE MOVEMENT]; DAN CLAWSON, THE NEXT UPSURGE: LABOR AND THE NEW SOCIAL MOVEMENTS (2003).

Part II of this article explores the way in which the current divide in the labor movement reflects and fails to overcome the limitations of traditional categories of thought. Parts III and IV examine the evolution of employer organizations and social movements over the past fifty years. Part V briefly reports on research that shows the current fragmentation and inability of worker organizations to respond to these developments. Finally, Part VI suggests ways in which recent research on networks could help in rethinking the problem of labor mobilization.

II.   THE CURRENT DIVIDE: ORGANIZATION V. MOVEMENT

The history of labor in the twentieth century was marked by a tension between two views: one that saw it as a set of powerful organizations, and another that saw it primarily as a movement of workers trying to express their interests and beliefs in a hostile economic system. Those who focused on the movement side tended to see organizations as constraints on spontaneity and energy; they often expressed scorn for "business unionism," perceiving it as an obstruction to the true expression of worker solidarity. Those who focused on organizations, conversely, often saw the "movement" types as fuzzy idealists who did not understand the hard reality of building capacity for conflict and sustaining the gains won in bargaining.[3]

This divide has continued to shape the labor debate to the present day. Indeed, the divide was sharpened in the period before the 2005 AFL-CIO elections by the campaign of the New Unity Part-

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3. For an example of a "movement" view among labor historians, see Judith Stepan-Norris & Maurice Zeitlin, *Union Democracy, Radical Leadership, and the Hegemony Of Capital*, 60 AM. SOC. REV. 829 (1995). The "organization" view was most clearly expressed by John L. Lewis in his attacks on those who wanted more internal democracy and "autonomy*." See Convention Reaffirms Structure of UMWA After Autonomy Debate*, UNITED MINE WORKERS J., Nov. 1, 1960, at 12-15. More recent examples include Jelle Visser & Jeremy Waddington, *Industrialization and Politics: A Century of Union Structural Development in Three Countries*, 2 EUR. J. OF INDUS. REL. 1 (1996); Gary Chaison, *Union Mergers and Union Revival: Are We Asking Too Much or Too Little?, in* REKINDLING THE MOVEMENT, *supra* note 2, at 238-56; Bernhard Ebbinghaus*, Ever Larger Unions: Organisational Restructuring and Its Impact on Union Confederations*, 34 INDUS. REL. J. 446, 446-48 (2003) (discussing the merging of many small unions into fewer, larger unions, and the increase in 'super-unions' that include members from many sectors, economic levels, and occupational groups).

nership (NUP) and the Change to Win Coalition, led by Service Employees International Union (SEIU) President Andy Stern, to re-organize the labor movement into a smaller number of larger, more coherent and more centralized unions.[4] Stern's diagnosis of the ills of labor is that unions have become too fragmented and too diffuse — spreading from their original industry bases to organize anyone, anywhere — thereby losing the unity of purpose and con-centration of membership that were the bases of power in better days.[5] From this perspective, the issue is one of politics and organi-zation: the need is to attack entrenched fiefdoms in order to build more coordinated action on a large scale.

The "movement side" has criticized this centralizing proposal as a "power grab" by leaders who have lost touch with their mem-bers, who are drawn to a conservative, corporate model, and who believe in the power of organization, but forget that it depends on the underlying power of mobilized workers.[6] As one observer put it:

> Historically, organizing on the scale labor needs . . . has always been a product of a broad social movement. It de-pended, not just on militant tactics and big staffs, but on the democratic participation and empowerment of

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4.   The Service Employees International Union (SEIU) is one of the largest American unions, with nearly two million members, and one of the only major unions to have grown substantially in the past decade. For more information, see SEIU, http://www.seiu.org (last visited Nov. 31, 2005). NUP was formed in 2003, dissolved in early 2005, and in effect replaced by the Change to Win Coalition in June 2005. The central players were the SEIU, the Teamsters, the United Food and Commercial Workers (UFCW), and UNITE-HERE (the merged clothing-and-hotel workers' union), with the Laborers' Union and the Carpenters also joining in at times. In May 2005, Stern and four allies released a formal proposal for reform entitled *Restore the American Dream: Building a 21st Century Labor Movement that Can Win. See* Change To Win, Restore the American Dream: Building a 21st Century Labor Movement that Can Win, http://www.changetowin.org/ (last visited Jan. 5, 2006) [hereinafter Restore the American Dream].

5.   *See generally* Restore the American Dream*, supra* note 4.

6.   *See, e.g.*, Steve Early, *Reutherism Redux: What Happens When Poor Workers' Unions Wear The Color Purple*, AGAINST THE CURRENT, Sept./Oct. 2004, *available at* http://www.kclabor.org/reutherism_redux.htm; Joann Wypijewski, *The New Unity Partnership: A Manifest Destiny for Labor*, COUNTERPUNCH NEWSLETTER (CounterPunch, Petrolia, Calif.), Oct. 6, 2003, *available at* http://www.counterpunch.org/jw10062003.html.

> thousands of ordinary people, responding as much to the
> social vision labor represented as the need for a contract.[7]

What can theory tell us about these issues? First, we should recognize that both sides have a point and neither can be ignored. The fundamental terms we use in talking about unions reflect the dual nature of the problem: we speak almost interchangeably of "the labor movement" and of "organized labor," but these terms are not interchangeable. Historically, the success of labor depended on a delicate balance and synergy between organization and movement. Furthermore, this balance differs in different situations.

The most familiar pattern today is still that of industrial unionism, as modeled most clearly by the United Auto Workers and the Steelworkers starting in the 1930s. On the organizational side, they are generally larger and more centralized than their craft brethren, and more diverse in occupational type. These qualities are in large part a result of the nature of the employers they face, which are large, bureaucratic companies with vast resources covering diverse work forces and geographies.[8] As for their movement foundation, it is generally characterized as "mass"- or "class"-based: that is, transcending traditional ethnic or occupational communities,[9] and able to draw together a large spectrum of otherwise separate groups through an appeal to shared conflicts with employers. These unions frequently pursue strategic goals that involve social justice as well as member benefit, and their centralized structure helps to sustain these campaigns that are not directly tied to local needs.[10]

The relation of organization to movement in industrial unionism has always been one of dynamic tension at best. For negotiat-

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7. David Bacon, Immigrant Workers Fight to Run Local 399 (Sept. 16, 2005), http://dbacon.igc.org/Imgrants/01Loc399.html. This is not just a radical or academic view: some union leaders, notably Larry Cohen of the CWA, share the view that the key problem is to mobilize rather than concentrate.

8. *See* CHARLES C. HECKSCHER, THE NEW UNIONISM: EMPLOYEE INVOLVEMENT IN THE CHANGING CORPORATION 15-52 (1988).

9. Traditional communities were, of course, important in industrial unions — the energy of the Irish or the Italians drove many strikes; unions with heavy female representation often drew on feminist solidarity; certain railroad brotherhoods drew on minority racial unity — but industrial unions depended on being able to transcend these divisions when necessary.

10. *See generally* DAVID BRODY, WORKERS IN INDUSTRIAL AMERICA: ESSAYS ON THE TWENTIETH CENTURY STRUGGLE (Oxford Univ. Press 1993) (1980).

ing leverage, leaders rely on the ability to manage their members' willingness to make major sacrifices in the name of a cause — to give up pay for long periods, to face employer intimidation and social criticism — but they have to be able to focus that sacrifice in a disciplined, unified way around particular contract demands and at crucial negotiating moments. In dealing with large, bureaucratic employers, militance that "gets out of hand" can be as damaging as a lack of militance. There is certainly a tendency, as unions become more established and accepted, for the organizational side to try to rein in the unpredictable energy of mass action. The usual compromise is one in which a sharp distinction is made between periods *of* negotiation, in which movement activism is encouraged and mass action is the fundamental threat, and periods *between* negotiations, in which spontaneous militant action is sharply discouraged in favor of formalized conflict resolution.[11]

This is not the only possible relation of organization and movement. Craft organizations are generally smaller and less rationally organized and face different kinds of employers. They have a rather different movement base, founded in traditional communities that are much "thicker" than class consciousness — with ongoing institutions of education and solidarity, often with strong connections to the daily social lives of the members. They are sometimes able to sustain more continuous self-management, including supervisors within the union, rather than relying on an antagonistic rhetoric towards management to unite members. Craft organizations are usually less formal and bureaucratic, with less accountability to central levels of organization, than those of industrial unions. Since craft organizations are less dependent on mobilization of members on a large scale, they are also less reliant on the coordinating power of a central staff.[12]

This just scratches the surface of the problem, but it leads to some general observations. First, labor needs both organization and movements. It needs organization that can focus disciplined action in a way that furthers a sustained strategy in dealing with

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11.   HECKSCHER, *supra* note 8, at 34-52.   **R**

12.   *See generally* DOROTHY SUE COBBLE, DISHING IT OUT: WAITRESSES AND THEIR UNIONS IN THE TWENTIETH CENTURY (1991); DAVID MONTGOMERY, WORKERS' CONTROL IN AMERICA: STUDIES IN THE HISTORY OF WORK, TECHNOLOGY, AND LABOR STRUGGLES (1979); JOHN T. DUNLOP, INDUSTRIAL RELATIONS SYSTEMS (1958); BRODY, *supra* note 10.

employers and it needs to mobilize voluntary sacrifice from people who cannot be "managed" or commanded. Second, the nature of the employer greatly affects the organizational capacity needed by the union: unions need the ability to put pressure on the weak points of employer systems. Third, the kind of movement base also affects organization. Movement founded in traditional community supports more decentralized unions with a broader range of local activity. In contrast, mass movements that transcend traditional communities are more centralized, and have narrower workplace issues on the one hand, and broader social visions on the other.

These brief reflections lead to some questions in thinking theoretically about the current situation. Have employer organizations changed in any important ways? Have movements changed? What is the dynamic between current movements and current union organizations?

To approach these issues this article will bring in two different theories: the theory of organizations and the theory of movements. This article's conclusions, in brief, are: yes, both employer organizations and social movements have undergone deep changes in the last forty years. As a result, it is clear that organized labor has an organization problem, and it is also clear that the labor movement has a movement problem. Unfortunately, when the pictures are put together, they do not produce a new vision of promise and hope. There is no clear way, from within those perspectives, to once again balance the energy of mobilization with the coordinating force of organization.

But there is another theoretical approach worth examining: the theory of *networks*. The premise of network theory is that under some conditions, loosely-structured systems of diverse groups, without formal hierarchical discipline, can be powerful and can challenge formal hierarchies and sustain large-scale strategies. This theory suggests a possible alternative vision to that of the NUP: rather than building up the formal organizational strength of labor, focusing on building its network capabilities.

III.   ORGANIZATIONS: THE BREAKDOWN OF PATERNALIST BUREAUCRACIES

Several challenges stand out in the evolution of employer organizations. Many analysts start with their anti-union stance, but that is not really new or unusual; most employers, especially in the United States, have always been anti-union, and the current period is no different.[13] Among the *new* challenges, I would underline the decline of the paternalist "deal" and the concomitant rise in contingent work, the growing scope of international business, and the increased ability to manage large and flexible organizations.

All of these challenges are driven by a set of technological and economic forces that have profoundly destabilized a large range of industries: the microprocessor is the largest technological change since the development of electric power; the general increase of affluence since the 1950s has made consumers more sophisticated and caused them to seek more tailored solutions than before; and international finance has become vastly broader in scope and more rapid in execution.[14] These and other developments have broken apart relatively stable patterns of oligopolistic manufacturing markets that were the basis of industrial unionism, and they have put new pressures on businesses. It has become essentially impossible for any business to make a credible promise of the kind of security that characterized the old paternalist deal.[15]

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13.   It is true that for the period between the mid-1950s and the Reagan administration, U.S. employers were less *overtly* anti-union than before or since that period, though there is no reason to believe that their basic orientations changed. In the long sweep of labor history since the nineteenth century, that was, in any case, only a minor blip. *See* MICHAEL GOLDFIELD, THE DECLINE OF ORGANIZED LABOR IN THE UNITED STATES (1987); RICHARD B. FREEMAN & JAMES L. MEDOFF, WHAT DO UNIONS DO? (1984).

14.   *See* Nathaniel W. Foote et al., *Making Solutions the Answer,* 3 THE MCKINSEY QUARTERLY 85 (2001); ERIC VON HIPPEL, DEMOCRATIZING INNOVATION (2005), *available at* http://web.mit.edu/evhippel/www/democ.htm; Michael C. Jensen, *The Modern Industrial Revolution, Exit, and the Failure of Internal Control Systems,* 48 J. FIN. 831 (1993); JEREMY GREENWOOD, THE THIRD INDUSTRIAL REVOLUTION (1996).

15.   This is a controversial point in the literature. Most management-oriented writing now accepts this point and preaches a notion of mobile careers. *See* Douglas T. Hall & Jonathan E. Moss, *The New Protean Career Contract: Helping Organizations and Employees Adapt,* 26 ORGANIZATIONAL DYNAMICS 22 (1998); PETER CAPPELLI, THE NEW DEAL AT WORK (1999). A radical or union-based strand argues on the contrary that companies have been wrong to attack job security. *See* DAVID M. GORDON, FAT AND MEAN: THE CORPORATE SQUEEZE OF WORKING AMERICA AND THE MYTH OF MANAGERIAL DOWNSIZING (1996). My comment here is based on a simple observation that nearly all companies

The decline of paternalism has the most obvious implications for labor. For almost the entire history of mass-production business, employers have seen value in having a stable, skilled, reliable work force. In 1914, Henry Ford thought it was worth paying nearly double the previous wage level in order to lower turnover and increase productivity, and he turned out, from a business perspective, to be right.[16] Thus, the door that unions were pushing against in their attempt to increase security and increase pay was not tightly shut. Employers undeniably hated the interference of "outside" parties, but they did not hate the idea of employment security. Through the 1970s it was a general article of faith among large employers that it was important *in business terms* to try to guarantee loyalty among the work force, especially through benefits that rewarded long tenure.[17]

In the 1980s that assumption unraveled. Businesses began to believe that it was more effective (again, in business terms) to pay for current performance rather than to guarantee long-term loyalty. In order to maximize flexibility, companies have increasingly felt the need to allocate resources more quickly and make fewer long-term commitments; loyalty is less beneficial as a factor in production. So when unions press for security or long-term benefits, they no longer find, as they once did, a half-sympathetic ear among those with a purely business focus.[18]

The second major change, the internationalization of business, is not so much a matter of increased trade, but, more importantly for unions, an extension of corporations' range of action, regardless of their trading patterns. For example, General Motors Corp. has acquired Saab and partnered with Fiat and other companies;

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that have historically held to values of employment security — such as IBM, or Johnson & Johnson, or many others — have been forced in the last twenty years to abandon this tradition and to begin layoffs. There remain few niches sufficiently protected from global competition to allow survival with traditional levels of employment security.

16.   *See* STEPHEN MEYER III, THE FIVE DOLLAR DAY: LABOR, MANAGEMENT, AND SOCIAL CONTROL IN THE FORD MOTOR COMPANY (1981).

17.   *See generally* CHARLES HECKSCHER, WHITE-COLLAR BLUES: MANAGEMENT LOYALTIES IN AN AGE OF CORPORATE RESTRUCTURING (1995) (observing this shift in managerial attitudes based on over twenty-five years of interviews with managers in a large range of companies).

18.   For an elaboration of this account of corporate loyalty and paternalism, and its breakdown, see *id.*

Nike has become a nearly "virtual company," sourcing its products wherever is cheapest at the moment; and "global supply chains" are becoming widespread.[19] The main problem internationalization poses for labor is that companies now extend far beyond any existing sense of community or solidarity — across national boundaries and even across major trading blocks like Asia and Europe. And without community and solidarity there can be no movement base for labor.

Finally, there has been a tremendous amount of organizational innovation. Some of it is technical, such as software that permits monitoring of performance at all levels to an unprecedented degree. Other aspects of it are social, such as the extensive decentralization of operations within tightly developed strategic frameworks and also the ability to pull people together for projects across geographies, divisions, levels, and skill sets.[20] Businesses for the most part function much better today than they did a few decades ago. They can both enforce cost/quality discipline *and* encourage greater innovation and responsiveness. They can coordinate specialized knowledge and diverse cultures into coherent strategic platforms. And although they are often larger, they are less bureaucratic in the sense of relying on fixed rules and procedures.[21]

The issue for unions is whether they can hope to match these organizational transformations and to act, once again, as a direct counterweight to companies, as did industrial unions. That seems highly unlikely from the point of view of organization theory. A diagnosis that simply says, "Companies are bigger and more centralized than unions, so we need to match their size and coherence,"

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19.   *See* Morris A. Cohen & Suman Mallik, *Global Supply Chains: Research and Applications*, 6 PRODUCTION AND OPERATIONS MGMT. 193 (1997); Arnaldo Camuffo & Giuseppe Volpato, *Partnering in the Global Auto Industry: The Fiat-GM Strategic Alliance*, 2 INT'L. J. AUTOMOTIVE TECH. & MGMT. 335 (2002); John Seely Brown et al., *Loosening Up: How Process Networks Unlock the Power of Specialization*, MCKINSEY Q. (SPECIAL EDITION: RISK AND RESILIENCE) (2002).

20.   *See* Paul S. Adler, *Market, Hierarchy, and Trust: The Knowledge Economy and the Future of Capitalism,* 12 ORG. SCI. 215 (2001); Brown, *supra* note 19; Joel Podolny & Karen Page, *Network Forms of Organization*, 24 ANN. REV. OF SOC. 57 (1998) (advocating broader focus of economic views of organization to include constraint and dysfunctionality of constituent parts).

21.   *See* Adler, *supra* note 20.

ignores most of what is going on. Companies have much more motivation to fight against the kinds of benefits that unions usually seek; they have a scope of operations that makes it relatively easy for them to shift production beyond any plausible range of formal union organization; and, presenting the greatest difficulty for unions, they have a level of operational flexibility that enables them in many industries to keep operating for substantial periods in the face of strikes. Mass walkouts do not usually cause the pain they once did.[22]

If there is a positive organizational lesson for labor, it is quite different from the familiar industrial logic of matching mass with mass. The direction in which companies are moving is from that stable hierarchical model towards one of tight interdependence, depending on the integration of wide varieties of skills around shifting missions. The new organization is less vulnerable to mass walkouts — but it is often *more* vulnerable to small, targeted disruptions.

In particular, the key weak points are no longer *within* companies but *between* them. As part of the move towards flexibility, companies have increasingly focused on "core competencies" and have built connections to other companies through outsourcing or alliances to fill out the "value chain."[23] This approach, known in manufacturing as "just-in-time inventory," means that a small,

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22. The decline of strikes has been well-documented. Bureau of Labor Statistics data indicate that time lost due to strikes, which hit as high as 38% of total working time in the 1950s, dropped to around 10% in the 1970s, 5% in the 1980s, and generally below 2% since then. News Release, U.S. Bureau of Labor Statistics, Work Stoppages Summary (Table 1) (2005), *available at* http://www.bls.gov/news.release/wkstp.t01. htm. Similar drops have occurred in most OECD countries. *See* THE ROLE OF UNIONS IN THE TWENTY-FIRST CENTURY (Tito Boeri et al. eds., 2001) [hereinafter THE ROLE OF UNIONS]. *See also* Jeffrey Ball et al., *Don't Walk: Why Labor Unions Have Grown Reluctant to Use the 'S' Word — The Global, High-Tech Economy Makes Striking Riskier as Membership Declines — A Sense of Shared Purpose*, WALL ST. J., Dec. 16, 1999, at A1. For evidence that employers have increased their willingness and ability to operate during strikes, see Peter Cramton et al., *The Use of Replacement Workers in Union Contract Negotiations: The U.S. Experience, 1980-1989*, 17 J. OF LAB. ECON. 667 (1998).

23. *See* RICHARD NORMANN & RAFAEL RAMIREZ, DESIGNING INTERACTIVE STRATEGY: FROM VALUE CHAIN TO VALUE CONSTELLATION (1994); Remo L. Häcki & Julian Lighton, *The Future of the Networked Company*, 3 MCKINSEY Q. 26 (2001).

unexpected delay in one key location along the chain can cause more damage than a large, predictable strike.[24]

Unions focused on single companies or industries are not well positioned to take advantage of those "Achilles' heels" in modern production. Organizations that would be good at it are not necessarily large, concentrated hierarchies. They would generally be smaller and more spread out, not necessarily built around industry lines at all, but perhaps around technologies or supply chains. But such unions would create new problems of coordination: how would they achieve coordinated disruptive action among workers in different sectors for goals that are not directly related to the workers' own working conditions? Almost surely the image of a large, industry-focused bureaucracy would not work for this purpose; we need to explore the equivalent of "flexibility" on the labor side.

IV.   The Rise Of "New Movements"

Movements are much harder to study than organizations: they rise and fade, change shape and drift like mist, and polls are generally unable to capture them. Many theorists have grappled with a sense that something fundamental has happened to movements in the last forty years, but they have not reached wide agreement on what that something is.

One point that does seem well-founded, however, is that class-based or mass-based movements have declined in that time period throughout the industrialized world. The rate of strikes is one indicator that reflects this decline in nearly every country.[25] More generally, there have been few sustained large-scale actions around work issues. In the United States, there have been a number of occasions in recent years in which those schooled in the history of industrial unionism felt, "This is it, this will uncork the bottled-up dynamic of protest." Think of the Pittston strike of 1989, in which AFL-CIO President Lane Kirkland was dragged off to jail for civil

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24.   This conclusion has been noted by a number of union leaders, but has not, to my knowledge, been documented in academic literature. It follows, however, from the large raft of studies of value chains. *See, e.g.,* sources cited *supra* note 23.

25.   In the United States, according to Bureau of Labor Statistics figures, work stoppages varied wildly throughout the 1950s; dropped to 10% or so in the early 60s; rose to 20% in the late 60s; down to 10% in the 70s; to 5% in 1980s; to 1-2% after 1990, except for a brief spike (6%) in 2000. *See* Work Stoppages Summary, *supra* note 22.

disobedience; the UPS strike of 1997, with its wide appeal around issues of contingent work; or the outpouring of white-collar protest starting around 2004 against the outsourcing of technical jobs. And, of course, many in the AFL-CIO believed that the aggressive public organizing drives unleashed by John Sweeney and Richard Bensinger[26] in the late 1990s would tap a wellspring of protest that had been hidden by the previous passivity of the labor movement.[27] Yet none of those events has connected to a movement that could energize labor resurgence.

Europe is still capable of generating mass movements at times, but they seem to have declined in power as well. The advance of neoliberalism has been strong throughout the European Community and has generated protests that echo those of the past — but they have remained little more than echoes, fading rather than gaining in strength; and they have not managed to stem the tide.[28] France has seen a series of mass risings, in 1995, 2003, and 2005, against various attempts to undermine the social-democratic model. Yet these actions, even in a country where protests have many times transformed political life, have not altered a gradual rightward political drift. In Germany, IG Metall's 2003 effort to call on militant adversarial sentiment in a campaign for shorter hours ended in clear defeat which was widely seen, even within the union, as a rejection of such tactics.[29]

Despite these apparent reverses, a loosely connected set of theorists argues that movements have not declined, they have just changed shape. In this view, "New Social Movements" have developed since the 1960s, and are characteristically more decentralized,

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26.   John Sweeney was elected President of the AFL-CIO, the central labor federation, in 1985; Richard Bensinger was his controversial Director of Organizing who agitated forcefully for increased attention to organizing.

27.   *See* Richard Rothstein, *Toward a More Perfect Union: New Labor's Hard Road*, 26 Am. Prospect, May-June 1996, at 47.

28.   *See* The Role of Unions, *supra* note 22; Pierre-Eric Tixier, Mutation ou Déclin du Syndicalisme? Le Cas de la CFDT (1992).

29.   *See, e.g.*, David McHugh, *German Workers Abandon Strike in Union Defeat*, N.Y. Sun, July 1, 2003, at (Foreign) 5 (citing polls indicating that 75% of Germans and even 68% of union members opposed the strike).

more participatory, more associational, and more focused on issues of identity and self-development than old movements.[30]

Certainly this notion connects to experiences in the labor arena. Probably the most important piece of legislation affecting the workplace in the past two decades (at least on the progressive side) is the Americans With Disabilities Act (ADA),[31] which created a broad new set of employment rights. This act was passed over fierce employer resistance with virtually no involvement from organized labor; the energy came from a diverse, decentralized, loosely coordinated set of groups ranging from large, established service organizations to radical direct-action associations.[32] The motivations included a strong element of conscious identity-definition, one of the hallmarks of new social movements — the recasting of disability from something shameful to something that could be revealed proudly in the public sphere.[33] More recently, gay and lesbian groups have had a substantial impact in a similar way; though they have not succeeded in getting national legislation passed, they have persuaded many large companies to treat same-sex relations on a par with traditional marriage.[34]

In the late 1980s, when I first wrote about the future of labor, I put my bets primarily on these new movements: it appeared that groups oriented to pride in black identity, women, Hispanics, and so on had far more momentum than movements based on class identity, and they continued to make gains in rights during the otherwise bleak Reagan era.[35]

But since that time we have learned a bit more about new movements, and the picture has grown more complicated. One

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30.   For an American view, see Mayer N. Zald, *The Trajectory of Social Movements in America, in* 10 RESEARCH IN SOCIAL MOVEMENTS, CONFLICTS AND CHANGE 19 (Louis Kriesberg & Bronislaw Mistzal eds., 1988). For a European view, see Claus Offe, *New Social Movements: Challenging the Boundaries of Institutional Politics,* 52 SOC. RES. 817 (1985). *See generally* Hank Johnston et al., *Identities, Grievances, and New Social Movements, in* NEW SOCIAL MOVEMENTS: FROM IDEOLOGY TO IDENTITY (Hank Johnston et al. eds., 1985).

31.   Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2000).

32.   *See* Charles Heckscher & David Palmer, *Associational Movements and Employment Rights: An Emerging Paradigm?,* 12 RES. SOC. ORG. 279 (1993).

33.   *See id.*

34.   *See* Jay Greene & Mike France, *Culture Wars Hit Corporate America,* BUS. WK., May 23, 2005, at 90.

35.   *See* HECKSCHER, *supra* note 8.

very important problem is that they are not essentially focused on the world of work. The enormous impact of multiple civil rights movements on work has been, in essence, a byproduct of larger social claims: the workplace is just *one* venue for asserting universal rights. Thus, the new movements have not focused clearly on defining the kind of workplace that would meet their ideal of justice, and they only sporadically worked to build local institutions that could define and enforce rights in an ongoing way on the job.[36]

Even more important, however, is the fact that identity movements have generally failed to sustain strong organizations and they have a significant tendency to fracture. Though this is partly due to their relative immaturity — forty years is a short time in social history — there seems to also be a deeper cause: the communities on which they are based are systematically unstable. *Traditional* communities, which are central to craft unionism and still play a role in industrial movements, are based on long-lasting "thick" webs of relations. *Class* communities are thinner, but are nevertheless oriented to a stable reference point in the enduring opposition of interests between employers and employees. The new *identity* movements, by contrast, are based around the deliberate "bringing to consciousness" of a sense of community that had been hidden and a development of solidarity through ongoing participatory dialogue and self-criticism. Thus, in an important sense, they are *intentionally unsettled.* The movement scholar Joshua Gamson has therefore raised the provocative question, "Must identity movements self-destruct?" He wrote that "[s]exuality-based politics . . . contains a more general predicament of identity politics, whose workings and implications are not well understood: it is as liberating and sensible to demolish a collective identity as it is to establish one."[37]

Identity groups have tended to remain isolated rather than to form powerful and lasting alliances. Though they can sometimes come together around particular goals, as in the case of the disabilities movement and the ADA, they rarely stay united for long. In

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36.   *See id.* at 53-81. *See also* Judith Abler Hellman, *The Riddle of New Social Movements: Who They Are and What They Do, in* CAPITAL, POWER AND INEQUALITY IN LATIN AMERICA 167 (Sandor Halebsky & Richard L. Harris eds., 1995); Johnston, *supra* note 30; Offe, *supra* note 30.

37.   Joshua Gamson*, Must Identity Movements Self-Destruct? A Queer Dilemma*, 42 SOC. PROBS. 390, 402 (1995).

many instances, cross-cutting identities led to intensely emotional fissures: in the disabilities case, for instance, gender divisions have led some women to complain of feeling like "aliens within [their] own community."[38] These divisions undermine efforts to build lasting relationships and organizations: the general stress on self-exploration and participatory democracy trumps the feeling of need for discipline and unity.

Unions have often tried to connect to new movements, going back at least to the massive "Solidarity Day" demonstration early in the Reagan era,[39] and developing recently through the union-backed community organization Jobs with Justice,[40] the 1999 Seattle demonstrations against the World Trade Organization, and other coalitional efforts. Few of these relationships have lasted, and they have certainly not developed into a broad sense of unity among these groups who would seem to be natural allies. There is persistent tension and misunderstanding between "new movement" groups that favor flexible, decentralized, local, participatory structures, and labor organizations that favor disciplined mass action. Thus, on their own, the new movements have been unable to create a broader network of coordination, and organized labor has not managed to transform this latent energy into a concentrated force.

V.   TAKING STOCK: CURRENT ORGANIZATIONS AND MOVEMENTS

Over the past year I have tried to map the broad landscape of organizations and movements with an impact on workplace justice.[41] The union sphere has, of course, been well-studied by many

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38.   *See* Sarah Triano, Movement Building, http://www.disabledandproud.com/movement.htm (last visited Jan. 5, 2006).

39.   "Solidarity Day," organized by the AFL-CIO, brought together many community, women's minority, and other social-action groups for a march on Washington in September 1981.

40.   Jobs with Justice describes itself as "a network of local coalitions that connect labor, faith-based, community, and student organizations to work together on workplace and community social justice campaigns." *See* Jobs with Justice, About JwJ, http://www.jwj.org/AboutJWJ/AboutJWJ.htm (last visited June 21, 2005).

41.   The last similar attempt to do this that I know of is Françoise Carré and Pamela Joshi, *Looking for Leverage in a Fluid World: Innovative Responses to Temporary and Contracted Work, in* NONSTANDARD WORK: THE NATURE AND CHALLENGE OF CHANGING EMPLOYMENT ARRANGEMENTS 313 (Françoise Carre et al. eds., 2000). There are many other "maps" of particular segments of the field.

scholars and activists, and so has the arena of immigrant worker centers and Living Wage Campaigns.[42] Using published sources, web sites, and personal contacts, Jennifer Winkelman and I gathered as much information as we could on other kinds of organization, ranging from employee groups within corporations, underground associations, community campaigns, coalitions of contingent workers, and whatever else we could think of. We were also able to compare some results with my own similar research carried out four to five years earlier, and with that of other researchers, to give some sense of the developmental path. In the end, we conducted interviews with representatives of nine diverse organizations, asking about their major accomplishments and challenges, their trajectory of development, their governance structure, financing, strategic goals, and main learnings.[43]

This research appears late in this article and is given very little space because the findings were largely negative: that is, little clear evidence was found that *any* new organization has built significant momentum beyond a local level, or has shown a capacity to transform employment relations on a large scale. To be sure, many of the efforts are extremely valuable to their members, many generate great commitment and enthusiasm, and some are conceptually innovative and could possibly have great potential for the future. The Wisconsin Regional Training Partnership, for one, has saved over 1700 jobs through cooperative problem-solving among community groups, unions, and companies. Working Today has established a successful portable health care package for contingent workers, has achieved financial self-sufficiency, and has grown steadily.[44] But despite these and many other successes, these groups remain, from

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42.   On immigrant worker centers, see JANICE FINE & JON WERBERG, WORKER CENTERS (2003). On Living Wage Campaigns, see *Special Issue: The Impacts of Living Wage Policies*, 44 INDUS. REL. 1 (2005).

43.   The organizations we interviewed were: WashTech, Working Partnerships, The Workplace Project, Working Today, New Labor, The Wisconsin Regional Training Partnership, the North American Alliance for Fair Employment (NAFFE), the Seattle Jobs Initiative, and the Boston Private Industry Council. For more information on the Workplace Project, see Emily Stein, Organization Profile, *The Workplace Project,* 50 N.Y.L. SCH. L. REV. 607 (2005-2006).

44.   For more information on Working Today, see Sarah N. Kelly & Christine Tramontano, Organization Profile, *Working Today,* 50 N.Y.L. SCH. L. REV. 597 (2005-2006).

the perspective of this article, very limited: none has developed the power to transform labor markets or to challenge large corporations on vital issues. Furthermore, many groups that seemed to have momentum and energy a few years ago have disappeared or have been transformed into mainstream fee-for-service career development providers.

Essentially, the problems discussed above continue to dog every variant of employee organization. On the one hand, those that try to generate mass action have sometimes generated bursts of protest, but have not sustained a militant base that would provide energy to the organization. On the other hand, those that have based themselves on identity movements have remained localized and isolated. One example from the wide spectrum is the immigrant worker centers: despite their proliferation (Janice Fine counted 123 at last report). They have remained anchored in particular ethnic groups and have rarely linked up with other races, classes, or types of organization.[45] Another is the set of living wage campaigns: they have had some notable successes, but their actual impact has been very modest — affecting small numbers of workers — and rather than accelerating and building towards more ambitious campaigns, their trajectory appears to be flattening.[46]

This is of course a broad assessment of an extremely fluid and ill-defined field. Yet, the empirical evidence on worker organization does seem to fit the general pattern described: a failure to build powerful unified organization that could challenge employers, and difficulty in linking to stable sources of solidarity and commitment to ground such organizations.

VI.   The Potential Power of Networks

So far this article has argued that existing unions are not well structured to take advantage of the weaknesses in employer organi-

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45.   For example: Chinese Worker Organizing Center; Filipino Workers Center; Black Workers for Justice; Korean Immigrant Workers Advocates; Latino Workers Center. *See* Janice Fine et al., Worker Centers – Community-Based and Led Worker Organizing Projects (2005), *available at* http://www.cornellpress.cornell.edu/catalog/fine-map_imdens.pdf.

46.   *See* Richard Freeman, *Fighting for Other Folks' Wages: The Logic and Illogic of Living Wage Campaigns,* 44 INDUS. REL. 14 (2005); David Fairris & Michael Reich, *The Impacts of Living Wage Policies: Introduction to the Special Issue,* 44 INDUS. REL. 1 (2005).

zations or to mobilize new movements. To try to move beyond that pessimistic conclusion, a third strand of theory that has been developing rapidly in recent years should be considered: the theory of networks.[47]

This is, in a sense, a variant on organizational theory; but networks are not organizations in the familiar sense. They do not have stable hierarchies, reliable lines of accountability, balance sheets, or even clearly identifiable memberships: they are fluid, open, and generally voluntary.[48] If the description stopped there, they certainly would not have the ability to affect industrial orders. Max Weber, the great theorist of bureaucracy, pointed out over a century ago that bureaucracies can destroy all such loose associational structures,[49] and over the intervening period he has consistently been proved right.

But there is a new element: proponents of network theory have begun to see that there is a lot more to the story, and that *certain types* of networks, with certain rules and standards of operations, can be very effective in dealing with large, complex problems of coordination.[50] In other words, networks are not just structured *loosely*, as people thought for many years; they are structured *differently*. When those new principles of structure are grasped and properly used, networks can be effective agents of social change.

An influential 2001 study by the RAND Corp. coined the term "netwar" to describe conflicts waged through this decentralized ap-

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47.   *See generally* Mark S. Granovetter, *The Strength of Weak Ties*, 78 Am. J. of Soc. 1360 (1997); Jerald Hage & Catherine Alter, *A Typology of Interorganizational Relationships and Networks, in* Contemporary Capitalism: the embeddedness of institutions 94 (J. Rogers Hollingsworth & Robert Boyer eds., Cambridge Univ. Press 1997); Ronald S. Burt, Structural Holes: The Social Structure of Competition (1992); Candace Jones et al., *A General Theory of Network Governance: Exchange Conditions and Social Mechanisms*, 22 Acad. of Mgmt. Rev. 911 (1997); Networks and Organizations: Structure, Form and Action (Nitin Nohria & Robert G. Eccles eds., 1997).

48.   *See generally* A. Michael Froomkin, *Habermas@Discourse.Net: Toward a Critical Theory of Cyberspace*, 116 Harv. L. Rev. 749 (2003); Social Structures: A Network Approach (Barry Wellman & S.D. Berkowitz eds., 1988); Social Structure and Network Analysis (Peter V. Marsden & Nan Lin eds., 1982).

49.   From Max Weber: Essays in Sociology 228 (H.H. Gerth & C. Wright Mills trans. & eds., 1946).

50.   *See* sources cited *supra* note 47.

proach.[51] Of course the basic principles are nothing new: guerrilla warfare has a long history and is highly developed in theory and practice; it has shown itself capable of defeating large armies with overwhelming conventional force, as the United States learned in Vietnam. The term "netwar" puts the spotlight on the added power brought by the use of Internet technology, which makes it much easier to coordinate decentralized operations. The RAND study examined not only criminal and terrorist networks, but also cases of effective social movements, such as the Zapatista rebellion in Mexico and the protests against the World Trade Organization.

Netwar is particularly effective in situations in which the battle is over information and the framing of issues. This is increasingly characteristic of advanced capitalist economies. Though corporations have grown less vulnerable to mass strikes, they are more vulnerable to bad publicity and attacks on their reputations; they are less self-sufficient than the dominant vertically-integrated firms of the last century, and thus they need good will from many partners to succeed. Well-conducted informational net attacks are difficult for corporations to parry.[52]

Networks should also be effective in dealing with the type of organizational system described earlier as evolving in the management sphere. Employers are not only becoming gradually more decentralized and specialized, but also more tightly interdependent and tied into webs of suppliers and alliances.[53] The vulnerabilities in these interdependent webs are better spotted and exploited by short, rapid, targeted actions than by large, predictable mass mobilizations.

Finally, the netwar approach has the great advantage of fitting the underlying structure of "new movements." The characteristic tactic of netwar is not the mass action, but — to use the RAND study's term — the "swarm." In a military context, RAND contrasts

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51. *See* RAND CORP., NETWORKS AND NETWARS: THE FUTURE OF TERROR, CRIME, AND MILITANCY (John Arquilla & David Ronfeldt eds., 2001) [hereinafter NETWORKS AND NETWARS], *available at* http://www.rand.org/publications/MR/MR1382/.

52. This is most often shown by "corporate campaigns" waged by unions using techniques of targeted publicity, see Edwin L. Brown & Tracy FH Chang, PACE International Union vs. Imerys Groupe*: An Organizing Campaign Case Study*, 29 LAB. STUD. J. 21 (2004). *See generally* JAROL B. MANHEIM, THE DEATH OF A THOUSAND CUTS: CORPORATE CAMPAIGNS AND THE ATTACK ON THE CORPORATION (2000).

53. *See* sources cited *supra* note 19.

it with the two tactics that have been dominant over the last two centuries: "brute-force massing" and "nimble maneuver":

> Swarming is seemingly amorphous, but it is a deliberately structured, coordinated, strategic way to strike from all directions, by means of a sustainable pulsing of force and/or fire, close-in as well as from stand-off positions. It will work best — perhaps it will only work — if it is designed mainly around the deployment of myriad, small, dispersed, networked maneuver units . . .[54]

In the context of social change, they cite the Zapatista struggle:

> . . . an alarmed mass of Mexican and transnational NGO activists mobilized and descended on Chiapas and Mexico City in 'swarm networks.' . . . the NGOs' ability to swarm into Mexico in response to the EZLN's insurrection . . . stemmed from a confluence of network-building efforts spread over a decade or two at global, regional, and local levels.[55]

And they note that "swarming best occurs where dispersed NGOs are internetted and collaborate in ways that exhibit 'collective diversity' and 'coordinated anarchy.'"[56]

The swarm, in short, is a tactic that can make use of the kind of action and solidarity characteristic of new movements: fluid, decentralized, diverse, deliberately anarchic, and self-critical. It does not depend on strong hierarchical structures, or even on alliances among stable organizations. Unions, like armies, have relied primarily on "brute-force massing" and, to a lesser extent, on "nimble maneuver"; for unions, like armies, the time may have come to shift tactical focus.

But if the swarm is a useful tactic, there remains the problem of *organizing* it — that is, building it into a force that can fight a sustained battle towards consistent goals. The problem with swarms

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    54.   RAND CORP., JOHN ARQUILLA & DAVID RONFELDT, SWARMING AND THE FUTURE OF CONFLICT VII (2000), *available at* http://www.rand.org/publications/DB/DB311/DB311.pdf.

    55.   NETWORKS AND NETWARS, *supra* note 51.

    56.   *Id.* at 193.

is that they tend to disperse rapidly.[57] This has been the historical problem with all forms of anarchist or associational action: a well-organized opponent can simply outwait them.

There have been important recent developments in understanding on this front as well: in some arenas, patterns of network action have been sustained and coordinated well enough to take on the most powerful corporations. These developments are perhaps most visible in the open-source software movement. This non-commercial, voluntary approach has succeeded in large-scale projects that require intense coordination and focus, such as the development of a browser (Mozilla) and an operating system (Linux) capable of challenging Microsoft head to head.[58]

There are many "secrets" to the successful operation of such a task-focused network — tricks, procedures, and techniques that have to be learned over time through trial and error, and that are far from being fully understood and codified. The overall keys, however, seem to be first, a consistent code that governs all interactions — a shared language, as it were, or a set of professional standards; second, an effective system for building and testing reputations, so that those who contribute most to the effort gain in influence and those who do not are marginalized; and third, an overall goal or vision that motivates sufficient numbers of participants.[59]

Each of these points poses serious organizational challenges. The range of social-justice organizations is currently highly frag-

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57.   This is true essentially by definition: a swarm is a quick action. If it is sustained it turns into a collaborative network. The dynamic can be supported by case evidence such as the attempts to sustain campaigns as discussed in Bruce Nissen, *The Effectiveness and Limits of Labor-Community Coalitions: Evidence from South Florida*, 29 Lab. Stud. J. 67 (2004).

58.   *See* Eric Steven Raymond, The Cathedral and the Bazaar (Aug. 2, 2002), http://www.catb.org/~esr/writings/cathedral-bazaar/cathedral-bazaar/; Yochai Benkler, *Coase's Penguin, or, Linux and the Nature of the Firm*, 112 Yale L.J. 369 (2002).

59.   For an important exploration of the dynamics of open-source software development, see Raymond, *supra* note 58. *See also* John H. Holland, Hidden Order: How Adaptation Builds Complexity 161-72 (1995) (discussing the "self-organizing systems" strand of network theory); 1 Jurgen Habermas, The Theory of Communicative Action, Reason and the Rationalization of Society (1984) (discussing the communications theory strand of network theory); 2 Jurgen Habermas, The Theory of Communicative Action, Lifeworld and System: A Critique of Functionalist Reason (1984); Froomkin, *supra* note 48 (analyzing Habermas's communications theory).

mented and far from having either a common vision or a common language. Also lacking is the kind of coherent reputational system that holds together eBay, Inc., or underlies cooperation in open-source projects.

But there is no fundamental reason why these challenges are insurmountable, and there is some evidence that groups are learning how to do it. The campaign against Wal-Mart is a promising current example of sustained informational netwar. A large number of associational movements — community groups, women's groups, and others — have combined with unions in a continuous attack on the company's policies from many angles — a prototypical "swarm." For a long time, management was determined to ignore the attacks. But in early 2005 they were forced to recognize that the campaign was doing real damage to their consumer relations and to their ability to expand into new communities. In response, they launched an advertising campaign to try to improve public perceptions.[60] It is particularly interesting, though, that on this terrain the company was not in a position of strength: fighting the netwar tactics put it on the defensive. Wal-Mart's senior vice president for corporate affairs, speaking of the advertising campaign, said, "There is a downside, because we are giving attention and even a platform to our critics, . . . [but] [w]e don't have a choice."[61] A crisis communications adviser added that the company's response "is all about picking the best of your bad options . . . it's not about winning."[62]

In general, corporate campaigns represent an initial step by some unions in the direction of mobilizing networks in netwars, and they have had some success.[63] But they are still a long way from the notion of a fully mobilized campaign: using the power of the Internet to bring together widely diverse groups in concentrated swarms. There is a long road of learning and development of capabilities between here and there.

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    60.   *See* Nat Ives, *Wal-Mart and Eli Lilly Turn to Full-Page Ads to Address Their Critics*, N.Y. TIMES, Jan. 14, 2005, at C5.

    61.   *Id.*

    62.   *Id.*

    63.   *See* MANHEIM, *supra* note 52.   **R**

VII. CONCLUSION

History has left us with a dominant image of labor as an effective social force combining mass mobilization and concentrated organization. This familiar way of acting, however, has lost its effectiveness, because both the business and social contexts have changed. The alternative vision is radically different: networks engaged in netwars. Networks have advantages on two fronts: in confronting modern flexible and decentralized management systems, and in mobilizing the energy of new movements.[64]

In the past, corporations were able to crush networks. But the changing context has given networks a new life. They are potentially stronger than before because of a growing understanding of how they work best and because of technological advances that speed decentralized communication. While formal hierarchies — bureaucracies — are weaker than before because they do not appeal to most workers and because they are not responsive enough for a knowledge-based economy.

The type of organization and leadership needed to build and sustain networks and netwars is in many ways the opposite of that needed for traditional mass action and large-scale hierarchies — that is, the opposite of the way the NUP framed the issue. The NUP approach is familiar: if you're getting beat, you need to bulk up. The network approach, by contrast, is still highly counterintuitive. It requires that labor think of itself as a coordinator rather than a power, as a player in a complex force field rather than as the leader of the forces of social justice. It is in many ways an attitude of humility, but it could very well be now that in humility there is strength.

From this perspective, the *main* problem for labor is *not* to grow in size by adding members; indeed, in the world of new movements and netwars, it is not always clear who is a member and who is not. The key question is not how many members you have, but who you can mobilize. A small number at the right time can have

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64. In this short paper I have emphasized only a few parts of the picture. In particular I have concentrated on the capability of networks to sustain pressure and conflict. They are also relatively good, however, at other sides of social action, such as influencing legislatures, generating public support, and providing services to members.

more effect than a large mass, and they need not be "members" in the sense of "signing up" for a permanent organization.

The real problem for labor is to grow in *influence* — in the ability to unite groups outside its own boundaries. With influence, labor could help bring together different and shifting communities around key campaigns. With influence, it could concentrate its efforts on the weak points of the relations among firms. Influence comes from vision and from the ability to listen without dominating. It comes from understanding how networks work — the logic of swarms and identities and campaigns — and being able to reflect the values of a large range of social justice groups. The pursuit of influence would put energy and resources into meetings with far-flung groups, building alliances, structuring consistent communications systems across diverse organizations, and Internet capability. It is a way of acting that is as different from industrial union organization as industrial unions were different from crafts in the 1930s, and as continuous as both with the core mission of labor.