to the author’s ideas. The text will make for meaningful discussions. Miller gives an honest assessment of what has been written, and successfully portrays what he has learned and what others report, observe, and experience.

Miller also provides insight into the dynamics of the politics of the period from the 1930s to the 1970s about what it means to be Indian or what it takes to establish an Indian identity under the federal acknowledgement process. He offers the reader the facts and hints at suggested lines of reasoning, but he does not draw the conclusions. The text is beneficial and an in-depth examination of southern and southeastern federal Indian politics within and outside the tribal community. It offers a window into the intraracial attitudes of the period, primarily pervasive in the southeast. There is documented assimilation by Native Americans, and acculturation by the BIA in adopting a sociological and cultural position as to the inferiority of African Americans (blacks) within the tribal community. Although this position is possibly not widespread, Miller discusses how state, federal and tribal officials give passing attention to a person of mixed European and Native ancestry, whereas the same people and governments diminish and dismiss peoples of Black/African–Native ancestry. Almost as if the inter-racial and intraracial dynamics were a side note, the book exposes and records the actions of tribal members, as well as BIA and tribal governments’ racial hostility and perpetuation of racial animus during “Jim Crow” America. Although the tribal communities have been and are welcoming, the reality and politics of tribal recognition are not immune from the remnants of slavery and the stain of racial supremacy that color American history.

Claiming Tribal Identity, on multiple levels, is a beneficial and an informative read. For the seasoned individual involved in tribal affairs, the text may seem simplistic. To the novice, student, layperson, or average individual with little to no information about this country’s surviving tribal population, this text is a valuable source of information. I venture that this text will prove a sound work and a valued composition of Native, southeast, and American history.

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Despite its title, this insightful book is not a history of “the employee” (as opposed to, say, the independent contractor), nor is it a political history. It is, instead, chiefly a social and legal history dedicated to exploring how certain
categories of white-collar workers fought and lost the battle for inclusion within the protections of one particular statute: the National Labor Relations Act, which governs collective bargaining in the private sector. More specifically, the focus of the book is on three case studies: industrial foremen (who came to be excluded through legislation in 1947), certain “managerial” office workers and university professors (who came to be excluded through a judge-made exemption in the mid-1970s), and nurses operating in workplaces in which supervisory responsibilities are shared (whose battle against being deemed excluded “supervisors” began in the 1990s and is ongoing). These case studies are rich in sociological and legal detail, and are essential reading for anyone interested in the history of white-collar work in the United States. But the sweeping story Vinel uses them to tell is not entirely persuasive.

The ideology that would most clearly support unionization for high-level managerial and supervisory workers is the view of unionization as a universal human right (or, stated otherwise, an “egalitarian claim[] stemming from … democratic principle” (85)). Vinel concedes that the National Labor Relations Act was not based on any such ideology. Instead, the statute grew out of the economic theories of the Wisconsin School (especially the work of John Commons), in which unionization served the utilitarian function of ensuring workplace (and, through it, social) harmony.

Vinel gives considerable time and space to laying out Commons’ “sociology of harmony” (as distinct from a Marxian sociology of class conflict). Where Commons most clearly addressed the specific issue of where the unionization line should be drawn, his position was that forepersons and managers were on the wrong side of it. This was the case despite his recognition (not noted by Vinel) that ignoring the status of upper-tier white-collar workers was potentially dangerous to the social order: salaried, professional, and other white collar workers had turned toward fascism in Italy and Germany. Rather than himself providing a solution to that problem, “Commons’ prescription for a new industrial order based on the harmony of the collective bargaining process [provided] some of the origins of the contemporary problems associated with the legal definition of workers” (79). “Commons simply never envisioned that ‘agents’ [e.g., managers and foremen] might demand the right to organize, too, and he did not do so because he did not believe that unionism should challenge managerial prerogatives” (84).

Notwithstanding Commons’ recognition of a need for boundaries, the National Labor Relations Act contained no express exclusions. As the actual conditions of employment for industrial forepersons and other supervisory and managerial workers declined, and their demands for unionization increased, the absence of express exclusion created an opening for movement in a progressive direction. It became clear, at least to the most progressive members of the National Labor Relations Board, that “harmony” would be aided by recognizing the gap that had developed (indeed, that had always
existed) between the lower and upper tiers of management, and allowing the former to unionize. Their view of the outer boundaries of “harmony”-based collective bargaining was expansive enough to blend into the rhetoric of a universal human right to organize (137), “one of the rights spelling economic citizenship” (90).

For Vinel, what barred unionization for these employees was not the National Labor Relations Act itself, despite his linkage of that statute to Commons’ work, and, therefore, to the limits inherent in it. Rather, it was the emergence of an ideology of “loyalty” in the late 1930s and 1940s, grounded in the work of sociologists of management, that was the reason the law developed in the direction of exclusion.

In a rich case study of foremen’s unionization efforts in the late 1930s and 1940s, Vinel shows that foremen drew on the New Deal’s emphasis on economic security to advocate for unionization (110) without embracing “the larger political principles of unionism” (115). The National Labor Relations Board’s rejection of foremen’s unionism led to a strike wave that contributed to the “conservative backlash that was to lead to the Taft-Hartley Act” (118) in 1947, which was a victory for the “loyalty” ideology, at least insofar as it expressly excluded supervisors (defined broadly).

Yet even post-Taft–Hartley, Vinel argues, there was room under the statute for unionization of upper-level white-collar workers. Just as the National Labor Relations Act as originally enacted in 1935 did not limit lawmakers to the boundaries that Commons himself drew between workers and managers, to Vinel, the Taft–Hartley Act was not a complete victory for “loyalty” ideology. The Supreme Court went too far, Vinel argues, when it bought into loyalty ideology by creating the nonstatutory “managerial” exemption in response to nonsupervisory managers’ unionization efforts, and when it overenforced the Taft–Hartley supervisory exemption in the case of charge nurses. It was, therefore, chiefly through the Court that “business elites [made] their vision of unionism the vision that has been adopted in American law” (233).

Although the case studies that make up the core of the volume are essential reading for anyone interested in issues of class and the American workplace, the overarching narrative is ultimately unconvincing. Vinel argues strenuously that neither the Wagner Act in 1935 nor the Taft-Hartley Act in 1947 barred a progressive vision of unionization as a basic human right, with its boundaries subject only to the shifting economic realities and class consciousness of the supervisory/managerial workers themselves. But by locating the Wagner Act in the Commons approach and Taft–Hartley in the “loyalty” ideology of the business community, Vinel is far more convincing in demonstrating that the human rights ideology he favors falls outside the philosophy of the legislation. Conventional labor law scholarship is haunted by the dual questions of “how radical was the Wagner Act” and “how conservative was the Taft–Hartley Act.” On the specific question of boundaries, Vinel’s account certainly
suggests that the Wagner Act was not very radical and that Taft-Hartley was very conservative. In the end (the next to last sentence of the book, in fact), we are told that we should view the Wagner Act’s “harmony” ideology as “a radical one, for it denied the validity of the loyalty argument” (234). But that is not a fair reading of the story that the book tells.

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