The Politics of Shorter Hours and Corporate-Centered Society: A History of Work-Time Regulation in the United States and Japan

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THE POLITICS OF SHORTER HOURS AND CORPORATE-CENTERED SOCIETY:
A HISTORY OF WORK-TIME REGULATION IN THE UNITED STATES AND JAPAN

by

KEISUKE JINNO

A dissertation submitted to the Graduate Faculty in History in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

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Abstract

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by

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Advisor: Joshua B. Freeman

Shorter working hours drew much attention as a means of fighting unemployment and crisis in capitalism during the first half of the twentieth century. Nowadays, shorter work-time is rarely considered a policy option to fix economic or social issues in the United States and Japan. This dissertation presents a history of work-time regulation in the United States and Japan to examine how and why its developments and stalemate took place.

In the big picture, developments of work-time regulation during the first half of the twentieth century were a part of concessional modifications of class relations, a common phenomenon in many industrialized societies. In the United States, the concept of shorter hours played an important role in shaping the labor movement. During the Great Depression, and even after the Fair Labor Standards Act of 1938, the demand for shorter hours to reduce unemployment and expand purchasing power gained popularity and stringency in political discourse. In prewar Japan, state bureaucrats who were concerned with proletarian radicalization led the development of the Factory Act. The experience of class tensions in the Taisho period strengthened the state's attention to work-time regulation. Conservative politics that had tried to challenge the postwar settlement, including the Labor Standard Act of 1947, met massive oppositions during the 1950s.

In the postwar high growth period, however, little progress was made in shortening the legal standard for hours in either country. The legal framework for the 40-hour workweek has been firmly entrenched in American work culture and labor relations, despite ever growing productivity. The shaping of corporate-centered society, a unique form of sociopolitical order, accounts for the political stalemates. After World War II, the American workers in the "core" industrial sectors, who heavily relied on corporate welfare, including a seniority-based
long-term employment, withdrew from the political movement. The rise of sociopolitical forces indifferent or antagonistic to shorter hours, even among labor and liberal communities, doomed attempts at amending the Fair Labor Standards Act to reduce the workweek standard. In the 1960s and the 1970s, shorter-hours advocacies gained new audiences in the "periphery" of corporate-centered society. Women, racial minorities, and workers in less prosperous sectors formed a new movement and won the expansion of FLSA coverage. Any serious attempts to reduce the legal workweek, however, dissipated by the 1980s. In postwar Japan, the 40-hour-week law had been postponed for four decades. Japanese-style management, the core mechanism of economic growth and social integration in Japanese corporate-centered society, required male workers to devote their lives to the company in return for life-time employment, seniority-based wage and other corporate welfare. Indifference to shorter hours among the mainstream labor movement met some challenges from the "periphery" after the 1970s, but neoliberal revisions eventually overshadowed the 40-hour standard established in 1987.
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"Modern methods of production have given us the possibility of ease and security for all; we have chosen, instead, to have overwork for some and starvation for the others. Hitherto we have continued to be as energetic as we were before there were machines; in this we have been foolish, but there is no reason to go on being foolish forever."

"Four hours' work a day should entitle a man to the necessities and elementary comforts of life... In a world where no one is compelled to work more than four hours a day, every person possessed of scientific curiosity will be able to indulge it, and ... above all, there will be happiness and joy of life, instead of frayed nerves, weariness, and dyspepsia... Ordinary men and women, having the opportunity of a happy life, will become more kindly and less persecuting ... The taste for war will die out".

1932, Bertrand Russell¹

"What can we reasonably expect the level of our economic life to be a hundred years hence?" "Economic problems may be solved, or be at least within sight of solution, within a hundred years." "We shall endeavour to spread the bread thin on the butter - to make what work there is still to be done to be as widely shared as possible. Three-hour shifts or a fifteen-hour week ... is quite enough to satisfy the old Adam in most of us!"

"All kinds of social customs and economic practices, affecting the distribution of wealth and of economic rewards and penalties, which we now maintain at all costs, however distasteful and unjust they may be in themselves, because they are tremendously useful in promoting the accumulation of capital, we shall then be free, at last, to discard."

1930, John Maynard Keynes²


(1) Four-Day Weekend, Forgotten Future

The old dream says human society would be liberated from the economic necessity of labor, unjust institutions, and war, most likely within 100 years. Two well-known intellectuals, English philosopher Bertrand Russell and economist John Maynard Keynes, envisioned such a blissful future more than 80 years ago. They predicted, assuming humans not to be foolish, that working three or four hours a day, or 15 hours a week, with a four-day weekend, would be long enough to sustain our economy. It was reasonable that they harbored such hope at the early stage of the Great Depression when work-time reduction seemed a promising solution to massive unemployment and given the fact that work time in the most advanced industrial society had constantly declined from late 19th century to the 1930s. Today, it is clear that the world of the four-day weekend has by no means come within our reach. It seems many of us, even forgetting the historical accomplishment of work-time reduction, take it for granted that people work as their parent’s generation did. A dismal imaginary world of Michael Ende’s novel Momo, where greedy time-thieves dressed in grey suits deprive people of time, liberality, and vitality, might be a more realistic image of what is happening to our time,
except Momo, the heroine who has a faith that "time is life itself" and helped the people recapture their time, seems not yet available in the real world.³

Why has our society followed Momo's path away from the world predicted by Russell and Keynes? Why today do we rarely speak seriously about the possibility of even a three-day weekend? What has distanced our history from the path of work-time reduction? For Russell, it is admiration of work, the virtue of industriousness, that makes human society unhappy.⁴ Keynes points out that things like the population explosion and practices that undermine scientific development can slow the pace of building the prospective future.⁵ It is difficult, however, to conclude that these were the factors that actually prevented our society from attaining the four-day weekend. A work ethic, for example, can stem from an economic environment in which hard work is the only available option for individuals, and, as a result, commitment to work no longer qualifies as an ethical issue. People's attitudes toward work time reflects their basic values about life and happiness, but their thoughts are also influenced by various empowerments, incentives, or pressures in a particular sociopolitical environment.


⁴ Russell, "In Praise of Idleness." 12, 18.

To answer the questions above, we need to ask what happened to our work time in the 20th century.

(2) Sociopolitical Perspectives

This dissertation focuses on a sociopolitical history of work-time regulations (mainly the national-level legal standard for the maximum workweek) in the United States and Japan. The history of work-time regulation is a significant part of what happened to our work time. Classic economic theory saw a relationship between productivity improvement (technological development) and work-time reduction. It says shorter working hours would come only when productivity goes up. It was so-called scientific management, established by Frederick Taylor in the early 20th century, that theorized this claim from the perspective of employers. The American shorter-hours movement itself performed missionary work to spread this common belief, justifying its demand for work-time reduction on the grounds that it would positively affect labor productivity. The majority of American economists and economic historians maintain that the reduction in the length of the workweek in American manufacturing before


the Great Depression was primarily due to economic growth and the increased wages it brought.\textsuperscript{8} Is work time just a variable depending on productivity or economic growth?

Statistical records make it clear that work time is something more than an economic indicator. Figure 1 [see Appendix] shows long-term data on average weekly work hours in American manufacturing. Figure 3 shows the long-term trend of labor productivity (output per hour) and per capita GDP in the United States. Work time in the United States stopped declining after World War II and began to rise after the 1980s, while productivity and GDP per capita have kept rising during all these periods. The assumption of a harmonious relationship between work-time reduction and economic development seems to be applicable to the period between 1830 and the 1930s, but it does not work for the periods afterwards. The economic theory also assumes that the fruits of improved technology-productivity will be divided into material rewards (compensation) and non-material ones (leisure), and therefore it seems the end of the reduction in workweek hours from World War II until the early 1970s was the result of growing work compensation, including salaries, bonuses, and other corporate benefits. This explanation, however, does not work for the period after 1973, when the real average compensation (for non-executives) stopped keeping pace with ever-growing

productivity. Figure 2 shows that the American workweek, for all sexes and races, increased after 1982. The average workweek of white male workers in 1999 was 42.6 hours, the same level as the late 1950s. Considering the increase in the ratio of part-time to full-time workers since the 1960s, the typical workweek of full-time employees in 1999 was most likely longer than in the late 1950s. It may still be that productivity improvement is only a necessary condition for shorter hours, but certainly we need something more than economic formulas to tackle the question of the shorter-hours stalemate.

This dissertation stresses sociopolitical perspectives, a focus on the interaction between society and politics. In the 20th century, work time was not just a product of the market economy or decisions of employers. It was not merely a reflection of technology or productivity, either. In a modern capitalist society, labor unions, regulatory laws, and other social forces have influenced work time. To be sure, the labor movement and politics of work time cannot be completely free from the effects of market forces and technological conditions, but it is also true that labor contracts and labor standards law once established can bind labor markets and the management of individual firms. David R. Roediger and Philip S. Foner, the leading historians on work time in the United States, skillfully demonstrate that a

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9 Lawrence Mishel, Elise Gould and Josh Bivens, "Wage Stagnation in Nine Charts," Figure 2, Economic Policy Institute website [http://www.epi.org/publication/charting-wage-stagnation/]
sociopolitical approach works well even for the pre-Depression period. Roediger and Foner describe the decade before the end of World War I as "the most productive period of shorter-hours agitation in U.S. history." This is not simply because the pace of hour reduction was steeper than before nor because there was significant progress in work-time regulation in the period. It was the pinnacle of class-conflict when the shorter work-time movement stemmed from "the coexistence of political and trade union campaigns for more leisure; the tendency for workers to unite across lines of sex, skill, and ethnicity in support of eight hours; the meshing of work day demands with those calling for workers to have more control over their lives off, and especially on, the job." Meanwhile, Roediger and Foner see the 1920s as a beginning of the work-time stalemate. This is not because the achievements of shorter hours movement in the 1920s was disappointing compared to the 1910s. It is because, they argue, the quality of class relations was transformed during the 1920s when the American Federation of Labor (AFL) embraced a theory of a harmonious relationship between productivity and work time; the demand for working-class self-control was cut off from demand for shorter hours; and the people shifted their ideological focus from positive values of leisure to the
returns of higher efficiency. This argument suggests that the development of work time is closely related to sociopolitical factors, such as class relations and cultural values.

This dissertation addresses the attitudes and thoughts of the labor movement, business community, politicians, and government in the political events of establishing and amending legal work-time standards. The perspective of social order (or regime) —a synthetic understanding of class relations, industrial relations, hierarchical stratification, gender relations, hegemonic political forces, government functions, and so forth—plays a significant role in contextualizing each event. It also divides the history of work-time regulation in the United States and Japan (before the neoliberal U-turn) into the two distinguishing periods: a period when working-class political pressure brought about concessional modifications to class relations, leading to the establishment of legal labor standards, and a period when the shorter-hours movement and legal developments reached a stalemate—if not died—in a new corporate-centered social order.

(3) From Coercive Control to Social Integration

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In early modern capitalism, factory workers were forced to work for extremely long hours, since the easiest method of maximizing profits was to enlarge the difference between labor costs and the returns capitalists received from labor. Late modern capitalism, by contrast, was required to have various working-class protections, including labor standards. The old coercive control in industrial relations was gradually replaced with negotiation and consent. This fundamental change can be viewed as concessional modifications of class relations, a process of building broader social integration in which lower-ranked social groups (the working class, farmers, women, and racial and ethnic minorities) achieved certain legal rights, wealth, education, and extra leisure, and by doing so capitalism and the state maintained sociopolitical legitimacy. In the United Kingdom, the wealthier minority, especially an "upper ten thousand" portrayed by English journalist Walter Bagehot, monopolized to a large extent such rights, wealth, education, and extra leisure before 1867 when the new laws enfranchised working-class men and set a 10-hour standard day.\(^\text{11}\) That was a year after Karl Marx and the International Workingmen’s Association called for a limit to the working day as “a preliminary condition without which all further attempts at improvements and emancipation of the working-class must prove abortive.” During the 19th century, modifications of the early

capitalist regime were by and large trivial or piecemeal at best. Only after World War I, especially during the Great Depression of the 1930s, did the working class win substantial concessions including government involvement in industrial relations. Early autocratic "laissez-faire" capitalism was thus replaced by "embedded liberalism" and "managed capitalism." Correspondingly, traditional class society was replaced with a "mass society" where the majority of ordinary people, except stigmatized minorities, was entitled to, if not guaranteed, a decent standard of living. The New Deal reforms in the United States and the post-World War II reforms in Japan can be seen as milestones in this historic trajectory.

(4) Corporate-Centered Society

Between 1948 and 1975, average weekly hours in the United States, adjusted for growth in vacations/holidays among male employees in non-agricultural industries, barely dropped from 41.6 to 40.9 hours. The three-decade-long stalemate of shorter workweek was unprecedented in modern America (Figure 1). Similarly, in postwar Japan, average

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weekly hours for male workers remained 50 or more between the 1950s and 1990 (Figure 7).

A typical explanation for this stagnation comes from a consumption perspective—people wanted more, and therefore they worked a lot.\textsuperscript{14} To some extent, this claim holds. The reduction in the life-time work year (the ratio of hours devoted to market labor to the total hours of a person's life), as a result of the popularization of higher education (Figure 4) and earlier retirement (Figure 5), increased the amount of necessary income that each worker needed to maintain a culturally acceptable living standard. Income now had to meet the costs of prolonged education, improved housing, home appliances, commuting, living and medical costs after retirement, and reserves against losing a job. This trend potentially put greater financial pressure on workers. Yet the heavier financial pressure on workers was a universal phenomenon in advanced economies where higher social standards meant greater costs. These financial pressures on individual workers could be reduced by increasing public welfare. In corporate-centered society, where private corporations play a crucial role in controlling and distributing the nation's welfare, the pressures produced a strong force for long and hard

work. In postwar America and Japan, with a greater opportunity to tap into corporate welfare and a smaller social safety-net, people individually struggled to win and maintain decent jobs and incomes. In the Western European welfare state where labor movements and social democratic parties were strong enough to regulate and redistribute the nation's welfare, substantial decommodification of labor (social income for child care, education, housing, medical, retirement, and unemployment) reduced financial pressure on individual workers.

The assumption that decommodification leads to a favorable environment for shorter work time is partially supported by a clear inverse-relation between length of work hours and the proportion of the GDP spent on social welfare. From an historical perspective, the period of corporate-centered society was the heyday of class concession. Workers' income kept rising in general, and legal labor standards established in the New Deal period were maintained or improved to some extent. Nevertheless, a corporate-centered social order doomed the shorter hour movement, eventually making the United States and Japan workaholic societies with feeble sociopolitical resilience to post-1980s neoliberal deregulations of labor standards.

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Chapter 2 examines the development of work-time regulation in New Deal America, from the Black-Connery 30-Hour Week bill to the establishment of the Fair Labor Standards. Chapter 3 explores the political impasse in post-World War II America’s corporate-centered society through the last attempt at a 35-hour week in 1979. The chapter also addresses the views and accomplishments of those who contested the postwar social order. Chapter 4 examines the development of work-time regulation in Japan from the age of the Factory Act to the 1950s when the postwar democratic movement defended the Labor Standard Act from conservative reaction. Chapter 5 explores the influences of Japanese corporate-centered society on the politics of work time from the 1960s to the delayed enactment of a 40-hour week in 1987.
Chapter 2
Development of Work-time Regulation in New Deal America, 1930s–1940s

(1) Historical Background

Before the New Deal

In US history, work-time regulation grew in parallel with the development of the working-class movement. Advocacy for shorter hours, which dates back to the 1791 Philadelphia carpenters’ strike, was initiated by journeymen with independent status. This status was jeopardized as merchant capitalists drove master craftsmen to lower wages and extend hours. By the 1820s, formal movements for the ten-hour day cropped up among craft unions in East Coast cities, the centers of merchant capitalism and artisan republicanism. The concept of shorter hours encouraged class consciousness and labor unity across craft lines. The journeymen also connected shorter hours with a protection against seasonal unemployment. The Jacksonian labor movement continued struggling for shorter hours. The National Trades' Union, America's first national labor organization, took a firm stand on the reduction of hours. One of the earliest outcomes was President Martin Van Buren’s executive order in 1840, by which ten-hour regulations extended to federal employees in public works.
Faced with new technology and demands for faster production, female factory workers joined the march for shorter hours after the 1840s.\textsuperscript{18} Massachusetts and Connecticut restricted child labor to ten hours a day in 1842. New Hampshire established a ten-hour day legal standard, in 1847, followed by several other states by the mid-1850s. Those early state laws were not practical because they allowed longer working hours on the condition that workers agreed to a voluntary contract. The next period of momentum came in the 1860s when American workers demanded an eight-hour day. Led by the likes of Ira Steward, Boston machinist and unionist, the Eight-Hour Leagues spread throughout urban America after 1863. The National Labor Union followed in 1866 and demanded eight-hour laws in all states. The growing eight-hour movement obtained passage of a federal law of 1868 that provided an eight-hour day for laborers and machinists employed by federal establishments and state laws, by 1870, that mandated an eight-hour day in Connecticut, Illinois, Pennsylvania, and New York, “unless otherwise agreed.” The state laws remained largely unenforced, though. During late 19th century, there were even greater efforts to establish truly effective eight-hour laws. The eight-hour workday became one of the primary demands of American working-class organizations, namely the Knights of Labor and the Federation of Organized Trades and

\textsuperscript{18} Roediger and Foner, \textit{Our Own Time}, op. cit. (1989) 7-9, 10-12, 14-15, 19-20, 28, 40-41, 45-55.
Labor Unions (FOTLU, later AFL). The shorter-hours demand was so popular that it united workers across industries, trades, genders, ethnicities, and races. FOTLU resolved that they would call a general strike on May 1, 1886, for an eight-hour national standard. “We want to feel the sunshine, We want to smell the flowers - Eight hours for work, Eight hours for rest, Eight hours for what we will,” sang Chicago workers in the 1886 general strike. A year after the Haymarket affair, during the backlash against eight-hour achievements, Samuel Gompers, the first president of the American Federation of Labor (AFL), affirmed that “so long as there is one who seeks employment and cannot find it, the hours of labor are too long.” Since 1890, unionists and socialists on both sides of the Atlantic have gathered on May 1 to commemorate the American working-class struggle for the eight-hour day. Under the pressure of rejuvenated workers’ demands, Congress passed a law, in 1892, that mandated eight-hours for all laborers and machinists employed by federal establishments, including those employed by contractors. The law retained small loopholes for “emergencies,” though. Most Americans still worked ten hours or more a day at the end of the 19th century, but in tandem with the international movement, they achieved political concessions step-by-step. This pattern continued in the early 20th century. During the First World War, there were a few breakthroughs in government policy on work time. The Adamson Act of 1916, the first federal law to regulate work time in private companies, stipulated a time-and-a-half overtime premium after the
eight-hour day for interstate railroad workers. The War Labor Board adopted eight-hour day regulation through war-time contracts. Parallel developments abroad at the time included the Russian Revolution and a subsequent eight-hour day decree issued by the Council of People's Commissars in 1917, Finland's national eight-hour day statute, the German Revolution in 1918, and the French labor offensive in 1919, the latter two of which established similar national statutes.  

Meanwhile, accumulating a great amount of capital, some major American corporations had pursued private "welfare capitalism" by the 1920s. Ford Motor Company reduced the workday from nine to eight hours (along with doubling hourly wages) in 1914 and by 1926 shortened the workweek from 48 to 40 hours by providing a two-day weekend. Italian Marxist Antonio Gramsci, in his study on Fordism, viewed its "high wage" ("monopoly wage" of "labor aristocracy" in Marxist terminology) as a symbol of American industrial system. Not only the apparatus of "coercion," according to Gramsci, but also "persuasion and consent" played important roles in the Ford's labor management.  

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corporations had little tolerance for workers’ self-organization, but some welfare capitalists modified traditional systems of compulsion with a new system of “persuasion,” which included higher wages, corporate-sponsored welfare, long-term employment, internal training, and rational human resource management. The unique development of “welfare capitalism” had significant effects on the American social order, especially after World War II, but in the 1920s it was still in its early stages and only covered a tiny portion of the working-class population.  

Neither was American working-class society, divided along ethnic and racial lines, completely replaced by a mass consumer society in the 1920s. The Great Depression made it clear that neither the old social order, modified with only piecemeal state involvements, nor premature welfare capitalism could maintain the stability of American capitalism.

**Work-time Regulation as a New Deal**

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Benjamin Hunnicutt, a leading scholar on the topic, argues that the mass production and mass consumption systems established by New Deal reforms blocked the development of a shorter-hours movement. For many labor unions and reformers, according to Hunnicutt, shorter hours meant more job opportunities and a tighter labor supply, and it meant smaller output would match existing levels of consumption, which would counteract chronic depressions. The AFL-backed Black-Connery 30-hour bill passed the Senate in 1933, but the Roosevelt administration refused to support it. After the National Industrial Recovery Act (NIRA) was declared unconstitutional, the FDR administration adopted a new ideology and set of policies, known later as Keynesianism, which aimed at expanding consumption by active fiscal intervention. In the Keynesian mindset, production levels should be maintained or even increased, which sharply conflicted with the belief that overproduction must be fixed with limited labor supply. As the Keynesian approach became the main weapon for many New Deal liberals, in this view, shorter work time was politically doomed. Since World War II, neither the Democratic nor Republican Party has taken it seriously. Thus, according to Hunnicutt, it was the New Deal order that was responsible for the stalemate that the shorter-hours movement faced. 23 Nonetheless, there is no doubt that the demand by labor

unions for a 30-hour week helped create the 40-hour week standard. As a part of New Deal reform, labor standards were established to stabilize the market economy and rebuild political legitimacy. It is therefore possible to see the New Deal as the pinnacle of concessional modification of class relations. From this point of view, this chapter examines political discourses on the Black-Connery 30-hour bill, the NIRA, and the Fair Labor Standards Act (FLSA), three major legislative approaches to work-time regulation during the New Deal period.

(2) The Black-Connery 30-Hour Bill, 1933

The Great Depression and Share-the-Work Campaign

The Great Depression, rooted in the paradox of overproduction in capitalism, ushered in far-reaching reforms to stabilize the market economy and rebuild political legitimacy. During the early years of the Depression, American industries were forced to curtail production as usual during an economic downturn, but the social effects of their traditional method—layoffs—were too severe this time. New solutions needed to be implemented to maintain legitimacy of the entire system. The official unemployment rate skyrocketed from
3.2 percent (1.6 million) in 1929 to 24.9 percent (12.8 million) in 1934. Initially, only radical groups, like the communist-led Unemployed Councils, advocated for public unemployment insurance and drastic reductions in the workweek with no reduction in pay. After 1932 mainstream union leaders in the AFL shifted away from their traditional voluntarism and started overtly seeking compulsory unemployment insurance and a 30-hour week (a six-hour day and five-day week) through legislation.

The majority of American businesses still preferred layoffs, but growing concern with massive unemployment loomed by 1932 when some large corporations and the Hoover administration agreed to institute a shorter workweek to promote reemployment. Much attention was given to the American Telephone & Telegraph Co., which launched a five-day week with reduced pay to save 25,000 jobs for workers who would otherwise be dismissed. The "New Hampshire Plan" group in the New England Conference on Reemployment, led by governors and business groups in New England, estimated that, if the same kind of five-day week practice spread throughout the nation, it would add three million jobs "without revolutionary changes" or increasing the operating costs of business. Inspired by the New

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England group, Hoover announced, in July, his support for a five-day week for federal employees and a shorter-hours plank in the Republican platform.26 He then pushed the Federal Reserve to establish the Share-the-Work Committee headed by Walter C. Teagle, president of Standard Oil of New Jersey. The idea of work sharing, reducing work time to spread jobs, had been familiar with reformers and the labor movement for decades, but for the first time it obtained government sponsorship. Teagle announced he would “make the most intensive and far-reaching campaign ever undertaken in this country to create jobs.”27

From the perspective of organized labor, however, the business-led share-the-work movement had clear limitations. It encouraged only the voluntary and temporary practice of work sharing in each workplace rather than changing the workweek’s legal standard. Hoover did not even issue an executive order requiring all federal departments to follow the five-day week. By 1932, the AFL had viewed such voluntary deals insufficient and was inclined to legislation. Also, many unions assumed share-the-work would reduce weekly pay per worker to compensate for the loss of hours per worker, which they rejected as an unacceptable justification for an intended wage cut. In the New England Conference, the labor groups


refused to endorse the New Hampshire Plan. Instead, they called for an “adequate” hourly wage for a six-hour day, if not exactly the same amount as the current eight-hour pay.\textsuperscript{28} By the end of 1932, labor leaders took a more definitive position calling for legislation for a 30-hour workweek (six-hour days and five-day weeks) with no reduction in weekly pay. The sweeping defeat in the 1932 election of Hoover and Congressional Republicans who had failed to implement federal programs to protect and create jobs, gave a new vibrancy to shorter-hours advocates. In its 1932 platform the Democratic Party advocated the “spread of employment by a substantial reduction in the hours of labor, the encouragement of the shorter week by applying that principle in government service.”\textsuperscript{29}

\textbf{The Black-Connery 30-Hour Week Bill: 1932}

In December 1932, Hugo L. Black, Democratic senator from Alabama, introduced a 30-Hour Week bill. The Senate bill (S. 5267, later S. 158) prohibited interstate commerce for any products made by establishments “in which any person was employed or permitted to work more than five days in any week or more than six hours in any day.” The House version

\textsuperscript{28} “U.S. Study Sought on Flexible Work,” \textit{Washington Post} (July 21, 1932) 2.

\textsuperscript{29} 1932 Democratic Party Platform (June 27, 1932) [http://www.presidency.ucsb.edu/ws/?pid=29595]
of the bill (H.R. 14105, later H.R. 4557) was introduced by William P. Connery, Jr., Democratic representative from Massachusetts. The only difference was that H.R. 14105 covered “foreign commerce” and workplaces “in any foreign country” in addition to the interstate commerce of US domestic industries.\(^{30}\) The proposal was quite ambitious in two ways. The legal 30-hour workweek was far beyond the traditional demand for the eight-hour day, which had not yet been enacted. It would have established an unprecedentedly short legal standard that no other countries had made. Also the bill simply prohibited overtime and ordained punishment by “fine of not less than $1,000 or by imprisonment for not more than three months, or by both” for violators, rather than giving flexibility in the form of an overtime premium. In other words, the bill quite directly and rigidly sought its declared goal: reducing the workweek to spread job opportunities for the jobless.

The Senate Subcommittee on the Judiciary and the House Committee on Labor held public hearings on the Black-Connery 30-Hour bill between January and May 1933. For proponents of the bill, a drastic reduction of work time offered a comprehensive and feasible answer to the unprecedented scale of the depression.

\(^{30}\) Hearings Before the Committee on Labor, House of Representatives, 72nd Congress, Second Session, on H.R.14105: Six-Hour Day, Five-Day Week (January 18, 1933) 1.
General Theory: Technological Development, Overproduction, and Depression

The 30-hour workweek was a trusted measure to overcome the crisis in the early years of the Great Depression. The demand for a 30-hour week law was essentially based upon a general theory that most proponents loosely shared. The theory can be summarized as follows. The crisis was not a temporary emergency but rather proof of structural and perpetual defects of the economic system and proof of the inability of the free enterprise system to solve overproduction, which derived from the growing gap between technologically driven higher productivity and lower purchasing power, the result of job insecurity and low working-class incomes. Consequently, it was the time for the government to address unemployment and overproduction. William Green, the president of the AFL, explained this proposition very clearly.

It is clear that even though we could restore the normal conditions of 1929, with industry so highly mechanized as it is, it would be impossible to find work for all those who are entitled to work and earn a decent living... even if we would by some mysterious power over night restore conditions of 1929, when we were at the peak of consumption, when a balance between production and consumption had perhaps reached its highest point, that only 55 per cent of those entitled to work could be given work... we must make these adjustments; we must shorten the work day and shorten the work week for those who are willing and ready and anxious to work.31

31 Hearings, H.R.14105 (1933) 2-3.
Proponents of the bill had no doubt that American industries, or the free market system, failed to overcome structural problems that led to depressions. For example, the US hosiery industry had a capacity to produce 40 million pairs of hose per year in 1933, but the highest consumption ever had been was 25 million pairs.\textsuperscript{32} Technological development, and the resulting higher productivity, was in part responsible for overproduction, many proponents maintained, but no one opposed technological development itself. The problem was, they stressed, that the benefits from such development were predominantly exploited by business elites rather than spread to the majority via higher income and more free time. W. A. Calvin, Vice President of the Brotherhood of Boilermakers, Iron Shipbuilders, and Helpers of America, argued:

I believe that any such devices or mechanization should result in blessings to all mankind and not to just a few... I am not going to stand in the way of any machine or invention that will tend to make labor more pleasant for all the people. However, I believe that all mankind should derive the benefits.\textsuperscript{33}

Many saw the 30-hour workweek as a necessary adjustment to fix structurally caused depressions, but to understand why they did so requires examining the agendas behind the proposal. Proponents had three distinguishable agendas to overcoming structural depressions. Each had as their main commitment the 30-hour workweek but with different policy focuses.

\textsuperscript{32} Hearings, H.R.14105 (1933) 53.

\textsuperscript{33} Hearings, H.R.14105 (1933) 115.
Agenda No. 1: Work Sharing

The first agenda, emphasized by prominent leaders of organized labor and political liberals, was work sharing: reducing individual work time to curb unemployment or create more positions and thus protect people's livelihoods. Proponents believed that it would greatly ameliorate, if not completely solve, the situation of millions of unemployed and underemployed. What distinguished work sharing from other anti-unemployment measures was its orientation to equalizing gains and losses within available job opportunities. In this line of thinking, production would not necessarily be curtailed because jobs would be given to as many jobless people as possible. Individual workweeks would be shortened to guarantee jobs for others, but gross working hours in American society would not be lessened in the same proportion until, theoretically, all jobless people were given positions. The accompanying efforts to maintain and raise incomes were crucial to accomplishing the goal because only expanded purchasing power would enable production levels and gross national working hours to be great enough to absorb the mass of idled workers. Green repeatedly stressed that spreading jobs was the number one purpose of the bill. He estimated, considering
a constant increase in technological improvements, that 6.5 millions of job positions would be created if the 30-hour week became law.34

**Agenda No. 2: Increasing Purchasing Power**

The second agenda was increasing purchasing power to counteract overproduction. Since the initial bill had no provisions on how wages would be adjusted in shifting to a 30-hour workweek, not all labor representatives were confident that it would increase purchasing power. So there was an argument among proponents on whether the bill should have a new clause on wages and what it should say.

Representing the AFL's national headquarters, Green insisted that the Black-Connery bill would be passed without any wage provision and that wage adjustments would be taken care of by each union's bargaining efforts. It is likely that his decision not to include a wage provision in this particular bill was based on his belief that it would be easier to pass the bill through Congress. Southern Democrats, like Georgia Representative Robert Ramspeck, made it clear that only labor's commitment to forego a higher wage rate would bring support to the

34 Hearings, H.R.14105 (1933) 18-19.
Green's statement on the eventual AFL wage goal was complicated and not always consistent. He repeatedly said that “rates of pay should be maintained (by collective bargaining) under the reduced time worked.” Technically speaking, merely keeping hourly rate of wage would result in decrease of weekly pay per worker in proportion to reduction in work hour. Green maintained that purchasing power would still be strengthened by simply spreading jobs and maintaining wage rates, implying that spending propensity was the highest among the poorest. He also pointed out that “every time the number of unemployed is increased, the danger to the wage standards established by organized labor is increased.”

Meanwhile, Green clarified that “it is the purpose of organized labor to build back the wage scale so that the worker will receive the same pay for the shorter working day as he received for the longer working day.” This statement contradicted his other claim that hourly rates be maintained. Green justified higher wage rates on the grounds that shorter work time would enable better efficiency.

Those who have introduced the shorter work day and the shorter work week have stated that they have found themselves to be fully justified in increasing the hourly rate of wage corresponding to the increase in efficiency... the efficiency of working men will be so increased and so improved as a result

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35 Hearings, H.R.14105 (1933) 21.
36 Hearings, H.R.14105 (1933) 20.
37 Hearings, H.R.14105 (1933) 4-6.
of this shorter working period that he will do practically as much work in 30 hours as he is doing in 48 hours at the present time.\(^{38}\)

This justification was even more confusing because, from the perspective of work sharing, there would be little decrease in unemployment if individual worker did the same amount of work in 30 hours as they did in 48 hours. Despite any inconsistency, Green saw greater purchasing power as one of the goals of the Black-Connery bill.

Green's conventional claim that wages were the province of private collective bargaining was openly criticized by Communist unionists like Louis Weinstock, a leader of the Painters' Union, and unemployment insurance advocates in the AFL. Critics noted that only well-organized skilled workers could "build back" pay through collective bargaining. Weinstock insisted that they could support the bill only if it guaranteed that workers would receive 40 hours pay for 30-hours of work. This 40 for 30 demand would remain an important theme for radical groups in the labor movement.

Between these two options there was a growing consensus among a coalition including Frances Perkins, new Secretary of Labor in the FDR administration, and leaders of industrial unions, such as Sidney Hillman, head of the Amalgamated Clothing Workers of America (ACWA). They sought a minimum wage provision in the bill to prevent a devastating decline

\(^{38}\) Hearings, H.R.14105 (1933). 6, 14.
in wages for lower-wage, unskilled and semi-skilled workers in mass-production industries from reduced working hours. A minimum wage thus came to be an agenda item in discussions of the 30-hour workweek.\(^3\) Philip Murray, vice president of the United Mine Workers (UMW), favored the idea of a minimum wage but said a legal protection for workers to organize should come first.\(^4\) John W. Edelman, representing the Pennsylvania Federation of Labor and the American Federation of Full Fashioned Hosiery Workers, went further in his claim that “a well-designed, thoroughly comprehensive system of social insurance, beginning with workmen's compensation, insurance against occupational diseases, old-age pensions, and unemployment insurance” would eventually be required to follow the enactment of a 30-hour workweek. All these proposals—minimum wage, union protection, and welfare state programs—were expected to strengthen purchasing power and allow currently unorganized, low-wage workers to secure a decent income.\(^5\) Unlike a conventional dichotomy between higher wage and shorter hours, Black-Connery proponents presented innovative ideas for social maintenance of income, such as minimum wages and social security, which would prevent or compensate for income loss from a shorter workweek.

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\(^3\) Hearings before the Committee on Labor, House of Representatives, 73rd Congress, First Session, on S.158 and H.R.4557: Thirty-Hour Week Bill (April 25 to May 5, 1933) 3, 884.

\(^4\) Hearings, H.R.14105 (1933) 176.

\(^5\) Hearings, H.R.14105 (1933) 66.
Agenda No. 3: Limiting Production

The last agenda of 30-hour advocates was to limit production by reducing gross national working hours and, by doing so, balance production and consumption, which was to be free from the imperative of work in general. In this line of thinking, workweek reduction simply meant lower production. Work sharing was not expected to happen after the standardization of the 30-hour week because the longer total hours were not only unnecessary, from this perspective, but also responsible for increases in overproduction. In terms of employment, limiting production would protect only those who currently have jobs. From the perspectives of work-sharing and higher purchasing power, on the other hand, production levels could be maintained or expanded to provide as many jobs and as much income as possible. Emil Rieve, president of the American Federation of Full Fashioned Hosiery Workers from Philadelphia, one of the enthusiasts for the 30-hour bill, criticized full production.

The question before the country today is the production in 5 days a week of six hours a day of all the necessities we need, and if that can be done there is no reason for working longer hours... We understand this bill would provide six hours' labor per day, but the employer may choose to put on as many as four shifts a day, which, from the production viewpoint, would not benefit our industry very
much. We feel that if the bill should be redrafted so that no mill could operate more than two shifts of six hours each a day, five days a week, it would be better.42

Some proponents presented different perspectives in support of the 30-hour week law. Fiorello H. La Guardia, representative from New York and later New York City mayor, supported the bill because the federal government, not local and state governments, should provide a fair condition of economic activities. In other words, economic competition between states with and without regulations, including minimum labor standards, would prove unfair. LaGuardia revealed the reality of business attitudes by making a comparison between current labor issues and antebellum slavery.

We left the matter of slavery to the States and we found that States which liberated their slaves could not compete with slave labor of other States... That is taking place today in the employment of child labor. I can show you full-page advertisements of chambers of commerce and other civic bodies inviting mills and factories to their States, with the announcement, "Come here, where labor of all ages is plentiful; no restrictions as to ages or hours of work."43

Improving people's living standards under the influence of economic competition was simply unachievable without universal, nation-wide, legal labor standards applicable to all workers in the same industrial category. Though this logic did not necessarily endorse a 30-hour week itself, it was another reason for many proponents to justify a comprehensive labor standards law.

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42 Hearings, H.R.14105 (1933) 53-56.
43 Hearings, H.R.14105 (1933) 242.
In sum, shorter hours attracted diverse perspectives in the New Deal period. Some advocates even anticipated that human society would be emancipated from work in return for ever growing productivity through mechanization and automation. Many others who supported the Black-Connery bill continued to seek a nation-wide shorter-hours regulation to reduce unemployment and to increase purchasing power throughout the New Deal period. In the larger picture, every group sought the eventual goal of shorter work time with a decent living standard as the answer to the structural crisis of capitalism.

**Opposition: General Propositions**

Corporate representatives and conservative groups who opposed the Black-Connery bill had three general arguments: a general proposition, practicality, and constitutionality. Contrary to proponents' argument, James A. Emery, general counsel of the National Association of Manufacturers (NAM), presented a general proposition that, without regulating working hours, technological development laid down overall progress, including a society-wide growth in jobs and a gradual decline of working hours.
We can show you ... that during the greatest period of progress that hours of labor have been steadily shortened by natural causes and that the increase in the number of employees per thousand of population has gone up remarkably.  

Those who believed that technological development resulted in unemployment, opponents maintained, looked at only a single industry and failed to take a picture of the entire economy. Their grand thesis behind this claim was that free market system could solve economic problems without government intervention. H. D. Sayre, commissioner of the National Metal Trades Association, which represented metal manufacturing industries, said:

All we know is that past history has demonstrated that recovery from periods of depression has always occurred, and under freedom of employment the standard of living has increased. Our present position should be... permitting business and individuals to have as much freedom as possible for solving their immediate problems.  

In other words, according to their theory, depressions had no structural causes. Free markets solved overproduction and underconsumption, and it was free enterprise, not shorter-hours movements, that had brought about the historical trend of shorter hours. Yet, the free market thesis was not based on the reality many working families had faced. During the depression period, the business community failed to persuade many Americans, whose individual freedoms were threatened by market forces, to accept its traditional doctrine.

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44 Hearings, H.R.14105 (1933) 150.

45 Hearings, H.R.14105 (1933) 153
Practicality

In terms of the practical effects of 30-hour regulation, many corporate representatives claimed that it would not create, or it would actually decrease, jobs by imposing a burden on management. “The effect of this bill would be actually to decrease and obstruct and prevent employment,” said Emery. This was because, Sayre argued, 30-hour regulations would increase “the cost of operation of business through increased overhead charges.” Some also pointed out that prices, the cost of living, would climb, which was against the public interest.46 These criticisms never clearly detailed how the bill would impose burdens, but the attitudes were typical of many opponents. Connery countered, “it is said that the rich are bearing the burden of this depression as well as the poor. As a matter of fact, it is really the poor who are bearing all of the burden of the depression.”47

Not all business leaders refused to consider the bill. Given flexibility and exemptions to the proposal, some corporate representatives appeared to be receptive. They mainly criticized lack of flexibility. Alfred P. Sloan, Jr., president of General Motors Corporation, suggested that GM was not necessarily in opposition, if the law would permit temporary

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46 Hearings, H.R.14105 (1933) 134, 152, 188.

47 Hearings, H.R.14105 (1933) 244.
overtime. He lobbied for a maximum weekly total of 48 hours with a yearly average workweek of 32 hours and more exempt jobs within manufacturing. Sloan stood for a minimum wage provision because he worried that pay cuts would likely reduce demand for “semi-luxury” industries like automobiles and home appliances. This group had common ground with the Secretary of Labor and industrial unions led by Sidney Hillman, but it demanded more flexibility and exemptions.48

**Constitutional Issue**

During the Progressive Era, the Supreme Court had upheld a state government's intervention in private business in the prescription of maximum working hours and overtime premium in *Bunting v. Oregon* (1917), but it did not approve federal regulation of the same type except in interstate railroads. Opponents of Black-Connery, relying on *Hammer v. Dagenhart* (1918), claimed the bill unconstitutional. In *Hammer*, the Supreme Court interpreted the power of the federal government to regulate interstate commerce based on the Constitution’s Commerce Clause. The Court held that the Commerce Clause could not be extended to prohibiting mining or manufacturing that used child labor because these business

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48 Hearings, S.158 and H.R.4557 (1933) 771.
activities were innately local and the shipped goods themselves, unlike artificially colored oleomargarine, lottery tickets, or prostitution, were not harmful or immoral regardless of workplace condition. The Supreme Court before the Depression viewed regulating the private workplace as an exclusive jurisdiction of state and local governments.

The goods shipped are of themselves harmless (in this case) ... the production of articles, intended for interstate commerce, is a matter of local regulation... The commerce clause was not intended to give to Congress a general authority to equalize such condition (of labor) ... (the existence of uneven condition) does not give Congress the power to deny transportation in interstate commerce to those who carry on business where the hours of labor and the rate of compensation for women have not been fixed by a standard in use in other States and approved by Congress.49

In other words, the Court had made a clear distinction between location of production and interstate commerce and between a thing being harmful and a condition being objectionable. It maintained that federal authority was limited to regulation of harmful commodities in interstate movement. The Court denied the authority of Congress to prohibit the movement of a commodity because of the condition of the workplace where the commodity was produced. It was the inherent quality of the commodity itself that brought sanction. When Congress shifted its focus from direct controls in interstate commerce to tax power to regulate child labor, the Supreme Court again declared the legislative attempt unconstitutional in Bailey v. Drexel Furniture Co. (1922). The Court held the Child Labor

Tax Law unconstitutional on the grounds that it was a disguised regulation of labor conditions.

That line of court decisions worked as a bastion for opponents of the 30-hour work bill.

On the other hand, proponents believed in the constitutionality of the proposed law because there was a reasonable probability that the Supreme Court would override *Hammer v. Dagenhart* and would adopt the logic they used in 1917 in approving the Adamson Act of 1916, the first federal eight-hour law for private railroad businesses. Connery asserted:

"I personally feel that times have changed and the court would change its previous decision, because we are facing a real crisis in the United States to-day." "The Adamson law was declared constitutional because it was deemed that there existed a national emergency, and along the same line, I believe, the Supreme Court of the United States should say that we have the same emergency now." 50

Also *Hammer v. Dagenhart* was a 5-4 decision, meaning that one justice could potentially overturn the decision. Considering the Great Depression presented greater social hardship than obtained in 1918, proponents had reasonable grounds to expect that there would be an epoch-making court decision, though, in retrospect, it was actually not until FDR’s attempt at court reform in 1937 that the Supreme Court finally reinterpreted the Commerce Clause.

**Passage in the Senate and Perkins Proposals**

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The Senate Judiciary Committee sent the Black bill on to the Senate floor on March 30, 1933, with the report agreeing with most proponents' claims. The epochal development attested to the vigor of the voices for the Black-Connery bill, growing public interest, and Congress’ receptiveness to pro-labor agendas. Yet there was an important revision to the bill because senators representing various industries attempted to exempt them from regulation. An added provision allowed the secretary of labor to exempt certain industries that proved employees had to work more than 30 hours a week. No wage provision was added. On April 6, 1933, by a vote of 53 to 30, the Senate passed the 30-hour workweek bill, which exempted agriculture and seasonal industries. With such loopholes inserted, the 30-hour week bill had momentum for Senate approval.

The House Labor Committee held another series of public hearings between April 25 and May 5, 1933 at which Secretary of Labor Frances Perkins proposed amendments to the bill. While Perkins admitted that the primary purpose of the bill was to spread jobs by reducing hours, she thought a compromise was necessary. Perkins requested that, instead of giving the labor secretary power to exempt particular employees of certain industries on a case-by-case basis or to completely exempt seasonal industries from the entire bill, the 30-hour standard would need “automatic flexibility” by which Perkins meant a provision
allowing “a sliding scale of hours between 30 and 40... (only) when it was shown by a public hearing and on a public record that there was some extraordinary need for the use of the hours... (and) for not more than 10 weeks in any one year.” The exemption would be decided by a board of three or more persons representing employers, employees and the federal government.51 Perkins recommended amendments to incorporate the agendas of increasing purchasing power and of fair competition. She saw a minimum wage as a necessary measure not only to maintain living standards under the reduced work hours but also to create movement toward “a considerable increase in the total wage bill, the total amount of money going into wage earners’ pockets for purchasing power.” Meanwhile she asked for a provision, only when necessary, to guarantee fair economic competition by curtailing total hours of operation. The Secretary argued that she had received support for the amendment from a groups of manufacturers located in the states prohibiting women to work at night, who felt they were suffering from unfair competition.

FDR’s Disapproval

51 Hearings, S.158 and H.R.4557 (1933) 4-5.
Due to passage in the Senate, amendments proposed by Perkins, and approval at the House Labor Committee, many corporate representatives, rather than opposing the bill as a whole, concentrated on inserting as much flexibility and as many exemptions as possible. Surprisingly to the proponents, however, President Roosevelt failed to support the 30-hour bill. He had shifted his focus in combating the depression to the NIRA. According to Perkins, Roosevelt became skeptical, if not hostile, to Black-Connery:

Although sympathetic with the objective, he was doubtful that this bill would solve the unemployment problem. In fact, he was quite certain that it wouldn't. He was committed to the idea of a dynamic economy, an economy of greater expansion of production and distribution than we had known, rather than an economy of curtailment of production.52

Perkins concluded that the “major mistake” of the Black bill lay in its basic theory, which viewed the relationship among production, market, jobs and income as “static.” In other words, she maintained, “the idea of a dynamic situation where production and jobs might increase did not enter into the conception of the Black thirty-hour bill.” Roosevelt's eventual ideological disapproval came from that position. Yet, shortening work time to limit production was not the only agenda behind the Black bill. The approaches to spread jobs and increase purchasing power were practically compatible with a “dynamic,” rather than “static,” economy. Also it was not theoretically clear why, if a 30-hour week was a problem, FDR

eventually approved a 40-hour week statute, which was a legally shorter standard than before. Perkins pointed to many explanations for the failure of the Black-Connery bill, but one reason stood out: widespread anticipation before the 1936 election that the Supreme Court would hold it unconstitutional.\(^{53}\)

(3) The NIRA and Beyond, 1933–1936

**Rise of the NIRA**

Shorter-hours advocates saw the decision by President Roosevelt to block the Black-Connery bill as a huge disappointment. The Black-Connery bill was buried in the House Rules Committee, dominated by Southern Democrats and Northern Republicans, and under pressure from the Roosevelt administration that shifted its focus from the 30-hour bill to the National Industrial Recovery Act, which was passed on June 16, 1933. However, the forces for shorter work did not entirely disappear with the defeat of the Black-Connery bill. In fact, for years after the demise of Black-Connery, there was, among the labor movement,

\(^{53}\) Ibid. Chapter 16.
robust loyalty to its principles. Title I, Section 7 (b) of the NIRA provided maximum hour regulation in the form of an industrial code, which would be written by each industrial group and authorized by the president. To be sure, the NIRA's approach was far less effective than the Black-Connery could have been in lowering and equalizing work time. Under the NIRA, 38 percent of the 22-million covered workers would fall under codes in which maximum workweek would be over 40 hours and about 50 percent had 40-hour codes. The workweek codes specifying less than 40 hours covered only 12 percent of the workers. Still the NIRA represented progress in that Congress and the Administration openly backed industry-wide adjustments of wages and hours and the prohibition of child labor, which obliged capital to follow the accords. The NIRA contributed to advancing work sharing and increasing purchasing power. “Weekly hours actually declined some 15 percent... (while) all N.R.A. industries increased employment 11.4 percent, but industries not covered by the act increased only 4.4 percent... [and] labor income for N.R.A. industries went up 13 percent, the non-N.R.A. industries but 7 percent” between June and October of 1933, the period when the president's Reemployment Agreement was effective. Section 7(a) of the NIRA required every code to guarantee workers the right to organize and companies to accept collective

bargaining, which demonstrated a profound change in Congress and the federal government’s overall attitude toward the balance of power between capital and labor. Plus, the 30-hour workweek was established for the workers in the Works Progress Administration, though in workplaces in which the 30-hour workweek was not feasible exemptions were granted. During 1933-1934, coal miners and fur workers won 35-hour contracts, and elevator constructors attained a 30-hour week.\textsuperscript{55} Efforts to legislate a 30-hour workweek did not end in vain but opened up room for concessions toward shorter hours.

\textbf{30-Hour Week Bills, 1934-1935}

Still, advocates for shorter hours saw NIRA codes as insufficient. Senator Robert F. Wagner (D-NY), chair of the National Labor Board (NLB), asserted that because working hours were not short enough under the National Recovery Administration (NRA) codes to “absorb unemployment and give the laboring man the ordinary comforts of life,” “we should have begun with less than a 40-hour week.”\textsuperscript{56} H.R. 7202, H.R. 4116, and H.R. 8492, the bills that required NIRA codes to be consistent with a 30-hour workweek, were introduced and the


House Committee on Labor held hearings in February 1934. H.R. 8492 prohibited moonlighting unless the total weekly hours from multiple jobs were within 30 hours and provided that current weekly pay for more than 30 hours would not be reduced. Another bill, introduced in February 1935 by Senator Black, sought to prevent the federal government and its financing agencies, like the Reconstruction Finance Corporation, from contracting with private corporations that did not abide by 30-hour workweek limitations.

On March 6th, 1934, Henry T. Rainey (D-IL), Speaker of the House, predicted that the bill would pass the House after the Labor Committee favorably reported out a 30-hour week bill. On the same day, the NRA, which was regulating wages and hours through the codes of fair practices, banned company unions. Roosevelt and Hugh S. Johnson, the head of NRA, still opposed a general 30-hour workweek bill, but the business community, faced with strong demands for a 30-hour-week, became receptive to the NIRA codes.57 Within the business community, which generally opposed further government involvement in working-hour regulation, some businessmen began to embrace shorter working hours as a favorable social standard. While business leaders like Silas Strawn, the former president of the US Chamber of Commerce (USCC), expressed their antagonism to compulsory regulations at the national

57 Raymond Clapper, "Administration is Facing Test of Strength on Hour Cut," Washington Post (March 7, 1934) 1.
convention of the USCC in 1934, one of the speakers, Ralph E. Flanders, president of Jones & Lamson Machine Co., acknowledged shorter working hours were a new "social frontier."58

Fall of the NIRA

In Schechter Poultry Corp. v. United States (1935), the Supreme Court invalidated the NIRA based on its reading of the Commerce Clause, revealing two things. First, in most industries the workweek increased substantially right after the Supreme Court decision, demonstrating that the NIRA codes had actually limited work time. The average workweek in manufacturing industries had fallen from 44.2 hours in 1929 to 34.6 hours in 1934 but reversed to 36.6 hours in 1935 and 39.2 hours in 1936.59 In the steel industry, for example, the ratio of those who worked more than 40 hours was only 3 percent in NIRA period but became 67 percent by 1936. In hotels, restaurants and service industries, workweeks of over 70 hours once abolished by the NIRA codes were revived.60


Second, and more important, post-NIRA years witnessed a surge in shorter-hours support due mainly to the breakthrough in organizing low-paid workers within the labor movement and to growing working-class discontent against the return of business orthodoxy from the pre-NIRA period. Neither the failure of the Black bill nor the Supreme Court decision against the NIRA marked the end of the shorter-hours movement. Soon after the NIRA was declared unconstitutional, Congress passed the National Labor Relations Act (NLRA) sponsored by Senator Wagner, which became effective in July, 1935. Workers' right to organize in unions, once prescribed by Section 7 (a) of the NIRA, was recovered by Section 7 of the NLRA. Unfair labor practices were defined and prohibited by Section 8 without which the provisions of the section 7 could be easily undermined by employer interference in worker organizing efforts, discriminatory treatment of union members, or refusal to bargain with representatives chosen by workers. Another breakthrough was the formation within the AFL of the Committee for Industrial Organization in November 1935 (renamed the Congress of Industrial Organizations in 1938). Led by John L. Lewis of the United Mine Workers, Sidney Hillman of the Amalgamated Clothing Workers, and several other industrial unions, CIO groups especially focused on organizing unskilled and

semi-skilled, lower wage workers who were left unorganized by traditional craft unions. Beginning in 1935, membership in labor unions skyrocketed. Labor began to show an ability to win shorter hours. Steel and automobile workers won 40-hour weeks with time and a half for overtime by 1937. Lewis later summarized what union members affiliated with the CIO had accomplished within two years since the formation of the CIO.

"Of the 2,000,000 workers who have won a shorter working week, nearly a million have the thirty-five or thirty-six hour week under their agreements. That amounts to a universal maximum of forty hours a week has been secured by the C.I.O. A six-hour day has been won for C.I.O. members in several industries, including flat glass workers and some of the rubber workers. Noteworthy reductions in working hours have been secured in the petroleum and textile industries."62

Political Progresses for Shorter Hours, 1935-1936

The Roosevelt administration and Congress had to find alternatives to the NIRA's section 7 (b) to appease labor. Roosevelt, in October, 1935, voiced regret that he did not get behind the Black-Connery bill and push it through Congress, suggesting that he did not consistently oppose shorter hours.63 New Dealers in Congress enacted various laws, such as the Motor Carriers Act of 1935, the Postal Act of 1935, the National Bituminous Coal Conservation Act of 1935, the Maritime Hours Law of 1936, all of which aimed at limiting


the workweek in a specific industry. The period’s most important piece of work-time regulation was the 1936 Public Contracts Act, also known as the Walsh-Healey Act, proposed by Perkins right after the 1935 Supreme Court decision on the NIRA. Walsh-Healey required, with some exceptions, contractors and subcontractors under government contracts of $10,000 or more to pay a time and a half overtime premium for any hours more than eight in a day or 40 in a week.64 In the election of 1936, the Democratic party featured shorter work time and higher wages in its platform, reflecting a growing coalition between labor unions and liberal Democrats. The re-election of President Roosevelt with an overwhelming 60.8 percent of the popular votes as well as House Democratic victories that brought a three-fourths majority—in New Jersey, Pennsylvania, and Ohio where industrial unions had strong foothold Democrats did especially well—set the stage for serious discussions of a general wage and hour law.


Fair Labor Standards Act Introduced

In May 1937, the Roosevelt administration started advocating a wage and hour law that would grant the federal government the power to set maximum work hours and a minimum wage and prohibit child labor. Roosevelt thought it necessary to stabilize the economy and rebuild the political legitimacy of the entire system. “We cannot achieve,” Roosevelt asserted, “last ing prosperity or political stability in this country so long as one-third of our people earn less than a decent living and many millions are unable to find work in private industry and business.”

The bills, S. 2475 and H.R. 7200, the Fair Labor Standards Act, sponsored by the Roosevelt administration, were introduced by Senator Black and Representative Connery on May 24, 1937. The primary purpose of the FLSA bills was to prohibit interstate shipment of goods produced under "substandard" labor conditions that were harmful to physical and economic health (Section 1). For that purpose, the bills provided two different formulas of labor standards, a unique mixture of a general labor standard and an NIRA approach. First, maximum-hour and minimum-wage standards that would eliminate “oppressive” hours and wages were to be established and applied to every establishment across the country covered by the law (Section 4). The specific amounts for these basic standards were left blank in the bills, but it was widely assumed among labor and the liberal

community that the maximum workweek would likely be 40 hours or slightly shorter. The bills also prohibited the “oppressive” business practices of child labor under 16, work in hazardous industries for those under 18, and employment of strikebreakers and spies used against labor unions. Second, superior standards could be guaranteed by a Labor Standards Board composed of five persons appointed by the president (Section 3). These superior standards, working hours shorter than and minimum wage higher than basic standards, could vary by individual industries, occupations and regions, but not by gender or age. Secretary of Labor Perkins justified them by arguing “conditions in different industries vary so much that I am not at all convinced myself of the wisdom of inserting any specific figure in this bill at this time.” It left room, however, for a 30-hour week as a superior standard. Furthermore, Section 5 vested in the Board a power to set and order “reasonable (or fair) maximum hours” and a “reasonable (or fair) minimum wage” when in a certain industry some workplaces through collective bargaining established a superior standard of workweek and wage while others did not, which would result in unfair competition. In other words, unorganized workers and those in too weak a position to bargain effectively with employers, were protected not only by basic standards (Section 4) but also by "reasonable" standards (Section 5). Black and

Connery announced they favored a range of workweeks from 30 hours as the floor to 40 hours as the ceiling, which suggested that the superior “maximum reasonable hour” could be the 30-hour week in certain industries.\footnote{“Joint Hearings will be Held on Hour, Pay Bill,” The Washington Post (May 26, 1937) 28.} One major difference from the 30-hour bill of 1933 was that employers were allowed to use workers longer than basic or superior workweek standard on the condition that they paid one and a half times the wage rate for overtime. The Board also could exempt small businesses, though no specific number of employees was provided in the bills. The primary target of the bills was manufacturing, mining, and some commerce sectors. Service industries at the time were not deemed to involve interstate commerce. Executives, administrators, supervisors, and professionals, as well as agricultural laborers were excluded.

**Hearings: S2475, HR7200: June 1937**

The Joint hearings on the FLSA were held by the Senate Committee on Education and Labor and the House Committee on Labor between June 2 and June 22, 1937. Perkins continued to argue for the two agendas—work sharing and increasing purchasing power—and they remained the motivating force behind the work-time standard in the FLSA. “There is no
question,” said Perkins, that the bill would increase employment considerably and bring “better living conditions for workers.” Economists in the Roosevelt administration had predicted that about five million job opportunities would be created as a result of the FLSA. Meanwhile, the proposed law, she asserted, “is a modern, effective, and democratic method of approaching ... the problems of low wages, long hours, and low living standards, which mean a low purchasing market.” Thus Perkins viewed workweek reduction as a part of the strategy to increase purchasing power. As to the agenda of limiting production, Perkins employed a theoretical reference in her statement that “hours beyond the limit of human health and beyond those which are needed to produce the goods which the community must have in order to maintain its standard of living” was “unreasonable,” although she mentioned nothing about an actual necessity to curtail output.69

The proponents of shorter hours generally welcomed the FLSA as a great step forward and as a supplement to the NLRA, but not everyone was satisfied with the Administration’s bills. John L. Lewis, representing the CIO and UMW, which had gained a 35-hour week (seven-hour, five-day) for miners in 1934, pledged their support for the enactment of the wage

and hour law with some modifications he deemed vitally important. Lewis summarized the agendas behind the proposed FLSA, as follows,

First. It will increase mass purchasing power, which is an essential condition to permanent economic recovery and stable prosperity. Second. It will, through reduction in hours of work, make way for the employment of hundreds of thousands of industrial workers who are now without work or on relief. Third. From a humanitarian standpoint it will bring a greater measure of leisure and economic well-being ... Fourth. From the viewpoint of industrial democracy, the pending measure will offer a chance through unionization to attain to collective bargaining with their employers and thus achieve industrial emancipation.\(^7\)

Lewis maintained that “definite standards as to minimum rates of pay and maximum hours of work should be incorporated in the present bill” suggesting the standard of hours he favored was 35 hours a week (5 days and 7 hours) with authority granted to the Board to reduce it to a 30-hour maximum in specific industries, if practical, or to extend it to a 40-hour maximum temporarily, if necessary. Lewis believed in a nation-wide basic standard and opposed the idea of regional differences. He also asked for the elimination of Section 5, which granted the Board a broad discretion to superior standards that he deemed was “wage-fixing.” With his successful experiences in collective bargaining with the coal industry in which miners won a radical reduction in workweek from 48 hours to 35 hours in 1933, Lewis did not want government’s excessive control in labor conditions beyond the basic standard. Still he believed that 40-hour-week standard was not short enough for many industries.

\(^7\) Hearings, S.2475 and H.R.7200 (1937) Part 2: 271-274.
Unlike John Lewis, Sidney Hillman of the ACWA strongly maintained that Section 5 would guarantee the necessary protection for workers in unfortunate situations:

The omission of section 5 would, in my judgment, go far to emasculate the bill and to deprive it of many of its most valuable features... Although in those industries which are completely covered by national collective bargaining agreements (of superior standards)... plants may migrate more readily than labor, where new units are not infrequently deliberately established in places most difficult for the union to reach effectively, (and so) it is vitally necessary that the law should recognize and protect fair (superior) labor standards... if the Board is deprived of the power to fix labor standards under section 5, the Board will be unable to protect employers from unfair competition.71

As to the basic labor standards provided by Section 4, Hillman demanded in the bill a specific figure for hours in the workweek and a dollar amount for the minimum wage that would be universally applied to all covered industries. He suggested that “as the objective toward which we should move in the application of a generally applicable nonoppressive wage or nonoppressive work-week, no wage lower than 40 cents per hour and no workweek longer than 40 hours should be set by the Congress.” He thought that it would be "practically impossible" to set a universal workweek standard shorter than 40 hours unless workers were guaranteed a much higher rate, but still he expected in some industries establishment of a standard shorter than 40 hours could be accomplished.

The difference between Lewis and Hillman reflected the degrees to which they relied upon collective bargaining and upon Democratic political leaders. Nevertheless, both

seriously pursued legal protection for shorter hours. The agenda of limiting production had faded out, but they still shared the agendas of work sharing and increasing purchasing power in order to overcome structural crisis. Hillman stated:

> What we need to do is to increase the pay and shorten the hours of workers and thus permit them to share directly in some of the increased productivity the machine makes possible. Then we will not only absorb a good portion of the unemployed into existing economic enterprises, but we will increase purchasing power at the bottom where purchasing power is needed and where it will be spent. This increased purchasing power will create an effective demand for the goods and services.\(^\text{72}\)

Major business groups opposed the FLSA, except for child labor, as they had done against the 30-hour bill. To some extent they had restored confidence in overall economic conditions and the ability of free enterprises to deal with economic problems. James A. Emery, general counsel of NAM, optimistically reported, “we are emerging from the most far-reaching and destructive economic storm.”\(^\text{73}\) “The emergency which we had has been passing,” argued George H. Davis, president of the US Chamber of Commerce.\(^\text{74}\) Noel Sargent, secretary and economist for NAM, insisted that there was no such thing as a vast permanent army of unemployed in the United States. Citing the statements made by the Brookings Institution, a spearhead of oppositions against shorter hours that was outside of the


business community, Sargent asserted that the FLSA would lead to adverse effects, reduction of living standards and employment.  

The theory back of this measure is that by reducing the average number of hours of work it will increase the number of people employed... (L)et us assume further that average hours of work are reduced, but the same weekly pay maintained... One of two results might follow - (1) Additional workers would be employed, but since the unit cost of production would be higher the consumers would pay more; or, (2) since the consumer would pay more he would buy less, demand would fall off and so would employment. If the employers do not raise prices to offset the higher cost, they will be ruined and go out of business and employment will be decreased;

His criticism assumed that work sharing would result in higher labor costs. Sargent pointed out that the increased production costs would also disadvantage businesses in competition with foreign goods. Meanwhile the NAM economist quoted a criticism by the chairman of the Federal Reserve Board, M. S. Eccles, against a curtailment of production. Instead, he urged the government to concentrate on increasing the total volume of jobs:

'Increased wages and shorter hours when they limit or actually reduce production are not at this time in the interest of the public in general or in the real interest of the workers themselves'... Increased living standards for the country as a whole can only result from an increased volume of work; they will not be increased by simply dividing up the existing volume of work. We need national policies which will increase the total volume of work done instead of trying to maintain the volume of work at existing shrunken levels.  

Most of the propositions made by the Chamber of Commerce and NAM were rejected by a liberal businessman, Robert Johnson, president of Johnson & Johnson and an advocate of

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75 For the Brookings Institution perspective on work time regulation during this period, see Hunnicutt, Work Without End, op. cit. (1988) 161, 186, 243.


the 30-hour week. Johnson & Johnson had started applying the 30-hour week to its textile mills. Johnson criticized mainstream business groups for their failure to “come forward with any constructive plan aimed toward the solution of national unemployment.”

“Liberal-minded business leaders,” Johnson stated, “believe in the principle of shorter hours and higher wages... some years ago the number of such men was unfortunately too few, today their ranks are being augmented each week.” A small wage increase would bring the higher buying power "enough to put nearly all of our factories into full-time operation." One of the major obfuscations in the arguments of major business groups, Johnson pointed out, was to hide the factor of profit. The cotton textile industry in the South, for example, had garnered quite large profits but refused to share its profit with workers, he maintained. Also in modern industry the labor content in total costs of finished products was below 25 percent, according to Johnson, and therefore a wage hike would bring only a slight uptick in prices, easily offset by a reduction in the social costs of feeding the mass of unemployed workers. If arrangements brought a minor reduction in profits, these companies may not need to close. As for exports, Johnson claimed only those industries, like auto, that provided higher wages and shorter hours were successful.

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Johnson suggested establishing three codes of national standards, rather than setting one basic standard and a lot of superior standards. Specifically, the Board should categorize all industries into three groups: “modern industry,” i.e., where the final product contained a labor factor of less than 25 percent; “semi-modern industry” where the final labor factor was between 25 and 50 percent; and “backward industry,” where over 50 percent of the final product was composed of labor. Legislation should apply a Code A, a 30-hour week maximum, to modern industry; Code B, a 35-hour week, to semi-modern industry, and Code C, a 40-hour week, to backward industry. 79

Public Sentiment and Court Reform, 1937

On July 6, 1937, the Senate Committee on Education and Labor approved the bill, and the Senate passed it on July 31 by a vote of 56 to 28. On August 6, the House Committee on Labor sent it to the Rules Committee, which had once killed the Black-Connery 30-hour bill in 1933 and was ready to do it again. In December, a petition of 218 signatures bypassed the Rules Committee, and the bill was recommitted. It turned out that public opinion, by a vast majority, favored the proposed wage and hour bill. Two-thirds of all voters approved the

minimum wage and maximum hour law, according to a survey of the Institute of Public
Opinion in April 1938.80 The time was ripe for new labor standards.

As late as 1936, the Court had remained unfavorable to federal involvement in labor
conditions, keeping its narrow definition of the Commerce Clause. In *Carter v. Carter Coal
Co.* (1936), the Supreme Court maintained that legal provisions related to labor were beyond
the powers of Congress because “the power expressly granted Congress under the Commerce
Clause to regulate interstate commerce does not include the power to control the conditions in
which coal is produced before it becomes an article of commerce,” and “the effect of labor
conditions in the production of coal on interstate commerce... is an indirect effect.” But public
opinion, as evidenced by the 1936 election and the attempt to reform the Supreme Court by
the Roosevelt administration in February 1937, though unsuccessful in increasing the
numbers of the justices, brought about a departure from the Court's traditional attitude toward
labor legislation. In April 1937, *NLRB v. Jones & Laughlin Steel Corp.* upheld the Wagner
Act as constitutional. The Supreme Court radically overturned its previous interpretation of
the Commerce Clause and defended Congress' power to regulate labor-management relations,

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based on a new model of congressional authority to protect interstate commerce from "burdens."

The congressional authority to protect interstate commerce from burdens and obstructions is not limited to transactions which can be deemed to be an essential part of "flow" of such commerce... Although activities may be intrastate in character when separately considered, if they have such a close and substantial relation to interstate commerce that their control is essential, or appropriate, to protect that commerce from burdens and obstructions, Congress has the power to exercise that control...it is primarily for Congress to consider and decide the fact of the danger and meet it... Therefore, Congress had constitutional authority, for the protection of interstate commerce, to safeguard the right of the employees in the manufacturing plant to self-organization and free choice of their representatives for collective bargaining.81

The Supreme Court’s pro-New Deal interpretation was cemented in August 1937, when President Roosevelt nominated Hugo L. Black, who starting in 1932 introduced bills for a shorter workweek in the Senate and was viewed by Roosevelt as a “thumping, evangelical New Dealer,” to the Supreme Court after conservative Justice Wills Devanter retired. Black, like many other New Dealers, had openly criticized the traditional interpretations of the Supreme Court and its excessive power to block New Deal legislation. With his approval by the Senate, proponents of the FLSA could now feel optimistic about the constitutionality of the law.82 It was still believed during this period, nonetheless, that, based on the Commerce Clause, the law would not cover employees in non-manufacturing sectors like retail, service, or regional government.

81 301 U.S. 1: National Labor Relations Board v. Jones & Laughlin Steel Corp. (April 12, 1937) [www.law.cornell.edu/supremecourt/text/301/1].

Fair Labor Standards Act (FLSA) of 1938

On June 12, 1938, the House and Senate finally passed the amended bill, and Roosevelt signed the Fair Labor Standards Act on June 25. The FLSA of 1938 provided for a maximum workweek of 40 hours, allowing 44 hours during the Act’s first year and 42 hours during the second year. Violations were punishable by a fine and imprisonment. The act established enforcement in the Department of Labor’s Wage and Hour Division, whose head the president would appoint. The features that weakened the law’s work-time regulation included: (1) The FLSA permitted a workweek more than 40 hours, if employers paid an overtime compensation (premium) one and one-half times the regular wage rate for the hours surpassing 40 hours a week; (2) there was no absolute limit on overtime hours; (3) the FLSA did not specify any maximum hours per day; (4) the law allowed adjustable long-term work schedules, a workweek of more than 40 hours without overtime compensation, up to 12 hours a day or 56 hours a week, if representatives from management and labor agreed that no workers would be employed more than 1,000 hours in 26 consecutive weeks (average
38.5-hour week) or 2,000 hours in 52 consecutive weeks\textsuperscript{83}; (5) the law exempted from the federal labor standards bona fide executive, administrative, or professional employees, to be defined and delimited by the Wage and Hour Division\textsuperscript{84}; (6) the law did not cover the vast majority of American workers in many non-manufacturing industries that were not acknowledged as related to interstate commerce or production of goods for commerce, such as retail, hotel, restaurant, school, other services, agriculture, fishing, processing, packing, local transportation, and construction; (7) seasonal industries were permitted to extend the workweek without an overtime premium for a certain period; (8) the law did not require premium payments for weekend or holiday work; and (9) finally, the law had no provision for legal paid leave, whether for vacation or sickness.

In 1941, in \textit{United States v. Darby Lumber Co.}, the Supreme Court upheld the FLSA, affirming \textit{NLRB v. Jones & Laughlin Steel Corp.} and the new interpretation of the power of

\textsuperscript{83} If an employee worked more than 1000 hours for 26 consecutive weeks or more than 2000 hours for 52 consecutive weeks, this program would be void. The employer was required to pay time and a half for all hours worked in excess of 40 hours per week.

\textsuperscript{84} To count as a bona fide executive, administrator or professional, individuals had to be paid at a rate not less than $30 a week for executives and administrators (1938) and $50 for professionals (1940). They also had to perform duties specified by the Division to be qualify. The 1949 rule required at least $55 per week for executives, $75 per week for administrators and $75 for professionals. In 1959, the salary thresholds increased to $80, $95, and $95, respectively. The trend continued in 1963 ($100:$100:$115) , 1970 ($125: $120: $140) and 1975 ($155: $155: $170). For duty test developments, see William G. Whittaker, “The Fair Labor Standards Act: A Historical Sketch of the Overtime Pay Requirements of Section 13(a)(1),” Congressional Research Service Report for Congress, The Library of Congress (May 2005) 2-23.
Congress to regulate labor conditions. It gave a broad range of freedom and power to Congress to regulate business practices that it considered injurious to the public welfare, such as long hours of work. The FLSA passed the legal test. The Supreme Court thereafter kept the essence of this proposition and extended the power of Congress based on the Commerce Clause until 1995.

While manufacture is not of itself interstate commerce the shipment of manufactured goods interstate is such commerce and the prohibition of such shipment by Congress is indubitably a regulation of the commerce... The power of Congress over interstate commerce 'is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed by the constitution'... Congress, following its own conception of public policy... is free to exclude from the commerce articles whose use in the states for which they are destined it may conceive to be injurious to the public health, morals or welfare... Such regulation is not a forbidden invasion of state power... The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restriction and over which the courts are given no control... (Therefore) we conclude that the prohibition of the shipment interstate of goods produced under the forbidden substandard labor conditions is within the constitutional authority of Congress. 85

After more than five years of intensive debate and revisions, the maximum work-time regulation ended up much weaker and less ambitious in the established FLSA than originally intended. Nevertheless, its enactment in 1938 was a milestone for American workers who finally achieved a 40-hour legal standard and federal minimum wage. The average workweek in manufacturing after World War II fell to around 40 hours and has never returned to the

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85 312 U.S. 100: U.S. v. Darby (February 3, 1941) [www.law.cornell.edu/supremecourt/text/312/100]
pre-New Deal standard. Surely, the FLSA was, at least, one of the major factors that explains these accomplishments.
Chapter 3

U.S. Corporate-centered Society and Work-time Regulation,
Late 1940s–1970s

From the New Deal to Postwar Corporate-centered Society

Progress toward shorter working hours before the New Deal period was always followed by a push for even shorter hours. According to an assumption that productivity increase brought shorter hours, forty-hours week became too long after midcentury. Throughout the post-World War II period, however, there was no significant progress in legislating shorter maximum hours, except some amendments to the FLSA to expand the law’s coverage. This chapter explains the puzzling stalemate by examining the shaping of corporate-centered society and the politics behind amending the FLSA after World War II. In America’s corporate-centered society, major private corporations agreed to provide employees with stable employment and opportunities to acquire higher income in return for workers' acceptance of the opportunity for full-time employment. Since the late 1940s, American workers gradually moved away from agitating for a legal standard of 30-hour week, a goal they had pursued in the New Deal period.
(1) Postwar Vision of Full Employment

Hunnicutt argues that “labor abandoned shorter hours because it came to favor Roosevelt's new dream of Full-Time, Full Employment and Keynesian governmental policies.” As I argued in the previous chapter, “full employment” through work sharing was one of the agendas of the shorter-hours movement. To be sure, during and after the war, political circumstances for shorter-hours advocates were not as promising as during the New Deal period. A conservative coalition of Northern Republicans and Southern Democrats had resisted further New Deal political developments since the end of the 1930s. Postwar liberals became more confident in the US-led international order and domestic growth and were reluctant to embrace, or were even antagonistic toward, the shorter workweek than they had been in the New Deal period. Nonetheless, as Hunnicutt also points out, a desire for shorter hours remained vigorous in the American labor movement during and immediately after World War II.

Wartime Experiences and Post-war Visions

During World War II, wartime demands brought a revival of production and longer hours in America. Although the legal framework of the FLSA, requiring overtime payments based on the 40-hour week standard, was maintained, in 1942, the US government called for a 48-hour week in military production as a wartime special arrangement. Executive Order No. 9301 in February 1943, required a 48-hour week in some industries facing labor shortages. One might see the wartime arrangement allowing workers to receive significant overtime premiums as a catalyst for postwar changes in workers' attitudes, the 40-hour threshold not as a maximum of hours but as an entrée to extra incomes. Yet it is doubtful that the labor movement at the time lost interest in a 30-hour week. This is partially demonstrated, despite official union cooperation with wartime production, by slowdowns, wildcat strikes, absenteeism, high turnover, and other widespread forms of informal resistance to long hours.87 More important, the labor community remained concerned by the threat of massive unemployment at the end of the war, which would be aggravated by an influx of almost 12 million veterans into the domestic labor force. Most labor leaders were still unconvinced that they could secure stable employment and desirable living standards in the long run without shorter work time. AFL unions made resolutions at their 1944 convention for 30-hour

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workweek legislation to take effect immediately at the end of the war. Walter Reuther, vice-president of the UAW, said, in 1944, “I think it is better to have a 30-hour week and have all the people employed, all the people participating, than to have some people working 40 and 50 hours a week with great masses of unemployed.” Reuther predicted furthermore that “We can in America, on the basis of a 30-hour week, create all of the wealth that we could create before the war on the basis of a 40-hour week... [because of] much technical progress during the war.”

A grand postwar vision based on the idea of “full employment” as an economic right, guaranteed by expanded federal fiscal policies to redistribute wealth into more purchasing power became the central focus for liberals during World War II. This approach was initially promoted by the National Resources Planning Board (NRPB) during the first years of the war. In the 1930s, the NRPB led by Harold Ickes had worked on direct economic planning, but the Board placed more weight on Keynesian spending policy by the early 1940s. The NRPB’s 1942 report, Security, Work, and Relief Policies, also known as the American Beveridge Report, proposed building greater welfare state programs as a step toward full employment. The Board’s report the next year defined the government’s bold spending as a measure to

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sustain an “expanding economy.”89 Meanwhile, the CIO established its Political Action Committee (CIO-PAC), which was led by Sidney Hillman from 1943 until his death in 1946, to mobilize workers’ votes and strengthen pro-labor liberal forces in the Democratic Party. The broader political movement was also pursued by the CIO-backed National Citizens Political Action Committee (NCPAC), starting in 1944.

In his State of the Union Message on January 11, 1944, President Roosevelt declared the United States would embark after the war on a “Second Bill of Rights under which a new basis of security and prosperity can be established for all regardless of station, race, or creed.” At the top of the list of economic rights came the “the right to a useful and remunerative job in the industries or shops or farms or mines of the Nation” and “the right to earn enough to provide adequate food and clothing and recreation.” Additional “goals of human happiness and well-being” were a decent home, health, and education.90 Although Roosevelt did not mention working hours in the economic bill of rights, the more committed the federal government was to eliminating unemployment, the greater the opportunities were for the shorter-hours advocates to engage in advocacy. The GI Bill established a limited welfare state

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90 State of the Union Message to Congress (January 11, 1944). Franklin D. Roosevelt Presidential Library and Museum website [http://www.fdrlibrary.marist.edu/archives/address_text.html].
program in 1944, but a much broader measure applicable to every citizen had to be enacted to approach full employment.

The Full Employment Bill, 1945

In 1945, the labor movement expressed its demand for shorter hours and concerns about another depression. The Full Employment Act of 1945 (H.R. 2202, S. 380) was intended to prevent depression from returning after the war by requiring the federal government to carry out reforms and active fiscal spending until full employment was achieved. The bill provided that “all Americans able to work, and seeking work, have the right to useful remunerative, regular, and full-time employment.” There was no definition about what “full-time” meant in the bill, though many assumed that the Administration meant the FLSA’s 40-hour standard. The bill provided two steps of national budget authorization. The first step was to set forth a budget to create programs that aimed at narrowing the gap—though not by direct government spending—between existing total private expenditures (including consumption) and the volume of expenditures necessary to maintain production levels sufficient to employ the entire American labor force. These programs included “banking and currency, monopoly and competition, wage and working conditions, foreign
trade and investment, agriculture, taxation, social security, the development of natural
resources, and such other matters as may directly or indirectly affect the level of non-Federal
investment and expenditure.” This first step included almost all of the economic and social
policy that would affect private expenditures. For advocates of shorter hours, a lower
maximum workweek standard (for work sharing purposes) and a higher minimum wage
standard would produce a sufficient increase in total expenditures and a significant decrease
in unemployment. Then, the bill provided, only to the extent that this first step could not fill
the gap, a second step of direct federal spending, such as construction of public works. The
bill sought a permanent federal commitment to increasing jobs and Keynesian-based
government expenditures, although an effort to shorten the workweek was not excluded as an
option of the first step.91

Hearings on S.380, 1945

The Full Employment subcommittee of the Senate Committee on Banking and
Currency held a series of hearings between July 30 and September 1, 1945 on the proposed

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91 Hearings before a Subcommittee of the Committee on Banking and Currency, US Senate, 79th Congress,
First Session, on S.380: Full Employment Act of 1945 (July, August and September 1945) 800, 802-804. It
should be noted that S.380 excluded from federal responsibility those who had “full-time housekeeping
responsibilities.” This meant that most housewives were beyond the scope of employment policy at the time.
Full Employment bill. Despite the fact that the bill did not focus on work hours, many witnesses and committee members argued for shorter hours. Senator Robert F. Wagner (D-NY), the chairman of the Committee and the subcommittee, gave favorable statements for shorter hours, while Senator Robert A. Taft (R-OH), a leading conservative coalition member, dismissed the idea as a New Deal failure.92

During the debate on the full employment bill, there was unexpected opposition to shortening hours from a segment of the liberal community. The most striking opposition was from Wagner assistant, Leon H. Keyserling, who had been involved in New Deal legislation as an attorney, economist, and later an economic advisor in the Truman administration. One witness cited a statement in which Keyserling labeled the idea of work sharing as “defeatism.” Instead he called for “a creative offensive against unemployment” that would fit the era of an “expanding economy.” He acknowledged the significance of “creative leisure” and supported most New Deal achievements, including the 40-hour standard of the FLSA, but he held a negative view of further reductions.

We should abandon defeatism, such as seeking more unemployment protection by higher pay-roll taxes on low wages and low employment, using shorter hours, to “share unemployment,” taxing

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92 Hearings, S.380 (1945) 763.
“excess profits” without questioning the inevitability of capital stagnation, or planning public works on the assumption that seven to ten million postwar unemployed are inevitable.93

Keyserling regarded the shorter-hours approach as “sharing unemployment,” reflecting an optimistic perspective that full employment would be achievable by expanding the American prosperity pie, rather than slicing, dicing, or sharing the pie. Harvard Economist Seymour E. Harris, later an economic adviser for John F. Kennedy, maintained that working less than 40 hours was partial employment, which workers themselves did not want.

If the American people want to work 40 hours a week, and they are only allowed to work 30 hours a week, then they are three-quarters employed and one-quarter unemployed... American public, prior to the war, was in fact unemployed insofar as they worked 37 hours before the war though they may have preferred to work 44 hours.94

Like Keyserling, Harris had a suspicious view of the practicability of work sharing. He assumed that shorter hours would lead to lower incomes and lower domestic demand. This was accurate only when focusing on an individual worker with a reduced workweek and pay. Harris did not mention that work sharing accompanied by a higher minimum wage standard and improved social welfare would maintain or could reinforce working-class income and aggregate domestic demand.

If we have a 35-hour week instead of a 40-hour week, which is generally assumed, that reduction to a 35-hour week might make available some 7,000,000 more jobs... This problem, however, requires further investigation, for the reduction of hours and income in turn reduce demand... If that is what the


94 Hearings, S.380 (1945) 1096.
American public want, that might be an excellent solution of the problem of unemployment... [T]his solution may be preferable to widespread unemployment... There are, however, better solutions.\textsuperscript{95}

Harris acknowledged a novel form of work sharing: a reduction of total working hours for a person over his or her life by relocating youth into schools and older generation into the Social Security program. It was, for him, the last resort in employment policy.

The question of full employment is tied up with the hours of work... If the (other) program does not yield full employment, then it is well to consider the possibility of a reduction of hours, an increase of the numbers in schools, and an improvement in social security which would reduce the numbers on the labor market and the like.\textsuperscript{96}

The rising force of liberals outspoken in opposing or questioning shorter hours demonstrated a new political phenomenon. This early transformation of some liberals’ mindset had to do with the war victory and the shaping of a new American hegemony in the world, as implied by Keyserling’s enthusiasm for expanding the international economy. During the mid-1940s, however, no consensus had yet been established as to how to solve the structural problems of capitalism.

Labor unions, veteran groups, and many others demanded that a 30- or 35-hour week be specified in the full employment bill. To be sure, some labor representatives complained about loss of income at the end of the war due to the reduction of overtime. In the steel

\textsuperscript{95} Hearings, S.380 (1945) 1096.

\textsuperscript{96} Hearings, S.380 (1945) 1099.
industry, for example, where the average workweek during the war was 47.5 hours, workers were still in debt. Cost-plus contracts between government and war-related industries had encouraged overtime. Considering the generally low wage rates, due in part to the FDR administration’s wartime efforts to limit pay increases and an uncertain economic future, it was not surprising that workers relied on overtime premiums as a necessary part of their income.\textsuperscript{97} Thus through wartime experiences many workers became accustomed to the practice of overtime with wage premium. Nevertheless, the subcommittee heard many voices asking for a standard below 40 hours.

John L. Lewis of the UMW, a leading advocate for shorter hours, stressed that full employment could not be achieved without the legislative shortening of hour standards, and he demanded an amendment that made it a federal responsibility to continue to reduce hours of work as a first step for full employment.

In order to maintain a reasonable minimum standard of living necessary for health, efficiency, and general well-being of the workers, it is the responsibility of the Federal Government to adopt from time to time policies and programs looking to the adjustment and shortening of the hours of labor, thus stimulating and stabilizing the national economy and the even flow of workers into industry.\textsuperscript{98}

\textsuperscript{97} Hearings, S.380 (1945) 227.

\textsuperscript{98} Hearings, S.380 (1945) 517.
The Government Employees Council of the AFL, in which unions with a total of two million workers participated, sent the full employment subcommittee a statement in which their primary demand was a 30-hour provision for work sharing.\textsuperscript{99} The president of the Oil Workers International Union, CIO, sent a statement that they needed the passage of S. 380 with a supplemental provision of maximum hours for “all industry to be based upon a fair and decent standard of living and upon the need to spread employment opportunities” that would cover the oil industry, too.\textsuperscript{100} The Upholsterers’ International Union of North America also called for “a program providing for the reduction of the workweek so that the workers in these industries will labor 30 hours per week” with no reduction in weekly pay.\textsuperscript{101} As for William Green, president of the AFL, though his focus was more on the importance of balancing productivity and purchasing power “at higher levels,” he still saw it “inevitable” to “shorten the workweek to create some of these (1 million) new jobs” to provide full employment.\textsuperscript{102}

Unions whose industries were excluded from the FLSA, demanded expansion of the law's coverage to fulfill the goal of S.380. “We are not subject to the 40-hour week,” said George

\begin{itemize}
  \item 99 Hearings, S.380 (1945) 913.
  \item 100 Hearings, S.380 (1945) 1109-1110.
  \item 101 Hearings, S.380 (1945) 1128.
  \item 102 Hearings, S.380 (1945) 511-512.
\end{itemize}
Harrison, president of the Brotherhood of Railway Clerks, whose members worked as long as 56 hours a week due to exclusion from FLSA coverage. “I do not think Congress wants to tolerate that condition when we say that we are going to make an effort to give everybody a job.”

Voices for shorter hours came also from veterans' groups whose concerns were clearly about job opportunities for current servicemen after the war. For example, Omar B. Ketchum, a legislative representative of the Veterans of Foreign Wars, a “nonpolitical” organization composed of a million servicemen and veterans, delivered a message based on resolutions at their national convention that they opposed communism, socialism, fascism, and any similar “sharing the wealth” approach, but nevertheless he hinted at their preference of work sharing through constant revisions of maximum hour standards, if necessary. This suggested that a strong anti-communist orientation did not necessarily mean opposition to shorter-hours agendas that were quite obviously involved with ideas of “sharing the wealth.”

We are opposed to communism, fascism, or state socialism for our Nation, in whatever guise it may present itself. Far too often the bait of “share the wealth,” resolves itself into “sharing the poverty”... Free enterprise must be left free, within reasonable standards of national self-interest... increasing use of labor-saving machinery, and mass production make it essential to constantly review and revise our old concepts of how many hours should constitute a day's work. Why should we be wedded to a 48-hour week, or a 44-hour week, or even a 40-hour week? If the present 48 hours or 44-hours produces more than we can sell and too few jobs, is it unreasonable to suggest an even shorter

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103 Hearings, S.380 (1945) 579.
schedule of work? Increasing production without relative purchasing power is the ever-present nightmare and specter of unemployment and depression.\textsuperscript{104}

Also, some manufacturers were open to shorter hours for the purpose of full employment. The president of an automobile parts producer in New York noted that great advances of productivity made 35-hour week legislation and even payment equal to what workers received for their current schedule—in his company 44 hours—affordable and desirable.\textsuperscript{105} A New York garment industry executive who sent his 30-hour week plan to the full employment subcommittee, argued that the 30-hour week was even more desirable today in a time of anticipated prosperity than during depression.

Many in the early 1930s advocated a 30-hour workweek as a means of putting more men to work. This was a guess and not arrived at by any scientific study... The best time to put this plan into effect would be when there is a great backlog of demand for civilian merchandise of all kinds, such as we expect immediately after the war.\textsuperscript{106}

(2) Labor's Struggles, 1945–1949

\textbf{Immediate Postwar Period}

\textsuperscript{104} Hearings, S.380 (1945) 148.
\textsuperscript{105} Hearings, S.380 (1945) 382-384.
\textsuperscript{106} Hearings, S.380 (1945) 961.
The New Deal and World War II saved American capitalism from its crisis, but they did not promise a stable postwar prosperity, especially when wartime demand was over and aspects of New Deal goals still unfulfilled. Organized labor during the immediate postwar period remained eager for drastic modifications, as was the case for many European counterparts, which established nation-wide organizations for centralized negotiations, mutual commitments between labor unions and labor parties, and a wide range of government economic regulations, including comprehensive social democratic programs. Walter Reuther of the United Auto Workers (UAW), for example, announced that it would not accept price hikes to compensate employers for increased labor cost. He called for a centralized negotiation system to create nation-wide labor contracts. The American business community, especially large manufacturing corporations, was by and large not ready to acknowledge the necessity of making drastic labor concessions until it experienced a strike wave in late 1945 and early 1946.

Although the most prominent union demand during the postwar strikes was for wage increases, the demand for shorter hours endured. Wartime demand had dried up in the short run and technological developments meant fewer jobs in the long run. There was no guarantee of job stability in many industries and the specter of yet another depression lingered. In 1946,
a shorter workweek was among the major issues in hundreds of local unions engaging in strikes. A legislative bill to amend the FLSA to establish 30-hour week was again introduced by Senator Pat McCarren (D-NV). Union gains in this period reflected a persistent interest in shorter working hours. Between 1943 and 1947, CIO unions, such as the UAW and the United Steel Workers (USW), kept calling for a goal of “30 for 40,” a 30-hour week for 40 hours of pay. Rubber workers regained their 36-hour contract (six-hour and six-day) in 1945. The UMW retained their 35-hour standard (overtime premium applied up to two hours beyond seven-hours a day, travel time included) for the bituminous coal workers after the 1946 strikes. Lithographers in the New York area won a 36-hour week contract plus two weeks of vacation a year by 1946 (they would establish a 35-hour standard in 1955). There were also unions, like the Telephone Workers and several UAW locals, that set the immediate goal as “40 for 48,” reduction of actual work hours to 40 or shorter without a decrease in current pay. The transportation industry saw a struggle centered on the issue of work time. Between 1945 and 1949, several rail and maritime unions achieved significant victories, challenging long hours through strikes and cooperation among unions. The AFL again

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resolved in its 1946 convention for a 30-hour week as one of the main objects because technological development meant “less and less workers [were] needed.”\footnote{George Hartmann, “AFL Will Press Campaign to Get 30 HR Week,” \textit{Chicago Tribune} (October 18, 1946) 15-1.}

**Frustration and Radicalism**

In retrospect, the late 1940s was a transitional period in terms of the American sociopolitical order. Organized labor and many liberals were still eager to extend the New Deal through political realignment. Shorter hours were still on the agenda in major unions. Business society and conservatives were not entirely confident in the course of postwar prosperity and a lasting industrial peace. The emerging Cold War and red-baiting disturbed labor and liberal communities, but little consensus was yet established in terms of domestic politics. For pro-labor advocates, it was frustrating. The delay of postwar New Deal, anti-labor laws, Southern anti-unionism, and unfavorable attitudes of the early Truman administration proved especially frustrating. The Employment Act of 1946 established the Council of Economic Advisors (CEA), but it dropped government responsibility for achieving full employment. The disappointing outcome was due significantly to the strength of the
conservative coalition in Congress, where seniority rules gave a great advantage to Southern Democrats who had few competitors and thus had greater seniority and secured important positions in committees. This conservative barrier and Truman administration's inability to push through legislation were also demonstrated in the defeat of the Wagner-Murray-Dingell national health bill and the delay of the Wagner-Ellender-Taft public housing bill. American labor tried to reform Congress to build a hegemonic force in favor of pro-labor and welfare state programs. One such effort, Operation Dixie, was a campaign to organize workers in Southern states. Launched by the CIO Southern Organizing Committee in the spring of 1946, it also urged the AFL to undertake a similar campaign. During World War II, there was progress in organizing Southern workers in several industries such as mining, oil refining, tobacco, paper, and textile mills, but the South was still mostly a vacuum for unions. Even though the workers won higher wages and shorter hours in heavily organized regions in the North and West, they could not outlast competitors in the unorganized South. The ambition of Operation Dixie went further; it intended to undermine the bastion of the conservative coalition, especially high seniority Dixiecrats, through the political mobilization of Southern workers. The campaign yielded little success, however, due not only to harassment and

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violence coordinated by management, police, and racist groups, but also to the CIO's own red-baiting that defeated heavily black locals in the South.  

Another disappointment for pro-labor forces was the result of the 1946 midterm election in which Republicans took both Senate and House majorities. This Republican “victory” was not, however, a real victory for conservatives, but a consequence of massive abstentions by many people, including those who had been frustrated by the Truman administration and Congress unable to push pro-labor legislations. Compared with the 1944 election, Democrats lost 7.6 million votes, largely in the most urban and industrialized states—New York, Pennsylvania, Michigan, Illinois and California—while Republicans lost 2.9 million votes.  

Neither party received public approval, but the result deepened the frustration for pro-labor forces.

The 1946 election was followed by anti-labor revisions of the FLSA and the NLRA in 1947. The amendment of the FLSA, known as Portal-to-Portal Act, excluded mandatory compensation for the time spent on certain preliminary activities, such as changing clothing.

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and travelling to and from the place where the employee performs principal activities. The Portal-to-Portal Act also lessened the FLSA penalty by exempting from liability cases in which employers could prove their “good faith,” and by accepting claims only for two years after a violation. The Taft-Hartley Act amendment of the NLRA outlawed closed shops, solidarity strikes, jurisdictional strikes, secondary boycott/picketing, and allowed states to prohibit union shops. It also required union officers to declare in affidavits that they were not associated with communist organizations. These two laws placed significant limitations on the most important labor laws.114

Aside from the Portal Act, however, business attempts to overthrow the essence of the FLSA’s hour provisions failed. In 1947, NAM, the USCC and other corporate representatives and business groups including the Southern States Industrial Council urged lengthening the legal 40-hour provision to a 45- or 48-hour week, to reduce the overtime rate, and to broaden exemptions for specific industries or an entire unionized sector. General Motors president Charles Wilson maintained at the Congress of American Industry in December 1947, that “the 40-hour week is a heritage of the days of planned scarcity, of plowing under cotton, and killing pigs to raise prices,” and “today the situation clearly calls for a repudiation of these

reactionary and inflationary policies.” 115 The FLSA hour regulation was “reactionary” because shorter hours simply meant lower outputs, they insisted, and it was also “inflationary” because it caused higher labor costs and higher prices. The Truman administration did not buy Wilson's theory. Opposing Wilson’s proposal for a 45-hour week at a press conference in 1948, Truman said that Wilson was “living in the 1890s.” 116 Any further attempts to revert to the pre-FLSA age or to lengthen the legal workweek, including NAM's advocacy of a 48-hour week without overtime pay during the Korean War, would not work out. 117 To have employees agree on working more than 40 hours, employers had to at least guarantee overtime payments as specified by the law.

The growing Cold War anti-communist hysteria split the liberal and labor community. Left-liberals, such as Secretary of Commerce Henry A. Wallace and Secretary of the Interior Harold L. Ickes, lost their influence in the Democratic Party after 1946. The red scare inside the labor movement also diminished its political energy by expelling radical unions from the mainstream federations. But the severe infighting did not immediately divert non-communist


117 “NAM: 48-Hour Week, No Pay Boosts, Higher Taxes,” *Honolulu Record* (December 14, 1950) 2
groups from radical programs. It instead competed with radicalism’s goal of reordering the political economy, which remained a pool of accumulated frustration and anger toward business and the conservative Congress across partisan lines.

A group led by Walter Reuther of the UAW and other non-communist radicals, including A. Philip Randolph, John Dewey, and Norman Thomas, formed the National Educational Committee for a New Party in 1946, declaring that the goals of the new political force included a “national economic council” where labor, business, and public representatives would work on “genuine economic planning.” Meanwhile, CIO-PAC and NCPAC sponsored the Conference of Progressives in September 1946 in Chicago. Its participants included CIO president Philip Murray, National Farmers Union president James Patton, Walter White of the NAACP, and resigned Cabinet members Harold Ickes and Henry Wallace. In the resolution they called for “a swift return to the progressive global thinking of Franklin Roosevelt” and his New Deal heritage in domestic programs. By 1947 the NCPAC was split because of anti-communism issues into two groups, the Progressive Citizens of America (PCA) which supported Henry Wallace as a candidate for the 1948

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presidential election, on one side, and the non-communist Americans for Democratic Action (ADA, former UDA), which rejected a third party movement, on the other side. Yet PCA and ADA differences did not go much further than the fields of ideology and foreign policy. Both groups acknowledged the significance of advancing the New Deal through political realignment. Many union leaders, especially in CIO unions, even envisioned a formation of a national labor party in the near future.

**Fair Deal and Vital Center**

In response to frustration and radicalism among organized labor and other liberal groups, New Deal liberals in the Democratic Party, like White House Counsel Clark M. Clifford and director of the Federal Security Agency Oscar R. Ewing, took the lead in shifting the Party's policy toward a more liberal direction. Thus the Democratic platform for the 1948 presidential election featured a series of left-liberal programs, such as repeal of the

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Taft-Hartley Act, extension of FLSA coverage, comprehensive housing legislation, a minimum wage increase, equal pay for equal work regardless of sex, extension of the Social Security program, establishment of a national health program, price supports for farmers, fair taxes, a greater commitment to civil rights, and federal aid for education.

The victory of Truman in the presidential race over moderate Republican Thomas E. Dewey and of congressional Democrats in regaining both houses, despite the Democratic votes split by Wallace's Progressive Party and Dixiecrats’ State Rights Party, seemed to create a great opportunity for a postwar New Deal, this time called the Fair Deal. The second Truman administration and the 81st Congress controlled by the Democrats, however, could not enact most of the major Fair Deal programs in health, education and civil rights. It merely made some additions to existing programs and established the Housing Act of 1949, which set a goal of creating 800,000 public housing units but failed to replace many substandard housing with low-cost subsidized dwellings.\(^\text{123}\) In terms of labor standards, the FLSA amendment of 1949 increased the minimum wage but it lengthened the maximum hours in the special requirements for adjustable long-term work schedules [now 1,040 hours in 26

consecutive weeks and 2,240 hours in 52 consecutive weeks]. 124 The Fair Deal liberals did not even attempt to reduce the workweek standard.

The Fair Deal’s unrealized plank was not a simple extension of previous years of frustration. It was the liberal community itself, not conservatives, who changed attitudes toward New Deal programs. Alonzo Hamby argues that American liberalism “had come to maturity during the early years of the Cold War – ‘the vital center.’” “The New Dealers had often lusted for political combat,” argued Hamby, “the Fair Dealers were generally more low keyed.” Although the Fair Deal was initially advanced by liberals like Ewing who represented a continuity from the New Deal, there was a growing influence of new liberals like the CEA's Leon Keyserling who represented a break from the New Deal. Many non-communist liberals in this period tended to identify their political faith as “the middle way,” but the meaning of the “middle” varied. “We in American labor will fight totalitarianism from the right or the left,” said Phillip Murray of the CIO, for example, “We regard the human welfare state as America's middle way,” suggesting that New Deal liberalism was the center. For Irwin Ross, Max Ascoli, and Arthur M. Schlesinger, Jr., the vital center meant something like a

124 William C. Soule, “The Fair Labor Standards Amendments of 1949: Overtime Compensation,” North Carolina Law Review (Vol.28, No.2: February 1950) 173-174. If a labor contract prescribed more than 2080 hours (up to 2240 hours) for 52 consecutive weeks (364 days), the employer was required to pay time and a half for all hours in excess of 2080 hours during the contracted period.
democratic mixed economy between unrestricted capitalism and total state socialism, but they were generally cautious about “the seeds of totalitarianism,” i.e., large-scale planning and government regulation of the economy. Keyserling went further to maintain that “neither those ‘liberals’ who betray nostalgia for the New Deal of the thirties... nor those ‘conservatives’ who would reincarnate the brutal and reckless economic philosophy of the twenties should be allowed to say the last word.”

Keyserling criticized New Deal liberalism and even classical Keynesianism, arguing that they shared a pessimism on the potential of capitalism. Since “American capitalism had virtually unlimited opportunities for growth,” said Keyserling, “liberals should concentrate not on reslicing the economic pie but rather on enlarging it.” He rarely mentioned work hour issues during this period, but obviously he did not believe that the further shortening of maximum hour standard was a necessary step to enlarge the pie.

Another challenge to the Fair Deal related to the transformation of liberalism was the Cold War hysteria that assaulted not only popular front forces but also non-communist


liberals who had advocated for an extended New Deal. One such charge came from the Association of Catholic Trade Unionists, which accused the CIO, UAW, and ADA of being socialistic.¹²⁷ Truman in his Labor Day speech in 1949 complained that “selfish force” and manipulated people were charging the Fair Deal in an unfair way.

The organized conspiracy of the selfish interests has gone right on working against common good, in spite of the election returns... These propagandists do not argue the merits of our program... They apply frightening labels to anything they happen to oppose. These scare words are intended to confuse the people and turn them against their own best interests... “bureaucracy” and “bankruptcy”... “socialism” or “reglementation”... “collectivism,” and “statism,” and “the welfare state.” The selfish interest are against these (fair labor) laws ... so they call that “statism.”¹²⁸

The lack of a broad public support doomed the Fair Deal and progressive agendas.

Even in the field of housing reform where Congress produced some results, public enthusiasm had dissipated by midcentury.¹²⁹ One might say that the lack of support for the postwar New Deal programs was merely a result of emerging economic prosperity beginning at the end of the 1940s. But economic recovery without solving such structural issues as job instability and low purchasing power, which involved overall transformations of the social order, could not explain postwar long-term economic growth or the sudden end of the New Deal politics.


¹²⁹ Richard O. Davies, Housing Reform During the Truman Administration (Columbia: University of Missouri Press, 1966) 116-117.
Fundamental changes in American industrial society beginning in the late 1940s were significant and transformative.

(3) American Corporate-centered Society and Stagnation of the Shorter-Hours Movement

Faced with postwar labor offensives and political campaigns to advance New Deal reforms, major corporations acknowledged the significance of labor-management reforms. Since the late 1940s, reforms began to provide a comprehensive set of corporate welfare for employees, including job security, new wage arrangements that would meet higher living standards, a variety of fringe benefits, and income security against layoffs. In a sense, welfare capitalism was revived on a much broader scale. By the 1950s, as Sanford Jacoby describes, “Unionized firms experienced with modernized welfare (capitalism) programs, whereas large nonunion firms acknowledged the post-Wagner revolution in employee rights.”130

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Higher Wages as Corporate Welfare

Take the example of the automobile industry. The 1948 contract between the UAW and General Motors (GM) established two major systems of automatic wage modification: a cost-of-living adjustment (COLA) and annual improvement factor (AIF). With the COLA provision, GM employees were shielded against decreases in real wages caused by inflation. The AIF provision was originally designed as a worker's share of national productivity, but the link to national productivity was abandoned, replaced by a flat scale (later flat percentage) of increase for all jobs inside GM. The missing linkage between AIF and national productivity meant that higher living standards were only available through a steady increase of business performance within each company. In the decade after the 1948 GM-UAW contract, the average hourly wage of GM workers increased by about 90 cents, 46 cents from AIF and 44 cents from COLA. The 1948 contract also marked a departure from the UAW’s traditional demand for a centralized negotiation and nation-wide unified wage rate, which would reduce wage inequality between profitable corporations and less resourceful sectors of small business. To be sure the UAW made such efforts in a form of pattern

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132 General Motors Corporation, “Ten Years of Industrial Peace at GM” (1958) 23.
bargaining practice, but it found itself limited in raising wages for the most vulnerable workers.

**Fringe Benefits as Corporate Welfare**

By the end of World War II, few firms had fringe benefits, such as pension and health care for the employees, despite tax deductions and exemptions from the NWLB's wage controls during the war. The UAW was also cautious about such benefits until 1947. In 1948 the NLRB ruled that Inland Steel Company was required to bargain over pensions demanded by the USW, and the decision was upheld by the US Supreme Court in April 1949. Major unions started bargaining campaigns for fringe benefits and major corporations reluctantly accepted them. In the automobile industry, the 1949 Ford-UAW accord launched the first comprehensive benefit plan including insurance for injuries, hospital, and life, and income assurance for the retired workers. Since then fringe benefits were extended to include increased pensions, layoff allowances, pensions for widows, and broader health insurances.

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coverage paid by employers. In 1948, only 11.7 percent of all organized workers had private health insurance or pension through their contracts. The number became 75.1 percent by 1954. The percentage of fringe benefits in GM’s non-wage labor cost (fringe benefits and statutory contributions to social insurances) leaped from 13.6 percent in 1947 to 60.0 percent in 1960. In comparison to European workers, an intense reliance on corporate benefits was a uniquely postwar American phenomenon. In 1975, the average social insurance contribution to labor costs for all American industries was only 7 percent; 83 percent of labor costs belonged to wage/salary and another 10 percent to fringe benefits. In West Germany, the corresponding ratios were 17 percent for social insurances, 78 percent for wage/salary and 5 percent for fringe benefits.

**Job Security as Corporate Welfare**


One of the most striking features of American industrial relations was the freedom to layoff doctrine, or the lack of general limitations on layoffs. Neither the labor unionism of the New Deal period nor postwar concessional arrangements could establish a general regulatory rule comparable to those of other industrialized societies. The American industrial custom of strict job jurisdictions and the relative weakness of industrial unionism encouraged many corporations to dismiss employees during recessions. A weak welfare state offered workers a thin cushion against joblessness. Instead, a unique rule based on the length of service was invented. David Montgomery and Ronald Schatz argue that the seniority rule had a significant effect on American workers’ class identity and attitudes toward the risk of layoffs. Many unions had won seniority rules applicable to layoffs during the Great Depression and World War II. Before then, there was little assurance that workers could stay in the same workplace for a long time, and therefore working class identity was shaped on each trade rather than company. Seniority was usually considered as a part of skill in a certain craft rather than the length of service at a particular company. Workers had preferred fighting layoffs through slowdowns, hiring halls, closed shops, and work sharing by reducing work hours. Labor unions also maintained the membership of dismissed workers during the 1930s, which united workers with the unemployed in calling for a broader measure against unemployment. All these changed after company-specific seniority rules were institutionalized. Workers
originally demanded seniority rules to protect them from arbitrary management layoffs, particularly those targeting union members, and in this way they created some security for workers. But they also divided workers by company and separated them from the unemployed. 138 Also, prewar seniority rules imperfectly assured long-term careers in a company because not all the rules were applicable to re-employment and the vast majority had no role in internal promotions. 139 In a large automobile factory, there was a concept of job hierarchy among unskilled and semiskilled blue-color workers. It began at the bottom on the assembly line: machine operation was a next step; then with less manual labor were maintenance and checkup jobs; going up the hierarchy further were skilled jobs; and finally the lowest-level supervising jobs consisted of assistant foremen, who were quite limited in numbers. Senior workers, in particular, desired promotion to less labor-intensive jobs, partially because of limited physical capacity. Seniority rules in promotion were therefore crucial for them to stay employed. 140 By the late 1940s, many corporations accepted a


complete seniority rule applicable to re-employment and promotion. By the early 1950s, 54 percent of workers covered by major labor contracts (excluding those covering less than 1,000 workers) secured a seniority rule in promotions. In the auto industry, coverage reached nearly 90 percent. Furthermore, beginning in 1955, major auto corporations agreed to a Supplemental Unemployment Benefit (SUB) that assured laid off workers with 65 or 60 percent of their 40-hour weekly pay through a combination of state unemployment and corporate benefits. SUB subsequently spread to many industries and relieved workers’ financial concerns during layoffs, marking the completion of American corporate-centered society.

**The End of the 30-Hour Campaign, Late 1940s - 1950s**

The shaping of corporate-centered society with a comprehensive set of corporate welfare features, including seniority-based job security, had crucial and long-term effects on the American workers’ mindset. The distribution of welfare provisions by the corporate sector undermined a social basis of working-class solidarity. Managerial control of welfare fostered

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greater expectations and reliance among the workers on corporations rather than a unified political movement for social democratic goals. The result was greater financial pressures on each worker. Many workers began to lose an interest in work sharing as a means to improve job security and concentrated on attaining higher incomes through corporate welfare.

In 1953 and 1954, as wartime spending had ended, the AFL conventions maintained the 30-hour week slogan and an interim goal of a 35-hour week legal standard. The CIO, meanwhile, did not specify a legislative amendment of the FLSA's workweek provision. In many industries, shorter-hours advocates had already faced a tough situation since the late 1940s. Except for a rare attempt at a 35-hour week bill introduced by Senator James E. Murray in 1953 (related House bill by Representatives Holtzman, Metcalf, and Yorty), little attention was given to the amendment of the FLSA’s hour provision during the Eisenhower administration. Hunnicutt’s case study of Kellogg workers reveals that the retreat of the shorter time movement at Kellogg was related to transformations in industrial relations that took place after World War II. Kellogg’s six-hour day practice was maintained even in the late 1940s but was replaced by an eight-hour day in the 1950s when full-time, male employees requested more hours to earn more income.\[142\] After the late 1940s, rubber

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workers also accepted the extension of work time from a 36-hour week (six-hour day) to 40-hour week (eight-hour day) because “new pressures have built up for 8 hours daily among many workers” when they found the postwar standards of living “could not be maintained under a 36-hour schedule.” Some workers even sought a second job.\textsuperscript{143} Jonathan Cutler, in his research on the automobile industry and the United Auto Workers, a pattern-setter in labor negotiation in this period, examines the postwar shifts of those who had ardently advocated for shorter hours during the New Deal era. When GM president Charles Wilson sought an extension of working hours in 1947, UAW president Walter Reuther, the former leader of the 30-hour week movement, declared his opposition to the shorter-hours demand because, he insisted this time, having more purchasing power was more beneficial for workers. Although the “30 hours work for 40 hours pay” demand was quite popular in some locals like Local 600, the UAW thereafter devoted its bargaining efforts to win higher pay and other corporate welfare.\textsuperscript{144} To be sure, the labor community had been concerned about negative influences of automation since the late 1950s. Reuther suggested that the UAW would reopened its shorter-hours drive in 1957, and they occasionally pursued shorter hours and more paid leave


\textsuperscript{144} Jonathan Cutler, \textit{Labor’s Time}, op. cit. (2004) 6, 33-37, 61-71. Local 600 organized Ford's plants near River Rouge, MI.
or vacation in collective bargaining afterwards. Yet the centerpiece of collective bargaining in this period was increasing corporate welfare rather than actual work-time reduction or universally shortening the workweek by amending the FLSA. 145 Some unions, such as the Textile Workers Union (TWU), the International Ladies Garment Workers Union (ILGWU), the International Brotherhood of Electrical Workers (IBEW), and the Communications Workers of America (CWA), continued to claim or actually achieved a 35-hour week during the 1950s. Yet many other unions did not follow the same path and used the shorter-hours demand just to barter for more corporate benefits. Workers’ greater dependence on corporate welfare, and fundamentally on corporate performance, brought about a phenomenon that industrial relations specialists in the 1950s called “dual allegiances.” 146 To attain middle-class living standards, workers split their allegiance between unions and corporate performance. Labor's focus on amending the FLSA shifted to the coverage issue, which was still important for the workers who had not been covered by the labor standards, and the goal of 30-hour week faded away from the core of the American labor movement.


146 Ross Stagner, “Dual Allegiance to Union and Management (A Symposium),” Personnel Psychology (vol. 7, 1954, Western Reserve University) 41-47.
Shorter-Hours Conference, AFL-CIO, 1956

During the 1950s, most major labor unions did not carry out a serious legislative campaign for a general reduction in the workweek. The AFL's Committee on the Shorter Work Day was inactive during these years. The two major federations of labor, unified in 1955 as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), saw little progress in improving hour clauses of the FLSA. The AFL-CIO conference on shorter hours, held on September 11, 1956, revealed significant changes in the attitudes of major unions on the issue.

George Meany, the president of the AFL-CIO, opened the conference with a powerful statement that “the progress toward a shorter work day and a shorter work week is a history of the labor movement itself.” But soon after that, Meany pointed out that “legislation in this field, as in practically every other field, is secondary to collective bargaining.” His confidence in collective bargaining went further: “the so-called shorter hours legislation that we have nationally and in the various states was not put on the statute books to protect the organized worker because in most cases the organized worker already enjoyed the conditions which the law would set down.” Meany also revealed in his optimistic account that technological
developments would not result in unemployment. “What has happened is... the result that this machine operation in the past has not operated to decrease employment.” During the New Deal period, organized labor had considered overproduction and unemployment as structural problems inherent to modern capitalism, but now these were merely viewed as an issue of the economic cycle, as many economists recited. The only problem that organized labor must address, Meany continued, was how to keep up improvement of productivity. “[T]here are two things that must happen to keep this economy going: One is that hours of work must be shortened and the other is that purchasing power must be maintained.” The latter agenda was a must, he said. But Meany agreed with the former agenda only if it was linked to the latter.

Well, I don't think that there is any great objection to having more leisure time if you have something to do with it, and if you have the type of income that will allow you to enjoy yourself during that leisure time... We certainly do not contend that it is inhuman for a man to work eight hours a day or seven hours a day under modern conditions. We do, however, have the other problem, namely,... purchasing power... If this leads to more leisure for the American people as a whole, labor will help to bring this about... through collective bargaining.147

Meany's somewhat lukewarm statement was followed by a more straightforward statement by George Brooks, research director of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers. Brooks emphasized quite overtly that workers today wanted more work for more money so that they considered the workweek standard (or shorter-hours contract) as a wage booster. For many workers, according to Brooks, “shorter hours,”

147 Conference on Shorter Hours, AFL-CIO, 1956, op. cit. 1-6.
however formally described, became in reality not shorter hours but just a part of a wage increase. “Throughout the next decade the basic meaning and purpose of the law (FLSA) was twisted and changed. It no longer was a standard for hours worked, but a means of increasing income through premium rates.” Brooks attributed this change to two developments, the war-time experience that encouraged overtime and postwar bargaining round in which workers won corporate privileges including “shorter hours.”

The war-time experience and collective bargaining in the years since then have combined to change the whole concept of overtime rates from the idea of a penalty to the idea of privilege... In all industries, local market and mass production as well, there has been a concerted effort to increase the premium or penalty payments, not with the idea of preventing longer hours of work but with the idea of increasing income during prosperous times.

Hundreds of union officials had testified that the most numerous grievances were disputes over the sharing of overtime among workers who feared being deprived of overtime. In his own union and many others, Brooks further disclosed, the postwar accomplishment of a 36- or 35-hour week contract that seemed a brilliant victory for shorter hours was actually meant to assure workers that working 42 or 40 hours they would receive more premium. Brooks affirmed the popularity and successful outcome of shortening the work year in the form of paid holidays, but other than that, the prediction was quite pessimistic.

Holiday-vacation drive has not been sabotaged by the money-hungry boys, in the way they sabotaged the overtime provisions... Aside from the workers' desire for their paid holidays and paid vacations there is no evidence in recent experience that workers want shorter daily or weekly hours. The
evidence is all on the other side... Workers are eager to increase their income, not to work fewer hours.148

Unionists responding to Brooks were even more shocking. Most of the 15 respondents did not challenge his main point: American workers were asking for more pay, not less work, and shorter hours would be justifiable only if wages increase. Albert S. Epstein, an economist of the International Association of Machinists (IAM), nearly reiterated Brooks’ argument. Their “working hours of today are not so burdensome as to make the choice for shorter hours inevitable. His desire for goods and services to enjoy during the leisure he has already gained seems to be far greater... Most people, most workers, feel more interested in the goods they can buy with extra money than they are with the question of shorter hours and leisure.” Because the IAM had officially resolved for a 30-hour goal in 1956, this statement was probably an honest confession of the difficulty they faced in shorter-hours drives.149 Elwood E. Phelps, Research Director of the Oil, Chemical, and Atomic workers International Union, displayed its negative attitude on shorter hours, denying the long-term practicality of work sharing on the grounds that technological developments would moot the intended effects of shortening hours. Phelps argued, “We are faced with the problem of new automation changes just around the corner. We may gain on employment through the shortening of hours, but I

148 Conference on Shorter Hours, AFL-CIO, 1956, op. cit. 16-18.

149 Helen B. Shaffer, “Four-Day Week,” op. cit. (1957) 346.
think... within two years' time it would have little effect on the unemployment situation... we could not expect a few less hours of work to solve a bad situation of unemployment on a long-term basis.” Cornelius Gray, an administrative assistant of the Building and Construction Trades Department of the AFL-CIO, made clear the Department’s preference of collective bargaining to legal protection. Since it had already gained a six-hour day and double time contracts without the FLSA coverage, Gray said, “We have not endorsed this bill [a plan by the secretary of labor to give the FLSA coverage to construction workers]. ... We figure we can take care of the problem on a collective bargaining basis and, for that reason, we violently disagree with the concept of the Administration bill.” E. W. Kenney, a director of research and education at the International Woodworkers of America, agreed with Brooks, too. “[W]hile George Brooks’ paper was not what many of us would like to hear, in the light of the experience of my own union, I must say it was realistic.” Woodworkers had demanded a six-hour day, but “in determining our points for negotiations, it never got to the bargaining table until four years ago, and then there was a fight. It split our union... between the older and the younger” because the younger fellows “want to earn.” Hyman Bookbinder, a legislative representative of the AFL-CIO, avoiding any comments critical of Brooks, stated the Federation’s will to improve the FLSA, especially extension of coverage.
Of course, not all unionists agreed with Brooks. Donald W. Stone, Secretary-Treasurer of the Amalgamated Lithographers of America, made a counterargument, saying “the reasons for the drive for shorter hours was, very substantially, to control the jobs and to eliminate the problem of unemployment.” Yet Stone also admitted that “It was sometimes difficult for our members to understand the importance... of the shorter work week.” Jack Barbash, a research director of the AFL-CIO Industrial Union Department, said that shorter-hours demands were still widespread in collective bargaining. Barbash also opposed Brooks’ assertion that the 40-hour standard was forever acceptable. The criteria of what is oppressive work, Barbash argued, “is a function of culture. It is possible for an eight-hour day to be almost as oppressive in a certain cultural environment as a 16- or 18-hour day.” Only two commentators attempted directly to criticize Brooks’ main point that “shorter hours” gains only meant income gains now. Solomon Barkin, Research Director of the Textile Workers Union, said, “the continuance of overtime hours does not cancel the reality of the shortened standard workweek... The reduced standard will not be an illusory gain... if the same number or percentage of overtime hours are worked.” “I suggest, then,” said Frank Honigsbaum, a director of research at the International Brotherhood of Paper Makers, “that because we find a hunger for overtime today does not necessarily mean that workers do not want to establish a new reference level of 32 or 36 hours,” although the maximum hour standard even from their
perspectives became a reference criterion rather than the real maximum.\textsuperscript{150} The most explicit disagreement based on rank-and-file demands came from working women. Sylvia Gottlieb, CWA research director, argued that “a large segment of female workers” in the telephone industry, “almost without exception, when they are asked what is the one thing they want in collective bargaining this year their response is a shorter work day or a shorter work week,” primarily due to their “dual responsibilities” at home and the job. As argued below, shorter hours remained important for discriminated groups in the American labor force.

The 1956 Conference revealed the retreat of a significant part of organized labor from serious advocacy for shorter-hours standards, especially legislative improvement, and their preference of corporate welfare over fewer hours. Even John L. Lewis, once a leader of the shorter-hours movement in the CIO, told his fellow shorter-hours advocates at the UMW's 1957 convention: “If you want to stop eating so much and loaf more, we can get you the six-hour day”\textsuperscript{151} In this way, the American labor's mindset drastically changed by the 1950s. Many white, male workers were now preoccupied with handling the growing financial pressures built into American corporate-centered society, and, with a relatively small public

\textsuperscript{150} Conference on Shorter Hours, AFL-CIO, 1956, op. cit. 20-35.

welfare system, the most reliable individual solution was to accept existing full-time hours. The shorter-hours movement lost its momentum.

Theory on Hours in Corporate-centered Society

To regard shorter hours as a return to workers of improved productivity or technological advancement dates back to the mid-1920s when the AFL adopted the position for the first time.\footnote{Roediger and Foner, \textit{Our Own Time}, op. cit. (1989) 237.} Since the late 1940s, however, the concept started functioning as a theoretical ground for both labor and business to postpone (at least for the short-term) or oppose reduction in working hours. By linking work time with productivity, labor leaders had initially intended to justify their long-term demand for shorter hours. Technological development, they said, brought about a necessity to reduce work time for workers on two grounds: labor-saving mechanization or automation caused continuous lay-offs, and therefore work-sharing should stabilize employment; and the fruits of higher productivity must be shared with the working-class, and especially the workers who had contributed to it deserved more leisure. By the 1950s, the second argument had become a burden for the shorter-hours movement. Reducing the demand for shorter hours into the mathematical formula for

\footnote{Roediger and Foner, \textit{Our Own Time}, op. cit. (1989) 237.}
productivity made it easy for business groups to oppose shorter hours because the fruits of higher productivity were being redistributed in a material form of higher wages and benefits on an unprecedented scale, with which labor agreed. If labor would choose the non-material reward of more leisure, in the simplest interpretation of the formula, it must give up a material reward. Labor had already internalized this concept. For example, when the AFL’s Shorter Work Day Committee pointed out six conditions that justified shortening hour in 1953, one of the conditions was described as a “failure of real wages to keep abreast of technological advances that increase the productivity of workers.” In this modified formula, labor lost its theoretical ground for shorter hours, if workers’ compensation kept abreast of growing productivity. Actually many unions after the late 1940s focused collective bargaining on greater compensation rather than shorter hours. As to the issue of automation and unemployment, the Committee report did not generally discuss them but only addressed “insufficiency of unemployment compensation payments,” suggesting that the pressure for work-sharing would be eased if unemployment compensation met workers’ financial needs under the seniority rule. Shorter-hours demands as reduced to a mathematical formula was undermined by the new capital-labor accords—institutionalized wage increase, long-term

employment, and, after 1955, supplemental unemployment benefits—of American corporate-centered society. Now that shorter hours became a choice—money or time—in private negotiations rather than an inherent working-class demand, shorter hours were no longer a political goal or public issue. Released from the historical demand for a 35- or 30-hour week, postwar liberals became preoccupied with expanding the economic pie instead of upgrading New Deal reforms.

The business community was confident of American workers’ choice. NAM's 1961 brochure, “The Issue of the Shorter Work Week,” maintained: “Where a choice is put before employees of more leisure or more income, they almost invariably choose the latter.” This was evidenced by “a frequent source of worker grievances is complaints relating to the sharing of over-time work—not complaints over the necessity to work extra time, but rather disputes over who is to have the privilege of earning the over-time.” Thus, NAM concluded, “there is little real sentiment among workers in favor of increased leisure at the price of reduced income.”154 Furthermore, the booklet delivered an additional blow against shorter hours as a non-class-based demand by adding a variable, consumer price (or inflation), into

154 Industrial Relations Division of the National Association of Manufacturers, The Issue of the Shorter Work Week (February 1961) 15-16. Folder 1, Box 55, RG98-002, George Meany Memorial Archives, Vertical Files, Series 1: Subject Vertical Files, AFL-CIO Archives.
the formula of productivity. “It is still less likely that they would consent to an actual reduction in their consumption of goods and services, as the price of increased leisure.”

Shorter hours with higher wage rates “must recover higher costs in the form of higher prices to consumers” and “such an inflationary process ... would cause us to lose markets to foreign competitors,” which would endanger American prosperity as a whole.\textsuperscript{155} In other words, according to NAM, lower consumer prices are another form of reward for the higher productivity of American society. Taking the quality and value of goods and services into consideration, this modified formula gave virtually unlimited excuses to their opposition to shorter hours, though the argument of inflation as an attack on both material and non-material returns for workers became politically influential only after the 1970s.

(4) Shorter Hours from the Periphery, 1960s–1970s

\textbf{The “Core” and “Periphery” of American Corporate-centered Society}

\textsuperscript{155} Ibid. 12-14.
The corporate welfare system, encompassing company-specific seniority rules, AIF, COLA, and other fringe benefits, benefitted only those employed in powerful corporations. At the core of American corporate-centered society, middle-aged, white, male workers, white-collar or blue-collar, employed by large corporations were given a promising route for higher living standards through relatively generous corporate welfare. At the same time, the combined social effects of gender disparity, longer education, earlier retirement, suburbanization, and lower social income put great financial pressure on white, male workers who aspired to “middle-class” living standards. The more dependent they were on the corporate welfare, the less enthusiastic they were about social democratic reforms.\textsuperscript{156} Many who had constituted the stronghold of industrial and political struggles in the New Deal period were less committed after World War II to furthering labor’s New Deal political agenda.

Meanwhile, opportunities expanded for white working-class men to enter white-collar occupations, either through internal promotions or through higher education and external labor markets. For young, white men who could not yet fully enjoy seniority-based corporate

welfare, opportunities to acquire higher income jobs were relatively abundant in postwar America. According to a 1952 survey of inter-generational social mobility, 68 percent of American men whose fathers were unskilled blue-collar or farm laborers experienced upward mobility (38 percent to skilled blue-collar jobs, 16 percent to white-collar positions, and 14 percent to self-employment). The high degree of upward social mobility among white men derived from various factors: the hegemonic position of the United States in the capitalist world economy, higher education open to white men, a relatively large proportion of white-collar jobs, and the exclusion of women and racial minorities from higher income jobs. Also, white men who experienced upward social mobility tended to be politically more conservative and were less likely to identify as a class than other social groups. The abundance of these opportunities enabled the new corporate-centered order to receive a broad public support.

Still, admission to generous corporate welfare was available only for the "core" labor force in corporate-centered society. Outside the vital center of the social order, there was an even greater "periphery" that was always short of the best corporate-welfare tickets. Social groups left on the peripheries of corporate-centered society included those employed in

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non-oligarchic, less successful, declining, or labor-intensive industrial sectors, and they included many women, racial minorities, and immigrants. For a part of the white, female population, there was an opportunity of upward social mobility, marrying higher-income partners as long as they accepted economic subordination and assumed a major part of unpaid domestic work. Otherwise, women had limited opportunities in the labor market except for jobs like teacher, nurse, or telephone operator. Racial minorities had even fewer opportunities than whites before the civil rights movement struck the postwar social order. Social welfare in the United States remained residual so that the narrow eligibility was largely given to racial minorities, which made the white majority even more antagonistic to reform politics. Social and political movements, including the voices for better labor standards, in the 1960s and 1970s, derived much of their energy from these unprivileged people.

In the era of corporate-centered society, most post-New Deal liberals and mainstream unions retreated from the shorter-hours movement, but it did not mean that demands for shorter hours completely disappeared in America. In fact, beginning at the end of 1950s, and through the 1970s, there were sporadic but important attempts to improve the FLSA. All attempts to reduce the FLSA's maximum workweek standard failed, but those who had not yet been covered by the law called for extended coverage and made epochal achievements. Some
major unions won through collective bargaining a shorter work year in the form of paid holidays and vacations. In 1963 major steel corporations and USW agreed on the nation's first sabbatical for blue-color workers. Beginning in January 1964, steel workers under these contracts qualified for a 13-week paid vacation once every five years (on a rotating basis) for all hourly worker in the top half of the seniority ranks.158 But these innovative shorter hours were provided as private welfare only in major corporations. Many of those who continued to push for universal shorter hours and more legal protections after the 1950s were less favored social groups that had mostly been excluded from corporate welfare, union contracts, or the protection of the FLSA. When the Rubber Workers chose between a 36- and 40-hour week during the late 1940s and 1950s, for example, the majority of female workers, who found the six-hour day schedule helped their household tasks, and the youngest workers who had the lowest seniority, together with a part of senior employees who kept attachments to labor movement, tended to be in favor of 36-hour schedule.159 African American activists and the civil rights movement had put substantial pressure on labor leaders like George Meany who

158 “Labor: A Satisfactory Steel Settlement,” Time (June 28, 1963) [http://content.time.com/time/magazine/article/0,9171,874987,00.html]
159 A report by Woodrow L. Ginsburg and Ralph Bergmann (Research Department, United Rubber, Cork, Linoleum and Plastic Workers of America), Conference on Shorter Hours, AFL-CIO, 1956, op. cit. 38-40.
sometimes were receptive to shorter-hour tactics in the 1960s.\textsuperscript{160} Though lacking the publicity of campaigns carried out during the New Deal period, shorter-hours struggles continued at the periphery of corporate-centered society.

**Rejected 35-Hour Propositions**

American liberalism after the 1950s moved away from the New Deal tradition or a social democratic track. Business-backed, conservative versions of Keynesian policy became dominant.\textsuperscript{161} The old concepts of purchasing power and full employment remained a part of the discourse, but they were no longer connected with shorter hours. Rather, American liberals in the postwar “affluent society” lost patience for bold proposals to amend the FLSA, except piecemeal coverage extensions. The AFL-CIO’s 1959 convention resolved to make Congress amend the FLSA to provide for 35-hour week (7-hour day and 5-day week) standard, but the pressure for the plan did not sway the "core" members in labor movement. Moreover, liberal allies like Senator John F. Kennedy, Democratic candidate for the 1960


presidential election, did not support the 35-hour proposal.\textsuperscript{162} Obsessed by the productive force of the Soviet Union, Kennedy believed a shorter work meant smaller output. “In the face of the Communist challenge,” Kennedy warned the USW, which passed a resolution for a four-day week in its 1960 convention, “we must meet today's problem of unemployment with greater production rather than by sharing the work.” The 35-hour bill was sponsored by Representative Adam Clayton Powell, Jr. (D-NY), the chairman of the House Committee on Education and Labor beginning in 1961, but few Democrats followed him. The pressure mainly came from the unions in depressed industries, such as the ILGWU which had already won 35-hour week contracts and resolved to establish a 35-hour week law at its 1962 convention. Opposition by many liberals in the Kennedy administration doomed the 35-hour bills. Both Secretary of Labor Arthur J. Goldberg and Walter W. Heller, the head of the Council of Economic Advisers, were known for their insistence that shortening work time was a bad idea, at odds with US prosperity. Goldberg maintained in 1961 that “an artificially short-week is sharing unemployment, not jobs.” Most of the Kennedy's top aides in the President's Advisory Committee on Labor-Management Policy had embraced a theory of

Kennedy's speech at the White House Conference on National Economic Issues in May 1962, made it clear that his administration believed American prosperity sustainable. Three main goals—maximum production, full-employment and price stabilization—could be achieved, and he was cautious about “the trap of accepting the inevitability of over-capacity and of saturated demand—as manifested in the many current proposals for a shorter workweek.” At the same conference, Secretary of Commerce Luther H. Hodges opposed 35-hour proposals, arguing, “those who embrace the shorter work week reflect a lack of confidence in our future ....” Hodges added that full use of the nation's productive capacity and manpower required full employment on a 40-hour basis. Charles R. Slight, Jr., executive vice president of NAM, insisted that shortening work time was the worst proposal because it would be at the expense of increases in the nation's living standard. Some labor representatives, while supporting a 35-hour week, also agreed that full employment on a 40-hour basis was “ideal.”

Similar propositions introduced in 1963 by Elmer J. Holland (D-PA), chairman of the Subcommittee on Labor at Powell's Committee, namely 32-hour bill


[H.R. 355] and 35-hour bills [H.R. 3102 and H.R. 3320], did not go through, either. By this time, the goal of shorter work hours was associated with the issue of race. “Two groups, the youth and the Negro, have unemployment rates approaching crisis dimensions,” said Representative Holland, and “We cannot let this situation continue.”

**FLSA Coverage Debate**

Meanwhile, since 1959, Senator Kennedy and Representative James Roosevelt (D-CA) sponsored the AFL-CIO-backed bills (S. 1046 and H.R. 4488) that provided FLSA protection to an additional 11 million workers. The Democrats’ victory in 1958 midterm election, had presented an opportunity for the advocates of FLSA improvement. Eisenhower’s secretary of labor, James P. Mitchell, and business groups, opposed S.1046, arguing that increases in labor costs would reduce employment. But at the beginning of the 1960 Congressional session, they had accepted a moderate amendment. The Administration's bills (S. 1967 and H.R. 7490), sponsored by Republican Senator Winston L. Prouty (R-VT) and Representative Peter Frelinghuysen Jr. (R-NJ), proposed expanding FLSA coverage to 2.5

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million additional workers (but fewer would be covered by hour provisions), mostly in retail trades. These bills introduced a new concept of coverage, “enterprise coverage,” and a new interpretation of the Commerce Clause. In addition to the existing coverage criteria, whether or not individual workers engaged in interstate commerce or the production of goods for such commerce, this new criterion included all workers, regardless of the nature of their individual tasks, employed by enterprises “affecting” interstate commerce. The new criterion was designed to give coverage to retail, service, and other non-manufacturing industries. But the bills also introduced a limitation to the new coverage by creating a threshold of gross annual sales under which enterprises or establishments would be exempted. The sales threshold in S. 1046 was $50,000. On the other hand, S. 1967 provided a $1 million threshold with the additional condition that sales covered only interstate transactions and that enterprises employed 100 or more employees. Although this “million dollar inflow test” provision strictly limited the new coverage, the concept was a significant breakthrough that would potentially expand the coverage, if the $1 million threshold were to be reduced in the future. Kennedy, as the chairman of the Labor Subcommittee of the Senate Committee on Labor and Public Welfare, reported out the amended S. 1046 from the Subcommittee, but the bill had to wait for the 1960 session.  

New Frontier in Labor Standards

In 1960, only 24 million workers (39 percent), out of a workforce of 61 million, whose individual jobs were involved in interstate “commerce” or “production of goods” for such commerce, were covered by the FLSA. The vast majority of workers in retail, hotel/restaurant, other services, domestic workers, construction, agriculture, fishermen, local businesses, transit, as well as exempted professionals, sales, and government workers lacked legal protection. Most of these excluded workers were unorganized and unprotected by labor contracts that guaranteed corporate welfare. Until 1960, the FLSA was the law for relatively privileged workers who often had better labor standard guaranteed by collective bargaining. This cleavage in labor standards was a contributor to the larger issue of postwar American inequality, later dubbed “the Other America.” Aside from the unique American constitutional logic of restricting federal authority, it clearly violated the basic meaning of legal equality.

For most of those asked for more FLSA coverage, the primary concern was the minimum wage. But they did not dismiss the provisions of work time because they considered the issue an extension of economic civil rights for the less favored and an elimination of

[http://library.cqpress.com/cqalmanac/cqal59-1335582]
social discrimination. To realize equality under the law, all FLSA provisions must be applied to the unprivileged workers. The House actually passed, in June 1960, an amended bill (H.R. 12677) that extended coverage of minimum wage provision for only 700,000 workers and did not extend overtime provision coverage at all (actually reduced coverage), while the Senate in August passed a bill (originally, S. 3758) that would extend the coverage of both minimum wage and maximum hour standards to 4 million additional workers. The Senate bill adopted, however, a dual thresholds for “enterprise” and its smaller “establishment” unit. Specifically, the two major groups newly covered by the Senate bill were (1) employees of retail or service enterprises engaged in activities affecting interstate commerce or production for such commerce provided that the enterprise had annual gross sales of $1 million or more, and (2) employees of establishments having at least $250,000 in gross annual volume of sales ($350,000 in the case of construction), if any employee of the establishment was covered by the FLSA based on the original criteria. If an individual retail store as an establishment, for example, had less than $250,000 in annual sales, then it would be exempted regardless of whether it was a part of a million-dollar giant chain. This would practically weaken the enterprise coverage because it permitted large corporations to escape from the FLSA by splitting units. The Senate bill exempted from the new enterprise-establishment coverage, employees of hotels, restaurants, outside salesmen, agriculture, and several more industries.
The Senate bill also exempted, only from the workweek standard, various employee groups: local transit, TV/Radio stations, employees in marketing, seafood processing, seamen, drivers, decorators, local wholesale, and so on.\textsuperscript{168} Even in the Senate bill, hour standard coverage would be a little smaller than minimum wage coverage.

Kennedy in his tough presidential race—Vice President Richard Nixon polled slightly ahead in popular support—delivered a speech right before the passage of the Senate bill. Kennedy stressed that the primary purpose of the bill was to give “the lowest paid workers” the opportunity to earn a high standard of living, increase purchasing power, and eliminate unfair competition based on substandard labor standards. Like many other postwar liberals, Kennedy was reluctant to expand universal welfare, for example, a general reduction of work-time standards, but he viewed giving the unfortunate, forgotten part of society an opportunity to share economic prosperity part of a new liberal frontier. “They are equally entitled to share in economic progress.”\textsuperscript{169} The House-Senate Conference, however, failed to reach agreement at the end of August 1960.


After Kennedy's inauguration, the Senate bill won full administration support. The administration bills were introduced by Representative James Roosevelt (D-CA) (H.R. 3935) and by Senator Patrick V. McNamara (D-MI) (S. 895). The House again favored no extension of the hours’ standard, but a group of Southern Democrats eventually accepted the Administration bill after some compromises in Conference. The final bill was reconciled with the Senate bill, accepting a few revisions made by H.R. 3935 to exempt a few more groups. The amendment to increase the federal minimum wage and expand coverage was finally passed in May 1961. An estimated 3.6 million workers obtained FLSA protection over four years, though many industries, such as hotels, restaurants, recreational facilities, hospitals and schools, were still exempted. It was the first major extension of the FLSA coverage since 1938. Even after the 1961 amendment passed, a moderate step forward, a majority of employed workers remained out of reach of the FLSA. But the introduction of new coverage criteria based on the scale of business transactions and an expanded interpretation of the Commerce Clause broke the traditional deadlock over the law's coverage.170

**War on Poverty and Overtime**

As civil rights and other radical movements in the 1960s addressed poverty and inequities in American society, it was no longer acceptable for those at the bottom of the social order to be ignored by the basic labor standards. In 1964, President Lyndon B. Johnson launched a renewed campaign to improve the FLSA. Organized labor and the Johnson administration aimed at extending FLSA coverage by reducing and unifying the complicated sales threshold simply to $250,000 for all business (the existing law provided, for example, $1 million for retail enterprise but $250,000 for gas station and $350,000 for construction), and by removing many special exemptions. The Administration estimated in 1965 that their plan would bring the FLSA protection to 4.6 million workers in hotels, restaurants, hospitals, nursing homes, construction, agriculture, laundering, and other groups. Moreover, Johnson proposed a double-time premium applicable to more than 45 hours of work per week (S. 1741, H.R. 1680, and H.R. 9802, 1964). This was the first, and the last, attempt by the White House after the New Deal to change the core provision of work-time regulation based on a work-sharing agenda. According to the Department of Labor, “its provision for an increase in
the Fair Labor Standards Act's premium pay rate for overtime is certain to lead to a reduction in such overtime and the creation of additional job opportunities.\textsuperscript{171}

In May, 1965, administration bills were introduced in the Senate (S. 1986) by Senator Patrick McNamara and in the House (H.R. 8259) by Representative Adam C. Powell, Jr. The General Labor Subcommittee in the House Committee on Education and Labor held hearings between May 25 and July 21. Secretary of Labor William Willard Wirtz argued that the reason for providing a larger overtime premium was not to increase premium income but to make it a real penalty, as originally intended in 1938.

(Overtime premium) is no longer an effective deterrent to excessively long hours of work. In many instances overtime work at time and a half is less costly to an employer than the hiring of additional workers... the employment which is now enjoyed by a very great many people, millions of them engaged in overtime work, is to be spread among those who are today unemployed... I want to make it quite clear that the sole and only purpose of this provision (double time for overtime after 45-hour) is not to increase earnings but to extend employment beyond what it is now.

The tendency of using overtime on a regular basis instead of employing more staff had been accelerated by expanded corporate welfare, which increased the fixed costs for each employee and proved a disincentive to add employees. Wirtz equated overtime with lost jobs. Specifically, 62.5 million overtime hours done by 8 million employees in 1964 was “the

equivalent of more than 1.5 million full-time jobs,” and Wirtz estimated the double-time premium would create between 200,000 and 300,000 jobs.\footnote{Hearings before the General Subcommittee on Labor of the Committee on Education and Labor, House of Representatives, 89th Congress, First Session, on H.R. 8259: Minimum Wage-Hour Amendments 1965 (May and June 1965) Part 1: 11-12, 22, 86.}

**Agenda No. 4: Economic Civil Rights**

At the congressional hearings on H.R. 8259 in June 1965, Clarence Mitchell, director of the Washington Bureau of the National Association for the Advancement of Colored People, made a powerful statement on behalf of prominent civil rights leaders, like A. Philip Randolph, president of the Negro American Labor Council, Dorothy Height, of the National Council of Negro Women, James Farmer, national director of the Congress of Racial Equality, James Forman, of the Student Non-Violent Coordinating Committee, Martin Luther King, Jr. of the Southern Christian Leadership Conference, and Bayard Rustin, who had addressed labor issues for African Americans more than anyone.\footnote{“Civil Rights Leaders Back Wage-Hour Law Reforms,” *AFL-CIO News* (July 3, 1965) 1, Folder 25: Black Labor Coalition 1965-75, Box 38, RG9-003, Civil Rights Department Records 1946-2000, AFL-CIO Archives.} Mitchell argued the unemployment rate among the African American labor force was double the white rate. The majority of African American workers found themselves in low-paid unstable jobs. They were
disproportionately concentrated in the jobs outside of the FLSA. Mitchell criticized the overall functioning of corporate-centered society with its “terrible heritage of racism in America, of a system which did not simply segregate the Negro in the South, but which forced him into ghettos; denied him a decent education; hired him last and fired him first in the North, South, East, and West.” Mitchell expressed support for the Johnson proposals, calling them an important step for economic civil rights. “Many Negroes will thus be given a first measure of economic citizenship working in the restaurant, hotels, motels, laundries, and hospitals of America.” Yet Mitchell also complained about too many exemptions for “colored jobs,” such as domestic service, from the FLSA protection. He therefore supported the law only as “a first step” and urged eliminating more exemptions.¹⁷⁴

Thus, by the mid 1960s, shorter-hours demands had acquired a new (fourth) agenda, that is, to correct discriminatory treatment in industries and economic disparity. Extension of the FLSA coverage, equality under the law, was just a first step for the new agenda. For racial minorities, women, and other residents on the periphery of American corporate-centered society, a general reduction of work time, with advanced social welfare, would improve job opportunities and living standards. Rustin regarded shorter hours as a part of economic civil

rights. Criticizing the states' "right to work laws" and the Taft-Hartley Act, Rustin concluded that "what these laws do is to guarantee the right to work long hours: the right to bar Negroes: the right to underpay women who do equal work with men: the right to pay substandard wages," not the right "to receive work at fair wages, reasonable hours, and under decent labor standards."175 People who had been excluded from the center of social developments, including the FLSA, now joined shorter work hour advocates.

In 1966, the energy of the civil rights movement enabled the FLSA amendment. The General Labor Subcommittee extended minimum wage coverage to 7.9 million additional workers and maximum hour coverage to five million additional workers. The new House bill (H.R. 10518) was postponed on the House floor, but a compromise was fashioned among business, labor, liberals, and conservatives, in March 1966. The landmark amendment of the FLSA (H.R. 13712) extended coverage to six million additional workers (9.1 million in the case of minimum wage coverage), the largest extension of coverage in the history of FLSA. With the 1966 amendment, the FLSA finally became law for the majority of American workers. Newly covered included private and public (state and municipal) employees in hospitals, nursing homes, transit systems, schools, colleges and universities. The amended law

also extended its protection to a portion of the work force in retail, service, construction, food
processing, and taxi industries. Various exemptions were abolished. The sales threshold was
unified and reduced to $250,000 by 1969, and workers in some industries were covered
regardless of annual sales. However, many employees in hotels, restaurants, agriculture,
recreation facilities, some sales, and various other categories were only covered by minimum
wage not maximum hour rules.\footnote{176}\footnote{177} President Johnson's double-time premium proposal, which
employers and economic advisors in the administration criticized, was dismissed.\footnote{178} Because
"it is far more efficient to give your regular employees considerable overtime [than to employ
new staffs and] ... you will put our plant and other small industries out of business," a vice
president of the Coca-Cola Bottling Company of Huntington (WV) argued, "my employees
will be out campaigning against you [President Johnson] as the man who wants to take their
overtime away."\footnote{179} The shorter-hours movement in the periphery of American


177 Memorandum for the President, by the Chairman of the Council of Economic Advisers (May 20, 1965), LA8 Wages-Hours (11/22/63-4/4/66), Box 32, Labor, President 1963-69, Lyndon B. Johnson Papers. Letters to the President, by the National Tool, Die & Precision Machining Association (March 6, 1964), and by Drug and Allied Products Guild, Inc. (March 11, 1964), LA8 Wages-Hours (11/22/63-3/15/64), Box 33, op. cit., LBJ Papers. Letter to Charles C. Keeble, Humble Oil & Refining Company, by Walter Jenkins, special assistant to the President (March 27, 1964), LA8 (3/1/64-10/31/64), Box 33, op. cit., LBJ Papers. Editorial, \textit{Pulp and Paper} (January 25, 1965) 50, LA8 Wages-Hours (April 1965-October), Box 33, op. cit. LBJ Papers.

178 Letter to the President Johnson, by H. L. "Pat" Broh, vice president and general manager of Coca-Cola Bottling Company of Huntington, West Virginia (July 27, 1964), LA8 (3/1/64-10/31/64), Box 33, op. cit. LBJ Papers.
A few unions went beyond the boundaries of American corporate-centered society. In 1962, Local 3 of the International Brotherhood of Electrical Workers (IBEW), which had organized 9,000 construction electricians in New York, led a strike demanding a 20-hour workweek. Since 1936, Local 3 had had a 30-hour basic workweek—a basic six-hours plus an hour of required overtime for each of five days a week—and began its campaign for a 20-hour week (basic four-hour day) in 1958. “Impossible.” The construction industry in New York initially refused to negotiate Local 3’s demand for a 20-hour week and maintained the adamant position until the end of 1961. City Labor Commissioner Harold A. Felix and Deputy Labor Commissioner James J. McFadden, acting as a chief mediator in the dispute, tried to avert Local 3’s prospective strike by proposing to turn the issue be over to a board of inquiry. They also suggested a guaranteed annual wage plan. Neither idea convinced either
side. The electricians’ walkout effectively shut down $1.25 billion in building projects because nearly all the building construction sites required electric wire installation. The union exempted power and maintenance for street and traffic lights, hospitals, other vital institutions, and construction sites for other construction workers. After six days, the Building Trades Employers Association (BTEA), which represented 25 associations of contractors that managed about 80 percent of all construction work in New York, ordered a complete stop in construction work, threatening layoffs of many construction-related workers. They announced that the decision was made because safety standard could not be met without electricity.

Meanwhile the industry found they could no longer ignore Local 3’s demands because Mayor Robert F. Wagner, faced with national attention, played a more active role in urging both sides to arrive at a new settlement. Business Manager Harry Van Arsdale, Jr. of Local 3, and Efrem A. Kahn, chief industry bargainer, began to talk about the possibility of a “breakthrough” in return for the union’s compromise from a 20-hour demand to a “shorter


than 30-hour” demand.¹⁸² One hundred and twenty-five contractors, mostly working for city-funded projects, agreed to settle the nation's first 25-hour (five-hour day) contract. The Greater City Electrical Contractor Association, another industry group outside BTEA, also agreed to a basic daily five-hour plus an hour overtime pact and to train an additional 1,000 apprentices over the annual quota of 250.¹⁸³ On January 18, at Gracie Mansion, after an eight day strike, 475 members of the BTEA, the vast majority of the contractors in New York construction industry, finally signed on to the five-hour pact that would come into effect on July 1, 1962. The average Local 3 member had earned $165 a week from six hours at a regular $4.40 hourly wage plus a required hour of overtime for five days. In the new 25-hour week contract, they made $161.2 a week from five hours at a regular $4.96 hourly rate plus a voluntary hour of overtime for five days. The deal included five hours (14.3%) of workweek reduction, $3.8 (2.3%) weekly pay reduction, $0.56 (12.7%) hourly wage rate raise, additional vacation (three weeks after 25 years of seniority), and 2,000 new jobs.¹⁸⁴ It was the shortest workweek contract in the United States. William E. Dunn, executive director of the


Associated General Contractors of America, asked the Kennedy administration for help, claiming that “the 30-hour week is moving out of New York to other large cities, such as Chicago and Detroit, like a contagious virus.” Soon after the settlement was reached, the New York City Central Labor Council (NYCCLC), for which Van Arsdale served as president, called on all affiliated unions in the metropolitan area, representing 1,000,000 workers, to follow the track and include the shorter workweek among demands for their next negotiations. “That is our goal in every industry—production, construction and service” NYCCLC said. “We believe that this first breakthrough by Local 3 has opened the door to general advances in this field—a shorter work week.”

The goal of work sharing—spreading jobs by reducing working hour—was a major motive for the union’s leadership. Trying to convince the public that the union’s action was by no means to promote their narrow interests from overtime premium, Van Arsdale of Local 3 stressed, “Full employment is the crucial issue of our decade—not the twenty-hour week.” “We get as many as 30 calls a week from sister locals all over the country asking us to find


jobs for out-of-work electricians.” Of course, Van Arsdale made it clear that it was for their own job security, too. “The (Local's) men preferred the new contract because under it there is less chance of unemployment.” Electricians in New York were threatened by the forces of automation that had constantly cut jobs. Local 3 did not oppose automation itself, but demanded a way to overcome its negative consequence for workers. A shorter workweek was basically the only feasible answer for them, Van Arsdale claimed. Alternatives to reducing the impact of automation, such as a “guaranteed annual wage,” which would only protect those who currently had jobs, were turned down. In most of the Local 3 workplaces, according to the Local, the shorter work day under the 1962 contract was “enthusiastically received” with “great approval of the membership,” and the work went smoothly without any trouble with other trades or contractors. There were some local superintendents at the busiest workplaces, where three hours of overtime predominated, that decided not to shorten overtime or total hours for a while. But others managed to shrink working hours in accordance with the principle of the new contract.

187 “An Expert Speaks: The Shorter Work Week;” A51-A50 (February 1962), Five-Hour Day: News Articles and Drafts, Box 1, Section N1, Local 3 Papers.

188 Telegrams and letters to Local 3 from the foremen (July, 1962), Five-hour Day: Superintendents, Foremen Comments, Box 2, Section M1, Local 3 Papers.
During and after the strike, Local 3 received congratulations and condemnations from across the country. A leader of Local 595 of IBEW in Oakland, California, described Local 3’s new contract as “a goal which all locals of the IBEW and other labor organizations should strive to reach.” Another enthusiast told the “25 hour week is the best answer to mechanization and automation.” Local 3’s victory empowered some segments of the labor movement. The executive secretary of the Allied Printing Trades Council of Greater New York argued that “the only way to eliminate the curse of unemployment brought about by automation, is a National Shorter Work Week.” A regional director of the AFL-CIO saw Local 3’s accomplishment as “a pace-setting example in the finest tradition of our movement.” 189 Meanwhile, condemnations included such preoccupations as shortening hours made the United States closer to “socialist” states “living on the dole.” 190 Not all reactions from other unions were encouraging, either. A unionist of Office Employees International Union in New Haven said none of a dozen trade unionists around him were very enthusiastic about Local 3’s efforts for shorter hours. 191 A more sympathetic unionist bemoaned that

189 Telegram from S.E. Rockwell (Local 595, IBEW, Oakland, CA), Louis Hollander, Louis F. Donato (APTC) and Michael Mann (Region 2 director, AFL-CIO), to Local 3 (January to February, 1962), Shorter Workweek: Local 3’s: Pro and Con Comments, Box 2, Section M1, Local 3 Papers.

190 A letter from Elizabeth E. Rudee to Harry Van Arsdale, (February 6, 1962), Shorter Workweek: Local 3’s: Pro and Con Comments, Box 2, Section M1, Local 3 Papers.

191 A letter from Joseph M. Rourke (OEIU Local 376) to Harry Van Arsdale, Jr. (January 8, 1962), Shorter Workweek: Local 3’s: Pro and Con Comments, Box 2, Section M1, Local 3 Papers.
Teamsters heaped “abuses” on Local 3. A publicized cartoon which depicted only a New York electrical worker jumping on a drum and other organized labor guys looking baffled, had a harsh subtitle, “Wish He’d Stop, It Makes Us All Look Silly!”\(^{192}\) Other construction unions, even in New York, did not follow the track for a shorter workweek after Local 3’s victory, preferring increases in wages and fringe benefit packages. In his letter congratulating Van Arsdale, James J. Matles, a long-time organizer of the United Electrical Workers, complained that “the leadership of the other unions representing GE and Westinghouse workers refused to submit a similar demand to these companies.” Matles said, “it is a tragedy that the workers in steel, auto and electrical manufacturing with a forty-hour week and who are in the greatest need of the shorter work week, find their leaders are not only dragging their feet but, in many instances, actually are opposing the shorter work week.”\(^{193}\)

The Kennedy administration and the AFL-CIO in Washington DC, according to a controversial column in the \textit{New York Times}, took an unfavorable view of Local 3’s 25-hour workweek contract. High officials in the Administration called it “unjustifiable.” John F.  


\(^{193}\) A letter from James J. Matles to Harry Van Arsdale, Jr. (January 25, 1962), Shorter Workweek: Local 3’s: Pro and Con Comments, Box 2, Section M1, \textit{Local 3 Papers}. 
Kennedy “regretted” the victory of Local 3, repeating his concern that he had already made clear to the United Steelworkers before his election, that the United States needed to solve unemployment by creating “greater production rather than by sharing the work.” This remark well represented the postwar liberal’s mindset. “A general reduction of the hours of work” had nothing to do with “full employment,” and rather they saw it as a hindrance. But this typical criticism was puzzling in explaining the Local 3 case because increasing the total numbers of jobs (reducing individual workers' hours of work) did not necessarily reduce the total amount of production or service. Still postwar liberals insisted that everyone would eventually have 40-hour jobs through their growth policy including across-the-board tax reduction rather than hour reduction. The Kennedy administration also warned that the “high cost” of labor in New York construction sites—such as office headquarters, luxury apartments, and public housing—would eventually be passed on to the occupants, customers, or taxpayers. This was almost identical to the business organizations' argument against shorter hours.

Likewise, national leaders of the AFL-CIO saw Local 3 as embarrassing. They denied that Local 3’s contract would set a national precedent. George Meany and four of the AFL-CIO’s vice presidents, on the President Committee, did not confront the Kennedy administration about the working hour matter. Some leaders like Michael Mann, director of Region 2, and Richard E. Mooney, “5-Hour Day Here Upsets Capital and A.F.L.-C.I.O.,” New York Times (January 21,
AFL-CIO, defended Local 3, pointing out that Local 3 did not mindlessly demand shorter hours but carefully took the action at an open membership meeting by a vote of 5,000 to 3 with “full recognition of all of the basic issues involved including the welfare of our community and our nation.” But the national AFL-CIO did not support Local 3.

Typical skepticism about Local 3’s 25-hour week achievement was that it was simply a device to acquire more overtime premium pay for selfish Local 3 members, rather than for sincerely spreading their jobs to the jobless. In reality, it did create a decent numbers of new jobs. Local 3 formerly had about 6,000 journeymen electricians in the construction division. As a result of 25-hour week agreement, the industry recruited 2,000 apprentices in addition to its annual quota of 250. The number looks small but the ratio to the original journeymen, that is a 33 percent job increase, was not trivial at all. It should be noted that this achievement was not a natural consequence of business decisions or market mechanisms. It is true that a shorter workweek “enabled” job creation, but new jobs in this case were created by the union’s conscious decision to spread work by using its job control practice. Local 3 had long controlled apprentice recruiting and training to keep the number of qualified electricians...


within the number of available jobs. Temporary gaps were made up by issuing work permits to skilled electricians from outside New York. Without worker job control of this kind, reduced hours would not necessarily generate new jobs. Meanwhile the overtime taken during a normal sample period, February through April in 1963, did not increased and actually ran below the pre-25-hour years.¹⁹⁶

Responding to more traditional shorter workweek criticism, Van Arsdale made it clear: “Each time [when a major shortening of the workweek happened in US history] so-called authorities cried that too much free time would lead to moral degeneration. It didn't happen.” Education was the answer for Van Arsdale. Local 3 had instituted their own educational programs in which their members studied occupational training courses to keep up with technological changes along with developing union/community leadership. Local 3’s scholarship programs enabled hundreds of children of the union members to enroll in various courses from philosophy to labor management at Bayberry School in Southampton, Long Island. Stimulated by these educational programs, some workers even took courses at the City University of New York and the New School for degrees. Van Arsdale envisioned “a time when the nation's work force will work four hours daily and spend four hours studying in

¹⁹⁶ “Why the 25-Hour Week Hasn't Caught On,” Business Week (July 6, 1963) 90, Shorter Workweek: Local 3’s: Pro and Con Comments, Box 2, Section M1, Local 3 Papers.
colleges.” Still, for many workers who won a 25-hour week, extra free time was not necessarily used for industriousness. Having extra free time was not so unusual, or unethical, for other social classes in New York. A survey in 1962 showed that thousands witnessed self-employed business executives, lawyers, and doctors knock off work on Thursday night or Friday noon and returned to office on Monday, virtually enjoying their 4-day week.197

Van Arsdale also took on the “moonlighting” argument, another popular topic for the opponents of shorter workweek because reduced income from reduced working time would likely force many people to work two jobs, which could ruin the entire effort of job creation. “The explanation (of moonlighting) is not the shortening work week. It is low pay. You won't find any man making a decent wage working at two jobs.” Local 3’s 25-hour contract actually kept nearly the same pay as before. But also an important factor was how much financial security workers had over their entire working lives. Wages alone could not stabilize a worker’s life. The union reinforced financial security through their low-cost cooperative housing for 2,000 families in Queens, along with the educational programs mentioned above. Rather than emphasizing a “six-cent raise this year and another six-cent raise next year,” Van

197 Gene Glesson, “Now 3-Day Week Ends,” Herald Tribune (February 25, 1962), Shorter Workweek: Local 3’s: Pro and Con Comments, Box 2, Section M1, Local 3 Papers.
Arsdale told, “unions must work up an entirely new set of values,” which included shorter work, more opportunity for education, and more financial security.198

The Local 3 case also demonstrated that a shorter workweek had a bearing on civil rights and women’s issues. Under pressure from civil rights groups, Van Arsdale proposed to make apprenticeship opportunities, obtained with the 25-hour contract, available to members of racial minorities, such as African Americans and Puerto Ricans, who had disproportionately accounted for New York’s jobless population.199 Local 3’s 25-hour week became an important example of efforts to protect employment for both white male workers and other minority groups without sacrificing either one. While the shorter-hours movement had lost old allies from the middle class, liberals, and the mainstream labor unions during the postwar period, it found new allies on the periphery of corporate-centered society.

**The 1970s Recessions and Minorities' Alternatives to Unemployment**

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198 “An Expert Speaks: The Shorter Work Week;” A51-A50, Box 1, Section N1, Local 3 Papers.

199 A letter from Hugh C. Murphy (New York Regional Director, Bureau of Apprenticeship and Training, US Department of Labor) to Harry Van Arsdale, Jr. (April 23, 1962), Shorter Workweek, Local 3’s: Pro and Con Comments, Box 2, Section M1, Local 3 Papers.
The end of the postwar economic boom and following worldwide recessions during the 1970s revived shorter-hours drives in a segment of the American labor movement. Faced with a growing threat of layoffs and plant closures, the 1975 AFL-CIO convention passed a resolution for a 35-hour week campaign. Significant numbers of auto and steel locals launched drives for a four-day, 32-hour workweek and more holidays in 1976 and 1977. Led by Van Arsdale, the NYC Central Labor Council passed a 35-hour resolution in 1977. Those who had no legal protection, including 57 percent of all African American female employees in 1970, continued to be a focus of FLSA amendments. In 1974, coverage was expanded to state and local government employees and for a segment of domestic service workers. The 1977 amendment eliminated the exemption for employees in hotels, motels and restaurants.

Women, racial minorities and workers in less prosperous sectors faced the greatest challenge during recessions. In 1947, women accounted for 28 percent of the civilian labor


202 In 1976, the Supreme Court held that it was unconstitutional to apply the FLSA provisions to state and local government employees engaged in "traditional" government functions. Among domestic service workers, babysitters, other "companionship" caregivers, and live-in workers were exempted from the overtime provisions. US Department of Labor, Wage and Hour Division website: [www.dol.gov/whd/minwage/coverage.htm]
force and 27 percent of the unemployed. In 1973, they accounted for 39 percent and 48 percent respectively. The average unemployment rate for women minorities in 1973 was twice as high as the rate for white women. These official unemployment statistics did not include discouraged workers or involuntary part-timers, the majority of whom were women and minorities. Some civil rights advocates blamed seniority rules, a pillar of labor's backing for American corporate-centered society, for the discrimination. "Now that the courts have repeatedly found a variety of discriminatory seniority systems and job assignment practices to be unlawful," said Herbert Hill, national labor director of the NAACP, "unions operating in diverse jurisdictions continue to resist compliance with the law." These unions, Hill continued, "have become the institutional expression of the white workers' expectations, based upon the deprivation of the black workers... refusing conciliation agreements with the EEOC" [Equal Employment Opportunity Commission, a federal agency, established in 1965, to enforce civil right laws in workplaces]. Even though seniority clauses were originally designed to protect all worker, that women and racial minorities were "last hired" due to


historical segregation, convinced minority groups that seniority-based layoffs perpetuated discrimination. The AFL-CIO Civil Rights Department argued that many unions had struggled to eliminate segregation and to change seniority agreements but could not agree with the position of critics who asked to remove seniority rules without creating a "new setup" to protect all workers from discriminatory employers.205

There was no doubt, however, that labor unions faced difficulties in reaching a consensus about the "new setup." The recession heightened the frustration of recently hired women and minorities and heightened their feelings of inequity about seniority agreements. When General Motors laid off 1,400 employees at a Fremont plant (CA) in 1974, for example, almost all the women workers at the plant lost their jobs. Many of these women did not even qualify for the SUB, which required at least a year on the job. On the other hand, a quota system, the EEOC's alternative to seniority rules, generated bitterness among the older white workers, as evidenced in Jersey Central Power and Light Co. where a 1974 court decision voided the seniority clause. Rank-and-file minority workers themselves proposed an alternative to employer discretion in layoffs that differed from seniority system or quota

system. The women from Fremont who were suing GM asked for shorter work hours and work-sharing in which no employees would lose their jobs. Feminists supported a work sharing arrangements, such as a skip-week plan by which employees would alternate a week on the job and a week on unemployment insurance. In early 1975, EEOC's backlog of unsolved job-discrimination exceeded a hundred thousand cases. EEOC proposed various work-sharing arrangements, including a four-day week for an entire work force, elimination of overtime, and rotating layoffs. Eleanor H. Norton, as chairperson of the New York City Human Rights Commission in 1975 and as the head of the EEOC in 1977, spearheaded work-sharing campaigns. Some government officials got into line. Jule Sugarman, vice chairman of the Civil Service Commission, proposed a decennial-sabbatical plan, in which most American workers would withdraw from the work force one year out of ten. The plan would provide opportunities for continuing education and career changes. In 1980, the


Norton-led EEOC even tried to revise civil right laws on equal employment opportunity to require companies to use work-sharing programs as an alternative to layoffs.210

**Disagreements among Labor and Liberals**

The AFL-CIO's Civil Rights Department, in 1975, paid attention to a plan discussed in the New York State Governor's Task Force on Unemployment proposed by attorney Lillian L. Poses. The Poses Plan was a voluntary work sharing for firms that otherwise practiced layoffs. The Plan recommended that a firm planning a 20 percent reduction in total hours implement a four-day (32-hour) week instead of layoffs. The innovative aspect of the Poses Plan was a guarantee of unemployment insurance compensations for wage losses or labor cost increases caused by the work sharing plan, so that participating employers would incur no additional costs. In other words, the plan solved the wage question in shorter-hours discourses, over which business and labor had always disagreed, by making unemployment insurance flexible to sustain incomes for workers involving in work sharing. The program, later called short-time compensation, had been widespread in several Western European nations since the 1920s. The Poses Plan was less ambitious than traditional work sharing or universal reduction

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of the workweek through FLSA amendment because it addressed only layoff-threatening firms on a temporary basis and therefore it would protect only current job holders. Still, unlike a universal shorter-hours approach, Poses' version of work sharing was directly designed to overcome a discriminatory effect of the seniority system. Poses noted that her plan would "mitigate problem of seniority vs. last hired problem and that of seniority vs. Equal Opportunity Act (Affirmative Action) requirement" and "diffuse hostility of seniority-system layoff amongst workers."211 The AFL-CIO was reluctant, however, to feature this version of work sharing in its legislative campaigns. George Meany and other national-level labor officials agreed to short-time compensation only if it was voluntary, but they were also afraid that "implementation creates serious problems." If income maintenance by insurance was not sufficient, for example, or if employers abused the program to reduce salaries, it would result in asking white male workers "to share their earning capability with those most recently hired."212 Although some unions and state AFL-CIO officials were more active in pursuing short-time compensations, compared to the New Deal period and the aftermath of the war,


organized labor as a whole was lukewarm toward shorter-hours approaches to unemployment issues. 213

Neither could the voices of women and racial minority sway Capitol Hill. In May 1976, the National Organization for Women sent a statement to the Senate Committee on Labor and Public Welfare, which was discussing the Full Employment and Growth bill (the Humphrey-Hawkins Full Employment Act). It said:

In the past year, "last hired, first fired" has become a red-flag phrase to many women and minority men. Under the seniority principle, last year, 600 women were laid off at the Ford Motor Company, and 400 at General Motors. This comprised nearly all the women who had been hired in recent years through affirmative action. Over 300,000 women, or 11.2 percent of all women workers, as compared with 7.7 percent of all men workers in the durable goods manufacturing sector lost their jobs last year. Bona fide seniority system must be upheld and preserved as the only job security working women and men have. But... 'Trading off' between seniority and affirmative action is unacceptable since it creates destructive conflict over a shortage of jobs, pitting men against women, whites against blacks and other minorities, and placing the burden of recession on the people least able to bear it.214

Leon Keyserling opposed work sharing, just as he did in the debate on the 1945 Full Employment bill. "Sharing unemployment is not a viable solution to the problem of massive unemployment," while "sustained full employment, in contrast, is the solution to the entire problem of unemployment," said Keyserling.215 His testimony represented the main principle

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of postwar liberal policy on employment—enlarging the economic pie without sharing it. The
time of prosperity was already over, though. Growing numbers of involuntary part-time and
other underemployed workers, many of them women and minorities, began to aggravate
economic disparity. Labor and liberals failed to reach a consensus on shorter hours. District
Three of the International Union of Electrical, Radio and Machine Workers (IUE) was among
a few exceptions. Representing electronics-electrical workers in New York and northern New
Jersey, District Three had been in the forefront of the district's women and minority workers'
movement since the late 1960s.216 Its alternative anti-recession proposal required employers
who planned layoffs to reduce the workweek as short as 32 hours and required government to
guarantee workers a full week of wages. Unlike a voluntary Poses Plan, it was a legal
obligation to share work.

Instead of pitting worker against worker by making the seniority system the culprit, the retention
of employees on the job through a reduction in the work week without outs in pay, makes it possible to
avoid widespread layoffs and tensions.217

The Last Attempt, 1979

216 John Terry, “‘A Union’s Work is Never Done’: A History of IUE District Council Three,” The IUE Labor
Archives Project (Spring 2007). [www.libraries.rutgers.edu/scua/iue-history-of-district-council-three]

217 Testimony of William Bywater, president of the District Three, IUE, AFL-CIO: Hearings, S.50 and S.472
The Full Employment Act was enacted in 1978 without setting a goal for work sharing. Shorter-hours advocates had little hope for change on the federal level other than a FLSA amendment introduced by Representative John Conyers Jr. (D-MI). The Conyers bill (H.R.1784) proposed to reduce the maximum workweek to 35 hours and raise the premium rate for overtime to double the regular rate. It also prohibited compulsory overtime. The hearings revealed that the business community was determined to fight shorter-hours legislation. Now that job availability and security had been eroded, especially among women and minorities, Conyers explained, the 35-hour week was a direct answer to the goal of three percent unemployment mandated by the Humphrey-Hawkins Act. Proponents estimated eight million new jobs would be created when all the reforms had been implemented. Conyers also asserted that the shorter work became a sensible approach because an "increasing number of multiple-earner households" could lower financial pressures on working husbands. Rudolph Oswald, research director of AFL-CIO, pointed to a conflict between work time regulation and corporate welfare.

(As the Labor Secretary's 1966 report to the Congress demonstrated) the growth of fringe benefits has negated the "penalty" aspects of the overtime standard... (In 1962) fringes amounted to 20 percent of total compensation. By 1976, fringes have increased to 25 percent... The relative low cost of overtime now encourages employers to schedule overtime work on a regular basis rather than hiring and

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training additional employees. This may also explain why unemployment rates have remained (high)... while long workweeks are still the order of the day.\textsuperscript{219}

Business groups, DOL officials and several economists denied an assumption that sizeable new jobs would be created through implementing Conyers' 35-hour week proposals.\textsuperscript{220} Richard S. Landry, deputy chief economist of the US Chamber of Commerce, admitted that generous corporate welfare made it relatively cheaper to pay overtime than to hire more employees.

Why should an employer pay time and one-half for overtime when he could have another worker for only two-thirds the cost of overtime pay? The answer is the high cost of employee fringe benefits.\textsuperscript{221}

In terms of wages for a 35-hour week, most proponents argued that it was reasonable and feasible to maintain current pay. For many opponents, it would cause further inflation and disadvantage American industries in global competition. If the wage rate was fixed, according to opponents, lower purchasing power and more moonlighting would follow. Improving social income as an alternative to maintaining or raising wages, as suggested by New York University economics Professor Wassily Leontief, was ignored.

A large part of the income of our population's well-being does not depend on their immediate work - it goes for taxes, income distribution, social security, medical, and so on. This is part of income. One way of maintaining income without slowing down technological advance is just to admit that possibly it is quite all right to reduce work time, but maintain the living standard of the working

\textsuperscript{219} Hearings, H.R.1784 (1979) 30-31.


\textsuperscript{221} Hearings, H.R.1784 (1979) 115.
population not by simply increasing the cost of labor by paying them higher wages, but just take into account the indirect payments.

A solution promoted by Chamber of Commerce members was "to free up the economy so that it does not labor under the incubus of massive cost increases placed upon business by government regulation." The idea that deregulation would guarantee sufficient jobs was completely incompatible with any proposal for shorter hours. Opponents of shorter hours had always argued that productivity was not high enough. Now profits matter, according to Landry, because "the rate of return on the long-term investment by American business has not been sufficiently attractive to induce business firms to invest." These blatant calls for more profits by returning to a classic free market reflected a new economy in which corporate decisions to relocate capitals in a globalizing market had a critical influence on employment. As Denis J. Glavin, general president of the UE, argued, unemployment in this period derived from three major sources: recession-induced joblessness; long-term technological development (automation) that displaced jobs; and intensified global competition and runaway shops. Historically, shorter-hours campaigns had addressed depressions and automation issues but had not assumed the last question. In American company-centered

223 Hearings, H.R.1784 (1979) 126
224 Hearings, H.R.1784 (1979) 50.
society where corporate performance and decisions swayed the workers' fate, it was especially difficult for the shorter-hours approach to challenge the corporate claims. With little public attention, the Conyers bill was killed in committee.

Frank Runnels, president of the All Unions Committee to Shorten the Work Week (AUCSWW), which was formed in late 1977 by fifty local unions, admitted that "companies are... the most powerful force in this country" and the "drive for shorter hours has lain dormant" for a few decades. At the first national conference of AUCSWW in April 1978, Runnels declared an oath to overthrow the 40-hour week system. Since "the forty hour system has built a wall around our jobs...[and] that wall has locked out ten million people," he asserted, "it is time to tear that old wall down!"225 Unfortunately for the supporters of AUCSWW, it was the dawning of capitalist globalization. The Conyers' bill became the last serious attempt to reduce the FLSA' work-time standard.

225 All Unions' Committee to Shorten the Work Week, First National All Unions' Conference to Shorten the Work Week (April 1978) 2, 5, 7.
Chapter 4
Development of Work-time Regulation in Modern Japan, 1910s–1950s

(1) Perspectives

Economic Perspectives

Major studies on work time in Japan originated in Marxist analyses of Japanese capitalism in the 1930s. Moritaro Yamada, a Koza-school Marxist economist, attributes the “colonial” wage and the “life-exhausting” work hours to the “semi-feudal” nature of Japanese capitalism. Long work hours were constituted out of a backward sociopolitical system made of semi-feudal serfs, semi-slave industrial workers, militaristic gentry-capitalists, the patriarchal family, and the monarchy. Kazuo Okouchi, a famous scholar on economy and social policy influenced by the Koza-school, argued that working conditions in the early modern Japan fell below the level of “labor force reproduction” due to the delay of peasant differentiation, lack of a modern labor market, worker ties with pre-modern rural villages, and the weakness of labor unionism. He concludes, social policies were necessary to maintain the

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labor force and long-term stability of production. The Koza-school, in keeping with the myth that the Japanese had a tradition of adhering to a group mentality and were especially diligent, became influential during the 1950s. A typical assumption was the determinant of work time should be an equilibrium point between the business desire to increase productivity to maximize profits and the need to guarantee labor force reproduction. Later, some scholars such as Shojiro Ujihara and Kiyoshi Yamamoto revised Koza-school scholarship. Yamamoto pointed out that work time was traditionally moderate and the work ethic was weak in pre-modern Japan, which means that backwardness does not necessarily explain long work in modern Japanese capitalism. Yamamoto also questioned the prevailing theory that long work time was merely the flipside of low wages, arguing that work time was largely determined by technological development, regardless of wage levels. According to Yamamoto, it was productivity growth and the resulting intensification of labor that created pressure for shorter hours during the Taisho period (1910s to the early 1920s) and the postwar high growth period.

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(1960s to the early 1970s). The proposition that higher productivity determines shorter work time was supported by the business community. These economic accounts often see work-time reduction (the shorter-hours movement and the regulations of working hours) as a predestined shift toward the “optimal” equilibrium point of work time. The significance of labor movement and politics is generally underestimated.

**Cultural Perspectives**

Cultural history offers a completely different interpretation of Japanese work time. In his analysis of domestic sources of Japanese industrialization, Thomas C. Smith maintains that Japanese workers inherited cultural and ideological legacies of agrarian society from the late Edo period. Cultural concepts of "time" were passed down from farmers involved in domestic silk production, according to Smith. The concepts included a need of rational planning in allocating family members' time and a consensus that time belonged to the family and village, rather than its individual members. In other words, Japanese workers inherited a sense of industriousness and subservience to management. They also displayed a group mentality that allowed a hierarchical time-management as far as a manager was paternalistic.

229 Ibid, 144-147, 156-158, 167-169, 198-199.
yet fair to every member, and a relative indifference to their own work time.\textsuperscript{230} The theory of cultural succession is worth exploring since little historical explanation is available about the relative weakness of prewar Japanese workers in demanding shorter work hours. There are, however, limitations to this theory. Smith provides substantial evidences about Edo agrarian society, but does not clearly demonstrate how modern Japanese workers inherited and internalized agrarian traditions. Andrew Gordon argues that prewar Japanese workers were not always industrious or obedient. The conceptual association of a modern factory with a pre-modern agrarian family whereby members innately shared their lifelong fate is also questionable. Many Japanese manual workers frequently traveled from one employer to another, with little sense of identification as members of a particular company, at least until the 1920s.\textsuperscript{231} When Smith attributes the workaholism and loyalty of postwar Japanese workers to the same cultural succession, this theory carries a tone of determinism. Unless we view Edo tradition as a mysterious force that has survived all the transformations Japanese society has experienced since the Meiji period, further explanation would be needed to link it

\textsuperscript{230} Thomas C. Smith, \textit{Native Sources of Japanese Industrialization, 1750-1920} (Japanese translation, Tokyo; Mineruva Shobo, 2002) [215-234, note 70].

with postwar phenomena.\textsuperscript{232} Still, focusing on the values and mindset of ordinary working people helps us understand how deeply economic, cultural, and sociopolitical developments have connected and influenced each other.

**Sociopolitical Perspectives**

Political discourse on work-time regulation in prewar Japan emerged from political elites who had witnessed proletarian radicalization. Compared with industrialized Western societies, however, the prewar Japanese working-class found it difficult to directly influence politics. Historians, like Yoshio Utsumi, explain it based on a theory of hegemony-balance of power in class relations. The reduction of work time in prewar Japan was trivial because, he argues, the business groups were adamant in keeping wages low and requiring long hours to increase exports and foreign capital, and worker organizations were limited due to police oppression and the immaturity of the working class.\textsuperscript{233} Regarding the weakness of working-class in early modern Japan, Andrew Gordon draws attention to the absence of inter-urban guild networks among artisans during the Edo period. Modern factory workers did

\textsuperscript{232} Thomas C. Smith, op. cit. 237-238.

not inherit workplace practices of some journeyman groups in Tokyo to regulate entry into the trade or set working conditions through negotiations with the masters.\textsuperscript{234} Japanese labor had to struggle against economic hardships with a variety of disadvantages that limited their interests in building industry-wide campaigns for shorter working hours. Still, Japanese working-class played an important role in the development of work-time regulation. In the Taisho period, when many industrial workers joined labor disputes, the demand for shorter hours became one of major topics in labor issues. The Labor Standards Act (LSA), which prescribed the 48-hour maximum workweek, was established in 1947 when business and conservative groups were politically repressed by the U.S. occupation, and when labor unions and left-wing political parties organized millions of workers.

In terms of work-time regulation in postwar Japan, few scholars have explained the long delay in establishing the 40-hour-week standard. The new standard was not fully implemented until 1997, a decade after a major amendment of the LSA. As argued by many scholars, the main factor that led to the 1987 amendment was international pressure against Japan's “social dumping,” rather than domestic pressures for shorter hours.\textsuperscript{235} Takeshi


Fujimoto highlights a weakness of union demands for shorter hours and an increase of typical working hours in Japan after the mid-1970s, which deviated from their Western European counterparts.\footnote{Takeshi Fujimoto, \textit{Contemporary Work Time Issues} (Tokyo: Rodo Kagaku Kenkyujo, 1987) 32-44.} A balance-of-power thesis helps explain short-term factors for each historical event, but in order to understand a decades-long trajectory, such as an absence of strong political pressures for a 40-hour-week standard for four decades, we need a perspective on the sociopolitical order, a form of social integration that defines a pattern of economic development and class/gender relations for a certain period. It was the shaping of a unique corporate-centered society, as described in chapter 5, that accounted for the delay in the 40-hour legal standard.

\section*{(2) Work-time Regulation before 1945}

\textbf{Excessive Exploitation in Early Modern Japan}

Japan's modernization was heavily dependent on labor exploitation, ensuring people work extremely long hours. Extreme exploitation was deeply embedded in the early modern
Japanese capitalism. Established in the 1900s, heavily capitalized state corporations led a rapid industrialization and militarization. Powerful landlord class sustained an otherwise feeble capital market. Foreign capital was acquired through trade, in which textile industries (silk and cotton) played the most important role. Being aware of Western proletarian movements, Japanese ruling classes—large landlords, plutocratic capitalists [zaibatsu], bureaucrats, military officers, and imperial forces—took advantage of the state's absolute power to secure preemptive measures. In 1900, the Chian Keisatsu Hou [Security Police Act] prohibited workers and peasants from organizing and disputing collectively (Article 17), substantially limited political rights, and allowed the state and police to ban political activities easily. Japanese ruling classes were largely immune from democratic pressures, as only one percent of the total population had the right to vote by the end of the 19th century. Other factors, including the delay of class reformation, migrant workers' strong ties to rural communities, and the absence of inter-urban network in artisan society, contributed to the low level of working-class awareness and the relative weakness of labor and socialist movements in early modern Japan. Consequently, peasants suffering from high rents and workers suffering from low wages and unstable jobs had little choice but to accept extremely long and

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hard work. One of the major groups of industrial workers was female and children workers in raw silk, spinning, and textile industries who typically worked 12 to 18 hours a day seven days a week. Their slave-like conditions stemmed from the industry autocracy and family patriarchy. Another major group was male industrial workers employed in heavy industry, who typically worked 10 to 12 hours a day with two-days off per month.238

The Factory Act of 1911

By the end of the century, some bureaucrats, capitalists, and members of the intelligentsia began considering measures to regulate such exploitation. The Japanese government began unofficial research on workplace regulation in 1887, but it made no progress until 1898 when the first modern factory act was officially introduced in an advisory board of the Noshomu-sho (Ministry of Agriculture and Commerce). This occurred a year after the establishment of Rodo-Kumiai Kisei-kai [Association for the Formation of Labor Unions], Japan’s first major labor federation, led by Fusataro Takano, and the Tekko Kumiai [Iron-factory union] the first union organizing male workers in heavy industry. From the

beginning of Japanese labor movement, its leaders were aware of the shorter hours struggles in Western societies. Kisei-kai asked for a day off each week for all workers and an eight-hour day for junior workers. Its first major demand was a better factory legislation. As to the introduced bill, Kisei-kai demanded a 10-hour daily limit, eight hours for younger workers (ages 10 to 14), Sundays off every week, and a broader coverage.\(^{239}\) The beginning of the politics of labor standards also paralleled the formation of socialist movement in Japan. Sen Katayama and other leaders gathered in 1898 to found Shakai-shugi Kenkyu-kai [Society for the Study of Socialism], Japan’s first socialist group. The group established Shakai-Minshu Tou [the Social Democratic Party] in 1901 and demanded Sundays off and an eight-hour day, though the party was immediately banned by the Security Police Act. After the Russo-Japanese War, labor conflicts sprang up in major state and private corporations and raised concerns among the ruling class about the potential growth of proletarian movements and socialism in the Japanese Empire. Kisei-kai urged the Katsura cabinet in 1908 to implement social policies and correct excessive economic disparities.\(^{240}\) Japanese labor and socialist movements at the time, however, were not strong enough to draw many political


\(^{240}\) Tsutomu Hyodo, Development of Industrial Relations in Japan (Tokyo: Tokyo University Press, 1971) 271-274.
concessions beyond the minimum level of protecting labor force reproduction. Proletarian and socialist movements were the prime targets of police repression, which delayed the growth of the movements throughout the Meiji period (until 1912). With little democratic input, oppressive police, a weak peasant and working-class movement, and vigorous business resistance, especially from the cotton spinning industry, the most important source of foreign exchange, a factory bill was halted for twelve years, and when it finally became a law it was considerably watered down.241

The Factory Act of 1911, the first labor law in Japan, covered only women and the young between 12 and 15 years old who worked in establishments that regularly used 15 or more employees. It stipulated a maximum 12-hour day, twice a month holidays, permission for two hours of overtime for up to 84 times a year, and prohibition of midnight work. The implementation date was left blank (later it came into effect in 1916) plus an additional 15-year grace period until the maximum workday and the prohibition of midnight work became effective (in the meantime a 14-hour day would be applied). Thus long hours in textile factories, where two 12-hour shifts were the production norm, would remain almost completely intact until 1931. It was only in raw silk mills, where workers had been

accustomed to 15-18 hour days, that management had to rearrange the work shifts. The substance of the law provided little more than a minimal regulation to maintain the labor force’s physical existence. The backwardness of the Factory Act stemmed from the character of the sociopolitical sittings of early modern Japan: capital accumulation depending on extreme labor exploitation; an absolutist state enforcing modernization from above; limited democracy; and an immature working class due partially to the powerful landlord system and patriarchy in rural communities. The main principle of sociopolitical order in pre-World War I Japan was not consent but coercion.

Class Awakening: 1917-1922

Japanese capitalism reached its next phase in the Taisho period (1912-1926), especially during World War I when there was a rapid growth in heavy industries along with factory workers' communities and their class-consciousness. Factory workers initiated disputes with tradition-bound management based on a master-servant relationship and went beyond the boundary of social order prescribed by the Security Police Act. After 1917 they

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242 「工場法・御署名原本・明治四十四年・法律第四十六号」国立公文書館 [National Archives of Japan, Factory Act: Original: 1911: No.46] [www.archives.go.jp/ayumi/kobetsu/m44_1911_02.html]. Yoshio Utsumi, *History of Work Time*, op. cit. (1959) 213. The law also prohibited employment of children under 12 years old, but special permission could be granted for younger child labor down to 10 years old.
organized protests in shipbuilding, steel, armament factories, and other core heavy industries.\textsuperscript{243} Japanese capitalism saw class conflict for the first time in its history, making labor issues and social policy the major focus of its politics. State corporations informally permitted the workers’ unions in their factories. \textit{Oyakata} [foremen], who played the main role in establishing labor unions, tended to embrace a principle of labor-capital cooperation and nationalism, but many workers organized by foremen no longer accepted the old, authoritarian industrial order. Organized workers and farmers in those days asked the ruling class to respect their \textit{jinkaku} [human character and membership], which reflected their awakened self-consciousness as \textit{seisan-sha} (producers as opposed to non-producers, who simply owned the means of production). Their self-perception was not as impoverished dropouts nor as obedient second-class citizens who merely wanted to cultivate their own characteristics. They needed the decent membership of society. \textit{Yuai-kai} [Fraternity Association], established in 1912 as a mutual-aid group of labor, regenerated itself as a militant national center of labor unions (renamed \textit{Dai-Nihon Rodo So-Domei Yuai-kai} in 1919 and then as \textit{Nihon Rodo So-Domei} (\textit{So-Domei}) [General Federation of Japanese Labor] in 1921). It nurtured close relations with early socialist and revolutionary movements (the Japan

Socialist Alliance in 1920 and the Japan Communist Party in 1922). So-Domei in its 1922 manifesto declared: "We firmly believe that the working-class and capitalist-class are consistently in conflict with each other. With our force of labor unions, we shall create a new society in which we can reach genuine freedom, equality and complete liberation of the working class."²⁴⁴

The social order was shaky outside of factories, too. The Rice Riot in 1918 delivered a great shock to the Japanese ruling classes, for ordinary people in distress went beyond the boundaries of law to attack the shops and houses of the wealthy few and were antagonistic to the police and military. Meanwhile, starting in 1920, peasants organized resistance to landlords, causing a rapid increase in tenancy disputes. *Nihon Nomin Kumiai* (Japan Farmers Union, established in 1922) became radicalized and initiated a proletarian party movement by the mid-1920s. The movement was backed by peasants and small farmers who simultaneously owned and rented land. Plus, the Japanese ruling-class witnessed a series of major historical events in the world, including the fall of Western empires and the Russian Revolution in 1917, the German Revolution in 1918 and formation of the Weimar Republic, the launch of the British Labour government in 1924, and the establishment of the International Labor

Organization (ILO). Closer to home, in the March 1st Movement in Korea and the May 4th Movement in China, growing nationalism and anti-imperialism shocked the Japanese Empire in 1919. The regime based upon autocracy and coercion had reached the end of its authoritarian life. It understood that overlooking discontent among the masses and oppressing the entire proletarian movement at home would jeopardize the foundation of the Japanese Empire. Concessional modifications were therefore needed to appease and reintegrate potential dissidents and to rebuild the legitimacy of the system. The door of so-called Taisho Democracy was thus opened.

**Concessional Modification, the 1920s**

Among the Japanese ruling-class, it was progressive national bureaucrats who were the most sensitive to social changes at home and abroad, and most seriously devoted to the modification of Japan's state regime. Starting with the Takashi Hara cabinet (1918-21, Interior minister Takejiro Tokonami), progressive bureaucrats in Naimu-sho (the Ministry of the Interior) led the new movement. In particular, the Shakai-kyoku (Social Bureau) of Naimu-sho took over jurisdiction of labor-social policy beginning in 1922, making it the stronghold for
progressive national elites. Another important player in promoting modernization at that time were political parties. *Kenseikai*, a major political party that had taken a progressive stance since 1919, became the majority party in 1924 (*Goken-Sanpa* cabinet). Party politics played an important role in giving political legitimacy to new national programs in the name of the popular will. Regime modification in the Taisho Democracy period extended civil and social rights to some extent, and redefined the boundaries of social order. Coercion was limited, but radical sects that rejected integration faced strict state sanctions. Substantial reforms were proposed in almost every field of state policy that affected the social order, although there was no challenge to the Imperial Constitution, which provided the Emperor with absolute supremacy. The pinnacle of reform arrived in 1925 when Japan established male universal suffrage, which broadened voting rights to 20 percent of the population—the majority of Japanese men at that time were under 25 years old—and *Chian-Iji-hou* [the Maintenance of Public Order Act] which heightened coercive force against organizations and individuals that aimed at overthrowing the government or refused to accept the system of

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private ownership or the national polity. Due to opposition from capitalist organizations like *Nihon Kogyo Kurabu* (the Japan Manufacture Club), landlords, *Shiho-sho* (the Department of Justice), *Sumitsu-in* (the Privy Council) and *Kizoku-in* (the House of Lords), legal reforms faced obstacles in fields like family relations, tenant-landlord relations, free speech and civil liberties (except women's right to participate in political gatherings). Still administrative attitudes were liberalized in many fields, alleviating coercive pressures and intervening into social conflicts. In the labor field, a law that provided for the right to organize and the right to secure collective contract was eventually aborted, but in practice the government legalized labor unions, except revolutionary groups, by appointing unionists as labor delegates to the ILO after 1924 and more important by removing, in 1926, Article 17 of the Security Police Act. As progressive bureaucrats expected, labor unions and proletarian parties—*Nomin-Rodo-to* [1925, Farmer-Labor Party], *Rodo-Nomin-to* [1926, Labor-Farmer Party] and *Shakai-Minshu-to* [1926, Social-People's Party]—moderated their stance, starting in the mid-1920s, by establishing closer relations with the government and shunning revolutionary factions.

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247 In 1889 the franchise was given only to those who paid a 15-yen of national tax (about 1.4% of the population registered). Elections were conducted through an open ballot and single-seat district system. In 1900 the tax qualification was lowered to 10-yen (2.4% registered), and the new election system based on a secret ballot and multi-seat districts was introduced. In 1919 the qualification was further lowered to 3-yen but the franchised population was still only 5.5%. In 1925, voting rights were extended to male citizens 25 years old or older.
Perspectives of Progressive Social Bureau Bureaucrats

Despite strong opposition from individual capitalists whose interests were limited to short-term profits and managerial concerns in a single workplace or industry, officials in the Social Bureau who had carefully researched the development of proletariat movement and sociopolitical shifts in Western Powers understood that Japan must adopt modern labor-social policies to reinforce social order and the national polity. Kakichi Kawarada, a Social Bureau official since 1922 and its labor department chief in 1926 and 1927, was one of those progressive elites who comprehended the significance of class concessions through labor-social policy. "Revolutions spread across Europe after the French February Revolution in 1848, but Britain alone was immune from it," said Kawarada, "One argues, and I believe this is a possible answer, that the early British move to amend its Factory Act in 1847, which initiated the 10-hour week labor, accounted for this."248 The growth of working-class and mass demands for political participation meant that state officials needed to see "solving labor issues as one of the most important tasks of the state."249 Those who refused state


249 Ibid. 22.
involvement in the labor field in Japan, he argued, saw the situation from the perspective of "companies as paternalistic families" rather than from a theoretical commitment to liberalism. They tended to deny class relations, but they could no longer count on such "excellent customs," nor could they stick to such a political attitude in the age of the stock market, giant factories and, in short, modern capitalism. For progressive bureaucrats like Kawarada, unlike the old policy of allowing a free hand to capital and policing every social movement, a new labor policy to approve and reinforce workers' social status would, he thought, bring a sustainable prosperity to Japanese capitalism by "building peaceful class relations between labor and capital" and "moderating the labor movement as a whole." Of course, these government officials intended to expand rights and protections for labor only as far as to maintain the sociopolitical order. Like many conservatives, Kawarada also made it clear that "substantial police control should be placed" on the labor movement’s revolutionary wing, which went beyond acceptable bounds, yet in a way that looked procedurally neutral so that people would not see government as a patron of capitalists. Besides, Kawarada did not forget to respond to capitalists who believed that shorter hours would have a negative effect on their business. The surveys on productivity before and after the establishment of the

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250 Ibid. 1, 106-107, 320.

251 Ibid. 25.
Factory Act demonstrated, he asserted, that work-time regulation "had quite positive results on the development of our nation's industries" by improving productivity.²⁵²

Amendment of the Factory Act, 1923

An amendment to work-hour provisions of the Factory Act was an important part of the Social Bureau's scheme for modernizing Japanese capitalism. The Ministry of Agriculture and Commerce, the former administrator of the Factory Act, had already discussed the possibility of stronger regulations on work time in 1914 when he sensed a potential upsurge in working-class action.²⁵³ The amendment was not, however, on the national agenda until the labor movement actually demanded shorter hours after World War I. Yuai-kai launched a campaign for the eight-hour day, 48-hour week in its 1919 platform. Workers in Kobe drew public notice when, in 1919, Kawasaki Shipbuilding Company consented to an epochal eight-hour day schedule to settle the labor dispute, though daily overtime was expected. Since 1919 when the ILO was established to discuss it, the media and intellectuals paid much attention to demands for an eight-hour day. Japanese society experienced a profound change

²⁵² Ibid. 452-462.
²⁵³ 「ソロソロ労働問題の勃興」朝日新聞 [Asahi Newspaper] (September 12, 1914) Tokyo, morning, 5.
when working-class people began to organize, demand, negotiate, and take bolder actions when necessary. By the early 1920s, the eight-hour day was perceived as a goal and principle of labor in a new modern society, even though Japanese workers often accepted longer hours due to the low wages and weakness in the labor movement.254 The government and capitalists successfully evaded application of ILO Convention No.1—the eight-hour day and 48-hour week—of 1919, as expected, but their evasion does not mean that they felt fully relieved with the old, paternal and coercive order of industrial relations. For example, right before the 1919 ILO Convention, Toyoji Wada, president of Fuji Boseki, a major spinning company, maintained: "Capitalists tended to focus on short-term interests and were indifferent to exploiting workers. That time has passed. Today we have to maintain our foresight toward so-called [capital-labor] cooperation."255 To be sure, inauguration of the ILO began a strong push for an amendment to the Factory Act. Yet, more importantly, Japanese elites were faced with the pressures from the working class who asked for a new chapter in legal protection. Officials at the Social Bureau, who had recognized such a necessity, were now in charge of


255 「資本家側で呖声高き労働会議の代表者」朝日新聞 [Asahi Newspaper] (September 3, 1919) Tokyo, morning, 4.
amending the Factory Act. They consulted with both capitalists and labor organizations. It was a new phenomenon in Japanese class relations.

The Factory Act was revised in 1923 and became effective in 1926. The amendments included (1) expanding coverage by lowering the minimum number of employees in each applicable establishment from 15 to 10; (2) extending the prohibition against child labor from those under-12 to under-14 year olds, with some exceptions; (3) shortening the legal work day for dependent workers [women and boys between 14 and 16 years old] from a 12-hours to 11-hours, with a 5-year grace period for the textile industry—there was also more regulation of night labor in the industry; and (4) lengthening the legal maternity leave from four to nine weeks.\textsuperscript{256} One can easily see how disappointing this outcome must have been for adult male workers, who received no regulatory relief. The revised law allowed a long workday without a regular weekend day-off. This demonstrated the limits of the political agenda driven by political elites. Unlike the Interior Ministry's progressive bureaucrats, conservative forces in other parts of the state, such as the Ministry of Justice, had tried to suppress social insurgences (rather than giving legal protections to workers and peasants) through strict

\textsuperscript{256} Kakichi Kawarada, \textit{The Main Principle of Labor Administration}, op. cit. (1927) 330-353.
enforcement of public security laws and a strengthened imperial ideology.257 Without an urgent economic crisis or direct participation of working-class forces in the political process, Social Bureau officials found it difficult to persuade other sectors of the ruling class to make any concessions more than modest amendments to the labor laws. The Social Bureau focused instead on the segment of the labor force whose working conditions were the worst.

**Early Company-Based Welfare Capitalism**

Capital-labor cooperation was also pursued at major manufacturers with the creation, in the 1920s, of so-called welfare capitalism. By then, large-scale companies had replaced traditional, indirect labor management with direct management, which undermined workers' autonomous cultural and industrial activities. After World War I, major companies initiated *kojo iinkai* [factory councils] that enabled managers to hear workers' daily demands and make preemptive moves against independent labor unionism. Management began to institutionalize policies to keep workers loyal by providing blue-collar employees with opportunities to acquire long-term employment through job trainings, internal promotions, higher wages, and improved fringe benefits, such as retirement allowances. These improvements were linked to

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each company’s specific seniority and promotion system. Company-based welfare divided, to some extent, the labor market by company, creating social gaps between large and small business and regular and irregular employees. So-called welfare capitalism had an important impact on Japanese capital-labor relations. While the revised Factory Act still covered only women and young workers, the main target of corporate welfare was regular male workers incorporated into factory councils in major corporations. Capital-labor cooperation-ism also swayed the male workers and unions in state sectors. These privileged workers would otherwise be a major force in shaping autonomous trade and industrial unionism. Moreover, these privileges, similar to those granted to white-collar employees, gave actual substance to blue-collar demands for jinkaku acknowledgment. Their fulfillment through corporate welfare had a long-term influence on Japanese working-class ideology. Still, prewar Japanese welfare capitalism was too immature to build a stable social standard in which a typical worker could rely on the company for a long period. Managerial policies to secure long-term commitment were inconsistent, and job insecurity and workers’ tendency to travel from company to company remained predominant in this period. Internal promotions


for most of the blue-collar workers were limited and primarily awarded for skill, rather than seniority. Seniority-based portions of workers' compensation were often cancelled by performance-based wages, and a lack of steady increases in income, together with price hikes, meant insufficient working-class purchasing power. Also, in the 1920s, fringe benefits were cut back whenever employers saw them as burdensome.\textsuperscript{260}

The project for capital-labor cooperation in the 1920s embodied by government acknowledgement of moderate labor unions, the amendment of the Factory Act, and welfare capitalism, together with enforcement of the Maintenance of Public Order Act, was successful in isolating and restraining revolutionary forces in proletarian communities, but it proved undependable in sustaining the sociopolitical order when it came to the economic crisis at the end of the 1920s.

\textbf{Why there was no "New Deal" in pre-war Japan?}

The Great Depression, which began in 1929, was a crucial turning point for Japan’s prewar regime. Liberal development in exchange for class concessions during the Taisho

period had already lost momentum by the late 1920s due to the stalemate of party politics and divisions within the labor and peasant movement. The Great Depression plunged the Japanese economy into an unprecedented crisis bringing bankruptcies and unemployment domestically and more exclusive economic blocs internationally. Japanese elites had little perspective on how to get over the crisis other than a militaristic expansion of the Empire. Unlike their American counterparts, they were not ready to build an economy based on Fordism, which required a higher purchasing power for workers and farmers through further class concessions and redistribution of surplus capital.

After the Manchurian Incident of 1931, the invasion and military occupation of northeastern China by Japan’s Kwantung Army, nationalism gathered momentum, and voices for the renovation of the national regime gained increasing support for carrying through an imperialistic solution to the crisis. Military hegemony within the state was strengthened, especially after the 1936 February 26th Incident in which a segment of the Army attempted a coup. Japan's new course eventually turned into a total war regime backed by ultra-nationalism, fascist organizations, and totalitarian control of the entire economy after 1937, when it started the Second Sino-Japanese War by invading major Chinese areas. The late-1930s regime differed from the American New Deal regime in many ways. Its democracy
and general civil rights were more limited, room for a Fordist economic cycle proved smaller and working-class influence on politics was indirect. External violence and an internal crackdown on free speech and threatening autonomous movements appeared to be a reversion to the age of coercion. Yet, it was not only its backward nature that characterized the new regime. The new regime implemented many more regulations in class relations than in the 1920s. Regulations meant to raise loyalty to the state among workers and farmers became urgent on the agenda of political and military elites in the 1930s. Territorial expansionism, which would inevitably collide with the crucial interests of the Western powers and produce a total-war regime, necessitated much stronger national integration. New ideas and policies had to be accepted by ordinary working people many of whom had once experienced autonomous class-based movements and Taisho democracy.

**Denying Work-Sharing**

During the early years of the Great Depression, just like their American counterparts, the Social Bureau and labor unions paid attention to shorter hours as measure to share work and combat unemployment. In 1930, at the Interior Ministry’s Unemployment Prevention Committee, labor delegates asked for an eight-hour day standard with no reduction in the
daily wage. Capitalists, on the other hand, understood it solely as a voluntary cut in hours and refused the compulsory measure. Initially, the Social Bureau did not take a strong position against the business oppositions. The Committee acknowledged that mass unemployment "would cause social unrest" and shorter hours would help prevent it. But it also concluded that shortening hours, "as a short-term measure," must be done "as far as circumstances permit." Furthermore, the Committee's supplementary resolution denied state interference, leaving the efforts to each employer's discretion. Thus the shorter-hours work-sharing slogan was almost nothing more than "a dead letter." Not only did capitalist organizations, such as Zenkoku Sangyo Dantai Rengokai [National Industry Organization Joint Association], oppose the work-time regulation, working people themselves often asked for overtime to compensate for lower real wages and in anticipation of possible layoffs. In 1932 when overtime skyrocketed because of expanded military demands after the Manchurian Incident, the Social Bureau only called for slightly shorter overtime, voluntary efforts to shift from a widespread 15-hour day with regular night work to a 12-hour day with reduced night hours. Major unions, including So-Domei, Zosen Rodo Renmei [the Shipbuilding Labor Confederation] and Nihon Rodo

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261 朝日新聞 [Asahi Newspaper] (October 23, 1930) Tokyo, evening, 1; (November 6, 1930) Tokyo, evening, 1.

262 朝日新聞[Asahi Newspaper] (November 13, 1930) Tokyo, morning, 3; (November 27, 1930) Tokyo, morning, 7.
Kumiai Kaigi [the Japan Congress of Labor Unions], agreed with the proposition, but they did not seriously push further toward an international eight-hour standard. A labor delegate admitted, “we will get less support from the members if our union agrees with prohibition of all overtime, for our workers have felt relieved only recently when we got access to overtime and more earnings.” The labor unions, organized with only about 400,000 in 1931, the peak before World War II, could not dissuade individual workers from depending on overtime. With labor unable to push a collective solution to job insecurity, it is not surprising that many workers tended to opt for military expansion that would bring extended working hours to boost their incomes. Japanese society was swayed by an enthusiasm for militaristic fascism, Japan-centrism, and eventually totalitarianism as a pseudo-revolution.

"Capital-Labor Unity" and Sangyo Hokoku Kai

Fascism, largely overlapping with totalitarianism when it becomes a national polity, denied pluralism, including a multi-party system and class conflicts, and it practiced violent oppression of dissidents. Unlike Germany, where fascists formed a political party and violently destroyed labor unions and the Weimar regime, Japanese fascism was a national
program led by the existing ruling class and quietly accepted by other social groups. For Japanese labor, which was overwhelmingly disadvantaged in traditional class conflicts, denial of class interests was a sort of revolutionary idea. This was another reason why the working-class hailed the new regime of the 1930s. Absent the material benefits through actual class reformation, this "revolution" took place solely in the realm of ideology. Fascism’s ideology of class relations took the form of "labor-capital unity." In this field, Kyocho-kai [Association for Harmonious Cooperation], a semipublic foundation, played an important role. Funded by the zaibatsu [dominant business conglomerates] and government, since 1919, Kyocho-kai had conducted research, published its proposals to government, arbitrated industrial conflicts, and educated workers. High officials in the Interior Ministry, especially Social Bureau officials such as Shigeru Yoshida (1931) and Kakichi Kawarada (1935), took leadership positions in Kyocho-kai, demonstrating its close relation with the modernist (progressive) sector of the ruling class. In promoting harmonious cooperation between capital and labor, it endorsed welfare capitalism and joined with the Social Bureau in formulating modern labor-social policies. After the Manchurian Incident, it changed the main slogan from cooperation to "unity" of capital-labor relations.264 While the idea of "cooperation" presumed

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264 法政大学大原社会問題研究所編『協調会の研究』（柏書房, 2004）[Ohara Institute for Social Research, Hosei University, A Study of Kyocho-kai (Tokyo: Kashiwa Shobo, 2004)]
the existence of conflicting class interests and referred to class concession, the concept of "unity," in contrast, denied potential conflict and addressed alleged capital-labor commonality and equality as a participant in business whose purpose equaled the national goal, industrial expansion of the Emperor's nation. Imperial and totalitarian logic was placed above the capitalist drive for private profits. In concert with a capital-labor unity campaign, right-wing nationalists gathered force within organized labor, in organizations such as *Nihon Sangyo Rodo Kurabu* [Industrial Labor Club of Japan], which espoused *Nihon-shugi* [Japanism]. The Second Sino-Japan War moved the Unity campaign up to the official state program. In 1939, the Ministry of Interior and *Kosei-sho* [Ministry of Health and Welfare, set apart from the former in 1938] launched a national campaign to organize *sangyo hokoku kai* (industrial association to reward the state: often called "Sanpo"). Sanpo spread to most workplaces across the country, replacing labor unions, where they previously existed. The head of *Dai-Nihon Sangyo Hokoku Kai* [Greater Japan Sanpo, established in 1940] was the minister of Health and Welfare. Thus the state seized direct control of working-class communities through Sanpo's totalitarian industrial system. The dominance of Sanpo in industrial relations, along with the emergence of the *Taisei Yokusan Kai* [Imperial Rule Assistance Association, a

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totalitarian political institution since 1940] after the dissolution of proletarian political parties, except for the JCP, enabled a "harmonious" implementation of the total mobilization system.

**Sanpo as a Pseudo-Revolution**

Sanpo was virtually forced on every major workplace, and dissidents were vigorously suppressed once the total war began. Still it is important to address the modern nature of Sanpo as a program to integrate working-class people and to boost their morale in the war regime. In terms of state ideology, Sanpo promoted a sort of relative autonomy to capitalist and working-class interests. Its attitude toward capitalism, particularly, distinguished itself from the traditional state ideology. The Health and Welfare Ministry’s 1939 publication, *The Main Principle of Industrial Associations to Reward the State Movement*, rejected profit-seeking capitalism, class-based industrial relations, democracy bound by the divisions of class interests, and socialism. Each represented an imported "culture" from the Western world. It noted that after WWI "industry was considered just a tool of profit-seeking business, little interfered with by the state... [and capitalists] were naturally driven to lower wages in order to raise their profits... which naturally caused conflicts and disunity in capital-labor relations."(10) Fortified blocs in the world economy and the Manchurian Incident after the
Depression "forced us to radically transform such an economic system," including its conflicting class relations, because "future development in the Japanese nation can no longer be realized by using such imported thoughts and systems" (2, 13). Now was the time to replace them with "the new culture based on the Japanese spirit" and to "establish an eternal, robust and ideological regime" in order to carry through the "crusade" toward "an East Asian New Regime based on the grand ethnic idea of *hakko-ichiū* [the world as a single family]."(8) Now that our "industry is no longer an object of individual business but... the crucial imperial mission to prosper," it continued, all industrial participants must "cooperate in an unified identity" beyond class divisions (16-17) and as equal, united subjects under the emperor, to contribute to the "greater productive power" of the Empire (29, 38). Sanpo organized all participants beyond class lines (36). "All participants' spontaneous cooperation" was necessary (30). One of the goals of the unified industry was "rationalization of working conditions."(40) To "maintain, cultivate, and improve the work force" for full production, wage and working hour issues "should be managed by the direct state involvement or by all participants' rational organizations"(17).²⁶⁶ The ideological entitlement to function as partners equal to capitalists in the Empire's industrial system was the essence of "revolution"

²⁶⁶ Ibid. 2-40.
for many Japanese workers, who had been accustomed for decades to an overwhelmingly disadvantaged position in the workplace. Labor could expect legitimized state supervision of working condition. To expand production, however, they paid the cost of abandoning autonomous organizations and placing loyalty in the totalitarian order.

The 1938 National Total Mobilization Act and the 1939 Factory Work-Time Limitation Order

The reform of work-time regulation during this period was carried out by government decrees legally based on the *Kokka So-Doin Ho* [National Total Mobilization Act: NTMA] of 1938 rather than the Factory Act. The Army’s *Tosei-ha* [regulationist faction] and the so-called *kakushin kanryo* [progressive bureaucrats], including former Social Bureau officials, played a leading role in building the NTMA regime. Under the NTMA, which bestowed a wide range of authority to regulate society on the wartime government, *Kikaku-In* [the Cabinet Planning Board] wielded immense power to control the entire economy. A group of the Board's bureaucrats, who had studied the Soviet regime, came to have such an influence that it became a serious concern for traditional forces in the ruling class. With an order to limit corporate dividends in 1940, the maintenance and growth of the whole of industry,
rather than the private interests of shareholders, became the main goal of economic activities. The Land Rent Regulation Order (1939), which restricted rent hikes, together with the Food Control Act (1942), which authorized the state's purchase of products for the purpose of protecting tenant farmers, turned out, although unplanned, to undermine the power of the landlord class. Government decrees, such as the Factory Work-time Limitation Order (1939), Wage Regulation Order (1939), and Industrial Relations Adjustment Order (1941) paved the way for the state control of labor. While wages were generally restrained and labor disputes strictly prohibited, the government allowed occasional readjustment of base wages for all employees and attached more emphasis on living necessities in determining wages than performance or ability. They also limited layoffs by requiring managers to obtain government approval before enforcing any personnel cuts. As for work-time regulation, the Social Bureau issued, in 1937, the Administrative Guidance for Improving Military Supplies, which aimed at a 12-hour day and two days off a month, covering not only women and children but also male workers. The Factory Working Hours Limitation Order (1939) was legally binding and covered adult male workers (16 years old and older) in private heavy industries, who were not covered by the Factory Act. It provided, with certain exceptions, for 12-hour days including
Overtime, a 30-minute or 1-hour mandatory break, and two days off a month. Overtime was restricted. Compared to the United States and European countries, and considering the two-shift system was predominant at the time, the 12-hour day limitation itself was not that impressive, but it was a first work-time regulation for adult male workers in Japan. This breakthrough stemmed from the need to integrate the nation and carry through total war, which required the Empire to maintain a productive labor force and especially to win workers' acceptance of the new regime.

The Pacific War and Suspension of Work-Time Regulations

After Japan plunged itself into the Pacific War in late 1941, the totalitarian regime of Prime Minister Hideki Tojo (former Minister of the Army) revealed its anti-revolutionary nature. Due to labor shortages and even greater demands for military production, the government began to ask for longer hours of work and accordingly cast away the work-time regulations. In 1942 it exempted major war production sites from the Factory Work-Time Limitation Order. Under the total control of the Health and Welfare Ministry, work was

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prolonged and intensified. In 1943, the government abolished the Order, and the Ministry suspended the Factory Act for the important workplaces by decreeing the Wartime Special Exceptions. The regime could not even stand for the work-time regulations that would allow a 12-hour day. The short-term necessity to increase output overrode the long-term goal of working-class integration. Even in Sanpo, a request for more work eventually swallowed the concepts of unity and equality. In 1943, the Ministry of Welfare and Health argued that workers, as imperial subjects, must carry through their services in full battlefield spirits, and only in that way, they maintained, would Japan be able to win the "production war" with the United States.  

Massive human suffering and miserable living-working conditions were the return for sacrificing autonomous organizations, free speech, and democratic mechanism. After the harsh experiences of the war years, the defeated nation became disillusioned with the prewar ideology and regime. The profound sociopolitical changes after the war should not be underestimated. To be sure, ideas and practices popularized by Sanpo and the NTMS regime, such as opposition to class-status discrimination, livelihood wages and fringe benefits, regular wage "base-ups" and limitations on layoffs, had significant influence on the postwar shaping

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of nihon-teki keiei (Japanese-style management). Yet demonstrating the prewar origins of some postwar ideas and practices does not necessarily prove a continuity of sociopolitical order between prewar and postwar Japan. The regulation of the authoritarian society and the integration of working people in prewar Japan was carried out from above, albeit inconsistently, by the state. The working-class influence on the politics was indirect. After the totalitarian regime was defeated by the Allied Forces, the industrial and political upheaval, which overthrew authoritarianism and radically transformed the political and cultural orientation of Japan, represented a rejection of the restoration of the prewar order. Work-time regulation, once killed by the wartime regime, became an indispensable component of the new democratic society, backed by galvanized labor movements and a majority support. Private corporations then became the dominant player in the postwar social order. Worker loyalty attached to the Empire and national interests before the war was diffused and eventually replaced with loyalty to the corporations in postwar Japan. The fundamental discontinuity between prewar and postwar Japan should not be underestimated.

Initial US Occupation Policy, 1945

In the summer of 1945, surrounded by a heap of corpses, the Japanese Empire accepted the Potsdam Declaration of unconditional surrender, disarmament, abandonment of its colonies, punitive treatment of war criminals, and occupation by the Allied Forces. The ruling class, which stuck to maintaining the Emperor system to the end, had little choice than to follow occupation policy. The United States understood that the prewar sociopolitical order, the backbone of the Japanese militarism, must be entirely uprooted to constrain its expansionism in the Asia Pacific region.\(^\text{270}\) The US State-War-Navy Coordinating Committee’s *United States Initial Post-Surrender Policy for Japan* (SWNCC150/4), issued in September 1945, asserted that, along with political liberation, democratization, and demilitarization, the "promotion of democratic forces" such as labor unions, farmers organizations, and the "wide distribution of income and the ownership of the means of production and trade," would “strengthen the peaceful disposition of the Japanese people, and make it difficult to command or direct economic activity in support of military ends.”\(^\text{271}\) The

\(^{270}\) Potsdam Declaration: Proclamation Defining Terms for Japanese Surrender (July 26, 1945) [http://www.ndl.go.jp/constitution/e/etc/c06.html]

\(^{271}\) The State-War-Navy Coordinating Committee, United States Initial Post-Surrender Policy for Japan (SWNCC150/4) [http://www.ndl.go.jp/constitution/shiryo/01/022/022tx.html]
Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan, the Joint Chiefs of Staff November 1945 order to Douglas MacArthur, the Supreme Commander for the Allied Powers (SCAP), specifically noted that the democratization of Japanese economic institutions "require[d] the Japanese to remove, as rapidly as practicable, wartime controls over labor and reinstate protective labor legislation" with the "removal of all legal hindrances to the formation of organizations of employees along democratic lines." Under the leadership of New Dealers, such as Charles L. Kades, at the Government Section (GS), the General Headquarters of the Supreme Commander for the Allied Powers (GHQ/SCAP) launched early occupation policies to demilitarize Japan along liberal lines. The policies included dismissal of the Japanese military forces, prohibition of military production, discharge of political prisoners including Communists who had refused to cooperate with the war regime, and abolition of the Security Police Act, Maintenance of Public Order Act, and Tokko [Special Political Police]. Purges of war regime elites, dissolution of financial cliques, land reforms to dismantle the traditional landlord system and increase independent farmers were carried out. Legislation was also enacted in the field of labor relations, including the Labor Union Act of 1945, which provided workers' rights to

272 Joint Chiefs of Staff, Basic Initial Post Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan (JCS1380/15) [http://www.ndl.go.jp/constitution/e/shiryo/01/036/036tx.html]
organize, bargain, and strike; and the Labor Standards Act of 1947, which established the 48-hour week legal standard. Most important, the progressive new Japanese Constitution (enforced in May, 1947) stipulated the principle of the people's sovereignty; the permanent abandonment of war-making, including military forces; comprehensive civil rights, including freedom of thought; universal suffrage (first voting rights for women); and various social rights.

"Revolution from Below"

Democratization as a occupation policy was a "revolution from above." SCAP was able to force the Japanese government, beyond due process, to follow occupation policies and control public opinion by censoring and intervening in media and education. The "revolution" was not, however, merely imposed on the devastated nation. Those who spontaneously embrace or consciously pursued sociopolitical democratization, as John W. Dower argues, fostered a "revolution from below." Those who took part of the "revolution from below" included: women and men who favored American culture as a symbol of a wealthy life; radio program audiences that welcomed a new, democratic atmosphere; teachers who regretted sending students to the battlefields and were committed to the concepts of peace and
democracy; students who were regularly exposed to democratic ideas at school; intellectuals who viewed democratization as a universal justice instead of a gift or an order given by the SCAP; workers who took bold actions of self-management in the workplaces; mothers who spoke out on the street for access to sufficient foodstuff; and the growing radical political movement influenced by the Communist Party that did not support the old regime. The "revolution from below" went beyond SCAP's expectation and, by May 1946, irritated Douglas MacArthur, when, at the Imperial Place Plaza and across the country, the poor, mothers, and workers rallied to demand immediate food provisions.273 A year later, the first general election under universal suffrage led to the Katayama cabinet, Japan's first Socialist-headed government. It enacted police reforms, abolished the Interior Ministry, and established the Ministry of Labour. SCAP's policy making process was not immune from domestic input due to an increase in voluntary participation. The government, political parties and private organizations published their own views and were involved in the process of making the new constitution. Their engagements sometimes paid off. The SCAP's original draft of the constitution, for example, lacked the current Article 25, "All people shall have the


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right to maintain the minimum standards of wholesome and cultured living.\textsuperscript{274} The SCAP also adopted the idea of the Labor Standards Act, which was proposed by a group of bureaucrats in the Ministry of Welfare and Health's labor standards department.\textsuperscript{275} Consequently, the prewar imperial regime was dismantled by both the early occupation policy and spontaneous commitments from within Japan.

### Pressures for Labor Standards

The Advisory Committee on Labor at GHQ/SCAP issued a recommendation to push for a new labor law, in July 1946, arguing that improving workers' status was a primary issue for Japanese democratization. Article 27 of the Constitution provided that "All people shall have the right and the obligation to work" and that "Standards for wages, hours, rest and other working conditions shall be fixed by law." Rapid increase in radical labor unionism after the war intensified advocacy for pro-labor policies. While the apex of prewar union membership


was 420 thousand, the number became 6.2 million by the end of 1947.\(^{276}\) Moreover, not only did politically moderate and cooperative unions that were allied with the JSP and under the leadership of the new national center *Nihon Rodo Kumiai So-Domei* (*So-Domei*) [General Federation of Japanese Trade Unions] increase membership, but more radical unions led by the left-wing national center *Zen Nihon Sangyo-betsu Rodo Kumiai Kaigi* (*Sanbetsu Kaigi*) [All Japan Congress of Industrial Organizations] and close to the JCP, grew to an unprecedented size. The *Sanbetsu Kaigi* was actually the largest national center until 1949.\(^{277}\)

Labor disputes skyrocketed, too. The typical union demanded democratization of management. It laid wartime responsibility on corporate elites, called for the abolition of "feudal" residuals in the workplace, pushed for workers' direct control of the means of production, and demanded an end to unequal treatment of white-collar and blue-collar employees. As to working conditions, most of unions demanded drastic wage increases to alleviate the widespread deterioration of living standards and refused the prewar standard of


long working hours without premiums, as demonstrated by Sanbetsu Kaigi’s seven-hour day goal. So-Domei called for an eight-hour day. These developments among the radical labor movement evidenced workers’ quick disillusion with pseudo-revolutionary ideology based on a ultra-nationalism and a denial of autonomous class struggles.

 Establishment of the Labor Standards Act, 1947

Faced with a democratization policy from above and labor insurgences from below, the Ministry of Health and Welfare began, in 1946, to work on a draft of the new labor standards law. By the end of the year, the Romu Hosei Shingikai [Council on Labor Relations Legal System], after official hearings for business and labor organizations across the nation, submitted a report to the minister Yoshinari Kawai. In March 1947, Kawai explained in hearings before the national diet that as a "matter of power" prescribed by the Labor Union Act and the Labor Relations Adjustment Act, "the new Constitution modifies the principle of the freedom of contract in terms of working conditions, requiring a law enforce certain labor standards." Not only that. "I conclude that creating working conditions good enough to meet the workers' minimum standard of living will significantly help remove the cause of labor unrest." Therefore, "as a government will, I believe that guaranteeing internationally approved
basic working conditions for working people, who play an important role in rebuilding Japan, and in that way counting on workers' genuine cooperation, will eventually help advance Japan's industrial reconstruction and its reintegration into international society." 

Replacing the goal of military success with the new goal of industrial reconstruction, the government affirmed that a labor standards law was an essential means to restrain labor insurgency and secure industrial collaboration among the workers. In this sense, the Labor Standards Act of 1947 was not merely imposed from above by the absolute power of the GHQ/SCAP but the product of the sociopolitical circumstances that Japanese working-class people helped create through their own organizing drives, industrial conflicts, and political activities. In September 1947, the Labor Standards Act (LSA) finally took effect, together with the launch of the Ministry of Labor.

Contents of the LSA

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279 朝日新聞 [Asahi Newspaper] (August 26, 1946) Tokyo, morning, 1; (December 23, 1946) Tokyo, morning, 1; (March 7, 1947) Tokyo, morning, 1; (March 28) Tokyo, morning, 1; (September 1, 1947) Tokyo, morning, 1.
There is no doubt that the LSA is a major landmark for the history of labor law in Japan. Article 1 states that working conditions must be adequate so that every worker, as a "human being," attains a "deserving" life. It means more than a traditional concept of physical subsistence or a physiological level capable of reproducing the labor force. Article 1 is consistent with Article 25 of the new Constitution, "the minimum standards of wholesome and cultured living." All employers and employees are required to make efforts to set working conditions above the legal standards, simply because the latter is a minimum. Article 2 of the LSA prescribes that working conditions should be determined through a process in which the employees stand on an equal footing with employers. The LSA covers all workers, regardless of sex, nationality, or industry, except family businesses and domestic servants. The law also institutes the Labor Standards Inspection Office in each prefecture, giving the inspectors power to raid and arrest, and provides for punishments including imprisonment. As for work-time regulation, Article 32 sets the legal standard for an eight-hour day, 48-hour week, excluding rest periods of 45 minutes to an hour and one day off per week. Employers must pay a premium for hours in excess of the legal maximum.

 Nonetheless, loopholes and crucial defects in the LSA's work-time regulation existed. It permitted irregular work time beyond the legal maximums without overtime premiums on
condition that the average hour per day is within 8 hours for every weekly unit or the average hour per week is within 48 hours in a 4-week unit (adjustable long-term work schedule). Also it provided "special exceptions" based on the combination of industry and scale of the establishment. For example, it allowed a 54-hour week and 9-hour day for retail and restaurant businesses employing less than 30 workers. The work-time regulation exempted executive positions integrated in business management, and work-site operations in agriculture, forestry, and fishery. Most important, it left great room for overtime even in workplaces under full LSA coverage. It requires only a 25 percent premium for overtime. The notorious Article 36 allows literally unlimited overtime without any penalty other than the premiums on condition that a labor union (or if not organized, delegates representing at least half of all employees) consents to such contracts.\footnote{There are limitations on overtime for women, youth and the workers in hazardous operations.} Article 36, together with low overtime premiums, would thereafter have a significant impact on Japanese work time. The labor movement had asked at hearings of the Council on the Labor Relations Legal System for higher premiums and limitations on overtime in Article 36, but these voices were dismissed because the government's primary goal of industrial reconstruction logically required that Japanese working conditions not be too onerous on capital, despite the necessity to acquire
workers' cooperation. That said, the business community was not always successful in its campaigns to eviscerate the LSA. It attempted to decrease the overtime premium to less than 25 percent or reduce holidays to only 2 days a month, in vain.\textsuperscript{281} No one can underestimate the break between the LSA and the prewar Factory Act, which prescribed 11-hour days but only for women and children. At least, employers who required more than a 48-hour week would now be subject to administrative directives or legal punishments if they lacked a union contract or employee agreement. The actual effects of the LSA on Japanese society depended not only on the manpower and financial ability of the Inspection Offices, but, in the long term, on the development of social forces, i.e., those who would take advantage of the Act, defy its loopholes and defects, or call for amendments to improve it.

Reverse Course

The happy honeymoon for Japanese progressive forces that accompanied the early occupation policy to establish a democratic Japan, however, came to an end with the escalating Cold War, which brought a U-turn to US policy toward Japan by the end of 1948. The former enemy for the United States became a strategically important country to be

supported and eventually an allied country to contain communist penetrations into Asia. The split between the occupation policy and the "revolution from below" had already become apparent when MacArthur forced union leaders to call off the general strike in February 1947. The SCAP furthermore pressured the Ashida cabinet in July 1948 to deprive government employees, a core for the labor movement at the time, of their rights to dispute and bargain over labor conditions, as well as their coverage under the LSA. A consistent U-turn in occupation policy emerged after the adoption of the "Recommendations with Respect to United States Policy toward Japan" (NSC 13/2) by the US National Security Council in October 1948.²⁸² It marked the end of "revolution from above." "In view of the serious international situation created by the Soviet Union's policy of aggressive Communist expansion," NSC 13/2 argued, [SCAP] “should be advised not to press upon the Japanese Government any further reform legislation" and also be advised to prepare for a "Japanese peace treaty" "as non-punitive as possible." Moreover, "as for reform measures already taken ... SCAP should be advised to relax pressure steadily." It asked for, in short, the end of the New Deal in Japan. Specifically, it requested an end to the purges of Japanese conservative and right-wing leaders; to quickly bring the curtain down on war criminal trials;

²⁸² U.S. National Security Council, "Recommendations with Respect to U.S. Policy toward Japan," (NSC13/2, October 7, 1948) [http://www.ndl.go.jp/modern/e/img_r/M008/M008-001r.html]
to strengthen the police establishment “by re-enforcing and re-equipping,” and to make Japan devote itself to "economic recovery." Now "economic recovery should be made the primary objective of United States policy in Japan." “The success of the recovery program will in large part depend on Japanese efforts to raise production and to maintain high export levels through hard work, a minimum of work-stoppages, internal austerity measures and the stern combatting of inflationary trends." The stress on "hard work" as a key to reconstruct Japan clearly deviated from the tone of the early occupation policy, which viewed higher labor standards as a pillar of Japanese democratization. The New Dealers lost the momentum within the SCAP, ceding hegemony to anti-communist conservatives, such as Charles A. Willoughby at the General Staff Section 2 (G2). The age of "reverse course" had thus emerged.283

Backed by a Cold War-minded occupation authority, under the leadership of the SCAP's economic advisor Joseph M. Dodge, the revived conservatives in the Japanese government and business community deflated the economy by forcing through an austerity budget, restraining wage increases, and carrying out massive personnel cuts, often targeting communists and radical unionists. A 1949 amendment to the Labor Union Act restored

management prerogatives by prohibiting automatic extensions of labor contracts. After the outbreak of the Korean War in 1950, the United States asked Japan to create the Police Reserve Force, later the Self-Defense Forces, which opened the gate for Japanese rearmament. Signing the US-backed San Francisco Peace Treaty and the US-Japan Security Treaty in September 1951, without further war responsibility and reform obligations, Japan regained its sovereignty (except in Okinawa) in April 1952 and became an official allied partner of the United States. Before the San Francisco treaty conference, the new Supreme Commander Matthew B. Ridgway issued a statement (Ridgway Statement, May 1951) that permitted the Japanese government to reconsider and revise the laws and orders pursued in the early occupation. The Ridgway Statement greatly empowered the political forces in the Japanese ruling class who were disaffected by the postwar New Deals. The Yoshida cabinet, at the Consultative Committee on Legislative Decrees, the prime minister's independent council, quickly introduced the legislative proposals. It sought to further rearmament, enact repressive laws, control political rallies, prohibit general strikes, centralize the police establishment, ease antimonopoly law, and amend the three labor laws. A majority of conservative politicians had not yet accepted the postwar democratic regime and therefore aspired to redesign the entire system in an authoritarian manner, if it was not possible to restore the prewar regime. After the formation of the Liberal Democratic Party in 1955, the amalgamation of conservative
parties led by the nationalists who had once been purged, such as Ichiro Hatoyama and Nobusuke Kishi, the Reverse Course targeted the amendment of the Constitution as its final goal.284

Labor Law Backlash and Sohyo, 1950-1951

The backlash against postwar labor laws including the LSA was a focus of the Reverse Course. The Korean War led to the beginning of a Japanese economic revival, but it also became a trigger of the business community's attacks on labor laws, especially LSA regulation of working hours. The employers' organization, Nihon Keieisha Dantai Renmei [Nikkeiren, the Japan Federation of Employers' Associations, established in 1948], demanded to recover management freedom by weakening labor rights. As for the LSA, it called for deregulation of legal hour standards, a reduced overtime premium, and exemption of medium to small businesses, which amounted to the death of the 48-hour week rule. Faced with growing voices from the business community, Labor Minister Shigeru Hori announced in

November 1950 the necessity to amend the LSA.\textsuperscript{285} These proposals, however, met massive protests beyond the expectations of the business and political elites. They had expected that the \textit{Minshuka Domei (Mindo)} [Democratization Alliance], an anti-communist faction in labor unions, would maintain its docility to industrial recovery and its political moderation. Sponsored by the GHQ/SCAP, the Mindo groups created a new national center of organized labor, the \textit{Nihon Rodo Kumiai So-Hyogikai (Sohyo)} [General Council of Japanese Trade Unions] in September 1950. Right after the inauguration, however, joined by the \textit{Shin Sanbetsu} (former Mindo groups within the Sanbetsu Kaigi) and other factions, Sohyo quickly radicalized itself against the wishes of SCAP. In addition, Sohyo strengthened its political relationships with other national centers, progressive intellectuals, and the left wing of the JSP.

In the second national convention of 1951, Sohyo adopted the Four Principles for Peace, including a complete peace treaty (with both capitalist and socialist countries)—a neutral position for Japan—opposition to rearmament, and no Japanese military bases for the United States. It also denied its affiliation to the International Confederation of Free Trade Unions.\textsuperscript{286}

Regarding the issue of conservative amendments of the LSA, in May, Sohyo declared its


adamant opposition to "any change in any article" of the law. Moreover, in July, Sohyo organized the Rodo Kijun Ho Kaiaku Hantai Toso iinkai (Ro-To) [Committee to Fight Against Corruptions of the Labor Standards Act] with other labor organizations to launch a joint national campaign. The Consultative Committee on Legislative Decrees issued a report in June 1951, on labor laws in which they recommended making illegal "industrial actions potentially or likely to destroy the national economy" such as general strikes. Although the report on the LSA only recommended changing overtime limitations for women and young workers and to "consider" exempting small business. Sohyo and Ro-To had been warned that the Yoshida cabinet would undermine the eight-hour day, 48-hour week principles of the LSA. In response to the labor law report, Sohyo complained that the government would eventually "override the 8-hour work principle... restore slave labor... and oppress working people's struggles and organizational development of the labor movement." Ro-To made it clear that they were prepared for a counter-offensive including strikes, warning that "a serious situation may take place unless the Yoshida cabinet immediately gives up such reactionary programs." The labor movement viewed labor laws as "minshu-ka hoki [democratization laws]" and therefore asserted that corruptions of these postwar laws would "engulf

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287 朝日新聞 [Asahi Newspaper] (June 22, 1951) Tokyo, morning, 1.
working-class people in a war economy." These concepts reflected its strong feeling of rejection and caution toward a "reactionary" move to the "semi-feudal" social order such as prevailed in workplaces under the Factory Act and during wartime statism and militarism where basic human rights and democracy were lacking. In November 1951, Sohyo announced a "Declaration of a State of Emergency." "Reactionary capitalists" and "a political tyranny of terror worse than the Tojo administration" would bring about "a crisis of Japanese democracy."^288

The 1950s Postwar Democratic Movement and the End of the Reverse Course

The radical labor movement associated the labor law backlash of the time from the grand perspective of regime choice, specifically whether postwar Japan should go back to prewar authoritarianism or defend the existing democratic society under the new Constitution. The political block of Sohyo and the JSP, which, under pressure from Sohyo, expelled its right-wing faction, played a central role in creating a massive national democratic movement against the Reverse Course, such as the 1952 struggle against the Subversive Activities

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Prevention Law. From an international perspective, Japan’s non-communist labor movement’s opposition to military spending and a military alliance with the West was unique. Japanese business and political elites held negative attitudes on the postwar democratic regime and backed the US Cold War strategy in Asia. The Japanese people, who had gone through the insanity of wartime—including atomic bombs, loss of family members, misery, and deep disillusionment—expressed great concern and opposition to war. For the postwar democratic movement, opposition to rearmament had the same anti-regime status as opposition to the labor law backlash. This is why many people even outside the progressive movements shared a concern about "the crisis of Japanese democracy" in the 1950s. A public poll conducted by the government in August 1955, demonstrated that many people had positive views on postwar democracy. Though a majority agreed that postwar reforms and the Constitution were created and imposed by the occupation force (Q5-2, Q44), they still positively embraced the postwar peace and democratic society.\footnote{内閣府「戦後10年の回顧と展望に関する世論調査」[Cabinet Office, Japan, *A Public Poll on Retrospect of 10 Years after War and Future Prospect*] (August, 1955) Only three (Q16, Q46, Q47) out of 47 items contradict my conclusion. [http://survey.gov-online.go.jp/s30/S30-08-30-03.html].} For example, 31 percent of the respondents had thought "it was good to have a democratic Constitution" compared to nine percent who had thought "it was a problem" (Q5-3). Concerning congressional appointment of the prime minister, which was prescribed by the Constitution, 71 percent
selected, "the current state is fine," while 14 percent thought "it is better that the Emperor appoints the Prime Minister, as before" (Q9). About "using strong words to criticize the government or using extremely radical language," 62 percent preferred freedom of speech, while 22 percent preferred limitations (Q18). On the size of the Self Defense Forces, 23 percent chose "abolish it" or "reduce it," 41 percent chose the "current state is fine," and 22 percent chose "expand and strengthen it" (Q24). About military service, 55 percent backed the current voluntary system, while 12 percent supported a conscription system, as before (Q24-2). About universal suffrage, 76 percent chose "current state (universal suffrage)," while 15 percent chose, "it is better to limit voting rights to certain people such as head of household and those who have wide knowledge" (Q31). About politics in general, 73 percent agreed with "efforts to improve politics through repeated elections, if inefficient to some extent," while 16 percent agreed with "better to entrust politics to talented people" (Q32). As to laws and systems reformed after the war in general, 34 percent chose, "the majority makes good changes," 11 percent chose "the majority makes bad changes," and 34 percent chose "fifty-fifty." Finally, about the eight-hour day, 71 percent supported it, while only 12 percent opposed it (Q21). The postwar labor standards were settled in the public’s mind.
The LSA amendment matter was delegated to the Central Deliberative Commission on Labor Standards at the Ministry of Labor, which issued a commission report in March 1952. The Commission report permitted quite limited cases of night work for female workers in specific jobs. It recommended none of the crucial changes demanded by the employers' delegates, such as a 10-hour day standard on condition that the employees' representatives would agree with it, lower overtime premiums, exemption of medium-small business from the law, or the elimination of menstrual leaves, all of which labor and public delegates strenuously resisted. Although the business community did not entirely give up the LSA amendments by the mid-1950s, the backlash attempt was subsequently isolated at the government level. Soho and other progressive forces stood in the way of the Reverse Course, stimulating even a wider mass movement—such as Sunagawa Struggle [against the expansion of U.S. military base], the Kin-Pyo Struggle [against authoritarian control of schools], and the Keishoku-Ho Struggle [against strengthening police powers]—after the formation of the LDP, whose final goal was a constitutional amendment. The radical movement reached its pinnacle in 1959-1960, when social and political insurgencies such as the Mitsui-Miike Struggle [the conflict between "all capital and all labor"] and Anpo Struggle [demanding the resignation of

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290 朝日新聞 [Asahi Newspaper] (March 14, 1952) Tokyo, morning, 1; (March 17, 1952) Tokyo, morning, 1.
the Kishi cabinet, which forcibly passed the revised US-Japan Security Treaty] were at an unprecedented scale. It delivered a final blow to the Reverse Course. Postwar labor laws took root in Japanese society only after the Japanese people experienced a consciously organized "revolution from below," led by radical labor and massive political movements in the 1950s.
(1) Japanese Corporate-centered Society and Stagnation of the Shorter-Hours Movement

**Beyond the Postwar Democratic Movement**

The Japanese labor movement was able to defend the Labor Standards Act as a key component of postwar democratic Japan, but the democratic movement did not generate enough energy in Japanese society to advance shorter hours and shorten the legal standard for work time. The slogan of a 40-hour week, or a similar goal, was recognized by the labor movement and progressive forces under the supportive influence of early US occupation policy. But to shorten the established 48-hour work week, especially against the pressure of Cold War-influenced US policy, which demanded hard work from Japanese labor, required a peculiarly working-class concept to justify shorter hours. During the "Dodge recession" in 1949 through 1950 when bankruptcies and job losses were widespread, the labor movement failed to organize effective countermeasures other than a general opposition to layoffs or early-retirement compensations. At that time, organized labor did not associate the issue of
layoffs with shorter hours. After the Korean War brought special procurement orders and the expansion of exports, the Japanese economy entered an era of high-growth. Yet throughout the 1950s Japanese capital-labor relations never reached a point of stability. Rationalizing production during the 1950s with advanced technologies in production facilities achieved higher productivity, but, in many workplaces, it often involved intensified and extended work time imposed without workers' consent. It included dismissing surplus labor and virtually compulsory "voluntary retirement." With workers already organized or at least galvanized by progressive forces, it was difficult for business to assert control heavy-handedly and, at the same time, lay down a broad and stable industrial order based on capital-labor cooperation.

**Japanese Labor Productivity**

The government-led Japan Productivity Center (JPCtr), founded in 1955 and based on its predecessor the Japan-US Productivity Reinforcement Committee, backed by the US and Japanese business organizations, promoted "Three Principles of Productivity" to bring the

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labor community into the productivity movement. The Three Principles meant that (1) employers should make as much efforts as possible, such as relocating displaced workers to other workplaces within a corporation, to avoid unemployment when productivity improvement necessitates personnel rearrangements; (2) specific productivity improvement should be discussed by employers and employees; and (3) the rewards of improved productivity should be distributed equitably to employers, employees, and consumers. These principles, however, were not realistic at the time when most employers preferred rationalizing through layoffs, establishing company-led second unions to attack independent unions, and investing limited capital in production facilities rather than corporate welfare.292

The JPCtr also advocated, in its mission statement, that "integrated productivity,"—high productivity coming from, not only the modernization of production facilities, rational labor management and efficient labor—was especially important for Japan.293 Labor productivity is usually defined as an output per man-hour, but Japanese companies also integrated, and often placed more emphasis on, output per employee, to which longer working hour was the most reliable contribution. Actually, Japanese work time kept rising throughout the 1950s,


except for a short-lived recession in 1957. The Japanese way of increasing labor-productivity inevitably contradicted a class-based concept of work sharing. Japanese labor, in the 1950s, did not trust harmonious capital-labor relations. To be sure, the Sodomei and Zen-Nihon Rodo-Kumiai Kaigi [Zenro-kaigi, All Japan Labor Union Congress, a right wing force that split from Sohyo in 1954] agreed with JPCtr's productivity movement in principle, but their "cooperative" attitude was in reality at odds with the actual productivity movement. This was demonstrated in 1956 when Zenro-kaigi advocated for a 42-hour week through the amendment of LSA. Moreover, their "cooperation" did not come from rosy industrial relations as idealized by the JPCtr. For example, Zenkoku Seni Sangyo Rodo-kumiai Domei [Zensen-domei, National Federation of Textile Workers' Unions], the core of Zenro-kaigi organizing had to tackle some of the worst working conditions in Japan. Their members included employees of old-school companies like Omi Kenshi, where not only labor standards but also basic human rights were violated, and many small to medium scale textile businesses. During the textile recession in 1957 and 1958 when the industry cut back operations and laid off surplus labor, Zensen-domei tactically and defensively cooperated


295 朝日新聞 [Asahi Newspaper] (June 8, 1956) Tokyo, morning, 1.

with rationalization to secure relocations, day-off rotations, and 80 percent guaranteed wages during temporary closures. The high risk of unemployment for core members of the union drove Zensen-domei to spearhead a movement for shorter hours among labor. By and large, a majority of Japanese companies during the 1950s were inclined to a prewar-like restoration of strong managerial authority and were not ready to establish new management methods that would lead to spontaneous cooperation for productivity improvement through stable employment and corporate welfare.

The Emergence of a Work-Sharing Agenda, the Late 1950s

Meanwhile, Sohyo was more determined to take a critical stance toward the productivity movement. It recognized the necessity to reduce the legal workweek standard and separate it from their struggles against business offensives in the productivity movement. Kokutetsu Rodo-kumiai [Kokuro, National Railway Workers Union, one of the most powerful unions in Sohyo] had carried out anti-rationalization struggles beginning in 1956 and began to advocate shorter hours as an essential counter-measure to the managerial productivity

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movement. In terms of working conditions, most unions in Sohyo devoted their resources to struggles for higher wages until the mid-1950s, but the growing uncertainty of employment and discontent about the hard work brought on by the authoritarian movement for rationalization and higher productivity fostered working-class conceptions of sharing and greater attention towards work-time issue during the late 1950s. In 1959, for the first time, Sohyo launched a unified political campaign for shorter hours in which they demanded a 40-hour legal standard and 50 percent overtime premium (as in the US FLSA), together with Zenro-kaigi and other independent unions that focused on a two-day weekend. Sohyo called for "opposition to rationalization and [promotion of] shorter hours of work" in its shunto (annual spring round of pattern bargaining) agenda for 1960. In its Wage White Book of 1960, it asserted that "our current struggles for shortening working hours will result in expanding employment." Thus, the concept of work-sharing rose from the center of the Japanese labor movement during the late 1950s. Besides, the growing influence of progressive forces in the national diet during the 1950s made it realistic within the foreseeable


future for the labor movement to amend the LSA according to its own agenda. Since the 1952 split of right- and left-wing factions in the JSP, the Party increased its diet seats through the end of the 1950s. This allowed the left-wing of the JSP to gain ascendancy. The JSP's total House seats, right and left together, were equivalent to 34 percent of conservative seats, including the Kaishin and Jiyu parties, after the 1952 general election to the House of Representatives. The ratio grew to 53-percent after 1955 (conservatives included the Minshu and Jiyu parties) and then 58-percent after the 1958 election (JSP compared to the LDP). The left-wing JSP was elevated by the postwar democratic movement, while conservatives had lost public trust during the Reverse Course. If the trend had continued in the 1960s, an amendment of the LSA would most likely have occurred. The LDP abandoned the Reverse Course and became a growth-oriented party after 1960. The Wage and Employment Subcommittee of the Economic Council (the prime minister's advisory body), which drafted the Income Doubling Plan in 1960 and operated in the context of a modernizing employment system to realize full employment and higher growth, proposed a 40-hour week and two-day weekend, as well as improved wages and social insurances. The sociopolitical setting in

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the 1950s, including authoritarian management, the emergence of work-sharing concept within labor movement, a changing balance of power in the diet, and a policy shift in the LDP, provided realism to the demands for LSA amendment aiming at a 40-hour standard.

The 40-Hour Goal, Shelved for 40 Years

It appears puzzling that the goal of establishing a 40-hour week standard through the LSA amendment, originally proposed in the late 1950s, was shelved for nearly 30 years until an amendment was enacted in 1987, and fully implemented ten years later. In 1961, Sohyo pushed an agenda for a seven-hour day and 40-hour weekly standard in its Tentative Plan for an LSA Amendment in January. The JSP decided to introduce the bill to amend the LSA to provide for a 40-hour week and two-day weekend in May.303 These propositions, however, failed to become a focus of politics. The government's Income Doubling Plan eventually dismissed the goal of a 40-hour week and two-day weekend. While the 1962 International Labor Conference of the ILO adopted a targeted international standard of 40 hours, which was already becoming common in other industrialized countries, the Japanese government and business representatives, who had attempted to eliminate the 40-hour provision in the

303 朝日新聞 [Asahi Newspaper] (January 20, 1961) Tokyo, evening, 1; (May 21, 1961) Tokyo, evening, 2.
committee on work time, abstained from the general vote in the end. The popularity of the
JSP halted in the early 1960s at which point it held about half as many seats as the LDP in the
national diet. By the late 1960s, JSP representation began to decline at a rate greater than the
LDP, which was also in a long-term slump. The LDP's single-party dominance turned out to
be long-lasting in national politics. Not once were the opposition parties, including the
Democratic Socialist Party (DSP, which split from the JSP in 1960) which advocated a
European-style social democracy, able to oust the LDP from its leadership in the government.
Since the late 1960s, both Komei-to, a religious-based party, and the Japanese Communist
Party (JCP) were viable alternatives in local politics, but remained smaller than the JSP. In
1964, the Labor Ministry and its Central Advisory Council on Labor Standards (CACLS)
discussed the lack of inspectors in the small business sector and the possibility of modifying
LSA’s Article 36, which allowed unlimited overtime on condition that workers agreed with
such a contract. This exceptional attention within the government stemmed from a
bureaucratic concern about not ratifying ILO conventions on work time, particularly No.1
Convention (1919), which provided for an eight-hour day or 48-hour week. Although the ILO
gave Japan a special exemption to allow for a 57-hour week, Article 36 of Japanese law was
still inconsistent with the Convention. In the end, however, maintaining Article 36 was much preferred to ratifying Convention No.1. Also in 1966, the Advisory Committee on the Nation's Life forecasted, but did not clearly propose, the diffusion of the 40-hour week and two-day weekend in twenty years. It did not forget to state its reservation, though, that the measures were only justifiable as long they did not obstruct economic growth, which, since the 1960s, had had a claim on the highest priority. To understand the long delay in shifting to a 40-hour week legal standard, we need to address structural transformations in industrial relations and the shaping of Japanese corporate-centered society during the postwar growth period.

Corporate-centered Society Theory

The theory of kigyo-shakai [corporate-centered society], pioneered by Makoto Kumazawa and Osamu Watanabe, offers a clue as to the long delay in Japan's 40-hour standard. It addresses the links among corporate management, work place practices, attitudes of workers and unions, and broader political development. For Kumazawa, kigyo-shakai

304 朝日新聞 [Asahi Newspaper] (March 2, 1964) Tokyo, morning, 1; (March 14, 1964) Tokyo, morning, 1.

means a social order based on workers’ total dependence on corporations. It is an antithesis to “labor society” where working-class people maintain their class identity, practice mutual-help, and engage in collective and self-control activities. He argues that the quick destruction of traditional social units (atomization of the working-class) was a necessary precursor for what was to become workers’ strong reliance on corporations. In addition to the welfare aspects of the so-called “Japanese-style management” (e.g., a seniority-based wage, generous fringe benefits, and life-time employment), major Japanese corporations during the high growth postwar period established a unique promotion system in which every regular male blue-collar worker had an opportunity to be promoted to a white-collar management position and a unique personnel assessment system by which workers received continuous promotions if, and only if, they maintained substantial “motivation,” including a willingness to work after five PM nearly every day, and a willingness to forego overtime pay. The new industrial order delivered a deathblow to Japanese "labor society" because it made workers compete with each other and internalize corporate values. Thus, mainstream company unions became obedient to big business management.306 On-the-job training, multi-skill jobs, and frequent relocation of workers, helped by hyper-motivated workers and obedient unions provided Japanese

companies with an ability to easily downsize, which is a practice that is diametrically opposed to work-sharing. Watanabe focuses on the political consequences of postwar Japanese corporate-centered society. The shaping of Japanese corporate-centered society served conservative politics. The dominance of the Liberal Democratic Party (LDP) in the postwar Japanese politics was a result of workers’ identification of themselves as corporate representatives and their indifference to social democracy. The absence of European-style industrial unionism and a welfare state made the Japanese desperate for places in highly competitive schools and workplaces to the extent that Japan became notorious for its karoshi [death from overwork] by the 1980s.307

The Shaping of Japanese Corporate-centered Society, the 1960s

Japanese corporate-centered society had built-in mechanisms that fostered among male regular workers substantial attachments to each company and to drive them to long intensified hours of work. The developments of each component of Japanese-style management—life-time employment (until retirement), seniority-based wages (based on livelihood and

ability, as opposed to job and skill), and other fringe benefits—is traceable back to the Taisho origins of welfare capitalism in major corporations or back to state-led managerial reforms during wartime mobilization, such as limits on layoffs and livelihood-based wages in which compensations took account of age, sex, and dependent family members. The consequent effects of labor gains after the war included the ascendancy of company-specific unions that represented both blue-collar and white-collar employees because of widespread opposition to status "discrimination" between manual and office workers and the densan-type wage, a combination of livelihood-based wage and ability-based wage, established by Densan (electric-power workers' union, a core force of Sanbetsu-kaigi) during the Sanbetsu October Struggle in 1946. Yet Japanese-style management began to play a central role in the sociopolitical order only after the 1960s. By the 1960s, life-time employment and other corporate welfare for regular, male white- and blue-collar employees spread throughout major private corporations, the government sector, and a portion of medium-scale companies, making Japanese-style management a prominent social standard. Moreover, these measures were systematically combined with a long-term, competitive promotion system in which both white-collar and blue-collar male employees were placed on a single promotion line. For most

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blue-collar workers, a typical goal of promotion was chief foreman or factory manager, a white-collar position. Promotions were judged not only on seniority-related factors but also peculiar criteria focusing on each employee's "abilities" in the company. These "abilities" reviewed in Japanese assessments (often called "joi-koka") covered much broader factors than job-skills—employees were usually asked to master multiple jobs and skills through on-the-job training within a company—or short-term performances. In their evaluations, Japanese companies emphasized personal factors like internal aspirations, general attitudes in the workplace, potential capacity, and a sense of loyalty to the company. To demonstrate such abilities and maintain regular promotion, for example, an employee was virtually required to accept overtime on a consistent basis and work on holidays whenever asked; to accept occasional transfers away from his family; to actively participate in "off-duty" activities sponsored by the company, like a quality-control group where, manager-like, employees were expected to propose ideas about how to improve efficiency or the quality of the product; not to join in a militant labor union (Japanese law allows any single worker or minority group to create a union with which the employer is legally required to negotiate); and sometimes even to cooperate with the election campaign of politicians endorsed by the company. It was difficult for many workers under the control of such evaluations to leave the office while their supervisor was working overtime or to apply for legally entitled paid-leave. So, the welfare
aspects of Japanese-style management were only given to the "corporate warriors" who identified their personal goal with corporate growth and swore to dedicate as much of their time as possible to the company.\textsuperscript{309} While American workers, protected by seniority-rules and corporate welfare, were still subject to a certain risk of layoff, Japanese regular employees were virtually free from layoff. In return, Japanese workers faced much stronger pressure and received greater incentives to make them corporate warriors. This is how Japan accomplished the postwar economic miracle with its high labor productivity. With little concern about unemployment, the Japanese workforce accepted a highly competitive corporate life and turned away from the shorter-hours movement and progressive politics in general.

The forces that cooperated with management and supported productivity improvement became hegemonic within the Japanese labor movement, including in Sohyo, and drove the militant opposition to the periphery. In 1964, corporate-minded forces in major manufacturing industries established the International Metal Federation-Japan Council (IMF-JC). It took under its umbrella unions across the national centers, including Sohyo and Zen-Nihon Rodo Sodomei [Domei, All-Japan Confederation of Labour, the unification of Sodomei and

Zenro-kaigi. In the same year, meanwhile, Prime Minister Ikeda and Sohyo came to an agreement that working conditions in the public sector would match conditions in (major) private corporations, making the income of the most militant union members depend on corporate growth, too. The JSP lost support from major Sohyo unions in the private sector, while public sector unions stayed close to the JSP. Sohyo's slogan to amend the LSA remained but became a dead letter. Domei was also politically divided between unions in depressed, small business sectors, such as Zensen and Zenkin that preferred welfare state policies and management-sponsored unions in major corporations that favored more conservative visions of economic growth. Thus Japanese corporations and the LDP secured sociopolitical hegemony in postwar Japan. 310 The goal of achieving a 40-hour week through the LSA was rejected in corporate-centered society.

The LDP and Work Time

It did not take much time before conservative politicians, whose original agenda was rejected by a nation-wide democratic movement, fully regained confidence in their politics of

growth. During the early 1960s the LDP harbored within it a pro-labor faction, led by Hirohide Ishida, who served as Minister of Labour several times after 1957. Concerned about the potential of the JSP, the Ishida group thought the LDP should have initiated a state welfare policy to gain workers' votes from the JSP. In 1963, Ishida published an article "The Vision of the Conservative Party" in Chuo Koron (an established magazine), in which he warned of a progressive hegemony in national politics unless the LDP broadened its traditional business-rural bloc to include urban working people. The Ishida group declared in a draft Charter of Labor that "the LDP is the workers' friend" and "labor unions are our partners." The initial LDP Charter maintained that the LDP would make efforts to approach a 40-hour week. Many LDP members, including its mainstream force, however, opposed Ishida's Labor Charter, in particular its argument for the 40-hour week. When the final version of the Charter was published in 1966, it eliminated the 40-hour week from its goals. The Charter draft had argued that "work time should be reduced to enable the people to access healthy leisure and cultured living," but the final version deleted the phrase, "and cultured living," which made the tone of the sentence sound cautious. To be sure, it was remarkable that the LDP

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acknowledged shorter hours of work as a goal, but the party did not actually change its policy priorities.\footnote{Ibid. 301-320.}

(2) Shorter Hours from the Periphery, 1970s

The Peripheries of Japan's Corporate-centered Society

Like its American counterpart, the Japanese corporate-centered society had a two-tier structure of core and periphery. Its features, such as life-time employment, seniority/ability-based salary that met the necessities of a social standard of living, and other generous corporate welfare, were only accessible to male regular employees in major corporations, government, and a portion of medium-scale companies. Male workers in private corporations employing 500 or more employees accounted for only 27.3 percent of all employees in non-agricultural sectors in 1975. The "core" of Japanese corporate-centered society constituted, by the broadest estimation, male workers in private corporations with 100 or more employees, plus all government employees, including women. Together, they still
accounted for only 40.6 percent of all employees.\textsuperscript{313} They were the "core" of the social order not only in terms of their privileged position in industry and the workplace but also in terms of their influence in labor unions and public opinion to which the mass media often referred. Their working conditions and lifestyle were regarded as the social standard in postwar Japan. Yet the numerical majority was always non-privileged people on the "periphery" of corporate-centered society who were excluded from the "standards." Particularly, they were workers in small businesses, non-regular and temporary workers, and most female workers (plus a majority of family business owners, including small farmers). They experienced less-stable or short-term employment, lower wages with much smaller increases for seniority, and insufficient corporate welfare benefits. Moreover, regular workers in small businesses suffered from longer hours. In 1975, average weekly scheduled hours (for both sexes but excluding overtime) of workers in small businesses employing 30-99 employees was 45.2 hours, while that of the workers in large corporations employing 1,000 or more was 39.6 hours.\textsuperscript{314} The existence of the "peripheries" was indispensable to the "core" of Japanese

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\textsuperscript{313} 総務省『労働力調査』 [Ministry of Internal Affairs and Communications, \textit{Labour Force Survey}] Basic Tabulation, Historical, 4-2. [http://www.stat.go.jp/data/roudou/longtime/03roudou.htm]

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economy, and discriminatory treatment was systematically integrated into the growth mechanism of corporate-centered society. Many small to medium companies were *keiretsu* (affiliated) companies or subcontractors, subordinated to the major parent corporations and related banks. They were expected to provide major corporations with cheap unfinished inputs, outsourced inventory management, and sometimes parent corporations or banks provided surplus labor to them in the name of *shukko* (personnel transfer). These financial and personnel burdens were transferred to workers in the form of inferior working condition. Non-regular workers, such as *rinji-ko* (temporary manual workers directly employed by the company) and *shagai-ko* (manual workers dispatched by subcontracting companies), were expected to function as a valve that could relieve the pressure of employment costs by excluding the expense of corporate welfare and guaranteed promotions.\(^{315}\)

Women were excluded from promotions and welfare benefits, too. The assumption that male workers would accept intensive and long working hours in exchange for livelihood-based salary increases (a family wage) was only feasible in the context of discriminatory gender relations. Men could be breadwinners only when women took on domestic work. Unpaid domestic work made it difficult for women to be corporate warriors.

They simply could not come home exhausted to children already in bed or leave home for a remote region to fulfill a corporate transfer. "Glass ceilings" prevented women from being promoted to supervisory positions and "congratulations retirements" were common business practices for women who had recently become married. Most married women, after child rearing, found job opportunities only in part-time, low-paid, and segregated labor markets.316 Unlike European countries where only white-collar workers enjoyed seniority-based salary, only male workers, including blue-collar, became eligible for seniority-based salary in Japan. Women's subordination in labor market was a result of patriarchy and discrimination embedded in Japanese-style management, rather than a rational difference from male employees who had spent longer period in a company to acquire what some scholars believed higher intellectual skills. The discrimination was clearly demonstrated by the fact that "part-timer" was defined in Japanese corporations not as employees who worked shorter hours but a social status, predominantly represented married women who, in some cases, worked long hours.317


Progressive Movement from Periphery

These non-privileged and largely unorganized people had difficulty improving their lives within a sphere of the market economy, but they had considerable influence on politics, especially local politics where most government functions were directly related to their living standards. Japanese labor unions during the 1960s and 1970s preferred raising living conditions through company-based collective bargaining over improving social income and universal welfare, including the minimum wage. *Shunto* (spring struggle), a form of pattern bargaining established in the mid-1950s in which company-based unions tried to spread a pioneering labor contract to other companies, contributed to the reduction of wage inequality by the early 1970s. Yet the ratio of male regular employees' average compensation, including bonuses, in companies of 10-99 employees, to companies of 1000 or more employees was only 60 percent in 1974 when the inequality was the smallest.\(^\text{318}\) The gap began to expand afterwards. Discontent with the inequality, by the late 1960s, turned those on the bottom of

the two-tier social structure to politics over public welfare. Women also had a reason to pay attention to politics. The average compensation (including bonuses) for female regular employees (excluding part-time workers) was less than a half of their male counterparts throughout postwar period regardless of enterprise scale.\footnote{Ibid. Comparable data are available only after 1965.} For the women who quit being full-time housewives and wished to participate in the labor market, pressing issues included not only discrimination in individual firms but also socializing domestic work to shorten hours of household labor, such as public supports for increasing child-care services. Various other non-privileged and politically-conscious groups shared the growing public discontent. They included: local residents suffering from pollution and health disasters; financially depressed seniors and small business; farmers facing economic decline; the unemployed; public sector employees; workers in childcare, health, and social welfare fields; and teachers and intellectuals who maintained an ethos of postwar peace and democracy. They provided a source of energy to local, progressive politics during the late 1960s and early 1970s. The coalition and policy agreement established between the JSP and the JCP enabled an even broader movement for progressive local governments. At the prefectural and municipal level, the progressive bloc had become a close competitor to the LDP. Progressive local
governments in turn, pursued the development of a local-level welfare state by building public and subsidized childcare centers along with other public services. They also created a free healthcare for elder citizens and strengthened government regulatory functions. Though in a quite different form from the civil rights movement in the United States, a new progressive agenda of rectifying discrimination and economic disparity emerged in Japan.

**Shorter-Hours Goal for the Non-Privileged**

Attention was paid to work-time regulation in the national government during this period. In 1969, the Ministry of Labour created the Labor Standards Study Group (a committee of scholars and experts) to examine amending the LSA. The Study Group published a report in 1971 that recommended reconsidering the existing 48-hour workweek standard and small business exemptions, limitations on overtime under Article 36 contracts, and the two-day weekend. Also, the Advisory Committee on Industrial Structure in the

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322 朝日新聞 [Asahi Newspaper] (December 12, 1971) Tokyo, morning, 3.
Ministry of International Trade and Industry, in its interim report in 1971, addressed shorter hours, two-day weekends, and the expansion of paid holidays under the banner of “taking advantage of growth.” Amending the LSA for shorter hours would have a significant impact on the lives of the non-privileged. For unorganized workers in the medium and small business sectors, the LSA was the only means of limiting their long working hours. The revision of LSA's special provisions, if combined with improved universal welfare, could contribute to more stable employment conditions for these workers. For women, who desired equal treatment, a general reduction in work time, including limitations on overtime by amending Article 36, would contribute to gender parity. Achieving shorter hours was an alternative to a superficial equality, which was not helpful to the majority of women who did not opt to compete with corporate warriors. With shorter hours, men could share domestic work and women could be acknowledged as core employees and keep decent jobs even after marriage. When business community demanded deregulation of women's protection provisions in the LSA, such as legal limits on women's overtime and prohibition of night work, at the end of the 1960s, some women's right advocates hailed and welcomed the business-led argument as if legal protections had caused unfair treatment. But other women's union activists opposed the idea, arguing that it was impossible for women to get real fairness without reducing male workers' hours. Eliminating women's protections without shortening work time, they
maintained, would simply make women's employment conditions worse except for the few women who could become corporate warriors. General work-time shortening could also help senior workers physically stressed by hard work.

The 1973 Oil Shock and subsequent worldwide recession worsened economic and political circumstances. Unlike European countries where growing concerns of layoffs and unemployment reinvigorated shorter-hours drives, Japanese capitalism went its own way in the opposite direction. Facing little resistances from mainstream labor unions, Japanese corporations shifted to "lean management," which required over-all restructuring to eliminate "waste," including surplus employees squeezed out by maximizing individual employees’ labor productivity. While most non-regular workers simply lost the opportunity to renew contracts, regular workers in major corporations who became a target of the restructuring were pushed out to the related or subcontracting companies. As a result, in the small- to medium-sized business sector the labor market became saturated with labor, and employers denied job security due to financial limits. During the five years between 1974 and 1978, for example, employment in companies of 500 or more employees decreased by 600 thousand (from 9.3 million to 8.7 million), while in companies of 30-500 employees it increased by

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almost an equal amount (from 10.5 million to 11 million), and in companies of less than 30 employees it increased by 1.4 million (from 11.8 million to 13.2 million).\textsuperscript{324} Shorter hours could alleviate the growing unemployment risk for non-privileged workers.

**Working-Hour Policy in the 1970s**

During the late 1970s, the push for shorter hours again drew attention in the government. The CACLS in the Labour Ministry (delegates from public, labor, and employer groups) had taken over discussions on LSA reform from the Study Group. In 1977, it published a proposition about "the methods of work-time measures" that recommended reducing overtime, increasing paid-holidays and promoting two-day weekends. The proposition entirely counted on strengthened administrative directions and inspections rather than legislative action. In 1978, the JSP proposed a LSA amendment to increase the overtime premium to 50 percent for night hours and 100 percent for weekend and holidays and to implement two-day weekends.\textsuperscript{325} The Fourth Basic Plan of Employment Measures in 1979, issued under a cabinet decision, specified work-time reduction as one of the measures of

\textsuperscript{324} Ministry of Internal Affairs and Communications, *Labour Force Survey*, Basic Tabulation, Historical, 4-2. op. cit.

\textsuperscript{325} 朝日新聞 *Asahi Newspaper* (February 21, 1978) Tokyo, morning, 2.
"maintenance and expansion of employment," arguing that "shortening of working hours should be advanced basically from the perspective of improving workers' well-being, but at the same time, from a long-term perspective, it contributes to securing employment opportunities in industries." It added "we will advance efforts to shorten the hours actually worked mainly by eliminating excessive over-scheduled working hours and promoting workers' acquisition of all annual paid-holidays." Government shorter-hours slogans in the late 1970s and early 1980s, however, went no further than administrative efforts, which had limited effectiveness. Various factors accounted for this disappointing development, including business opposition, inactivity in mainstream labor unions, and the LDP's confidence in regaining local voters after the Tanaka cabinet expanded income transfers to rural areas through public works. Most important, Japanese-style management with a "lean" modification turned out to be successful from a business point view. Japanese major manufacturers gained enormous profits by a flood of made-in-Japan exports. The national trade surplus skyrocketed in the 1980s. Excessive overtime was an integral part of the growth mechanism of Japanese corporate-centered society.
(3) Attitudes and Statistics

**Workers' Attitudes in Public Polls**

Now, a look at the public polls since the 1960s from the Prime Minister's Office (currently the Cabinet Office) to examine the workers' thoughts on work time in Japanese corporate-centered society:326 First, many workers accepted work time as an inevitable reality, either positively or passively. Though some pronounced dissatisfaction with their long, hard hours, in the 1966 poll, 67 percent of respondents thought their hours "neither long nor short"; only 25 percent chose "long."327 In the 1977 poll, asked if hours were too long, 61.9 percent chose "I do not think so," and 25.2 percent responded "long." The same poll showed that 48.7 percent agreed with "fine with current level" when asked if they wanted more leisure, and 41.7 percent agreed with "want more."328 To the same question on leisure in the 1985 poll, the former was 55.5 percent and the latter 40.5 percent, which suggests that a growing

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326 総理府・世論調査 [Prime Minister's Office (PMO), Public Polls] [http://survey.gov-online.go.jp/y-index.html#nendobetsu2]. Due to occasional changes in the letters of questions and answer-options or due to different ratio of sex and ages of the respondents, it is not possible to make a strictly consistent, long-term comparisons.

327 総理府「労働時間、余暇に関する世論調査」[PMO, Public Poll on Work Time and Leisure] (1966), Q23.

leisure-orientation was absent and work-orientation was not at all weakened in the 1980s. Second, it is confirmed that many people in Japan affirmatively viewed shorter hours as a general trajectory of social development (not necessarily their own choice). In the 1986 poll, 48.7 percent agreed that annual work time in Japan should be shortened to the European-US level of 2000 hours, while only 27.2 percent approved of the existing level or longer. Also 39.8 percent agreed with the work sharing concept that shorter hours led to more employment opportunities, while 21 percent disagreed with it. 76.2 percent supported two-day weekends, and 17.1 percent opposed them. As to reducing legal work time by amending the LSA, again, 52.9 percent agreed, and only 20.2 percent opposed. Considering the first and the second findings above, many people maintained a hope for shorter hours in general, but they did not necessarily pursue shorter hours in their own work lives. The reason for this inconsistency can be explained by the third point, below. When they were required to choose between only two options, more income or shorter hours, many people chose income, giving up shorter hours. In the 1966 poll, asked whether they preferred "more income with current work time" or "shorter hours with current income," 68 percent preferred the former (divided by 26 percent accepting

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330 総理府「労働時間・週休 2 日制に関する世論調査」[PMO, Public Poll on Work Time and 2-Day Weekend] (1986), Q3, Q5, Q11, Q12.
work time extension for more income, 29 percent denying it, and 13 percent not sure about it) and only 18 percent preferred the latter. In the 1971 poll, between "more income with busier work" and "shorter hours with current income," 38.2 percent favored the former and 31.4 percent the latter. It is also true that preference of shorter hours to more income temporarily swayed a majority during the 1970s, though a little inconsistently. In the 1972 poll, between "more income even if work time will be longer" and "reduction of work time even if income does not increase," 31.4 percent went for the former and surprisingly 34.2 percent for the latter. To the same question, 30.1 percent for the former and 39.5 for the latter in 1974, 28.6 percent to 24.7 percent in 1975, and 30.6 percent to 39.7 percent in 1977. Yet, by the 1980s, income-orientation recaptured the greatest response. In the 1986


333 総理府「週休2日制・余暇に関する世論調査」[PMO, Public Poll on 2-Day Weekend and Leisure] (1972), Q6.


335 総理府「余暇に関する世論調査」[PMO, Public Poll on Leisure] (1975), Q3.

poll, the ratio was 34 percent to 27.5 percent.\textsuperscript{337} One can see this type of trade-off question as misleading. Still it is important to see that many people gave up shorter hours, unless labor could persuade them with their own theory to nullify the trade-off argument often maintained by business groups and government. After a period of "shorter hours" in the early 1970s due in part to the worldwide recession, Japanese corporation under lean management asked for even longer hours and harder work and stiffened their attitudes against shorter hours without a wage reduction. A wish for shorter hours in general terms could not generate sufficient resistance to corporate logic in such a tough economic situation. It is also important to note that workers' preference for income in a survey does not necessarily mean that they always stressed material over non-material values. For most Japanese workers, there was little chance to choose anything that would endanger their position and reputation as an acceptable member of the company. Likewise, many workers avoided applying for legally available paid leave. Asked about annual paid leave, 26 percent of 1986 poll respondents answered "no leave" and 24.9 percent answered only "1 to 5 days." Respondents noted, "It will be busier later and it will give colleagues trouble" (25.7 percent); "The atmosphere in my workplace is making it difficult to apply for it" (15.7 percent): and "My supervisors would not be happy about it" (5.7

\textsuperscript{337} 総理府「労働時間・週休2 日制に関する世論調査」[PMO, Public Poll on Work Time and 2-Day Weekend] (1986), Q9.
percent). All these answers suggest that many employees gave up paid leave in order to protect their position and reputation in the company.\textsuperscript{338} Japanese worked hard until late not because they were culturally diligent nor loved to do so but because otherwise they had little chance to be successful in Japanese corporate-centered society.

**Labor Unions' Attitudes**

Among labor leaders, there was a revived interest in shorter hours during the early 1970s. In the spring struggle of 1970, Sohyo listed a seven-hour day, 35-hour week (40-hours in the immediate future), 50 percent overtime premium (100 percent for weekends and holidays) in its main demands, and most of the affiliated unions demanded some work time reforms.\textsuperscript{339} Domei had similar demands. Remarkably, during this period, labor unions in the small to medium business sector displayed an increasing interest in shorter-hours demands, due to their awareness about the social gap in working conditions and growing concerns about

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\textsuperscript{338} 総理府「労働時間・週休2日制に関する世論調査」[PMO, Public Poll on Work Time and 2-Day Weekend] (1986), Q17, A17-SQb.

employment insecurity. Also the women's departments in labor unions began to focus on work-time issues, reflecting the growing dissatisfaction with discriminatory employment conditions, especially among working mothers. Sohyo, and Domei, in 1970 and in 1971, respectively, made serious legislative demands to amend work-time provisions in the LSA, demands rarely heard in the 1960s. Even during this exceptional period, however, Japanese labor as a whole could not create much pressure for shorter hours. The Joint Spring Struggle Council of 1972 issued a document, "General Overview of Shorter-Hours Struggle and Out Next Plan" in which they acknowledged their own problems in the shorter-hours movement. The shorter-hours struggles in Japan "remained an accessory claim or a preparative step in the wage struggle and did not organize an industry-wide unified movement or any strike on its own." To begin with, it continued, "the concept that the shorter-hours demand is the primary goal for the labor movement is not shared by many people," and even in the rare cases where shorter hours became the focus of the actual struggle, "there are few struggles that propose a positive agenda," such as increasing job opportunities or decreasing the economic gap. In


the Federation of Synthetic Chemistry Workers' Unions, which demanded shorter hours in its struggle over the automation, the shorter-hours demand was primarily viewed as a return for labor intensification but not as a measure to solve employment issue.\textsuperscript{342} One official of Sohyo said, "the proposals for the (LSA) amendment made by each national center ended up to be an 'essay' of labor officials, rather than a bottom-up movement by rank-and-file workers, and it seems the goal is forgotten now that many unions are overwhelmed by wage struggles in this serious inflation triggered by the oil panics."\textsuperscript{343} Most unions did not refuse or reform their Article 36 contracts, which directly affected their overtime. Labor's embrace of constant overtime was illustrated by a 1971 Domei proposal limiting overtime to two hours of overtime per day, five hours per week, and 200 hours per year.\textsuperscript{344} Sohyo's rank-and-file members did not share a serious interest in shorter hours, either, except its women's and youth departments.\textsuperscript{345} The difficulty in building a shorter-hours movement in Japanese

\textsuperscript{342} Chingin to Shakai-hosho, No.601, (early May, 1972) op. cit. 45-46.

\textsuperscript{343} 藤本正(総評弁護団幹事長)「労働時間短縮と立法課題」『労働法律旬報』[Tadashi Fujimoto (director of Sohyo legal team), "Shorter Working Hours and Legislative Tasks," \textit{Rodo Horitsu Junpo}] No.947 (early March, 1978) 5.

\textsuperscript{344} 日本労働総同盟「労働時間短縮のとりくみ」『労働法律旬報』[Domei, "Our Efforts to Reduce Work Time," \textit{Rodo Horitsu Junpo}] No.768 (late February, 1972) 31-32.

\textsuperscript{345} 萩原進「労働時間短縮の障害とその克服」『月刊総評』[Susumu Hagiwara, "Bottlenecks for Shorter Working Hours and the Solutions," \textit{Gekkan Sohyo}] (May 1972) 40-42.
A corporate-centered society was evidenced by a story a member of the newspaper union in Osaka related: "Those who considered themselves labor activists in the past, married, borrowed money from the company giving even their own pensions in the security, purchased sweet homes, still repaying the money, and are today obsessed by overtime every evening, ignoring the union meetings." Persistent overtime and labor's priority on salary issues in Japan was commonly attributed by labor leaders to "low wages," but not many addressed the issue of workers' dependence on corporate welfare or the importance of social income as a measure to break the bottleneck of the shorter-hours movement. In 1978, Sohyo admitted that the shorter-hours struggle came to a standstill in the growing business offensives. As "some labor unionists have a feeling that shorter-hours struggle is not possible in this job insecurity," they argued, "it is true that company-level unions are getting more indifferent to shorter hours."

The difference in labor attitudes from their European counterparts who pushed for shorter hours to fight against employment insecurity was clear.

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**Business Attitudes**

*Nikkeiren* (Japan Federation of Employers' Associations), which represented the business society's view on labor issues, defended long and hard work. In its 1982 report "Work Time Management and Work Time Reduction," it argued against growing criticisms from other industrialized countries. "We have personnel management with a long-term perspective, particularly being prepared for recessions even in economic booms, because our country has a custom of life-time employment and therefore, unlike other countries, we do not lay off workers, and we find it difficult to cut employees in recessions, which means that to some extent over-scheduled work is a necessary and indispensable employment adjustment-valve in Japan." In other words, in Japanese-style management, companies tried to maintain employee numbers by asking for long-hard work from the existing workforce in economic booms. That is how employers minimize layoffs in recessions. Long hours were an alternative to layoffs, as opposed to the European idea that shorter hours were the alternative. This boastful justification of Japanese-style management did not address the economic risks for many women, non-standard workers, and small business employees, though. If long intensive work is not an option, according to Nikkeiren's logic, the entire

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employment system stops working. As for work sharing by reducing hours, Nikkeiren maintained that in Japan it would increase labor costs (corporate welfare including the costs of long-term employment) and end up driving companies to labor-saving investments rather than keeping expanded employment. Nikkeiren still argued that it was possible to reduce work time in the long run as productivity grew as long as pay increases were restrained, but this was no longer the main argument. Japanese capitalism had relied on long and hard work from the beginning, but its success after the 1960s was unique for its workers' high rate of corporate loyalty. Employers believed they had good cause to oppose shorter hours as long as they maintained life-time employment and other aspects of corporate welfare for male regular workers, no matter how much they cut the size of such privileged labor. Long and intense work was systematically incorporated in Japanese-style management, no matter how much productivity grew. Actually, during the 1980s, Japanese productivity kept growing while real earnings stagnated and work time increased. Thus, Nikkeiren opposed any proposal to cut overtime and asked the Ministry of Labour to "prudently handle the issue."  

349 Ibid, 21-23.

Statistics: Shift in the Long-term Trend of Working Hours
In the early years of the 20th century, typical on-duty hours in Japanese textile industries were 12-15 hours a day, and male workers in other manufacturers spent 10-12 hours on the job. Most workers had two or fewer holidays a month and worked approximately 70-90 hours a week. By the 1930s, a typical work week dropped to around 65-75 hours. By the 1950s, it became 50-55 hours. To be sure, such a socioeconomic development was not automatic or seamless at all, but from a long-term historical perspective, work time in Japan declined considerably in the first half of the 20th century. Work time right after the Asian-Pacific war, which destroyed most of the country’s productive activities, was at the level of European countries, and even after the period of extended work time in the 1950s it did not revert to prewar levels. The most important factor that accounts for this discontinuity between prewar and postwar Japan, with more than a ten-hour weekly reduction, was the Labor Standard Act established by the postwar democratization and protected by the democratic movement during the 1950s.

What about work time in the last half of the century? The period between the 1960s and early 1970s is often called an age of "shorter hours" in Japan, but only when we look at

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an average for the entire work force.\textsuperscript{351} As we already noted, Japanese corporate-centered society clearly discriminated against women in the workplace and in the family. Viewing hours by sex reveals a different picture.\textsuperscript{352} Figure 7, based on the household-level Labor Force Survey, demonstrates: First, for male workers, the core and standard labor in Japanese corporate-centered society, the average work week remained 50 hours or more, which was the level of the 1950s. The trend held until 1990 except a few years after the 1973 worldwide recession. The decline in work time for core workers in Japan was lost during the second half of the 20th century. The shaping of the corporate-centered society and the delay of a 40-hour law account for this profound change. Second, the biggest reduction of average work time for male workers after the establishment of the LSA occurred right after the major LSA amendment in 1987. It decreased from 51.4 hours in 1988 to 47 hours in 1994. This demonstrates the significance of work-time regulation for shorter hours. Third, the tendency toward "shorter hours" in postwar Japan largely stemmed from the exclusion of women from


\textsuperscript{352} Aside from gender gap, typical underestimations of Japanese standard work time stem from the lack of unpaid overtime in the Monthly Labour Survey (employers survey), and inclusion of part-timers in the average especially after the 1980s when non-standard employees skyrocketed. For the details of statistics in Japan, 森岡孝二『企業中心社会の時間構造』[Koji Morioka, \textit{Time Structure of Corporate-Centered Society} (Tokyo: Aoki Shoten, 1995)] 73-78.
the core labor market. Starting in the 1960s, only the average work time of female workers constantly declined. Fourth, the steep rise in substandard employment accounts for a large part of the recent work-time "reduction." The ratio of non-standard employees including part-time workers among women increased from 29 percent in 1984 to 40 percent in 1996 and then to 51 percent in 2003. Lastly, hours for male regular workers increased after 1994, at least for a decade. This emerged logically from two facts; the average workweek for male workers was nearly stable in the late 1990s and the early 2000s, and the ratio of non-standard male workers increased in the same period.

There is no doubt that the ratio of work time in a lifetime declined even in Japan during the late 20th century due to the popularization of higher education, women's exclusion from the core of labor market, and the longer duration of life with earlier retirement. By the mid-1970s, 95 percent of both sexes entered high school, and 40 percent of men and 20 percent of women attended higher education. In 2010, 55 percent of men and 45 percent of women enrolled at universities or colleges. Financial burdens on the household increased and pressured breadwinners to obtain more income. Yet, it is an insufficient explanation about

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the postwar tendency because these social developments took place not only in Japan but in many industrialized countries. It was the peculiar structures, practices and ideology of the corporate-centered society that kept the Japanese away from reducing financial pressures through building a gender-neutral welfare state. To maintain its standard of living under this circumstance, the Japanese workforce acquiesced to long and intensive work.

Final Round, 1980s

International Pressures

The economic success of Japanese corporate-centered society could not last forever. Japan's post-Oil-Shock "miracle" relied on lean management’s enforcement of longer and harder work. Internationally, it depended in large part on the US market, especially for Japan’s most profitable sectors. Ezra F. Vogel described in *Japan As Number One* (1979) Japanese systems and customs positively, but the political consequence of “beating” the United States in trade, whose high-value dollar, military expansion, and neoliberal tax
reduction policies encouraged the twin deficits, was negative for Japanese corporations.\textsuperscript{354}

The Reagan administration changed economic policy and sought greater economic responsibility from Japan. The 1985 Plaza Accord resulted in a higher-value yen and international pressures to expand Japanese domestic demand and imports. Calls to eliminate social dumping in Japan eventually undermined the foundation of its economic success. Faced with external pressure, the Japanese government suddenly pushed shorter hours as a national goal. The most impressive and straightforward way to send international society a clear message that there would be no such social dumping in Japan was to establish a 40-hour legal standard. The new Labor Standards Study Group, re-established in 1982 by the Labour Ministry, proposed for the first time in an August 1984 (interim report), and in a December 1985 (final report), a general reduction of the work week through an LSA amendment. The Study Group proposed a relatively modest 45-hour week (the nine-hour day in the interim report was revised to eight hours in the final report), ten days of annual paid leave (up from six days), and no changes in overtime premiums or Article 36. During this period, the Ministry began through administrative directives, which had no legal binding force, to put pressure on corporations to limit overtime under Article 36 contracts. This was a remarkable

change, but lacking Article 36 revision, Japanese corporations could still take advantage of a powerful loophole. It was a sign of the limitations of amending LSA as a measure against foreign pressures. Moreover, the Study Group did not merely propose legal reduction of work time, but they also endorsed a new policy of “flexibility” such as a 3-month-unit regulation and discretionary work system that virtually nullified attempts to regulate work time.\textsuperscript{355}

Making the already flexible LSA more flexible (i.e., Article 36, lower premiums, special treatment) was one of the earliest examples of neoliberal policies pushed by the business community, which sought to restrain labor costs by refining the concept of legal work time (scheduled hours) to exempt a portion of overtime from the legal obligation to pay a premium. If Japanese companies continued to use long working hours after the LSA amendment, overtime premium costs would automatically increase. They needed to pave the way for legally evading overtime pay. Although it was inconsistent with the theme of legal reduction of work time, which international pressures now made inevitable, a major amendment of the LSA offered the biggest opportunity for them to transform the concept in the law. Thus

\textsuperscript{355} 労働基準法研究会報告「今後の労働時間法制のあり方について（要旨）昭和60年12月19日」『労働法律旬報』[Report by the Labor Standards Study Group, "About the Future Work-time Law, Summary, December 19, 1985" Rodo Horitsu Junpo] No.1161 (early February, 1987) 30-31. A discretionary labor system allows employers to regard "work time" as a predetermined number of hours that employees under the system are supposed to work, not the number of hours actually worked by an employee.
political discourses on amending LSA in the mid-1980s centered on contradictory approaches, shorter hours and more flexibility.

**Shorter Hours for Domestic Consumption**

During this period, the Nakasone cabinet justified shorter hours mainly from the perspective of creating greater domestic demand rather than reforming corporate-centered society through building a welfare state and work sharing. The "Maekawa Report," issued, in April 1986, by the Study Group on Economic Structural Adjustments for International Cooperation (a prime minister's advisory body) announced new national goals of "US-European levels" of annual working hours and two-day weekends as early as possible. By the next April, the "New Maekawa Report" specified a goal of 1,800 annual working hours, which was less than the US level. The number in the government discourse, however, was not a typical annual schedule for regular workers but was an average for all employees, including a rapidly increasing part-time workforce that suffered discriminatory treatment (more than 30 percent of female workers were non-standard in the mid-1980s), and the annual benchmark excluded unpaid overtime (so-called "service overtime"). Moreover, the Japanese government created the shorter-hours policy to expand domestic demand without increasing
labor costs. In this regard, the government came up with an idea, not really a familiar one in Japan, that work-time reduction itself would *directly* expand consumption. The *Labour White Book of 1985* pointed to employer benefits: In addition to positive influences on productivity and work ethic, a two-day weekend would increase the propensity of consumers to increase purchases (even if there was no increase in workers’ income).\(^{356}\) The *Labour White Book of 1986* pointed out that in addition to an expansion of domestic demand from a more highly valued yen, shorter hours would increase domestic demand through "more active leisure activities."\(^{357}\) It paid little attention to the idea of shorter hours *combined with* a higher wage or improved universal welfare provisions, a more certain and direct approach to increase consumer propensity and domestic demands.

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**A 40-Hour Standard and Flexibility: Amending the Labor Standards Act, 1987**

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In February 1987, after accepting the proposal from CACL S issued in December, the Ministry of Labour published "A General Plan of the Amendment of the Labor Standard Act," in which for the first time in Japanese history the concept of a 40-hour week finally became a legitimate goal in a government document. The General Plan, however, proposed to set a 46-hour legal week for a certain period with no specific timetable for reducing the hours, which gave the government a free hand to postpone the deadline for enforcing a 40-hour week for years or even decades. The General Plan adopted flexibility provisions to expand multi-unit-regulation (adjustable long-term work schedule), flexible daily work schedules, and discretionary labor systems. Strong opposition among the LDP and businesses, which had stuck to a 46-hour week permanent law a few years earlier, disappeared. To be sure, opposition waned because they could not ignore pressure from the United States, but they also had new loopholes supported by the government. Labor organizations asked for an early transition to the 40-hour week, two-day weekend, limits on Article 36 overtime (two hours a day and 150 hours a year), a 50 percent overtime premium (100 percent for weekend and

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holiday work), and 20 days of paid leave (for all employees after one year employment), but they did not seriously oppose the flexibility provisions except in some details. Despite having the strong wind of international pressure at their backs, and with karoshi (death from overwork) acknowledged as a social phenomenon, Japanese organized labor could not create a political movement to establish a 40-hour law without loopholes. Such was the strength of "workaholism" in Japanese corporate-centered society and labor's lack of experience in building a bottom-up movement for shorter hours.

In September 1987, the national diet amended the LSA. Revisions to include some limitations on flexibility provisions demanded by the opposition parties had been added, and the amendment finally became effective in April 1988. The legal workweek was set by decree at the beginning to be 46 hours. Mining, transportation, construction firms employing up to 300 employees, manufacturing enterprises employing 100 or less, and companies in commercial trade received a 48-hour work week exemption until 1991. Similarly, when a decree was issued to enforce a 44-hour work week in 1990 and 40 hours in 1993, a grace period was given to many businesses. It was not until 1997, ten years after the amendment,

that full enforcement of the 40-hour week was realized. It does not mean that the 40-hour legal standard covered every company in Japan after 1997. The law allowed 48 hour weeks (eight-hour days) to retail and service businesses with less than ten employees, though many old special provisions were removed. Businesses won an expanded multi-unit regulation (1-week, 1-month, and 3-month unit) for adjustable long-term work schedules, flexible daily work schedules, and a discretionary labor system.

A discretionary labor system allowed employers to regard "work-time" as predetermined hours employees were supposed to spend regardless of the actual number of hours they worked. Though the application of this provision was initially limited to exceptional job categories, it paved the way for virtually nullifying the work time regulation. Considering these flexibility provisions continued to be expanded, such as the legalization of a one-year unit regulation in 1993 and the application of the discretionary system to a project-planning job category in 1998, the amendment of the LSA in 1987 turned out to be a neoliberal policy breakthrough in labor laws. As to annual paid leave, the new law barely increased it from six to ten days. Eligible were those employed for a year or more. The amendments in 1993 and 1998 lowered the threshold to 6 months and introduced a sliding scale of up to 20 days by length of service for those employed for 6.5 years or more. Yet paid
leave was never made obligatory. Overtime premium rates of 25 percent and Article 36 remained intact in the 1987 amendment. The premium rate for weekends and holidays was revised to 35 percent in 1994, and the government issued a "maximum standard" of overtime to be used in its administrative directives toward Article 36 contracts. They remained legally unenforceable. Thus Japanese corporations maintained unlimited overtime and gained new legal loopholes in return for the 40-hour week standard.
Conclusion

A Brief Summary

From a long-term perspective, the typical workweek in the United States and Japan had declined in the first half of the 20th century, but during the second half it slowed and eventually started increasing. This dissertation examined political developments related to work-time regulation and their social context. It compared the years until the New Deal period (in Japan's case, the postwar reforms and the 1950s) when the shorter-hours movement had gained enough strength to establish labor standards laws, and the years after the shaping of corporate-centered society (until the 1970s in the United States and until the 1980s in Japan) when politics to improve the labor standard came to a stalemate. In the United States, the shorter-hours movement during the New Deal period had various perspectives: work sharing to reduce unemployment; maintaining and expanding purchasing power; and limiting production to balance existing purchasing power. Although New Deal liberals eventually rejected the 30-hour week bill, they supported the basic concept of reducing the legal workweek and the 40-hour standard established by the Fair Labor Standards Act. After World War II, however, the rise of sociopolitical forces indifferent or antagonistic to shorter hours, even among labor and liberal communities, doomed attempts at amending the FLSA to reduce
the workweek standard. The shaping of corporate-centered society, in which "core" workers heavily relied on corporate welfares, including a seniority-based long-term employment, accounts for the profound transformation in sociopolitical circumstances. In the 1960s and the 1970s, shorter-hours advocacies gained audiences in the "periphery" of corporate-centered society. Demanding for economic parity and anti-discrimination, women, racial minorities, and workers in less prosperous sectors joined the new movement and won a series of the FLSA coverage extension. In the 1970s recessions, disproportionately high unemployment rates among minorities created an attention to work sharing. Feeble attempts to reduce the FLSA’s maximum hour standard were, however, hit by a new free market crusade at the end of the 1970s. In prewar Japan, state bureaucrats who were concerned with proletarian radicalization, particularly the Social Bureau of the Ministry of Interior, allowed the Factory Act and its amendments. Japanese war regime established working-hours standards for male workers in order to secure a strong social integration, although the war efforts eventually invalidated these regulations. The early U.S. occupation endorsed the Labor Standard Act of 1947 to democratize Japan, though Cold-War-minded late occupation policy and conservative reverse-course politics challenged the LSA. A postwar democratic movement led by organized labor and progressive political forces in the 1950s defended the LSA. However, the demand to reduce the legal standard from a 48- to 40-hour week that emerged in the
anti-rationalization struggles during the late 1950s was forgotten and shelved for nearly 40 years. Japanese-style management, the core growth mechanism for Japanese corporate-centered society, required male workers to devote their lives to the company in return for life-time employment. Indifference to shorter hours among the mainstream labor movement and a political impasse for the Japan Socialist Party overshadowed challenges from the "periphery" in the 1970s. When Japan finally enacted an amendment to the LSA to establish a 40-hour week in 1987, the new flexibility provisions paved the way for neoliberal revisions.

**Comparative Review**

Numerous differences can be found in almost every aspect of society between the United States and Japan. During the first half of the twentieth century, the sociopolitical differences were evident in the volume of capital; the capacity to create a Fordist economy; working-class consciousness and experiences in labor movement; the landlord system; boundaries of civil rights and democracy; and balance between coercion and consent in the social order. During this period, Japan was far behind the United States in terms of shorter hours. There were also many differences between postwar US and Japanese society. Japanese
corporate-centered society featured internal mobility from blue-collar to white-collar; multi-tasking and on-the-job training; personnel evaluations covering factors beyond skills or short-term performances; workers' full cooperation with corporate efforts to maximize productivity per worker; lifetime employment and seniority wages for corporate warriors; and company-based unions with little interest in challenging long working hours. In comparison, due to the strict boundaries of jobs and layoff practices under seniority rules, American workers had certain risks of unemployment. Yet, a high upward mobility through external labor market in the hegemonic economy reinforced its social integration. Civil rights and feminist movements challenged the boundary between the core and periphery of American corporate-centered society, and yielded legislative breakthroughs, including the FLSA coverage extensions, in the 1960s and 1970s. The strong social norm of male corporate warriors in Japan forced many working women to be part-timers. Many of these differences seem consistent with the fact that the average workweek of full-time employees in Japan was longer than their American counterparts, at least until the 1980s.

In a broad perspective, however, the historical courses of the United States and Japan have some important similarities. In both countries, it was during the postwar growth period that progress in work-time regulation halted. During the period, both American and Japanese
core workers withdrew from shorter-hours advocacy. They accepted a larger dependency on employers and long hours of works to cope with greater financial pressures than their West European counterparts. The concept of "corporate-centered society" helps us understand these similarities. Notwithstanding potential demands among socially disadvantaged groups, neither shorter hours nor work sharing became a popular topic in politics, an outcome of workers' intense dependence on corporations. The postwar legacy of American and Japanese corporate-centered societies at least partially explains the subsequent ascendancy of neoliberalism and weaker political resilience against deregulations in both countries.

**Toward A Neoliberal Time Squeeze**

The period of neoliberal globalization after the 1980s (in Japan after the 1990s) featured a reverse of previous concessional modifications in class relations. Corporations gained much more sociopolitical power through capital globalization. The neoliberal block—business society, government, and economists—promoted a radical ideology that glorified economic freedom, management prerogatives, and market principles, attacking extra-market regulatory forces including state regulations and even company welfares. Neoliberal globalization reshaped American and Japanese societies, concentrating wealth for the few,
squeezing the middle-class, and promoting substandard employment.\textsuperscript{361} The core work force shrank, and the labor market became more competitive. The reverse current also appeared in the realm of work time. Many employers asked for more overtime and less paid leave. More and more workers started moonlighting or postponed retirement. Some of them were forced to work by workfare.\textsuperscript{362} Average Americans have worked longer than Western Europeans since the 1980s (Figure 6). Between 1970 and 2000, both overworked and underworked groups increased among men and women.\textsuperscript{363} In 2010, the total overtime hours by American full-time workers reached at least 300 million hours a week, mathematically equivalent to 7.5 million of standard full-time jobs.\textsuperscript{364} Japanese corporate-centered society was successful from a business point of view until the late-1980s, when globalization and international pressure against an undervalued yen shattered the basis of its economic prosperity. The recent restructuring of corporate-centered society, limiting full-time regular employment and

\textsuperscript{361} David Harvey, \textit{A Brief History of Neoliberalism}, op. cit. (2005) 2-3, 16-17, 24-26.


\textsuperscript{364} U.S. Census Bureau, "\textit{Labor Force, Employment, & Earnings}, The 2012 Statistical Abstract" [www.census.gov/compendia/statab/cats/labor_force_employment_earnings.html]: Table 603. I conservatively calculated the total hours of overtime. For example, in 2010, there were 11.4 million people who worked between 41 and 48 hours a week. I multiplied 11.4 million by 1 [41-40=1] because there is no average work hours among this group. Similarly I multiplied the 12.5 million people who worked between 49 and 59 hours by 9, and 8.8 million people who worked over 60 hours by 20. Therefore, the number I calculated most likely underestimates the overtime hours actually worked.
creating unstable nonstandard jobs, has created even worse conditions for Japanese workers. Today the majority of female workers and one third of young workers in Japan are “non-standard” part-time employees, which has statistically reduced annual work hours in Japan. Yet, as Koji Morioka asserts, Japanese regular workers are still suffering from an excessive competition for limited corporate welfare.365

Neoliberal forces have tried to deregulate work time by exempting more workers and putting more flexibility in the labor standards. Neoliberalism has infiltrated into almost every advanced country, but it is also true that the extent to which neoliberal forces have been successful depends on the strength of pro-labor sociopolitical forces. For example, German labor unions, after the 1980s, continued to win shorter workweeks through industry-wide collective bargaining. France lowered the legal standard of workweek to 39 hours in 1982 and to 35 hours in 2000, and established a law mandating five-week paid vacations in 1982 (French workers obtained the legal two-week paid leave in 1936, extended it to three weeks in 1956, and to four weeks in 1963). By contrast, voices for shorter hours and more regulations almost disappeared in the United States and Japan. The United States is still the only

advanced country that has no statutory paid vacations or holidays.\textsuperscript{366} A study that compares work time in the United States, Japan, Germany and Sweden concludes that high income inequality and a weak social safety net, as well as cultural norms, have driven Americans and Japanese to work longer.\textsuperscript{367} All these factors, including the norms associated with a stricter work ethic, are the historical legacy of the corporate-centered society. Weakness of the shorter-hours movement and progressive political forces in the United States and Japan has provided more room for neoliberal forces to squeeze workers' time and to deregulate work time. In the United States, legislative efforts to shorten legal work time and to expand the coverage of the FLSA faded by the late 1970s, and the focus of political discourse on work-time policy became deregulation. The salary threshold as an indicator of executive, administrative, or professional status fell into disuse after the Carter administration, and the Donovan v. Burger King decision in 1982 allowed assistant managers to be exempt from wage and hour regulations.\textsuperscript{368} Most legislation introduced in its wake attempted to increase exemptions for certain jobs (such as IT professionals, inside sales, and lower-level


supervisors) or certain businesses (increasing the sales threshold). In Japan, the Rengo (established in 1989 to unify national centers except for the JCP's faction) did not play an active role in resisting neoliberal reforms. After 1992, the government's Basic Plan of Employment Measures eliminated a shorter-hours option and instead stressed flexible work time to support employment diversification. A 1997 amendment removed overtime limits and night hour prohibitions for women rather than legislating a limit on men's overtime. Furthermore, business organizations launched the campaign for white-collar exemptions in the 2000s. Today, both Americans and Japanese are workaholic. Both societies are plagued with persistent underemployment and a growing social gap. No serious attempt to shorter legal workweek can be seen in both countries.
Appendix: Figures

(1) U.S. Average Weekly Work Hours, Manufacturing, 1830-2010


Note: The average work hours by industry, all races and sexes included, is available in the earliest statistics, which enables a long-term, consistent data collection. The data includes part-time
workers, but manufacturing is known for its higher percentage of full-time workers than most other industries. Because the focus of work-time reduction is full-time work, the manufacturing data is valuable but not ideal. Another drawback of the CES is that the average is for each employment, not each worker. If one works, for example, 50 hours a week divided by 25 hours for a job and 25 hours for the other job, the CES counts it as two jobs of 25 hours, while the Current Population Survey (CPS, household survey) counts this as one person working 50 hours.
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(2) U.S. Average Workweek by Race and Sex, 1956-1999


(3) U.S. Productivity and GDP Per Capita Index [1958=100], 1890-2010

(4) U.S. Percentage of Persons 25-29 Years Old with Higher Educational Attainment, 1920-2010

U.S. Labor Force Participation Rate of Senior Persons, 1850-2010

International Comparison, Average Annual Hours Worked, 1950-2010


(2) 総務省統計局『労働力調査』[Statistics Bureau, Japan Ministry of Internal Affairs and Communications, Labor Force Survey (LFS) [www.stat.go.jp/data/roudou/]]

statistical "decline" of work hours should not necessarily interpreted as a shortening of standard work hours. As to the United States and Japan, the recent increase of part-time jobs largely account for it.

Note 2: Japan submits the OECD with the date from 厚生労働省『毎月勤労統計調査』[Japan Ministry of Health, Labour and Welfares, Monthly Labour Survey (MLS)]. MLS surveys establishments' records of per-job-basis worked hours (excluding time for breaks) and does not include unpaid overtime which is a prevalent practice in Japan (MLS also excludes those employing 5 or less workers). For its many drawbacks, this thesis does not adopt MLS as the main statistical source for Japanese work time. 総務省統計局『 労働力調査』[Statistics Bureau, Japan Ministry of Internal Affairs and Communications, Labour Force Survey (LFS)], another national statistics on labor in Japan, surveys individuals' per-person-basis total worked hours (no mention about breaks) and is considered to include unpaid overtimes. I calculated LFS data as follows: [average weekly work hours (all employed in non-agricultural industries, both sexes)] x 365 / 7.
(7) JAPAN, Average Workweek, Non-Agricultural, 1955-2010

Source: (1) 総務省統計局『労働力調査』 [Statistics Bureau, Japan Ministry of Internal Affairs and Communications, Labour Force Survey (LFS)] Average weekly hours of work among employed workers in non-agricultural industries. [1970, Table 12, 107] [1975, Table 10, 80] [1980, Table 7, 82] [1990, Table 7, 92] [1995, Table 7, 96] [2000, Table 7, 94] [After 2000, http://www.e-stat.go.jp/SG1/estat/OdtherList.do?bid=000000110001&cycode=7].

(2) 総務省統計局『労働力調査特別調査』 [Statistics Bureau, Japan Ministry of Internal Affairs and Communications, Special Survey of LFS] Table historical-9, 1984-2001, February. 総務省『労働力調査詳細集計』 [Statistics Bureau, Japan Ministry of Internal Affairs and Communications, Detail Tabulation of LFS] Table historical-10, after 2002, annual average, the ratio of non-standard employment workers including regular part-time and all temporary workers, male, employed. [http://www.stat.go.jp/data/roudou/longtime/03roudou.htm]
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