LEGAL ENVIRONMENTS, THE EMPLOYMENT RELATIONSHIP, AND MANAGEMENT REGIMES:

EVIDENCE OVER THIRTY YEARS

Michael D. Bourgeois
Department of Sociology
University of California, Santa Barbara
bourgeois_1@cox.net

John R. Sutton
Department of Sociology
University of California, Santa Barbara
sutton@soc.ucsb.edu

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Abundant evidence now exists that, since the late 1960s, dramatic changes have occurred in the way the rights of employees and the obligations of employers are defined in the American workplace. One of the biggest shifts has been the emergence of the concept of formal rights that may exist independently of collective bargaining agreements or specific government mandates. In a series of papers, Dobbin and Sutton and their colleagues as well as Edelman and her collaborators have documented the diffusion of a number of specific policies that define the scope of employee rights (such as grievance procedures), and specific changes in organizational structure that have accompanied this process of rights-elaboration (such as the appointment of an Affirmative Action officer or the creation of a specialized benefits office) (Dobbin and Sutton 1998; Dobbin, Sutton, Meyer, and Scott 1993; Edelman 1990; Edelman 1992; Edelman, Abraham, and Erlanger 1992; Edelman, Abraham, and Lande 1993; Sutton and Dobbin 1996; Sutton, Dobbin, Meyer, and Scott 1994). This research concludes that the “legalization of the workplace” is primarily a response to uncertainty created by government initiatives on a number of fronts—most conspicuously, equal employment opportunity and affirmative action (EEO/AA) law, but also reforms in state regulation of pensions and workplace safety.

However, this research also shows that legalization is not all of a piece. Some policies, such as grievance procedures and other mechanisms for appealing management decisions, formally extend workers’ rights; others, such as employment-at-will clauses explicitly limit them. Nor is legalization a universal trend: public-sector employers and private employers with links to the state are more prone to legalization than others. Moreover there is evidence that, by the 1980s, the inclusive tendencies of legalization had run into conflict with an emerging trend toward downsizing,
outsourcing, and the use of temporary labor. The research shows that legalization is largely a
symbolic process, often involving limited commitment from managers; there is some evidence as
well that legalization has been co-opted to more traditional managerial strategies—as, for example, in
the common redefinition of affirmative action as “diversity management.”

Results of this sort suggest trends in managerial policy that transcend specific innovations—
toward managerial styles or regimes. When the administrative literature speaks of “Taylorism,” for
example, or “human relations,” or even “civil service,” the reference is not to particular policies but
to a complex whole that comprises sets of policies, correlative authority relationships, and supportive
ideologies; implicitly or explicitly, it points also to an environmental and historical context. Analyses
of the diffusion of specific policies cannot tell us everything we would like to know about
legalization (or any other management approach) per se, since they yield only limited information
about the relational properties of the regime. Holistic analyses of managerial authority have typically
relied on detailed, qualitative, historical analysis. Reinhard Bendix’s *Work and Authority in Industry*
(Bendix 1956) is the most important example of this genre, and even this magisterial work is
vulnerable to the criticism that its interpretations are based on a selective and impressionistic reading
of the record.

We hope to push the neoinstitutional model forward by shifting attention to the relational
properties among various employment relations policies, and how those relations change over time
and across organizations. In doing so we draw on three recent trends in research related to
organizations. First, there have been important advances in our thinking about organizational niches
(Carroll 1985; Dobrev, Kim, and Hannan 2001; Hannan, Carroll, and Pólos 2003; McPherson
1983)—niches are now conceptualized in complex multidimensional terms that include not just
products, services, and personnel, but also ideologies and images (Carroll and Swaminathan 2000).
Mostly the niche concept has been used to understand competition within markets, but here we use
it to understand trends toward isomorphism with regard to employment relations practices. A second and related development has been increasing attention to organizational identity as a key to the fuzzy and often reified notion of organizational form; importantly for us, much of the recent work on identity has focused more on managerial strategies and employment relations policies than on products or industry location (Baron 2002; Baron, Burton, and Hannan 1999; Pólos, Hannan, and Carroll 2002; Ruef 2000). Third, work on relational analysis has moved forward, building on network techniques, and there is growing interest in the dynamics of relational systems (Carley 2003; McPherson and Rotolo 1996; Mohr 1998; Mohr and Lee 2000; Uzzi, Jarrett, and Delis 2002). Our work pushes these techniques farther in order to analyze the emergence and transformation of organizational identities.

In this paper, we report the results of a formal relational analysis of a wide range of employment relations practices and structures across a broad sample of organizations over a 30-year period. We seek to answer three substantive questions. First, do practices and structures cohere in distinctive ways that form recognizable management regimes? To give a silly example, we suspect that employers who create formal grievance procedures are unlikely to engage in paternalistic practices like handing out Christmas turkeys. Second, how do these regimes change over time? Third, what are the structural and ecological correlates of various regimes—what kinds of organizations come to occupy particular niches and display particular identities?

Organizational Isomorphism: Mapping Regime Structures Over 30 Years

To engage the question of the structuration of management practices in historical context, we use data from a survey of 279 American employers containing retrospective information about their employment relations policies and practices on a yearly basis from 1955 to 1985. This sample
includes employers from seven for-profit industries, the non-profit sector, and three levels of government. The 48 management policies and practices in focus can be heuristically categorized \emph{a priori} into five recognizable management "regimes," Taylor/Fordism, human relations, union/industrial relations, legalization, and downsizing. However, while these are useful constructs for purposes of constructing our project and hypotheses, one major goal of the analysis is to examine the validity of such definitions across time.

To this end we treat the organizations in our sample as dual structures, and we approach the analysis in relational terms (Bourdieu 1977; Breiger 1974; 2000; McPherson 1983; Mohr 1998; Mohr and Lee 2000; Rawlings and Bourgeois 2004). On the one hand, they are organizations in the usual anthropomorphic sense—they are distinct entities with public identities, recognizable sectoral locations, and observable structures; and when one decides to adopt this or that employment relations policy, that policy becomes an observable attribute of the organization's structure. On the other hand, organizations are constituted by their employment relations policies and practices; to the degree that these policies and practices cohere into meaningful patterns, these organizations can be viewed as realizations of particular management regimes. To analyze this duality, we approach our data from two directions. First, we use blockmodeling techniques to analyze whether organizations within a particular form in fact share an empirically recognizable regime of employment relations, whether organizational forms are similar or different in terms of their employment relations regimes, and how those similarities and differences may have changed over time. Second, we analyze the structure of the practice space itself—specifically, we use hierarchical cluster analysis to classify which policies and practices tended to appear in the same organizations at the same times. The third step is to bring together organizational form and content: using correspondence analysis, we show

\footnote{Data were originally collected by Sutton, Dobbin, Meyer, and Scott (Dobbin and Sutton 1998; Dobbin, Sutton, Meyer, and Scott 1993; Sutton and Dobbin 1996; Sutton, Dobbin, Meyer, and Scott 1994).}
the movement of organizational forms through the n-dimensional space defined by clusters of employment relations practices.

Blockmodeling of Organizational Forms

The task here is to analyze the relations among organizational forms, defined in terms of shared practice space, as these relations evolved over the 30-year period covered by the study. We are not at this point concerned with the substantive content of the practice space, that is, the relations among the practices and policies that provide our primary data; our concern is only with whether different organizational forms adopt coherent sets of practices, and how similar or different these forms are in terms of the practices they adopt. As a first approach to this issue we distinguish among organizational forms along two elementary axes, size and location in the public or private sector; and we focus on only four sample years: 1955, 1965, 1975, and 1985. We treat size categorically by defining each organization as large or small based on the median at each of these years (we adopted this approach to correct for a general secular trend toward growth among the organizations in the sample). By cross-classifying size and sector, we are left with four organizational forms: private/large, private/small, public/large, and public/small.

We used blockmodeling techniques to analyze the relationships among these forms—the issue being, simply, the degree to which organizations in each form shared practices with each other and with other forms.² The resulting blockmodels, one for each annual cross-section, are shown in table 1. In these matrices, the diagonal elements show the density of shared practices in each organizational form, and the numbers outside the matrices show the average density for the sample as a whole. Focusing just on these elements, two observations are important. First, the average density of the practice space increased steadily over time, from .118 to .508. This is in part because

² We used UCINET (Borgatti 2002) to generate blockmodels.
there were fewer practices at play in the practice space in 1955 than in 1985, but it also signifies that employers assembled their employment relations packages in more haphazard ways early on. The second observation has to do with differences among the organizational forms. In each period, large organizations, both public and private, show higher than average levels of density, signifying that within each form employers tended to share coherent sets of employment relations practices; moreover organizations within each form clustered together more densely over time. Small public employers shared few common practices in 1955, but after that they show higher than average levels of density. Small private employers were diffusely distributed across the practice space in 1955, and continued to be so through 1985—indicating that, at least within the study period, they never converged on a coherent set of practices.

---Table 1 about here---

---Figure 1 about here---

The off-diagonal elements yield information about relations among these organizational forms, which can be summarized in the form of digraphs, which appear in Figure 1.³ Arrows indicate higher than average levels of shared practices between forms, and they point in the direction in which practices are shared. We have added recursive arrows to indicate forms within which organizations share higher than average levels of practices. The figure shows that in all periods, large public and private organizations overlap significantly in the practice space, and the relationship is bi-directional—that is, each form “borrows” a substantial share of its practices from the other. Small public organizations show the same bi-directional relationships with large public organizations in all periods. In 1955, small publics were linked only to large publics; in 1965 and 1975 they show symmetrical ties also with large private organizations. This tie also appears in 1985, but it is no longer bi-directional: at this point large private employers substantially overlap the practice space
occupied by small publics, but the reverse is not true. Small private organizations are consistently parasitical, as we might suspect from their lack of internal coherence: at every period they draw practices from large organizations, both public and private, and in 1965 and 1975 they draw from small publics as well; but at no point does another form draw significantly from small private employers.

Applied to these data, we interpret density as an indicator of structural isomorphism, since it measures the degree to which organizations share common sets of practices. These results provide preliminary evidence of increasing isomorphism in terms of employment relations. The steady increase in overall mean density suggests a general isomorphic trend—despite the temporal increase in the sheer number of practices in play, which might have encouraged experimentation and divergence across organizations and forms. Three of the forms—large and small publics and large private firms—were internally isomorphic by 1965, and the ties among these forms, and to small private firms, grew more complex. This fits with arguments in the institutionalist literature that the state and large organizations tend to drive isomorphic processes. What is still lacking, however, is a sense of content—what are the sets of practices that characterize these forms and their interrelationships? Toward what regime, or regimes, are they converging? This requires an analysis of the practices themselves.

Unpacking Management Regimes: Relations of Practice

At this point we shift attention to the content of management practices, independent of organizational form. Our goal is to map the stability and cohesiveness of management practices across time. Do the practices and policies employed by management across diverse sectors of the economy cohere around identifiable regimes, as the management literature has tended to assume?

3 To produce the digraphs, we first converted the blockmodel matrices in table 1 into binary matrices, in which 1
Do these regimes resemble the canonical management styles that appear in the textbooks, or do they take different forms? To examine these questions, we applied hierarchical cluster analysis to the full set of employment relations practices in our data, pooling observations at four points in time: 1955, 1965, 1975, and 1985. The analysis involved, first, construction of a (279 X 48) binary matrix of employing organizations by employment relations practices for each year, in which each organization was assigned a value of 1 for every employment relations practice it reports, and a 0 for all others. To assess the degree of similarity in employment relations practices we employed a Jaccard measure, which produces a (48 × 48) matrix of similarity coefficients in which every practice is compared with every other practice across their range of organizational profiles. This similarity matrix was then submitted to a hierarchical cluster analysis. The resulting clusters or sets of practices hang together to the degree that they share similar organizational profiles—that is, insofar as they are used by the same sets of organizations at the same time.

Table 2 summarizes the results of this analysis, and figure 2 presents the same information as a topographic map of the structure of management practices and policies across time. The empirical pattern of clusters is more complex than what we might expect from the standard textbook accounts, but the clusters themselves are for the most part substantively coherent and interpretable. The labels we have applied to these clusters are necessarily post hoc, and open to debate. Clusters are numbered in order of the density at which they began to appear, and practices within the clusters are ordered according to when the entered the cluster. In figure 1, the decimal figures indicate the

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signifies values equal to or above the mean for that year, and 0 indicates values below the mean.

4 As a check on the validity of our results, we conducted the same analysis using observations from all years in the sample. Differences were trivial. We use results from the four time-period analysis for two reasons: to parallel our blockmodels of organizational forms, and to simplify the task of programming for the subsequent correspondence analysis.

5 We applied the complete link method as described by Aldenderfer and Blashfield (1984).
density level at which a particular practice entered the cluster. Cluster 1 (Rights policies) predominantly comprises policies that apply to various groups that are protected under federal and state legislation (e.g. the physically and mentally handicapped, and racial minorities), but also includes centralized hiring, promotion, and discharge. Cluster 2 (Rights practices) mainly comprises procedures that signify an employment regime that is both legalistic (e.g., disciplinary hearings and nonunion grievance procedures) and bureaucratic (job descriptions and salary classifications). This cluster also includes some anomalous practices—use of a suggestion box, suggestion awards, and dress codes—but these are fairly peripheral. Cluster 3 (Industrial relations) appears to characterize unionized workplaces, but also includes a set of offices—focused on health and safety, benefits, affirmative action, and law in general—that we would not intuitively expect to show an affinity with unionization. Cluster 4 is labeled “Protolegal” because it includes a set of practices—employment tests, promotion tests, and job ladders—that employers justified in terms of fairness, but which fell out of fashion in the 1970s when courts began to find them legally problematic (Dobbin, Sutton, Meyer, and Scott 1993). Cluster 5 is an odd lot, since it includes both practices that seem to signify inclusiveness (social activities and maternity leave policies) and practices that signify an attenuated employer-employee relationship (temporary work and subcontracting for services). Our best interpretation, which does not lend itself to a handy label, is that cluster 5 characterizes employers that strive for leanness, but that adopt relatively progressive policies with regard to their permanent employees. Sixth is the “Human relations” cluster, comprising HR programs of various sorts, counseling services, and recreation programs. The remaining clusters comprise only two items each, and they clustered together at relatively low levels of density. Cluster 7 (time and motion studies and output measures) appears to signify a small outpost of Taylor-Fordist industrial management, and cluster 8 (time clocks and employee gifts) suggests paternalism. The co-occurrence of policies targeted at homosexuals and nonsmokers in cluster 9 is very interesting—partly because these two
groups appear together, and partly because this cluster is distinct from the other group-focused policies that constitute most of cluster 1. Finally, piece rates and home work cohere to form a mini-regime that we have labeled Sweatshops.

Also interesting are a few residual practices that do not cluster with any others: attitude surveys, employment-at-will clauses, and career development offices. Examination of the data shows that these all were rarely adopted, and that EAW clauses and CD offices were relatively new innovations during the time-frame covered by these data. We excluded these practices from the subsequent correspondence analysis.

**Correspondence Analysis of Structural Dualities**

Following Greenacre and Blasius (1994), it is our intention in this section to use multiple correspondence analysis to map both the organizational forms (defined in terms of sector and size) and the management regimes identified by the cluster analysis across time. Correspondence analysis is a geometric technique that can be used to map the association between categorical variables in a contingency table. The set of cell values in a row or column (row or column profiles) are treated as mathematical vectors that are used to locate each row and column as points in a multidimensional space. Row variables appear near each other in this space to the degree that they differ from the average row profile in similar ways, and they are distant from one another to the degree that they differ from the average row profile in different ways. Distances between column variables are conceptually and technically analogous. Correspondence analysis then locates the row and column points in a best fitting two-dimensional plane while preserving as much of the chi-square distance from the original multidimensional space as possible. The row and column coordinates are calculated separately and then are jointly projected onto one planar map to highlight the associations.
among them. Multiple correspondence analysis (MCA) is the multivariate extension of this technique.

Table 3 displays the crosstabulated observed frequencies between the clusters and organizational forms that were submitted to the multiple correspondence program. Notice that we stacked the matrices for each year into one data set in order to map the changing association between the organizational forms and management practices across time. Figure 3 displays the plot of the rows of the MCA. In this map, clusters are suppressed to highlight the relationships among organizational forms only. Recall that two points appear near one another to the degree that their row profile differs in similar ways from the average row profile. Thus, the distance between private small organizations in 1955 (PR_SM55, located at the top center of the plot) and public small organizations in 1955 (PU_SM55, located at the bottom left of the plot) indicates substantively that the profile of participation in the various management regimes differs in appreciable ways between these two forms of organizations in 1955. Any set of points on this plot is interpreted in the same manner. We have added arrows to highlight the trajectory of each organizational form.

We see two features of this MCA plot that lend themselves easily to substantive interpretation. First, the vertical axis (dimension 1) differentiates private from public organizations. The line drawn across the plot at the origin of the vertical axis divides the plot into an upper half that contains all private organizations and a lower half containing all public organizations. This suggests that the isomorphism observed in the blockmodels and digraphs may be driven in general more by the public-private dimension of organizational form than by size. However, the fact that there is spread among the points within both private and public organizations (but particularly

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6 For a full mathematical treatment see Greenacre (1993) and Greenacre and Blasius (1994).
within the private sphere) implies that size has some influence over the adoption of management practices. Second, the horizontal axis (dimension 2) shows the movement of organizational forms over time, since all the forms move from left to right—the shift is clearest for the large private form and both public forms, and less so for small private organizations.

As we follow the arrows, we immediately see that organizational forms begin in very different regions of the left side of the map and move over time to converge toward the center of the right side of the map. That is, they become more isomorphic over time. This is consistent with the increasing overall densities and the increasing densities between organizational forms across time as revealed in the blockmodels. The MCA plot reproduces these findings but additionally delineates the nuances of the trajectories in a single graphic representation. To continue with the public-private distinctions, it is noteworthy that there is more differentiation among private organizations in general than in public organizations. That is, there is more spread among the points in the top half of the plot than among those in the bottom half. This is, again, consistent with the blockmodel findings; however, the relative positioning of the organizational forms on the MCA plot reveals further information. Regardless of size, public organizations share relatively high proportions of management practices across time while private organizations are divided in the early years and converge in the latter years. Also revealed is that private large organizations are roughly equidistant from both public organizations (bottom of the plot) and small private organizations (top of the plot). Its central location between these two organizational forms across time implies that it shares relatively high numbers of management practices with both, even though the two forms with which it is linked share relatively few practices with each other. Again this is consistent with, but not easily revealed by, the blockmodel findings.

7 We employed SAS statistical package to produce the correspondence results.
Figure 4 displays the plot of the columns of the MCA. In this map, organizational forms are suppressed to highlight only the relationships among clusters or management regimes. The dimensions of this column MCA are not as intuitively interpretable as the previous in terms of the temporal influence on cluster positions. A column MCA locates the clusters in two dimensional space according to the profiles of frequencies along the columns. Since in this case the rows consist of organizational forms across years, the column profiles also implicitly include time as a function of the row variables but the plot does not explicitly denote this. The temporal influence on cluster positions will become clearer once we examine the dual projection of both rows and columns onto one planar map. The interpretation of the relative position of clusters is, however, analogous to that of the organizational forms. Two clusters are proximate to the degree that their column profiles differ in similar ways from the average column profile. Substantively, two clusters are near one another to the extent they share relatively high proportions of organizational forms. Thus, the clusters designated as “paternalism” and “protolegal” are separated in the MCA space as a result of having relatively low proportions of organizational forms in common at the same time.

The collection of clusters at the center of the plot, near coordinates (0,0), is of particular interest in describing the overall pattern of cluster positions. Because these clusters are located relatively near one another, the practices associated with each of them are adopted by high proportions of the same types of organizations in the same time periods relative to the other clusters in the map. The practices associated with the largest three of these central clusters (“industrial relations,” “rights practices” and “rights policies”) are each variations on the legalization of the workplace. Thus, the center of the map can be generally described as being oriented towards practices and policies that protect workers across a broad range of contexts. There are also three trajectories that can be described as either leading into or away from this central legal core. One
begins with paternalistic practices at the top of the map and is traced through “sweatshops,” “cluster 5” and “Taylorism” into the legal core through “industrial relations.” The second begins at the bottom left with protolegal practices and enters the core through “rights practices.” The third, including practices oriented toward human relations and policies related to gays and nonsmokers, is located at the bottom right of the map and is most closely associated with the “rights policies” end of the legal core. This general pattern is similar to the movement of organizational forms in figure 3.

Figure 5 displays the dual structure of the relationship between organizational forms and management practices by projecting both the row and column MCA findings onto one planar map. Private organizations remain in the top half of the plot, public organizations remain in the bottom, management practices associated with the legalization of the workplace still occupy the center and time continues to be read from left to right. The relationships among organizational forms and the relationships among clusters are separately interpreted exactly as before. However, a new joint interpretation is now possible in terms of the principle axes of the map. Column and row variables are proximate to one another to the extent that they share high relative frequencies: “left-to-right and up-and-down oppositions in the map are interpretable in the same way for both rows and columns and the correspondence between their deviations outward along these axes can be directly interpretable as association” (Greenacre and Blasius, 1994, p. 21; italics added). Thus, the proximity between the cluster labeled “paternalism” and private small organizations in 1955 indicates that this organizational form had a relatively high proportion of paternalistic practices in 1955. Conversely, this same form is at the opposite end of the map from policies and practices oriented toward human relations, and gays and nonsmokers, which indicates that in 1955 small private organizations had relatively low frequencies (or none) of these practices.

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8 This finding adds an additional piece of information to the cluster analysis, which only provides information on
This MCA maps the *structure* of organizational isomorphism onto the *content* of isomorphism (management practice) and traces the trajectories of change across thirty years for each organizational form. The movement of all organizational forms from the left side of the plot in the early years to the right center of the plot in latter years is now immediately interpretable as a shift toward the core legalistic management regimes. The path of each form from the periphery to the center of the map is now placed within the historical context of the dominant management practices associated with each form at each time period. Private small organizations are predominantly associated with paternalistic management practices in 1955 and 1965, sweatshop practices in 1975, and both Taylorism and cluster 5 in 1985. Both large and small public organizations follow a very similar path primarily associated with protolegal practices in 1955 and ending with a broad combination of legal and human relations policies and practices. Policies towards gays and nonsmokers are also most closely associated with public organizations in 1985. Private large organizations follow a middle path between private small and public organizations, and by 1985 have the clearest association with legal management practices of any organizational form. Finally, the fact that these forms have vastly different origins and move by different trajectories toward the core suggests strong path dependence—or inertia (Hannan and Freeman 1984)—in the adoption of management practices. While a precise test of this is beyond the scope of this method, the MCA plot suggests that there is an effect and it is revealed in the fact that the trajectories remained distinct from one another across all thirty years.
Discussion

In this paper we have attempted to refine a set of relational modeling techniques in order to analyze the dual structure of organizations and employment relations practices as it developed over time.

The motivating assumption for this project is that, while these practices exist most obviously when they are instantiated within organizations, they also exist in a discursive or ideological space where they are structurally related to other practices to form menus, repertoires, regimes, and even theories of employment relations. Using a broad sample of organizations observed over 30 years, along with a heterogeneous set of employment relations practices, policies, and offices, we (1) analyzed the emergent relations among different organizational forms in terms of their shared practices, (2) analyzed the relations among employment relations practices, based on their co-occurrence within the same organizations and at the same time, and (3) mapped the movement of organizational forms through a two-dimensional practice space in which the clusters occupy fixed coordinates. Our conclusions are of two sorts.

First, the results of our analyses suggest that our technique is effective, and potentially widely applicable to the dynamic analysis of dual relational structures. Despite the fact that we used an elementary definition of organizational form and analyzed data from only four of the 30 years of observations available to us, the analyses showed clear and substantively interpretable patterns of relations among organizational forms and employment relations practices, as well as meaningful changes in the way forms and practices are related. Put more simply, even crudely defined organizational forms vary systematically in their management repertoires, and these repertoires change in interesting ways; management regimes exist, and our analysis shows that their structure is much more complex than we might have thought. In principle, this approach can be extended to apply to any number of organizational forms and more fine-grained time scales, though at this point the programming required to do so is daunting.
The second conclusion has to do with the theoretical implications of our analyses, particularly with regard to the issue of isomorphism. Isomorphism has for some time been a central concept in the sociology of organizations, but it is an empirically elusive one—it is difficult to say whether, based on the analysis of one or a few structural innovations, a population of organizations is growing overall more alike, and how. More specifically, since Selznick (Selznick 1969), several scholars—and management writers as well—have argued that the employment relationship in the U.S. is growing more legalistic in the sense of recognizing employee rights to due process, whether because of an internal “strain toward legality” encouraged in part by unions (Selznick’s account) or as a ceremonial response to legal uncertainty generated by the state (Edelman 1990; Edelman 1992; Sutton and Dobbin 1996; Sutton, Dobbin, Meyer, and Scott 1994). While the evidence of legalization is impressive, some important questions remain: Is legalization a coherent regime of practices or just a grab-bag? If it is a recognizable regime, what does it include or exclude? Does legalization tend to drive out other styles of management, or does it overlay them? Are different kinds of organizations more or less receptive to a due process-oriented style of management?

Our analysis, even at this preliminary stage, sheds some light on these issues, and our results extend many of the findings from recent research. Legalization is an empirically recognizable phenomenon, but it is not a single regime; rather it has appeared in four fairly distinct clusters of practices: as a set of policies that guarantee fair treatment to specific classes of employees; as a set of offices and procedures claiming to implement rights, especially for nonunion workers; as another set of offices and procedures that appear oriented toward unionized workers; and finally, as an apparently vestigial set of bureaucratic practices governing hiring and promotion. The clusters we have labeled Rights Policies, Rights Practices, and Industrial Relations dominate the practice space, and in the 30 years covered by our data all four organizational forms have moved steadily in their
direction. On the frontier of legalization, we see emergent protections for identity groups that were not at this time protected by the law—here represented by gays and nonsmokers.

But two important qualifications are in order. One is that legalization and other management styles are not mutually exclusive. Specifically, Taylor/Fordist and human relations strategies persist as recognizable regimes, and they lie not too far from the zone of legalization (though, sensibly, rather far from each other). The other qualification is that, indeed, different organizational forms are drawn to legalization along varying trajectories. Recent neoinstitutional research has argued that employers with strong ties to the state are more prone to adopt a due process style of employee governance, and our results bear that out. Large and small public organizations followed almost identical paths toward legalization; indeed they appear more receptive than private firms to the recognition of rights for gays and nonsmokers—both relatively unrecognized groups in this period. Large private firms are probably more vulnerable to government scrutiny under EEO/AA law than small firms, especially after the early 1970s, and while they approached legalization by a different path than public agencies, by 1985 they showed stronger tendencies toward legalization than any other form. Small firms consistently drew from a motley collection of employment relations strategies, and as we would expect they meandered slowly toward legalization.
References


Table 1. Blockmodels for Organizational Forms

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Table 2. Dominant Practice Clusters Across Thirty Years

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<th>Cluster</th>
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<td>Cluster 1: Rights policies</td>
<td>Policies regarding racial minorities, women, handicapped, age, mentally handicapped, pregnancy; centralized hiring, centralized promotion and discharge</td>
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<td>Cluster 2: Rights practices</td>
<td>Disciplinary warnings, disciplinary hearings, records kept of disciplinary hearings, job descriptions, salary classifications, personnel evaluations, personnel office, nonunion grievance procedures, suggestion box, suggestion awards, dress and hair codes</td>
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<tr>
<td>Cluster 3: Industrial relations</td>
<td>Union contract, union grievance procedure, labor attorney on retainer; health &amp; safety, benefits, labor relations, Affirmative Action, and legal offices</td>
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<tr>
<td>Cluster 4: Protolegal</td>
<td>Employment tests, promotion tests, job ladders</td>
</tr>
<tr>
<td>Cluster 5</td>
<td>Social activities, maternity leave, temporary work, subcontracting for services</td>
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<tr>
<td>Cluster 6: Human relations</td>
<td>HR programs, counseling programs, recreation programs</td>
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<td>Cluster 7: Taylor/ Fordism</td>
<td>Time &amp; motion studies; output measures</td>
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<td>Cluster 8: Paternalism</td>
<td>Time clocks, employee gifts</td>
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<td>Cluster 9</td>
<td>Policies regarding homosexuals and nonsmokers</td>
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<td>Cluster 10: Sweatshops</td>
<td>Piece rates, home work</td>
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| Unclustered Practices | • Attitude surveys  
| | • EAW clauses  
| | • Career development office }
Table 3. Cross Classification of Organizational Form and Management Practice Clusters (stacked by year)

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Figure 1. Digraphs of Organizational Forms
Figure 2. Topographic Map of Cluster Analysis Results

- **Centralized hiring**
  - Centralized promotion & discharge
  - Time clocks
  - .71
  - Employee gifts
  - .76
  - Piece rates
  - Homework
  - .8

- **Union contract**
  - Union grievance procedure
  - Labor attorney
  - .64
  - Health & safety office
  - Benefits office
  - .52
  - Labor rel. office
  - .62
  - Legal office
  - .68

- **HR programs**
  - Recreation pgms.
  - Counseling pgms.
  - .73
  - Personnel evals.
  - Personnel office
  - .46
  - Job ladders
  - .73
  - Employment tests
  - Promotion tests
  - .61

- **Policy re nonsmokers**
  - Policy re homosexsuals
  - .72
  - Nonunion grievance procedures
  - .49
  - Disciplinary hearings
  - .41
  - Disc. records
  - Disc. warnings
  - .24

- **Policy re homosexuals**
  - .10
  - Racial minorities & women
  - .10
  - Handicapped
  - .25
  - Age
  - .32
  - Mentally ill
  - .44
  - Pregnancy
  - .52

- **Output measures**
  - Time & motion
  - .68
  - Output measures
  - .68

- **Policy re nonsmokers**
  - .72
  - Policy re nonsmokers
  - .72
  - Home work
  - .76
  - Piece rates
  - Homework
  - .8

- **Union contract**
  - Union grievance procedure
  - Labor attorney
  - .64
  - Health & safety office
  - Benefits office
  - .52
  - Labor rel. office
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  - Legal office
  - .68
Figure 3: MCA Plot of the Rows of the Cross Classification Between Organizational Forms and Management Practice Clusters (Clusters Suppressed)
Figure 4: MCA Plot of the Columns of the Cross Classification Between Organizational Forms and Management Practice Clusters (Rows Suppressed)
Figure 5. MCA Plot of Organizational Forms and Management Practices across Thirty Years.