

## Preface

THIS BOOK IS THE CULMINATION of a multidisciplinary partnership between an industrial relations scholar and a legal scholar. In 2004, one of us (Budd) published *Employment with a Human Face: Balancing Efficiency, Equity, and Voice*. That book rejects the all-too-frequent focus of employment-related scholarship on processes and rules and argues that discourse on the employment relationship should be grounded in the objectives of the employment relationship. Statutory rights and obligations established by employment and labor laws, for example, are not ends in themselves; they are means of achieving one or more fundamental objectives. Moreover, work-related processes and laws are ultimately rooted in specific models of how one thinks the employment relationship works. But to the detriment of productive discourse and understanding, these models are often left unstated. In the meantime, the other one of us (Befort) was hard at work publishing law review articles criticizing the current state of U.S. employment and labor law and proposing specific reforms. *Invisible Objectives, Invisible Hands* blends our work to present an evaluation of the U.S. system of public policies on work and a comprehensive portfolio of reform proposals that are explicitly rooted in three objectives of the employment relationship—efficiency, equity, and voice—and a pluralist view of how this relationship works.

It should be noted that while reform proposals are an important derivative of this framework, the need for reform is not our central motivation. We see the central contribution of *Invisible Hands, Invisible Objectives* as explicitly rather than implicitly defining concrete objectives

and models for workplace law and public policy. We therefore see a broad audience for this book. First, whether or not they are interested in specific reforms, workplace scholars within and outside of legal circles should be concerned with explicitly rooting analyses in the objectives and models of the employment relationship. We therefore hope that our analytical framework will be viewed as intellectually important and will spur our academic colleagues to debate objectives and models, independent from the need for reform. Second, this book can be used by students to develop a deeper understanding of workplace law and public policy than is otherwise possible. Third, we hope that this book proves useful for public policymakers, worker advocates, and others who are interested in reforming workplace law and public policy and seek a meaningful intellectual foundation for this important enterprise.

This is an ambitious project. Numerous books have been written on each element of employment and labor law that we bring together here in a holistic framework. We hope that readers accustomed to rich details on specific policies will excuse our omission of some details in the interest of providing a much-needed comprehensive or “big picture” approach. We do not intend to suggest that details are not important, and we are indebted to too many authors to name for helping us understand the nuances of many policies. We also have strived to make this book accessible to anyone with an interest in work, whether they are students, activists, policymakers, or individuals who simply work for a living. It is our hope that this accessibility will foster local, national, and international dialogues on the nature of work generally, and on work-related public policies specifically.

We are grateful to our editor, Margo Beth Crouppen, for her enthusiasm and encouragement, to two reviewers for their helpful comments, and to Judith Hibbard and the Stanford University Press team for making the production process go so smoothly. We also thank Rafael Gomez, Stefan Zagelmeyer, workshop attendees at the University of Toronto and York University, and conference attendees at the Labor and Employment Relations annual meetings and the European Congress of the International Industrial Relations Association for their insights. Former law students Kimberly Fuhrman, Sarah Link Schultz, Jessica Clay, and Amy York provided invaluable research assistance. Last, this project would not have been possible without the generous research and intellectual support of the University of Minnesota’s Carlson School of Management and Law School, and without the support and patience of our families.

*Minneapolis, Minnesota*

*May 2008*