

REVIEWS



***Union by Law: Filipino American Labor Activists, Rights Radicalism, and Racial Capitalism.* Michael McCann, with George I. Lovell. University of Chicago Press, 2020. 512 pp. In cloth and paper. ISBN-13: 9780226679877.**

The 1989 Supreme Court Case, *Frank Atonio, et. al., v. Wards Cove Packing Company* has long served as an important historical flashpoint for scholars of Filipinx American history. The civil suit charged one of the largest salmon canning companies in Alaska with blatant practices of racial segregation in both employment opportunities and seasonal living conditions. However, the conservative majority of the Rehnquist Supreme Court used the case to rollback civil rights law, shifting the burden of proof for employment discrimination from employers to workers themselves. Michael McCann and George I. Lovell's new book, *Union by Law: Filipino American Labor Activists, Rights Radicalism, and Racial Capitalism*, offers a new entry point into the study of this legal case and the longer histories of racism, capitalism, and resistance that animated it.

Rather than focus explicitly on *Atonio v. Wards Cove*, McCann and Lovell use the ruling as a point of departure to examine what they term "the profoundly contradictory role of law" and its impact on the labor experiences of Filipinx American workers. Following the lead of a growing body of scholarship that examines the nexus of racist and capitalist oppression, the authors argue, within a "racial capitalist regime," the law is a central tool of ascribing differential value to the labor of white and non-white workers. In this sense, the law has a repressive function. As McCann and Lovell demonstrate throughout *Union by Law*, Filipinx migrants and Filipinx American cannery workers in Alaska have been historically denied legal protections from discriminatory hiring practices and legislation that has targeted "labor subversives" for surveillance, harassment, and deportation. While the authors pay critical attention to "repressive law" and its impact on the lives of Filipinx and Filipinx American cannery workers, their analysis also point towards an important activist tradition. McCann and Lovell use the term "oppositional legal rights consciousness" to describe cannery workers' strategic use of the democratic rights U.S. law

pertains to defend. Across the twentieth century, Filipinx and Filipinx American cannery labor activists utilized political openings within the law to mobilize “legal claims and resources,” to “advance their interests,” and to wage campaigns that both challenged and changed discriminatory laws. In doing so, McCann and Lovell demonstrate that the law is a “contested terrain” and a crucial arena of struggle for advocates of racial and economic justice.

While *Union by Law* advances arguments around repressive law and rights mobilization, McCann and Lovell save their theoretical arguments for the introduction and conclusion of their study. The remainder of the book is presented as a narrative history of the labor struggles of Filipinx and Filipinx American cannery workers, which is broken into two parts. The first part focuses on the experiences of Filipinx laborers who migrated to the U.S. as colonial subjects and follows their campaigns for immigration, citizenship, and labor rights well into the 1950s. Chapter one focuses on the multiple political fronts in which this generation of Filipinx labor activists fought for citizenship rights, access to land ownership, and the ability to marry outside of their race. Chapter two examines campaigns for workplace justice that were organized by a Filipino-led but multiethnic union that represented both cannery workers in Alaska and farm workers along the Pacific coast during 1930s and the 1950s. Chapter three discusses ways Filipinx cannery workers mobilized the law to protect their union leadership from Cold War deportation orders.

In the second section of *Union by Law*, McCann and Lovell detail the “novel rights consciousness” of a second-generation of Filipinx American labor activists who were politicized by the civil rights and anti-imperialist struggles of the 1960s and 1970s. Where chapter four focuses on this generation’s unique combination of political and legal strategies, which included filing civil rights lawsuits, revitalizing a tradition of rank-and-file democracy within their union, and fostering networks of international solidarity with labor movements in the Philippines, the following chapters delve deeper into specific aspects of their labor organizing. In Chapter 5, McCann and Lovell discuss an eight-year legal campaign that sought justice for the 1981 political assassinations of two union organizers, Silme Domingo and Gene Viernes, which ultimately found Philippine dictator Ferdinand Marcos guilty of orchestrating these transpacific murders. Finally, Chapter 6 returns to the *Atonio v. Wards Cove* case and emphasizes that the legal ruling was a quintessential example of scholar Robert Cover’s contention that formal law “kills off” challenges to social hierarchies that are entrenched in the legal system, as well as the alternative visions of justice that guide oppositional social movement.

With the valuable contributions of *Union by Law* in mind, readers who approach this text from a Filipinx American Studies lens will notice certain limitations. Given that “racial capitalism” is a key theoretical anchor for the book, it is curious that McCann and Lovell did not draw more explicitly upon the insights of Cedric Robinson, a scholar

widely recognized for developing the term.¹ A deeper engagement with Robinson's political thought, most notably, his contention that Eurocentric Marxists often fail to account for radical traditions that do not originate in "the West," may have pushed McCann and Lovell towards a more robust analysis of the anti-imperialist influences and politics of their research subjects. While this dimension of Filipinx American labor activism is certainly mentioned throughout the text, it often takes a back seat to the authors' primary focus: Filipinx American workers' strategic use of the U.S. legal system, as well as their appeals to the unrealized promises of American democracy. On this note, readers of *Union by Law* who are familiar with E. San Juan's voluminous scholarship on Carlos Bulosan and his affinity with peasant and labor movements in the Philippines may find themselves wondering how a critique of U.S. foreign policy in the Philippines figures into "opposition legal rights consciousness" of Filipinx American workers. Yet, regardless of its limitations, *Union by Law* offers a rich theoretical and historical analysis of Filipinx American labor activism that will certainly find an eager audience amongst scholars of Asian American, Filipinx American, and Labor Studies.

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1. Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition*, 2nd ed. (Chapel Hill: University of North Carolina, 2000).