Legal Consciousness and Dispute Resolution: Different Disputing Behavior at Two Similar Taxicab Companies

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This article examines how workers perceive the laws and rules that regulate their workplaces and how these perceptions differ depending on whether one works in an organization with a high level of worker-manager cooperation versus one with a more conventional hierarchy. Using two cab companies as examples, this article explores how these divergent organizational structures generate different grievance cultures that in turn encourage alternate understanding of available choices and appropriate means for resolving such disputes.

This work expands the current sociolegal literature on legal consciousness by focusing on formal and informal workplace grievance resolution and perceptions of workplace conflict. In exploring the critical decision making regarding grievance resolution, this article begins an important discussion about workplace empowerment and legal consciousness. This study uses qualitative methods to examine 33 open-ended interviews. The use of qualitative methods permits a vibrant dialog that illustrates the legal consciousness of the subjects. The subjects' own words reveal their comprehension of rules, regulations, and procedures as well as their individual relationships with the grievance-resolution options in their workplaces.

To shout at a cheating coworker or to slash the tires of his car? To approach a manager who treated you unfairly or to bring a formal grievance? To accept unfair treatment without taking any action, or to quit outright?

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Workers make decisions like these every day, reflecting their legal consciousness and defining their work environment. In this article, I argue that workers are empowered or constrained by the particular grievance culture of their specific company, such that they decide what actions are possible and which grievance strategies are appropriate based on their legal consciousness.

I examine legal consciousness in two differently organized taxicab companies: a conventional one, hierarchically organized and privately owned, and a worker cooperative, democratically run and cooperatively owned. Although the taxicab companies had many similarities—for example, both had formal grievance procedures, were of comparable sizes, and were located in the same town—the workers of the two companies displayed different legal consciousness. This divergence led workers to generate different responses to conflicts and disputes. Thus, a key factor in these cab drivers’ legal consciousness was the grievance culture of their company—that is, how each company viewed workplace problems and what they considered appropriate mechanisms to address them.

Coming from a grievance culture that stressed independence, the members of the conventional cab company, here called Private Taxi, were much less likely to use the grievance procedures to resolve a dispute or complaint. They were more likely to tolerate or, “lump,” unpleasant situations (Galanter 1974), negotiate informally with a superior, speak with the offending party, or quit the job altogether. Although these workers had formal grievance procedures, they seldom saw the raising of formal grievances as a useful option.

In contrast, the members of the cooperative cab company, here called Coop Cab, were much more likely to bring formal grievances or speak informally with a manager or co-worker. Growing out of its cooperative ideology of worker empowerment, Coop Cab’s grievance culture used rights talk and stressed the appropriateness of formal grievance resolution procedures. Coop Cab actively taught its members about the formal grievance procedures and encouraged their use. Despite workplace problems similar to those at Private Taxi, Coop Cab workers rarely mentioned the possibilities of exiting or confrontation as potential solutions.

Drawing on data from open-ended, in-depth interviews with workers at both companies, the current research explores how members of these two organizations frame their choices about everyday job-related problems. These interviews show how legal consciousness is strongly influenced by the environment that one selects to work within.

I. LEGAL CONSCIOUSNESS

Scholars have defined legal consciousness as how people make sense of law and legal institutions and how people give meaning to their law-

1. Pseudonyms are used for the city, the companies, and the individuals interviewed.
related experiences and actions (Ewick and Silbey 1998). Legal consciousness provides people with important interpretive frameworks, even outside formal legal institutions, such as courts (Sarat and Kearns 1995). Therefore, instead of focusing on laws and official legal actors, legal consciousness research examines “the meanings, sources of authority, and cultural practices that are commonly recognized as legal, regardless of who employs them or for what ends. In this rendering, people may invoke and enact legality in ways neither approved nor acknowledged by the law” (Ewick and Silbey 1998, 22). The legal consciousness framework understands that people interpret their experiences by drawing on a collaboration of law and other social structures (Engel and Munger 1996; Sarat 1990). These interpretations may be highly individualized, based on each person’s social characteristics, previous contact with the law, and political standing (Cooper 1995). Thus, some people might use the law to address social problems, while others in similar circumstances will hesitate to engage the law, even in harmful situations where the law purports to provide relief (Nielsen 2000). In this way, legal consciousness is each individual’s “participation in this process of constructing legality” (Ewick and Silbey 1998, 45).

While this article examines internal company rules and formal grievance procedures rather than laws and courts, interviewees’ legal consciousness at their workplace is comparable to legal consciousness in the more traditional sense. For example, the rules and grievance procedures of the workplaces explored in this article are all associated with fairness, rule determinacy, and rights—key symbols of law and legal authority (Sarat 1990). Employees’ daily activities incorporate their understandings of the world, their workplace, and the rules and procedures governing them as workers—in short, they create their legal consciousness. One way to explore legal consciousness is to study people’s attitudes on bringing lawsuits, or as I inquire in this article, workers’ attitudes on bringing formal grievances.

Raising a formal grievance is not a simple decision. Workers must go through several stages before they can do so. The first step involves transforming the experience into a dispute. To do this, the wronged party must realize that a problem exists (naming the experience), attribute the problem to another person (blaming), and third, bring her issue to the attention of the blamed party and seek some remedy (claiming). A claim becomes a dispute when the blamed party rejects it. To become a formal grievance, the dispute must be defined as public and, therefore, as appropriate to be addressed in a formal grievance procedure (Felstiner, Abel, and Sarat 1980–81). All of this affects and reflects one’s legal consciousness.

However, Ewick and Silbey explain that legal consciousness “is pro-

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2. Moreover, laws and legal institutions inform and reform the grievance procedures and workplace rules employees must negotiate. Often, workplace grievance procedure rules come out of employers’ desires to avoid legal liability (Edelman, Erlanger, and Lande 1993).
duced and revealed in what people do as well as what they say” (1992, 46).
Legal consciousness is both about how people act and about their attitudes about possible actions. This study of legal consciousness examines workers' attitudes on raising formal grievances as reflected in what they report having done, what they predict about their future behavior, and how they consider the actions of others. In looking at their own past and future behavior and considering that of others, interview subjects construct the boundaries of their legal consciousness (Ewick and Silbey 1998).

In constructing their legal consciousness, people create meaning for themselves: what they name as actual harm, what they feel is appropriate blame, and what they claim as possible remedies. However, this is not done in isolation (Felstiner, Abel, and Sarat 1980–81). Legal consciousness is collectively constructed and is constrained by its setting as well as by people’s own interpretation of meaning. As such, legal consciousness is an ever-changing, context-based concept, constantly altered by experiences and interactions (Ewick and Silbey 1998).

Merry’s work on legal consciousness found that “the ability to name and interpret is . . . a central feature of the power exercised by those who handle problems” (Merry 1990, 4). In her study of court mediators, she found that mediators and lower courts tried to reframe disputants’ problems. The disputants themselves resisted these attempts and tried to establish their own names for their problems.

In this study, the workers at each company created grievance cultures that encompassed how they perceived various workplace problems and what they understood as appropriate ways to resolve those problems. The grievance cultures of each company guided the naming of problems—naming, in particular, which responses were considered appropriate for each situation: formal grievances, informal resolution, self-help, or resignation. At the cooperative cab company, for example, an important component of joining a cooperative was learning the company’s naming: understanding what constituted an appropriate formal grievance and reframing3 as a formal grievance what elsewhere would have been considered one’s own problem, insufficient for formal action, or grounds only for resignation. While both Coop and Private conveyed to their members the appropriate way to name conflicts, only Coop had explicit ways of teaching new members the company’s grievance culture. Naming has powerful effects on the legal consciousness of a companies’ members, since this naming establishes which understandings will be privileged and what actions are considered appropriate (Merry 1990). The employees’ understandings strongly affected what they anticipated would be their future behavior.

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3. “Reframing (an issue) is an aspect of the power of naming, the power to assert what a problem is and what should be done about it” (Merry 1990). In Merry’s article, the reframing is done by court-affiliated officials who hold certain authority over the participants.
By examining legal consciousness in the workplace rather than in a dispute-processing institution such as a court or a neighborhood mediators' office, I may eliminate certain biases from subjects' perceptions of harm, blame, and appropriate remedy. Because much legal consciousness research is conducted within dispute-processing institutions (Merry 1990; Sarat 1990), the legal consciousness of many interview subjects has already been prompted and focused by their contact with these institutions before they become part of the research (Marshall 2000). Additionally, subjects who sought certain forms of dispute resolution before participating in research studies and who, thus, self-selected into the studies, might experience a legal consciousness that is less characteristic of the general population.

This research circumvents these methodological difficulties by interviewing people in their workplace and asking them about a wide range of workplace issues. The interview topics included the atmosphere of the company, jobs held, interpersonal dynamics, positive and negative aspects of the job, gender dynamics at work, and comparisons to previous jobs. The workplace, a familiar place for the interview subjects, is not associated specifically with dispute resolution or other legalistic procedures. Thus, in the same spirit as the work by Ewick and Silbey (1998), this study located interview subjects who had not self-selected into the category of “grievants” and, thus, permitted the interview subjects to share their “everyday” legal consciousness without focusing on specific forums or events. The broad focus of the structured interviews attempted to avoid prompting subjects or suggesting responses about legal consciousness. I explain my methodology in the following section.

II. THE RESEARCH

This study explores how legal consciousness is constructed at two taxi cab companies, one collectively owned and organized as a worker cooperative, appropriately named Coop Cab, the other privately owned and organized hierarchically, named Private Taxi. While the two companies are similar in many ways, the members of these companies varied substantially in their legal consciousness and grievance culture. In this section, I explain

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4. Disputes do occasionally take place in workplaces, and employment settings are governed by laws; however, the primary function of a workplace is not the resolution of disputes or application of laws. Although the “law is all over” (Sarat 1990), not every place touched by the law is considered a legal forum. While workplaces do have authority structures, they differ significantly from state-authorized, state-funded courts, whose primary function is to resolve disputes and apply laws.

5. A worker cooperative is an organization in which all employees are owners, and all owners are also employees. This means, for example, that a worker cooperative cannot have outside shareholders or employees who do not also own part of the company.
my methods for studying these companies and describe the taxicab industry, the community, and the companies I studied.

Both companies are located in the same medium-sized, progressive Midwestern college town, called Prairieville. The presence of a large university affects the character of the cab companies in that they are known as having overly educated drivers, often with advanced degrees. Coop Cab is the oldest and largest cab company in Prairieville and charges the highest rates. Private Taxi is nearly as large as Coop Cab and about 10 years younger.

The Companies

Both companies draw from similar groups of people for workers: locals in the area and those presently or formerly associated with the university. Perhaps reflecting the university’s influence, they both operate in an atmosphere of progressive consciousness about issues of sexism, racism, and classism. Both companies have similar mixes along gender, race, and class lines. Between 10 and 20% of the companies’ employees are women, and fewer than 5% are nonwhite. Using educational attainment as a rough indicator of class, the education levels of workers at both companies range from those who have not finished high school to those who are Ph.D. candidates.

The companies are also similar in size and run their businesses similarly: Both allow only single calls (except for airport runs), both use a commission system, and both have several employees who both drive and dispatch, rather than hiring separately for these jobs. Both cab companies have management structures, discipline procedures, and grievance procedures. Like other larger worker cooperatives, Coop Cab has some aspects of conventional management structures: four full-time managers, a formal grievance system, and a board of directors that is elected by the membership. Private Taxi has an owner, one manager, and a formal grievance system. In addition to managers, dispatchers at both cab companies have a minimal level of disciplinary authority over the drivers during their shifts.

Cab Driving

Cab driving is not a typical job in that cab drivers do not occupy a single designated station, window, or office. Instead, they roam the streets

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6. Prairieville is an alias, but all descriptions about the city are accurate.
7. Prairieville has a third taxicab company, Yahoo Taxi, which offers much lower rates by encouraging drivers to double, triple, and quadruple fares—allowing several passengers with different destinations in the cab at once—a practice rarely allowed by the other companies. Yahoo is not included in this study.
continuously, having contact with a wide variety of people in many parts of the city. In addition, their income is always uncertain: It can be affected by road conditions, generosity of passengers, skillfulness of dispatchers, personal ability, and luck. Cab driving is often considered an unconventional occupation for women, yet approximately 15% of the drivers at both companies were women.

A consequence of the mobile nature of the cab driving job is that the driver rarely deals with any one customer on an ongoing basis (Davis 1959). This makes the job both more exciting, with its constant variety, and more dangerous, with more unknowns. Potentially unpleasant situations can range from surviving stickups to being harassed by drunken passengers to being cheated by fare-jumpers to harboring persons fleeing the police (Davis 1959). For these reasons, many taxicab drivers describe the job as extremely dangerous and unpredictable (Onishi 1994; Wolf 1993). However, due to the small size of the city and the low crime rate, few drivers at either Coop Cab or Private Taxi felt that they were in constant danger.

Workers at both companies believed that, while cab driving demanded a lot of skill, the low unemployment in the city meant that jobs, including cab driving jobs, were easy to get. This attitude was more prevalent at Private Taxi, where managers and drivers alike believed that anyone would be hired off the street to drive cab; Coop Cab, alternatively, had an elaborate hiring procedure with a committee to interview, test, and screen applicants. Although some Coop Cab members were aware of the lack of rigorous hiring procedures at Private Taxi and cited this as proof of their own company’s superiority, it is unclear whether one would actually have more difficulty securing a position at Coop Cab than Private Taxi. As the manager of Private Taxi confessed, “Breathing is about the only requirement for driving a taxi nowadays.”

**Formal Grievance Procedures and the Nature of Grievances**

Both companies offered formal grievance procedures to their employees. Coop Cab had an elaborate system that was well known by the members, while Private Taxi’s procedure was both less elaborate and less well known. In fact, some employees at Private Taxi did not know that any procedure existed.

Private Taxi’s grievance system was a single procedure. Employees could appeal a disciplinary decision or bring a formal complaint by filling out a grievance form, available in the break room or from the manager. Once filled out, this form went to the manager or owner. If given to the manager, the manager would meet with the party filing the grievance and any other parties involved and then make a decision. The manager’s deci-
sion could be appealed to the owner. If the grievance went directly to the owner—for example, if it is against the manager—no appeal is available.

Coop Cab developed a two-pronged formal grievance system. To appeal discipline decisions, workers went before the Workers’ Council, a randomly selected, rotating committee of five to eight members. To initiate discipline against another member, workers brought grievances before the elected board of directors. Workers were more likely to have brought grievances before the Workers’ Council than the board. Management could give disciplinary letters to members who had violated policy or work rules. These letters were accompanied by a penalty of a certain number of points, which would affect the member’s income: Each point represents an additional 50 cents per shift that the member must pay for the following 50 shifts. To dispute a disciplinary letter and its accompanying points, a member brings a grievance before the Workers’ Council. The Workers’ Council hears both the grievant’s side and the general manager’s side. The grievant may bring an advocate, often a fellow worker, to present the case and argue on the grievant’s behalf. The Workers’ Council must decide between upholding the letter and its number of points, or overturning the letter completely.

Workers at the two companies brought grievances for similar reasons: Both groups of workers used formal or informal grievance resolution to appeal decisions that impacted their paychecks and, to a lesser extent, to resolve conflicts between coworkers. For example, at Coop Cab, workers brought grievances to try to overturn discipline letters or to reduce the number of points (and, hence, the amount deducted from their paycheck) upheld in their discipline letters. Similarly, at Private Taxi, workers appealed disciplinary sanctions that took them off the road, either temporarily—for example, with a three-day, four-day, or week-long suspension—or permanently, with a move from the more lucrative driving shifts to hourly rate office work or a termination.

Although similar problems existed at both companies, how these workers named their problems (that is, whether they saw various problems as law violations, grievances, inconveniences, or personal issues) and what sort of action they felt was appropriate (for example, filing a formal grievance, resolving the issue informally, learning to tolerate it, or leaving the company

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8. For example, a four-point letter would mean that the member would be docked a total of $100. In addition to the immediate economic harm from acquiring points, if 12 or more points are accumulated by a member within a year, the member can be fired. However, dismissal is neither immediate nor certain with the 12th point; a number of drivers continue to work at Coop Cab with well over 12 points.

9. In addition to disputing discipline decisions, members also can use the grievance system to discipline other members. For example, if one member sexually or racially harasses another, that second member can bring a grievance against the harassing member before the board of directors, six people elected from the membership. This second grievance system was less used. Workers could also bring grievances to the Board to address more general complaints rather than rule infractions or discipline contestations, such as allocation of company funds. While this was possible, it was very rarely done.
altogether) contrasts the legal consciousness of the employees at the two cab companies. For example, a worker at Private Taxi might view a certain problem as upsetting but might simply learn to tolerate the situation because she or he believed that no easy resolution existed. A worker at Coop Cab might encounter the same problem and also be upset by it, but that worker would raise the problem as a formal grievance through the proper channels. How problems are named and what claims are made (see Felstiner, Abel, and Sarat 1980–81) reflect the legal consciousness of the workers at each company. Thus, these two groups of workers relied on different strategies to address their similar workplace disputes, even though both companies provided grievance procedures for their employees.

Methods

I conducted a total of 33 interviews, including men and women; workers, managers, and owners; drivers, dispatchers, mechanics, and office workers; present and past employees; and white and nonwhite workers. The sample includes 14 people (41%) from Private Taxi and 20 (59%) from Coop Cab; of the sample, 15 were women (45%) and 18 were men (55%). The slightly higher percentage from Coop Cab reflects the company’s slightly larger size. The fairly even numbers of women and men, however, do not represent their actual proportions in the companies, as women comprised approximately 15% of each company’s workforce. This oversampling of women was intentional and necessary, since only five women per site would have been included in the sample if I had selectively interviewed a proportional 15% (Stake 1994). This meager representation of women workers would leave the project’s understanding of women cab drivers’ legal consciousness scant and insufficient. Especially considering the documentation by other researchers on potential differences between men’s and women’s grievance behaviors (e.g., Bumiller 1988; Calhoun and Smith 1999; Gwartney-Gibbs and Lach 1994a, 1994b), women’s portions of the grievance resolution picture could not be accorded a diminutive role.

While the interviews were structured around a set of questions, they were also open-ended. The interviews averaged two and a half hours; the shortest one ran just under an hour, and the longest one was nearly five hours. I used a set of predetermined questions as initial probes on a wide variety of work-related topics. Follow-up questions were based on each interviewee’s responses, and I encouraged informants to tell me “anything they

10. Only one person of color was interviewed (from Coop Cab). The near homogeneity of interviewees with regard to race reflects the nearly all-white composition of both companies.
11. Moreover, oversampling does not impact generalizability (McCall and Simmons 1969; Jorgensen. 1989; Heckathorn 1997).
thought applied.” Most interviews were conducted in public places, such as coffee houses and restaurants. Less than one-third of the interviews were conducted on site, and those occurred in the parking lots and the break rooms. A few interviews took place in people’s homes. The few on-site interviews were private so that coworkers could not overhear them. Interviewees did not seem inhibited, nor did their interviews vary consistently from the off-site ones.

In addition to conducting interviews, I also observed meetings, attended two Coop Cab Workers’ Council meetings, and silently observed behavior in the break rooms of both companies. Although these observations are not specifically cited in this paper, they contributed to my knowledge of each cab company.

As with any study, the potential for self-selection may bias the results. Therefore, volunteers were not requested nor was a notice posted to find interviewees. Because the focus of this study is legal consciousness, the assertiveness and extroversion necessary to volunteer to be interviewed at length by a stranger may be correlated with legal consciousness and legal mobilization.12 Therefore, I approached potential subjects myself, rather than allowing them to self-select. I selected a diverse sample of employees: night drivers and day drivers, men and women, old-timers and newcomers, managers and workers, drivers and dispatchers. I first approached these workers at the companies’ buildings or I called them by phone. This provided me with a sufficient variety of workers that I could be confident of capturing variations in perspectives. Additionally, at the close of each interview, I asked each informant to refer me to other present or past coworkers who had or might have brought formal grievances. This was a necessary second step because few of my initial interviewees had brought grievances themselves and I felt the perspective of that group of workers was essential for this study (Heckathorn 1997; Jorgensen 1989; McCall and Simmons 1969). I interviewed as many of this second group as possible. A few were out of town; others had unlisted telephone numbers. Some were too busy to be interviewed during the time I had allotted. None directly refused to be interviewed.

Because this sample is small and nonrandom, these findings may not represent all workers in all businesses, or even all cab drivers. However, in-depth, qualitative methods are necessary to explore how legal consciousness varies between these two companies. Capturing these differences in the workers’ own words, allowing people to speak, is essential to exploring the nuances inherent in ordinary people’s understanding of the constraints imposed on them by their grievance cultures.

12. However, the possibility exists that the workers of these two companies comprise a select group, that the people who would become cab drivers are not typical in terms of their orientation toward resolving workplace grievances.
III. RESULTS

The workers at the two cab companies together generated four types of responses to grievances, although workers at each company relied on only three of the possible four responses. Moreover, Private Taxi workers used a subset of three that differed from the subset embraced by Coop Cab workers. The legal consciousness within each company influenced which of the four options were viewed as available and appropriate.

When faced with interpersonal problems, workers could (1) learn to tolerate the offending behavior, (2) leave the company, (3) use the formal grievance procedure, or (4) engage in various forms of informal grievance resolution. Informal grievance resolution included (a) talking to the co-worker or manager with whom one had a grievance; (b) aggressively confronting the person with whom one had a grievance; and (c) seeking unofficial assistance from a manager, owner, or member of the board. Employees at Private Taxi used only three of the four approaches: toleration, informal resolution, and resignation. Members of Coop Cab also used only three of these four: toleration, formal resolution, and informal resolution.

In addition, while workers at both companies mentioned using informal grievance resolution, the two companies’ workers differed in how they informally resolved grievances. When informally resolving grievances, Private Taxi workers spoke with the coworkers involved in the disputes, aggressively confronted them, and petitioned managers for help. In contrast, Coop Cab members spoke with troubling coworkers and sought help from managers, but they did not turn to confrontation, either individually or collectively.

I will first discuss the findings from Private Taxi. Next, I will turn to Coop Cab, whose grievance culture encouraged formal grievance resolution. I will demonstrate how workers in two similar firms in the same industry develop very different senses of conflict and of how conflict should be resolved. In the discussion section, I will explore these differences in legal consciousness and explain why two similar businesses have such different grievance cultures.

A. Private Taxi

As noted, the employees at Private Taxi discussed three of the above-mentioned four grievance behaviors: They tolerated problems; resigned their positions; or engaged in informal resolution, which included self-help, individual or group confrontation, and talking with the manager or owner. Workers at Private Taxi never mentioned formal grievance resolution with-

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13. Although some of these options occasionally were used together, grievances did not typically escalate through any particular sequences of options.
out interviewer solicitation. When directly asked, few Private Taxi employees anticipated using the formal grievance process. Some felt it would not be effective, others simply didn’t like the concept of formal grievances, and still others did not even know it existed as an option.

1. **Toleration**

When asked about problems at work, the Private Taxi workers frequently voiced the credo that one simply could not let oneself get upset and that toleration, or “lumping it,” was often the best strategy. They described cab drivers as people able to roll with the punches and able to resist becoming irritated. In the following quote, Brian, a cab driver who had worked all possible shifts, articulated an ideal cab driver temperament:

> You usually can’t let stuff like that get to you. It can ruin your whole day really fast. When you’re driving cab, if you let one thing irritate you right at the beginning of the day, that’s it! Because most likely you’re dealing with the traffic anyway, and sometimes you’re dealing with jerks [in your cab]. You just can’t let it get to you.

Drivers believed in controlling one’s anger with regard to complaints against both passengers and coworkers. They explained that cab drivers come to work to make money, not to get angry—emphasizing that the two activities are at odds and that money had to be the priority. Thus, “lumping” (Galanter 1974) became a financially important skill.

2. **Resignation**

Many Private Taxi drivers mentioned the option of leaving. Even drivers who had been at Private Taxi many years expressed a willingness to leave. For example, Hank, who had been with the company for over five or more years at the company.

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14. Toleration, or “lumping,” is different from “turning the other cheek” in that with toleration, the subject experiences anger but takes no action. No one ever discussed “forgiveness,” only maintaining control so that one did not let one’s anger take hold.

15. Some scholars have found that women’s complaints are more likely to be dismissed than men’s because they are perceived as irrational and emotional, even when the complaints are the same as those of their male coworkers (Grillo 1991). Other research has found that women’s concerns are dismissed because they differ qualitatively from the grievances raised by their male coworkers, and, hence, are not easily addressed by existing grievance resolution mechanisms (Gwartney-Gibbs and Lach 1994b). Both strains of research suggest that women would be more likely to engage in toleration, since their grievances are more likely to be dismissed (i.e., over time they have learned that pursuing grievances does not result in satisfaction, and so eventually they learn to tolerate otherwise-grievable offenses). In contrast to those predictions, I did not see substantial gender, race, or class differences with regard to toleration behavior at Private Taxi.

16. Approximately 30% as opposed to about 10% of the Coop Cab interviewees

17. I define many years as being five or more years at the company.
seven years, expressed only mild commitment to the job: “The ultimate thing is, we can always quit. It’s just cab driving. It’s a nice job, but it’s just a job. It’s just cab driving. It’s not like it’s a profession. You can always quit.” While the limited training needed for cab driving might make drivers very replaceable, the low unemployment in Prairieville contributed to the belief by both drivers and the owner that a good driver might not be easily replaced. This gave drivers more power by threatening to leave than they might have otherwise.\textsuperscript{18}

3. Informal Grievances

Despite drivers’ abilities to tolerate negative circumstances, some problems did move them to action. When Private Taxi employees could no longer tolerate unpleasant situations, they informally resolved their issues or resigned. If they decided to stay and resolve their problems informally, they talked with the offending party, employed individual or group confrontation, or spoke to a superior. Private Taxi employees rarely considered formal grievance resolution as an option.

a. Conciliation. Drivers at Private Taxi often discussed ways they tried to resolve problems by themselves. This self-help sometimes involved simply talking to the other employee involved. When discussing this strategy of conciliation, interviewees sometimes characterized themselves as taking the “friendly way” or being “nice guy(s)” as, Michael, did: “Well, you can either be confrontational about it, or you can try to be a nice guy. I’m a type of guy that would rather talk it through first . . . to see, ‘Okay, what’s going on?’” Like Michael, many Private Taxi workers expressed pride in their ability to resolve problems informally, without any formal or informal managerial action and without any aggressive confrontation. Some even described failure to resolve problems this way as a failure of personal skill and integrity. For example, Rick explained his belief that while the easy solution was anger, calmly talking was the better strategy.

Anyone can get nasty. Little kids can act out to get their way. Anyone can. It takes effort to work things out, but that’s the thing to do. You can’t go getting angry all the time. You have to learn to talk and work out your problems. It’s hard; you don’t always want to, but that’s what you got to do.

\textsuperscript{18} This willingness to leave could be understood in terms of Hirschman’s work on exit, voice, and loyalty (Hirschman 1970). Coop Cab was managed cooperatively and strongly encouraged workers to participate in discussions regarding how the cooperative should run, giving workers a “voice.” As Hirschman might predict, Coop Cab workers, with their greater opportunity for “voice” rarely mentioned the option of “exit.” In contrast, Private Taxi workers had no official forums for “voice,” such as the membership meetings at Coop Cab; these workers were more likely to mention “exit” as a possible strategy for addressing—or not addressing—grievances.
However, others employees at Private Taxi favored confrontation as a means of grievance resolution. Although this more hostile action was sometimes used only as a last resort, other times it would be the initial and only action taken, especially if the grievant had previously been unable to satisfactorily resolve similar problems through “nicer” means.

b. Confrontation. Private Taxi workers retaliated against offending parties both alone and in groups. Most Private Taxi employees mentioned either initiating or experiencing one-on-one confrontations. These confrontations could range from a face-to-face argument, to a shouting match, to more vindictive behavior. For example, Jake described a misunderstanding in which a coworker mistakenly thought Jake had stolen one of the co-worker’s calls earlier in the day. When Jake came back to the company parking lot after his shift, he found the coworker kicking the side of Jake’s personal car, trying to dent it.

Nearly all Private Taxi drivers also described group retaliation. This included instances where one driver engaged in unacceptable behavior, such as stealing calls from other drivers, and, in response, the other drivers collaborated on a following day to steal the offending driver’s calls, leaving him or her with little income for that day. Roberta described using this group retaliation technique:

You’re not supposed to steal other people’s calls. There’re not really rules about that. But there’s sort of an etiquette: You just want to be fair to everyone. If you start stealing people’s calls, then everyone will get mad. Then everyone else will start stealing all your calls.

We did this to someone a couple weeks ago who was being a real problem. We decided, like for a night, we were going to steal every one of this person’s calls. And we did. At the end of the night they’d made $20 in 10 hours. They were broke, right? So you just sort of do things like that, sort of like teach them a lesson: “Be good!”

So how many of you were doing that?
We had at least 10 people—and that was downtown. So if you have 10 people downtown, it’s a really small area, so you can pretty much always have someone really close to the call [who can get to the passenger before the assigned “stealing” cab driver]. And the dispatcher was helping because he was upset too.

Many others shared Roberta’s belief that this form of group action was both effective and justifiable.

c. Petition of Supervisor. The third type of informal grievance resolution used by drivers at Private Taxi was to petition one’s supervisor for help in dealing with a problem. This did not involve any formal procedures; instead, drivers described casually speaking with a manager, a dispatcher, or an owner. And although many drivers considered talking to the manager or owner, few were consistently confident that this path would resolve the
issues. They emphasized the fickleness of management, and the fact that the level of assistance often depended on how personal a relationship one had with the manager or the owner. Mark, who had been driving for Private Taxi for the three years, provided a good illustration of this dynamic.

If someone has a good relationship with [the owner], then they’ll probably go to him and see what they can do. If someone has a good relationship with [the manager], at this point in time, they’ll go to him to see what they can do. In some cases, people will go to the dispatcher and say, “Hey, you know, listen, I got this problem.”

In some instances, these conferences resolved the problems at hand; other times they were merely the first attempt to resolve a problem before engaging in aggressive self-help. Still other times, discussions with management were the sole, unsuccessful attempt to solve a problem before quitting the company. The following quote from Chuck, who mainly worked the evening rush-hour shift, succinctly describes the power of the owner. Chuck believed that he and his coworkers were employed at the pleasure of the owner, and therefore, the owner alone had the privilege of dictating how the company ran.

That’s the way it is. I mean, this is a business. This is not a democratic thing that’s going on. The fact is, he owns the business, and he has the right to make decisions. And if you don’t like the decisions he makes, then you either swallow it or get a different job. That’s just the way it is.

Chuck expressed the widely held opinion at Private Taxi that one should either learn to deal with one’s problems oneself or leave the company (“like it, lump it, or leave”).

Thus, Private Taxi employees had developed several means of dealing with workplace problems. Some learned to tolerate problems. Others talked with the offending party, more aggressively confronted the offending party, or engaged the help of a manager, as means of informal grievance resolution. Other times they simply quit—left the job and the problems behind them. Although a formal grievance procedure existed, it was rarely used, often eschewed or forgotten by the employees.

B. Coop Cab

Workers at Coop Cab made use of the formal grievance resolution process, and this represented the main area of contrast in legal consciousness between them and Private Taxi workers. Coop Cab members often mentioned formal grievance resolution as an option during interviews; they felt
that others encouraged them to use the formal grievance procedures and believed the use of these procedures was appropriate. Additionally, few at Coop Cab mentioned the possibility of quitting to escape workplace problems, and no one mentioned planned confrontation by an individual or by a group.

1. **Toleration**

Workers at Coop Cab sometimes chose not to resolve certain problems and relied, instead, on their ability to tolerate unpleasant circumstances. Tolerance of negative behavior was most commonly described with regard to disruptive passengers, with whom drivers interacted only briefly and on whom they depended for income, but workers occasionally mentioned this strategy as a way to deal with problems within the company. For example, Emma, in discussing her toleration of coworkers’ annoying behavior, described how she decided not to take any action against a dispatcher:

One of the old dispatchers, he tends to [use] a lot of raunchy humor, and he would say certain things that could be taken as, definitely as, sexual harassment. But I choose to not look at it that way, because I think he’s also extremely fair as a dispatcher, and he would never do anything to mess up my personal income. Because I happen to be a woman, he would never give me a worse call.

Emma prioritized her personal income over her personal comfort level. Although this dispatcher made her feel uncomfortable, she preferred not to say anything because his behavior did not affect her ability to earn money.

2. **Formal Grievances**

Many members said that they would be more likely to bring a formal grievance at Coop Cab than at other places where they had worked. One cab driver, Melody, expressed her belief that using the grievance process is a reasonable way to address problems, a belief shared by the majority of members at Coop Cab.

People aren’t afraid to bring grievances if they feel they’ve got one. We’re encouraged to use [the grievance procedures] if we feel that we have a grievance. . . . I think there’s a sort of a sense that there are very few jobs where you have that opportunity, so make the most of it.

Melody and her coworkers believed that the option of using formal grievance procedures was a right that should not be overlooked—and a right that employees in many other companies did not have.

The most common reason Coop Cab members cited for bringing grievances was unfair treatment, either by a manager or a coworker. Mimi, who
had been with Coop Cab for about a year, provides a good example of this sentiment: “[I'd bring a grievance if management's action] was not fair . . . if it wasn't accurate in the information that was presented and I thought it was a personally based [discipline] letter. That’s what you should do.” Issues of fairness and just treatment permeated people’s discussions of dispute resolution strategies. Not only did they want the company to treat them fairly, but they also wished to treat the company fairly.

When people described their hesitancy to use the formal grievance procedures, they often expressed the importance of being completely blameless before raising a formal grievance. Owen, who worked mostly night shifts, described a winter accident that he did not feel was completely his fault, yet management considered him sufficiently at fault and assigned disciplinary points, affecting his take-home pay. Explaining why he did not appeal the disciplinary letter, Owen said, “Yeah, I had an accident once when it was really icy that was considered my fault. It wasn't totally my fault, but I got three points. I considered debating that, but in the end, that was the right decision actually, because it was my fault.” Owen was unwilling to engage in blaming, much less claiming, unless he, himself, were blameless.

Although most Coop Cab workers said they were more likely to bring a formal grievance at Coop Cab than at any other job, some members still preferred to resolve grievances informally.

3. Informal Grievances

Like workers at Private Taxi, members of Coop Cab resolved many grievances informally, but unlike Private Taxi, Coop Cab workers employed fewer types of informal resolution. Coop Cab workers spoke of conciliation with offending parties and of informal help from supervisors, but they did not discuss individual or group confrontation, nor did they mention resignation as a way to resolve disputes.

a. Conciliation. While the members of Coop Cab felt empowered to bring formal grievances and described their empowering grievance culture as an important aspect of the company's cooperative identity, approximately half of those I interviewed believed they could resolve grievances as well or better through informal resolution. These workers felt that formal grievances

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19. Beverly expressed her concern that an attitude affirming formal grievance resolution had, in fact, not permeated the company. She felt that worker rights, such as the right to bring a grievance, were not sufficiently well known, and thus, managers had too much power: “They're kept under cover, and a lot of times managers will also try to overuse, overstep their boundaries and create policies that are not within the bylaws. And it's up to each member to read the bylaws. And to find someone who can represent them perhaps, and to talk to the managers, either personally about it, or set up some kind of formal situation where they can dispute a certain policy that's been given. Either personally to them, or whatever. But a lot of people don't do that. So the managers can have free reign over what's going on.”
could be avoided through skillful discussions and other interpersonal skills. Men at the cab company were more likely to believe this than were their women coworkers, who relied more on formal grievances.  

Bob, who had been driving for Coop Cab for about four years, is representative of the drivers who had great faith in their ability to resolve grievances informally: “I guess my first priority interpersonally, if I had a problem with another employee, would be to work it out with them. If I couldn’t work it out with them, I would be in a new kind of situation. I’ve usually been able to work it out.” Jo, a woman cab driver, who also served on the board of directors, gives an example of this ethic of first trying to talk to the offending party:

When I first started driving cab, one night I pulled a really, really, really stupid driving move. I did something really dumb with a cab full of screaming people. Another driver saw me do it. Now he could have gone running to the boss and said, “I saw so and so doing such and such.”

No! He tracked me down. He made it a point to track me down after I dropped off my fare, which entailed him losing income to do that because he could have been getting another fare. He tracked me down and said, “Look, I just want to say, do you know what you did?” I was so embarrassed. He just basically said, “Okay, look rookie, from one driver to another, this is the drill. And you gotta learn to deal with this, otherwise somebody’s gonna get hurt, and I don’t want to see you get hurt.”

And I remembered that because I have [had] the occasion to handle other people’s boners the same way. I like that. If I’m doing my job badly, I want to be told. I don’t want to lose my job over it, but I [also] don’t want people saying it behind my back.

Jo explained that talking to another driver, rather than getting upset or taking formal action, was a point of pride with her. It might not always work, she said, but she was dedicated to talking first.

b. Petition of Supervisor. Others at Coop Cab emphasized that they could easily and informally go to a manager with a complaint. The managers at Coop Cab, like their counterparts at Private Taxi, had the authority to remove disciplinary letters from files; issue punitive, salary-affecting points

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20. Although both women and men approved of and supported the use of formal grievances, the women at Coop Cab felt the formal grievance procedures were their primary option since they lacked the networks to easily resolve disputes informally. Women lacked the informal power to effectively use informal means for dispute resolution. In contrast, their male coworkers used the formal grievance procedures or engaged in informal dispute resolution, choosing between the two options as each situation dictated. Other scholars have similarly found that men and other powerful groups benefit more from ADR and from informal grievance resolution strategies (Delgado et al. 1985; Grillo 1991). For a full analysis and discussion of how the grievance culture created by the workplace rules was somewhat mitigated by gender differences, see Hoffman 1997.
or remove such points; and alter the schedules of fighting coworkers. Workers explained that, because Coop Cab was a worker cooperative, managers were just coworkers who could be approached without trepidation. For example, Bruce, who had been a member several years, said,

There's a whole grievance procedure, yeah, but it's like, you're part of a family. You can just talk to the other people. It's not like the manager is your “boss.” There isn't any one boss. You can just go talk to him. You can even curse him out if you want to, and he can't really do anything to you. Of course, he won't be pleased. [laughs].

Part of Bruce's pride in his membership in a worker cooperative was that he saw his manager as his friend rather than as his oppressor, as he had at his earlier jobs.

IV. LEGAL CONSCIOUSNESS IN ACTION

Although Private Taxi and Coop Cab were similar in many ways, their workers demonstrated very different kinds of legal consciousness. Both Private Taxi and Coop Cab had supervisors and dispatchers who wielded substantial power over the workers. Both had formal ways to raise grievances. Yet, the members at Coop Cab were much more open to bringing formal grievances than their counterparts at Private Taxi and much less likely to quit or seek retaliatory confrontations. Drivers at Private Taxi often talked about toleration, group confrontation, or resignation than were drivers at Coop Cab. Private Taxi drivers rarely viewed formal grievances as appropriate.

A key difference between the two companies was their grievance culture. Coop Cab placed great emphasis on educating members about the formal grievance options and on encouraging them to use the grievance system. Alternatively, Private Taxi's grievance culture emphasized handling conflicts “on one's own” and a certain self-sufficiency pride that dictated that one should not need to use formal grievances.

The differences in grievance culture stem from the different ways the two businesses are organized. Coop Cab was cooperatively own and collectively managed. This structure engendered a grievance culture that looked toward group processes rather than self-help. The greater acceptance of formal processes at Coop Cab's grievance culture may also stem from the cooperative business's more formalized self-managing organization, which uses group meetings, elections, formal debates, and collectively run hiring procedures.  

21. Some workers came to Coop Cab specifically because they were attracted to a cooperative workplace. More than half, however, joined for other reasons. Most of these members did not even fully realize that Coop Cab was a worker cooperative before joining. Having been members for some time at the point of this study, however, all but one of those interviewed held some degree of pride that their workplace was cooperative owned and managed.
While Coop Cab stressed cooperation, Private Taxi emphasized independence. Drivers were often hired and fired, not based on direct or representative democratic principles, but based on the discretion of the one owner. Once working for Private Taxi, drivers learned to rely on themselves or, informally, on one another, but less so on management or formal procedures for regular assistance.

The legal consciousness within the grievance culture of Private Taxi also varied from that of Coop Cab in how workers anticipated resolving disputes and which strategies they saw as acceptable. Unlike their counterparts at Private Taxi, Coop Cab workers often spoke about the importance of having a formal grievance procedure. When contrasting the cab company to previous places they worked, Coop Cab members said they would feel forced to quit at other companies if faced with certain conflicts, but at the cooperative, they could resolve the same or similar disputes through formal or informal grievance resolution.

For many, the key reason for this ability was the availability of the grievance procedures. For example, Sarah described problems she had encountered at previous jobs, for which she took no action, other than resignation, because there was no grievance procedure available.

I've been in situations where I've had wages illegally withheld, where I've not been paid overtime, where I've not been paid Workers Comp, where I've been sexually harassed, where I was disciplined on the job—a lot of the general gamut of experiences for women in low-wage jobs. [And you didn't bring a grievance then because?] There was no grievance process.

As Julie, a phone answerer, said, “I think I would be more likely to bring a grievance (at Coop Cab) and a lot more likely to be more assertive about it. I think I would just quit another job.”

In contrast to the “like it, lump it, or leave” mentality of other jobs, including Private Taxi, Mimi, who had been at Coop Cab for a little over a year, saw the formal grievance resolution option as her right and the appropriate strategy in most situations:

I wouldn’t hesitate to appeal [if treated unfairly] because I knew that’s what [the grievance procedure] is there for, to hear what I have to say. I would probably, right away, talk to one of the stewards. I think that’s pretty much what people do. When they think, on whatever level, they’ve been treated unfairly, by another coop member, or by management, or by somebody on the board. If they think something’s been done inappropriately, they go and talk to a steward [who prepares the grievance]. And I know that happens a lot.

These statements distinctly contrast with those from Private Taxi workers, whose grievance culture greatly deemphasized the formal grievance procedures, nearly removing this option from their legal consciousness.
Nevertheless, both companies did have grievance procedures. Workers at both companies had formal processes through which they could redress their problems. Yet the existence of these procedures was clearly not in itself sufficient for the kind of legal consciousness found at Coop Cab. In addition to having these procedures, Coop Cab’s grievance culture taught its members that bringing grievances was acceptable and appropriate. Nearly everyone spoke of feeling encouraged to raise grievances, as this representative quote by Emma shows:

Even if we feel it’s a slight grievance, chances are we are still encouraged to [bring a formal grievance]. It’s kind of accepted that management might not be right in every instance. That’s why [the grievance procedures are] there. Whereas [at] other jobs, it’s like, management says one thing and you do it, basically. Or else you go to the next higher person and you talk to them, which is sometimes hard to do.

However, Coop Cab workers’ legal consciousness did not develop by chance. Several aspects of Coop Cab were more ritualized and explicit than at Private. For example, at Private Taxi, joining the company involved a brief interview with an owner or manager, while at Coop Cab, members went through panel interviews and several “informational” sessions. Likewise, construction of the company’s legal consciousness was intentional. Senior members made deliberate efforts to teach new members that they had certain rights, such as grievance procedures, and to convince them to use them. Below, Nancy, a member of the board of directors, described this training:

[There is] a position called head training coordinator. When people come off probation [when they are first hired], he gives sort of instruction on what a cooperative is and how it works and if they have a grievance and what all that means, what corporate structure possibilities there are, how this one’s different from those, and what that means. I’m kind of hoping that that will make people who are coming in, who aren’t from a union shop background or a cooperative background, get the idea that if they don’t like something, they don’t have to put up with it just because they like their job. There is probably a reason why they don’t like it, and it could be fixed.

Special education efforts, including posted lists of formal grievance advocates, were necessary because many new members joined without experience in asserting their workplace rights. Many came from other jobs where they understood themselves to have few rights and few, if any, options when they encountered problems at work. Without explicit articulation of their rights and instruction on the available procedures, members might endure many problems unnecessarily, as Jo expressed:
The biggest thing that concerns me is that people who don’t have any 
education or background in grievance procedure might view the whole 
thing [the grievance process] as awesome and more trouble than it’s 
worth. Which is, I think, why there’s always been advocates elected 
and listed on a board.

Although not every worker at Coop Cab had personally brought formal 
grievances, the formal grievance procedures held important symbolic mean-
ing as part of their grievance culture. Over two-thirds of Coop Cab’s mem-
ers believed that the grievance procedures and rights consciousness were 
essential elements of their identity as members of a worker cooperative: an 
egalitarian, less hierarchical, pro-worker business. According to Larry, a 
member for over 10 years, the grievance procedures helped both the individ-
ual and the organization as a whole.

I don’t think people come in understanding that they can speak their 
styles without being retaliated against. [Elsewhere] if you have a big 
problem with your boss at work, you might go and try and hint at it. 
[In other companies] if they don’t do anything, you’re like, “Well, 
they’re the boss.” But I guess in my sense in a cooperative, if someone 
is having a problem, probably other people are having that problem, 
and there could be good reasons why they’re having that problem. And 
correcting it could increase our efficiency [as an organization]. I think 
people don’t come in thinking that way. I think they come in thinking 
“Well, the boss wants to do it that way. It’s my job. I’ll just do it and 
go home.”

Like Jo, Larry emphasized that this mentality can be foreign to new mem-
bers, and so they needed to learn that their rights were respected.22 Many 
members of Coop Cab saw these education efforts essential keystones to 
creating a democratic workplace. They understood cooperative self-manage-
ment to include at least a minimal level of formal worker empowerment.23

In contrast, while Coop Cab members focused on the democratic prin-

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22. A few workers felt that the grievance system was overused, with too many frivolous 
and unnecessary issues being appealed, and was distinctly not helping the organization. For 
example, Tim, who had been driving off and on for five years, felt that formal grievances 
were used when people were too cowardly to deal with problems informally: 
But I’m not really one to, unless I feel that something is malicious, I think if it’s malicious, 
then I would do it. I really came close to handling Bob with a grievance because it was 
pretty malicious. You know what I’m saying? But the rest of it, I think is just, you know, 
part of the job. If someone did something malicious to me that continued, then I would 
... [file a] grievance. I think though that grievances are used too much. And they’re 
used as a weapon rather than a real tool to make a better working environment, or 
they’re used by people who are too afraid to do anything on a personal level. They just 
want it to be handled by a parental-type figure. I don’t have a lot of respect for that.

23. For further discussion on cooperative workplaces and grievance resolution, especially 
with regard to the relevance of structure, hierarchy, and ownership, see Tucker 1999; Hoff-
principles behind the company's cooperative ideology, Private Taxi workers, like Chuck who was quoted earlier, emphasized his company's autocratic management. The rights-focused grievance culture at Coop Cab contrasts dramatically with Private Taxi's grievance culture, which encouraged "lumping it" and informal grievances resolution. Formal grievances were so unpopular at Private Taxi that some employees did not even know that a formal grievance procedure existed. Of those who knew they had a grievance procedure available, none had ever used it nor known anyone who had. Jim's response is tentative, uncertain, and representative of those drivers with knowledge of the grievance procedure: "I think there's a formal complaint process, yeah. I think that you can fill out a complaint form and you can put it back to the office. And, supposedly, someone will sit down with the parties involved and resolve the situation, at least there used to be." Other drivers at Private Taxi were both unaware of how to raise a formal grievance and disapproving: They felt that such formal actions were inappropriate.

Private Taxi workers did view group retaliation as an appropriate response to a grievance, in contrast to their counterparts at Coop Cab. Although arguments and very occasional one-on-one physical fights did occur at Coop Cab, group retaliation was never mentioned in interviews. One could see this as somewhat ironic: The only spontaneous group action occurred at Private Taxi, the noncooperative cab company, which did not actively encourage collective action. This irony demonstrates spontaneous versus institutionalized collective action. Group retaliation was the only way the drivers of Private Taxi worked together to resolve problems, but the members of Coop Cab had many established means of collective action, including committee meetings, board elections, and membership meetings. All of these could be used as forums for informal grievance resolution.

The contrasting grievance cultures even affected the way the two companies themselves resolved disputes with each other—in particular, their use of the city's grievance procedures when conflicts arose between them. In such cases, the companies, like their members with grievances, had the options of toleration, formal resolution, or informal resolution. The strategies of the companies mirrored the behavior of their members: Coop Cab used the city's grievance procedures, and Private Taxi tried to resolve the intercompany problems without formal intervention from the city. In describing confrontations between members of Coop Cab and Private Taxi, Fred, a driver at Private Taxi, underlines the differences in the legal consciousness between the two companies as it was played out on a larger scale:

Sometimes people [from Coop Cab and Private Taxi] get in fights, fist fights. Other times it's just a screaming match that goes on. They get resolved in different ways. Sometimes someone in management over there [at Coop Cab] will contact someone in management over here and there'll be a little discussion about it. Most of the time, at Coop
Cab, there’s an attitude of, “Well, we’re just gonna write it up and give it to the city and file a complaint.” Their [Coop Cab’s] idea is that the more complaints the city gets about us [Private Taxi], the better. And then we will crack down on some things.

And I feel like, you don’t want the city getting too involved in any of this. You want less regulation. Don’t complain to them [the city]. It’s just gonna be a problem. It’s best to resolve it under the table between ourselves. And sometimes things just don’t get resolved.

In this way, the legal consciousness within the companies carried over to disputes between the two: Private Taxi resisted formalizing the dispute, while Coop Cab wanted to raise a formal grievance with the city. And the employees at each company reflected the positions their companies took. In fact, while Coop Cab took pride in their grievance procedures and rights orientation, Private Taxi drivers expressed their distaste for formal grievance resolution, explaining that such formal means were only for the weak, who were not able to handle things more independently.24

V. CONCLUSION

This article explored how the members of two similar companies, both with formal grievance procedures, responded with very different displays of legal consciousness. Employees of the privately owned, hierarchically organized taxicab company rarely brought formal grievances, but instead tolerated their problems, resigned from the job, or tried to informally resolve the problem through peaceful discussion, aggressive confrontation, or petition to supervisor. In contrast, members of the cooperative cab company were much more open to formal grievances. If formal means were not appropriate, they resolved problems informally by speaking with a supervisor or coworker or, less often, simply tolerated the situation. The use of confrontation, whether individually or as a group, was never mentioned by Coop Cab members, and few workers spoke of resigning as a way to resolve a problem.

The legal consciousness at Coop Cab was not accidental or unintentional. The cooperative made deliberate efforts to educate members about their rights and to empower them to raise grievances. Stemming from its definition as a democratically run workplace, rights were very important to workers at Coop Cab. Knowing how to use the grievance system and being encouraged to exercise this right were key aspects of Coop Cab’s grievance

24. This explanation assumes that the underlying level and mix of conflicts are similar at both companies. The type of injurious experiences did seem similar: Comments from interviewees did not indicate, for instance, that one company generated more torts while the other had more discrimination offenses. Additionally, the gravity and seriousness of injurious experiences seemed comparable, although this is difficult to say with certainty since it depends on interviewee perception.
culture and figured strongly in its identity as a cooperative. Private Taxi, in contrast, had little concern for procedure and rights. This grievance culture emphasized being “tough enough” to forgo a formal grievance and resolve disputes oneself.

These different grievance cultures grew out of the companies’ organizational structure and general workplace ideology. Coop Cab was formed as a cooperatively owned, democratically run business. Issues of equality, rights, and worker empowerment were central to its identity. Private Taxi was owned by a single man; as the only owner, he had the final word on any controversy or dispute. Neither company had many managers, but this structural similarity affected each grievance culture differently as its impact was filtered through each company’s workplace ideology. At Private Taxi, minimal management meant that workers had to resolve conflicts on their own. Private Taxi employees and managers emphasized an ethic of independence: These workers did not need to rely on the organization for assistance. At Coop Cab, minimal management meant that each worker could and should be even more active in the company and serve as their “own managers,” turning to coworkers to act as stewards and engaging in formal grievances to help them protect their rights.

Thus, within the same industry and the same town, two groups of workers understood conflict quite differently and held very different attitudes about the appropriate ways to resolve them. Merely having certain structures in place, such as formal grievance procedures, does not guarantee a certain legal consciousness. The environment of an institution, such as the grievance culture at Coop Cab versus Private Taxi, has a great impact on workers’ legal consciousness.

REFERENCES