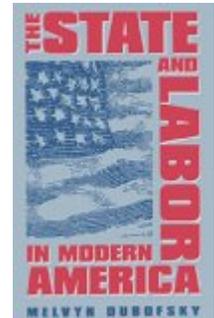




**Melvyn Dubofsky.** *The State and Labor in Modern America.* Chapel Hill: University of North Carolina Press, 1994. \$27.50, paper, ISBN 978-0-8078-4436-6.



**Reviewed by** David Montgomery

**Published on** H-Labor (October, 1995)

For almost two decades the challenge of "bringing the state back in" has provided a guiding theme for writing the history of American workers. Much of the conceptual framework that has informed this writing has been provided by critical legal studies. The sense of urgency that has propelled the effort, however, sprang from the formidable lesson provided by the Reagan administration in the state's ability to reshape both economic life and the very terms in which social questions were publicly discussed. Quite abruptly the fascination with working people's own autonomous social and cultural formations, which had been stimulated by the many faceted popular revolt of the 1960s and 1970s against hegemonic power formations, had apparently failed to engage the new exigencies of popular struggle.

Melvyn Dubofsky has contributed to this timely debate a well crafted admonition that the capacity of workers to shape their lives and environment depends in the final analysis on the organizational strength of their unions, and that unions have enjoyed significant might since the 1870s only when their efforts have been support-

ed by powerful voices in Washington. It is folly to imagine the historical role of government only as that of repressing or channeling workers' movements and aspirations, he argues.

Moreover, he considers it equally foolish to conceive of the development of public policy during the present century as the realization of some broad vision of social stability emanating from the minds of enlightened corporate leaders. On one hand, "American business never willingly conceded any of its prerogatives to workers and unions or to political reformers." On the other, the unions did not simply conform to what has been (often ambiguously) called "corporate liberalism"; they contributed decisively to its formation. For a century they have been guided by John Mitchell's admonition of 1903: "The trade union movement in this country can make progress only by identifying itself with the state."

To develop his argument Dubofsky has confined his narrative to the relations between the dominant factions of the trade union movement and the federal government. Although his approach to this specific issue provides a provoca-

tive and valuable contribution to our understanding of the historical interaction of the state and the working class, the two subjects are by no means identical. Women and non-white workers scarcely appear in the book, before its discussion of the labor movement's current crisis. Its Washington-based angle of vision provides little opportunity for investigation of the local roots of workers' mobilizations, such as had been the stock in trade of the New Labor History. Moreover, ideological currents and forms of organization that did not conform to the legacy of John Mitchell are not simply slighted by this treatment, but virtually read out of history. To be sure, Dubofsky has written insightfully and at length about the Industrial Workers of the World and socialists elsewhere. Nevertheless, neither they nor the widespread labor party efforts of the decades between the world wars take the stage in this account. Thus his discussion of the 1920s, which focuses on the futile effort of some AFL leaders to cling to the political coattails of Secretary of Commerce Herbert Hoover, evokes a very different world from that portrayed, for example, by Dana Frank's *Purchasing Power: Consumer Organizing, Gender, and the Seattle Labor Movement, 1919-1929* (Cambridge, 1994).

The most important contribution of *State and Labor in Modern America* lies in its detailed and persuasive discussion of the attempts of administrative agencies to devise a coherent labor policy during the administrations of Woodrow Wilson and Franklin Roosevelt and its legislative histories of the railroad arbitration law of 1888, the Norris-LaGuardia Act, the Wagner Act, and the Landrum-Griffin Act. The assessment of the Wagner Act is especially valuable, because it stresses the interaction between law and union action and makes clear that CIO activists did not rely on the NLRB for securing their early contracts, though they benefited greatly from the prominence of government investigations of corporate labor practices.

Many readers will be taken aback by Dubofsky's positive evaluation of post-1945 industrial pluralism. His analysis is strongly influenced by Charles Maier's very useful notion "the politics of productivity" and by Karen Orren's interpretation of the decisive contribution of the labor movement to the formation of modern liberalism. It offers one of the few available coherent political narratives of the post-New Deal epoch, which most labor historians break up into a series of topical essays. Moreover, its discussion of President Dwight Eisenhower's relations with the AFL and CIO is as rich as it is original.

Perhaps the historian with whom Dubofsky disagrees most vehemently in Christopher Tomlins. Tomlin's portrayal in *The State and the Unions: Labor Relations, Law, and the Organized Labor Movement in America, 1880-1960* (Cambridge, 1985), of the role of Congress, the NLRB, and the courts in nurturing stable industrial relations out of the social turmoil of the Great Depression runs fundamentally counter to Dubofsky's evaluation of the unions' advantageous use of governmental power. Moreover, his well documented account of the AFL's leading role in repressing the IWW in order to secure for itself a favored status in Washington, and also of its prominence among the architects of government restraint of radical influences in the unions, especially between 1939 and 1941, makes a mockery of the Federation's pretensions to independence from the state, which Tomlins took at face value.

Dubofsky also finds himself in frequent disagreement with other critical legal historians who have dealt with labor (with the exception of Orren). He gives the argument that judicial rulings decisively shaped the labor movement's ideology short shrift. Despite his emphasis on the positive contribution government has often made to union growth, Dubofsky ultimately attributes much less decisive importance to legislation and court rulings in shaping the labor movement than Tomlins, William Forbath, Victoria Hattam, and other his-

torians of the law have done. He even concludes that "Taft-Hartley failed to strip unions of their influence and power because far too many workers trusted their unions and their leaders to defend them against arbitrary and uncaring employers."

Ironically, one of his most provocative observations about the Supreme Court concerns its role in defending the new framework of collective bargaining and using it to expand workers freedom of free speech in the face of the reactionary political tide of 1938-41. Although he said no such thing, his narrative inspired me to conclude that Franklin Roosevelt's court-packing scheme turned out in the not-so-long run to have been one of his most successful contributions to the liberal cause. Under pressure from Roosevelt the Supreme Court, which had been the slough of despair for progressive politics at least since Dred Scott, switched for some thirty years to come to that active role in reshaping political and social life which is customarily identified with the Warren Court.

To be sure, neither then nor under Warren did the court's approach to workplace struggle tolerate any but the most tightly institutionalized collective bargaining. But neither does Dubofsky display sympathy with workplace struggles that threatened to kick over the traces of the "new common law" of industrial practice. The famous revolt of 1943, when full employment inspired innumerable unofficial actions and the United Mine Workers challenged the whole tripartite structure for regulating industrial relations, was important in his view primarily because it opened the sluice gates to reactionary politics, that were never again to be firmly closed. Unions functioned thereafter in an atmosphere of intense public hostility, he argues, and were kept afloat until the Reagan era by the commitment of their own members and by friendly contacts in legislative and administrative offices.

*State and Labor in Modern America* is certain to provoke valuable debate and sharp controver-

sy about both the past and the prospects of the labor movement on many levels. Its most important contribution, as I have already suggested, lies in its close scrutiny of the narrowly constructed question of the interaction between the dominant groups in the labor movement and the federal government. Its deliberately restricted scope implicitly poses a standing invitation to other historians to expand the notion of the state to incorporate state and local governments, which have often played decisive roles even in the questions Dubofsky discusses -- for example, in the legislative activity of unions since 1950. It also reminds us that the relationship of government to unions is always set in the context of social policy in a larger sense. Moreover, the question of power, to which Dubofsky devotes this important book, includes government, but is not confined to it. Both the state and civil society are theaters of class conflict.

Although Dubofsky does well to advise his readers of the pitfalls that lie in wait for a workers' movement that would undertake simply to unleash its power from the restraints imposed by the state, it is equally true that workers will do little to reverse the current deterioration of their lives if they simply wait for the reappearance of friendly faces in Washington. Workplace, community, and political influence of workers have risen and declined together. All spheres of life must have a place in the strategies they design for the future.

If there is additional discussion of this review, you may access it through the network, at <https://networks.h-net.org/h-labor>

**Citation:** David Montgomery. Review of Dubofsky, Melvyn. *The State and Labor in Modern America*. H-Labor, H-Net Reviews. October, 1995.

**URL:** <https://www.h-net.org/reviews/showrev.php?id=193>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.