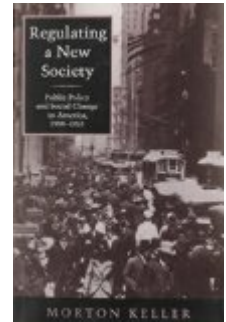


Morton Keller. *Regulating a New Society: Public Policy and Social Change in America, 1900-1933.* Cambridge, Mass.: Harvard University Press, 1994. xi + 396 pp. \$49.95, cloth, ISBN 978-0-674-75366-2.



Reviewed by Eileen Boris

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In this effort "to provide a comprehensive overview of the rich, complex setting of ideas, interests, and issues that gave shape to early twentieth-century American public policy" (p. 9), Brandeis University Professor Morton Keller claims that the Progressive-era generation attempted "to impose uniform national standards on institutions, issues, and groups." Moreover, "the interplay of that impulse with the demands of an increasingly pluralist society and with traditional values, which if anything gained new vigor in the face of rapid change, gave early twentieth-century American social policy its distinctive cast" (p. 307).

Unlike women's historians who are finding the origins of the welfare state during this period, he conventionally locates the modern state with the New Deal. More convincingly, he argues for including the 1920s with the pre-war years rather than as part of the inter-war period as commonly seen in non-policy oriented U.S. histories. For Keller, the early twentieth-century polity "was a modification of the classic American state of parties, courts, and diverse policies ambiguously implemented" (p. 307), made even more contradicto-

ry by those large forces of urbanization, increasingly diverse immigration, and corporate consolidation. Social policy remained a product of the "distinctive character of the nation's public life" (p. 2) based on values of classical liberalism rather than the material relations of class. Individualism and the preference for a weak state served as counterweights to the Progressive drive towards centralization, efficiency, and cultural cohesion, otherwise understood as social control.

"Pluralism" becomes the operative term, replacing the concepts of race, gender, and class that have come to dominate recent historiography. This is idealist history, denying the class basis of Progressivism and buying into a common assertion that such mostly white reformers, thinkers, and government officials represented "the people." A refusal to investigate the economic boundaries that framed social regulation has led Keller to bifurcate his study of regulation into this volume and the 1990 *Regulating a New Economy: Public Policy and Economic Change in America, 1900-1933*. Do not be fooled by the narrative style: there is a strongly held point of view in *Regulat-*

ing a New Society, a liberalism more in keeping with the late nineteenth-century than either the New Deal or current (mis)appropriations of that term.

Keller's innovative organization offers a non-linear model for policy history, one organized around concepts rather than a chronology of decision-making. He divides the book into three sections: institutions, issues, and groups. The institutions of family, church, and school mostly stood free from regulation, though state intervention increased during these years, albeit hampered by "past traditions of liberty and individualism, and the present reality of a pluralist society" (p. 11). Social issues--"the interests of personality (slander and libel, privacy, mental suffering) and civil liberties (freedom of speech and of the press)" as well as "sins of the flesh (drinking, drugs, gambling, prostitution); crime and what to do about it; poverty and welfare" (p. 67)--provided a terrain for political contestation much as they do today. Groups--in this case immigrants and aliens, blacks and whites, "Indians" and women--reflected the development of categories of identity upon which policy developed. Identity politics, we observe, has had a longer history than current polemics recognize. Keller classifies women with Native Americans because, in contrast to African Americans and Asians, public policy sought to lessen their separation from the social whole. Although native peoples (whose gender seems assumed to be male) continued to experience dispossession of their lands and "remain[ed] in a twilight zone between full citizenship and wardlike dependence" (p. 282), women (often not distinguished by class or race) gained suffrage, "the most lasting and substantial social policy achievement of its time" (p. 303). This redefinition of citizenship was significant, but must be understood in terms of the larger racialized gendered order of class society, terms here rejected.

Neither does Keller address current debates over the meaning of citizenship: whether wom-

en's citizenship derived (or should have come) from female difference or whether civil and political citizenship are adequate without social citizenship, which women might gain from mother-work rather than wage labor. Curiously, Keller discusses mothers' pensions as a public health measure rather than under his category "Poverty and Pensions"; perhaps he confuses them with the Sheppard-Towner Act, advocated by the same coalition of women reformers. He seems unaware of the best scholarship on that topic, work by Molly Ladd-Taylor, Joanne Goodwin, Linda Gordon, Gwendolyn Mink, Wendy Sarvasy, and Sonya Michel. He at least recognizes that the maternalism of protective labor legislation embodied a paternalism that meshed with the Supreme Court's pre-ADKINS outlook. In this elite-driven history, the AFL is a player but ordinary working people are not.

Keller often makes interesting and even wise comments, whether on the relationship of the "negro problem and the whiskey problem" (p. 130) or the legal condemnation of private as opposed to public forms of discrimination (an emphasis which would shift to public forms later in the century). He provides great illustrations for any of us hoping to pepper our survey lectures with juicy examples of crime and sin. He expands the topics for regulatory history.

But Keller assumes that social programs develop from "the chattering classes," that is, "intellectuals and academics, socially conscious businessmen and professionals, journalists and reformers" (p. ix). This is a contentious assertion, among those of us influenced by the new institutional political science and state centered sociology, as well as among radical historians. Taken on its own terms, this book still fails to move beyond illustration because his methodology can not reinforce his argument.

For Keller relies on the periodical literature of the day, especially law journals and general reviews, to describe the social regulation of the pre-

New Deal era. But use of the writings of elites without subjecting those writings to critique leaves Keller with information shorn of the context under which such writings emerged. Thus he draws upon law review articles without questioning their constructions, whether, for example, they stood as part of the debate within that profession over legal realism. Not questioning who uses the courts or who becomes subject to law review articles, Keller lets the recordings of others determine his record. He speaks of the new science (without much of an explication) and its influence on social science but never subjugates his texts to close analysis. His data base can serve to expose ideas and values, although I would claim it does so only under deconstruction in the broadest sense of that term.

But it is inadequate for comparing developments in the United States with Western Europe. His conclusions lack the explanatory power of those drawn by Alan Dawley in *Struggles for Justice: Social Responsibility and the Liberal State* (Harvard, 1991), which also compares the United States with Germany. Dawley investigates the structures of the state, how the liberal state incorporated inequalities, how it changed in the process of elites confronting social contradictions. He recognizes that comparative history of state actions and ideology can not rest only on elite writings.

Keller, in contrast, rejects structural analysis. He also dismisses new scholarly and theoretical advances. When he does cite recent works—like Theda Skocpol's *Protecting Soldiers and Mothers* (1992)—he draws information without confronting implications. We see no policy feedbacks or bureaucratic decision-making in this history. He takes account of race and gender in such a manner as to deny the hierarchies and power relations infusing such concepts as "pluralism." The family, for one blatant example, has no race or class. Yet the courts intervened in this "private" realm when it came to the more prosperous,

while those judged deviant or poor confronted an intrusive therapeutic regime, as discussed recently by Andrew Polsky. In rejecting Foucault as well as Marx, Keller undertheoretizes. He uncovers examples of regulation but decides not to investigate the processes. Others must explore the shift "from politics and the legislature to courts and bureaucrats" (p. 288) that marked the early twentieth century.

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