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Bringing Which State Back In?

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Victoria C. Hattam, *Labor Visions and State Power: The Origins of Business Unionism in the United States* (Princeton, NJ: Princeton University Press 1993).
David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market during the Nineteenth Century* (Cambridge and New York: Cambridge University Press 1993).
Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill, NC: University of North Carolina Press 1994).

THE STATE LOOMS large these days. Tremendous shifts are underway in the state systems that date, at least in North America, from the 1930s and 1940s. Whether through an articulate neo-liberal assault or through piecemeal fiscally-driven dismantling of welfare provisions and regulatory agencies, the "New Deal Order" is battered and tottering; some have pronounced it dead.[1] These changes, of course, occur within a context of broader economic and social developments. But the state is a key player in this, structuring how these processes are experienced and establishing the terrain on which their effects are contested. Most obviously, cuts in unemployment insurance and welfare limit workers' manoeuverablity in the labour market while weakened and unsympathetic labour boards hinder collective responses to these challenges. More broadly, the relation of working-class citizens to the state is being redrawn. Labour is hardly alone on the neo-liberal seas as many constituencies are threatened with being cast adrift, denied (admittedly limited) state support and protection. But the labour movement provides the clearest example of the institutionalization of social relations; it is hardly possible to conceive of unions cut off from the administrative stuctures of the state. They could certainly not function as AFL-CIO unions have for the past fifty years. It is not

[1]Steven Fraser and Gary Gerstle, *The Rise and Fall of the New Deal Order, 1930-1980* (Princeton 1989), xxiv.

James Naylor, "Bringing Which State Back In?" *Labour/Le Travail*, 36 (Fall 1995), 317-28.

surprising that labour historians have been intrigued (if guarded) about the potential of "bringing the state back in."

Despite the more exorbitant claims of the "new institutionalists"[2] the state was never really left out. It was, however, often incidental. Political campaigns were explored more as an expression of working-class culture than as a means of understanding how the state was constitutive of social relations. Difficult times for the labour movement have, perhaps, suggested a new task for historians. Having rescued ordinary workers from obscurity and remade them as historical agents, historians are now attempting to understand and explain the limits of this agency. This is not a new debate. At the crest of the new labour history, Elizabeth Fox-Genovese and Eugene Genovese, Tony Judt, and Geoff Eley and Keith Nield all assailed social history's apparent anti-political turn.[3] The three studies of labour and the state under consideration here, however, derive from quite varied academic lineages and are indicative of the potential richness and diversity of a more state-focused history.

There is, of course, no consensus on the nature or boundaries of the modern state, let alone its historical precursors. The 19th-century American state lacked a strong, centralized administrative apparatus, prompting Stephen Skowronek's already classical reference to a state of "courts and parties."[4] The latter has, of course, received sustained attention. In *Labor Visions and State Power: The Origins of Business Unionism in the United States*, Victoria Hattam focuses on the judiciary. Claiming to "set aside sweeping claims of American exceptionalism," (9) she, in fact, argues that the American labour movement was exceptional in its adherence to voluntarism at the end of the 19th century and that this can be explained by the strategic dilemmas created by the structure of the American state. Not only were the courts the primary regulator of labour through the common law doctrine of criminal conspiracy, they proved to be immune from legislative interference. The frustrations felt by American unions as they saw their political efforts repeatedly overturned in the courts and their ability to act collectively undermined by conspiracy charges is an oft-told tale. In Hattam's telling it is raised as the "primary mechanism through which American courts regulated working class behavior," (30) even beyond the 1842 case of *Commonwealth v. Hunt* that

[2]See Peter B. Evans, Dietrich Rueschemeyer and Theda Skocpol, eds., *Bringing the State Back In* (Cambridge 1985) and Sven Steinmo, Kathleen Thelen and Frank Longstreth, eds., *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge 1992).

[3]Elizabeth Fox-Genovese and Eugene D. Genovese, "The Political Crisis of Social History: A Marxian Perspective," *Journal of Social History*, 10 (Winter 1976); Tony Judt, "A Clown in Regal Purple: Social History and the Historians," *History Workshop*, (Spring 1979); Geoff Eley and Keith Nield, "Why Does Social History Ignore Politics?" *Social History*, 5 (May 1980).

[4]Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge 1982).

saw the acquittal of Massachusetts shoemakers charged with conspiracy for going on strike. Criminal conspiracy convictions returned with a vengeance, she argues, after the Civil War and continued to shape workers' strategic options and determined their relation with the state.

The attempt to assign primacy to the judicial regulation of workers in explaining the apparent uniqueness of American labour is a compelling one. Employment is a legal as well as a productive relationship and whatever strategies are developed to change the latter have to deal with the web of institutional constraints that, in the American case, were maintained largely by the courts. The strongest case for this has been made by Karen Orren who argues that common law traditions uniquely isolated the entire sphere of the workplace from the democratization of American social relationships.[5] While liberalism, with its assumptions of individual freedom to contract, increasingly governed other commercial relationships, "feudal" master and servant doctrine reigned in the workplace. Employee liberties were constrained by a judge-made common law rooted in a principle of social hierarchy with differential status and responsibilities falling to each party. The rule of obedience due employers was the most telling. Hattam's argument is different since she argues the centrality of conspiracy doctrine, an element of common law that did not specifically apply to workers. And, as an instrument to restrain workers' combinations, it emerged only in the early 19th century.

Hattam stresses the persistence of the 18th-century republican legacy in her exploration of the relationship between state structure and ideology. This is the most interesting aspect of her argument as she attempts to avoid the determinism implicit in state-directed social change through a close reading of language. The way in which she does so will raise the hackles of more than a few labour historians. She takes issue with the assumption that the motivation behind conspiracy convictions was class antagonism, but was, rather, the defense of a republican-defined common good. In fact, she argues, antebellum Working Men's parties "considered the conspiracy doctrine to be a legitimate form of government regulation." (105) This was because they clung to a "producers' vision" of the state and society that was antithetical to "monopoly" of all types. Historians have tended to view producerism as a kind of false consciousness that would eventually be swept away as the primary class divisions were revealed to fall between workers and capitalists, rather than between "producers" (whatever their relation to production) and "parasites." Like Gareth Stedman Jones and Patrick Joyce in British history, Hattam argues that we must take this language seriously and not attempt to superimpose a subsequent set of assumptions upon it. If we look at antebellum politics in this manner, the "producers" were quite successful in a range of political campaigns. Not surprisingly, then, the producers' vision had tremendous staying power, structuring the vision and strategies of the Knights of Labor into the late 1880s.

[5]Karen Orren, *Belated Feudalism: Labor, the Law and Liberal Development in the United States* (Cambridge 1991).

Eventually, argues Hattam, workers subscribed to one of two narratives of American industrialization: the producers' narrative reflected in the Knights of Labor and the trade union narrative that would eventually guide the American Federation of Labor (AFL) path away from politics. This is an intriguing approach, as it underlines the array of assumptions motivating producers' and workers' campaigns. However, the broad strokes with which she paints these distinctions raise several issues about the use of evidence. The first major question that dogs legal history in general is the extent to which the law really touched upon people's lives. Her evidence that early producers' programs ignored the issue of conspiracy could be explained by the relative inactivity of the courts in responding to most cases of combination. Notably, when the courts acted in a heavy-handed manner, as in the *Faulkner* case involving New York tailors in 1836, there was an immediate and massive mobilization to protest their conviction. (85)

More problematic is her examination of judicial language. She argues that the courts were not primarily concerned with suppressing class behaviour, but with maintaining judicial authority and economic growth. In dealing with conspiracy, they did not speak of defending individual interests, but of preventing combinations that harmed the public good. To cite one juror, they hoped to stymie "offenses against the whole community." (51) Frankly, it is difficult to argue that this language has ever disappeared, even in the midst of the most transparent class-based discrimination. All this really points to is that the judiciary, as members of a hegemonic elite, identified their own interests as universal. Moreover, it is difficult not to see class conflict as judges convicted workers of criminal conspiracy for attempting to combine to improve their conditions. And, to paraphrase E.P. Thompson, class-struggle is evidence of class.[6] Hattam's one trump card, her argument that conspiracy convictions were not evidence of *class* struggle because other, non-labour, activities were regulated in the same manner, is never really played. Few counter-examples are given. An alternative reading, equally attuned to questions of language, is that of Christopher Tomlins who sees law as "*the* paradigmatic discourse explaining life in America."[7] For Tomlins, law "furnished the principal medium through which discourses of class and power gained expression."[8] Tomlin's explanation of how this worked, his "modalities of rule," is obscure and problematic. But Tomlin's point is well made; it is hard not to see class "happening."

By the end of the century, a "trade union" narrative of industrialization that abandoned the core assumptions of the producers' vision had triumphed. But it is unclear why. Hattam refuses to root these different visions of economic change in

[6]E.P. Thompson, "Eighteenth-century English Society: Class Struggle Without Class?" *Social History*, 3 (May 1978), 149.

[7]Christopher L. Tomlins, *Law, Labor, and Ideology in the Early American Republic* (Cambridge 1993), 21.

[8]*Ibid.*, 16.

underlying material change, emphasizing instead the cultural or political contest between the two narratives. But why would one vision be more coherent or compelling than the other to any particular group of workers? The causal connections remain mostly unexplored. Nor is Hattam entirely convincing in arguing that the two narratives were clearly distinguishable. In response to David Montgomery's discovery that the organizations that appeared to encompass these two visions had overlapping membership, Hattam contends, reasonably, that the debates raged within each organization. This does not, however, automatically support her contention that there was a clear or consistent distinction made between partisans of the two narratives. How many workers joined the (producerist) Knights of Labor in order to build a (trade-unionist) "monopoly" to challenge that of the Jay Goulds? Was it not possible to speak in a producerist tongue in a civic election and as a unionist on the shop floor? Similarly, the broad strokes with which she contrasts the American and British labour movements underestimates the impediments in Britain, particularly the slow and uncertain break with the Liberal Party and the disastrous potential of the Taff-Vale and Osbourne decisions.

Finally, even if producers shared a concern with the judiciary about "conspiracy," and monopoly, why did producers not object to convictions of any type at common law? Surely there was nothing so odious to republican sentiment than laws that were "discovered" by judges with reference to the obscure and aristocratic traditions of England rather than made through rational debate in a democratic legislature. This was precisely the sentiment that fired the movement for the codification of the common law but, as Hattam notes, it failed to attract the active participation of Working Men's Parties. Perhaps the law was not as "paradigmatic" as legal historians such as Christopher Tomlins and Victoria Hattam suggest, and others have put forward other contenders for the position, such as race.[9]

In *Citizen Worker*, David Montgomery wisely avoids such choices in order to explore the myriad intersections between workers and the state. The courts are important in Montgomery's account, although "one cannot conclude that employers' authority in the workplace was created by legal discourse." (45) The key unelected authority with which workers had to contend were not judges, but employers. The judiciary buttressed capitalist authority and did so in a language that delegitimized collective opposition to the free market. But it was only one element in a vastly more complicated and ambiguous picture that Montgomery paints with aplomb.

In keeping with the historiographical current he was so central in shaping, Montgomery presents workers as active agents in constructing the American polity, including its weak, bureaucratic structure. A culture of mass politics and republicanism "hasten(ed) the replacement of older forms of physical and legal coercion." (40) These included indenture, apprenticeship, and eventually, slavery. In the

[9]Gwendolyn Mink, *Old Labor and New Immigrants in American Political Development: Union, Party, and State, 1875-1920* (Ithaca 1986).

process, master-and-servant laws that maintained extra-economic coercion were effectively swept aside. Montgomery takes issue with Christopher Tomlins, pointing out that prosecutions for abandoning employment died with bound labour. Labour, at least white labour, was "free." And it was employers' "awesome powers" (47) over the material lives of their workers that formed the basis of their control or, to use the language of common-law doctrine, their "servants'" fidelity and obedience.

Montgomery's state, though, is far from irrelevant to this process. He offers a "friendly amendment" to Skowronek, pointing out that even while the state's authority "was narrowed in scope," the coercive capacity of the government grew "steadily." (117) Both were closely connected with the growing power of capital within a democratic political system. Economic activity was both freed from state constraint and protected from popular control. This is a multi-faceted story with the state acting, or refusing to act, in a range of areas. Conspiracy convictions and *ex parte* injunctions were, of course, key weapons in the arsenal against trade unions. But unions were not the only foes of the free market to be suppressed in the 19th century, and the courts were not the only instrument. For most urban working people the state would be most apparent in the aldermen's or mayor's courts where the plaintiff was increasingly the government, rather than an individual. By the 1840s, a uniformed police force appeared in the largest cities. Three quarters of those arrested, claims Montgomery, were charged with some form of disorder. "The capacity of the state to govern had been greatly increased where it mattered most: in the suppression of popular behaviour that disrupted the mastery of society by capitalist markets." (71) This was a development that drove workers into electoral politics on a municipal level, often with considerable success.

Clearly, state regulation aimed at remaking popular sentiments and actions could be explosive in a democracy. Given this, the state was well advised to maintain its distance in the contest between the free market and a popular moral economy. A state open to popular sentiment could hardly be the best means of imposing the ancillary tasks of poor relief: the suppression of vice, disorder, and laziness. Social historians have spilled barrels of ink on 19th-century social reformers, but it is important to note that they occupied territory vacated by political authorities with the blessing of the latter. Distinctions between the deserving and undeserving poor and efforts to reshape class, ethnicity, and gender into more benign, and more efficient, forms, were enforced by government. Through charity visitors and new tramp acts, both private agencies and state officials enforced moral and economic discipline. The state was increasingly active in reshaping social life on municipal, state, and federal levels. Behind it all rested the state as a body of armed men: between 1886 and 1895 state national guards were called out 328 times for all sorts of purposes (but increasingly "to brush away all obstructions to interstate commerce"). A commentary on criminal law eloquently captures the narrowed, yet coercive role of the state in the 1890s: "There is, in just principle,

nothing that a government has more clearly the right to do than to compel the lazy to work; and there is nothing more absolutely beyond its jurisdiction than to fix the price of labor." (88-9)

Political parties, of course, were at the centre of the contest over the meaning of citizenship and democracy in late 19th-century America. All parties integrated workers into their organizations and were repaid by fierce loyalties. Montgomery accepts Jean Baker's assessment that these attachments were based upon, reshaped, and reinforced the rituals of class and gender.[10] Here Montgomery is on his home turf as he explores how the Democratic and especially the Republican party absorbed and redirected working-class sentiments. The fact is, though, that parties became less important as a means of addressing the main social issues that affected workers as control devolved to the market. While Hattam is surely correct in her account of working-class frustration with the courts, the party and government systems themselves were no more promising. Legislation was, of course, overturned by the courts. But more often it was abandoned or weakly constructed by legislatures. Finally, even if passed, enforcement was unlikely. There were some important exceptions to this, mostly at the municipal level (which should not be ignored given the importance of civic concerns such as policing and housing etc.), but even here gains depended on the strength of labour organization. It, in turn, was buffeted in the state-protected, free-market storms.

The state, then, while formally accessible to worker citizens, was an unpromising arena. Labour independence from the state (of which Gompers provided one model) made much sense. This, in turn, was predicated upon freedom of association and of collective action, a mixture of republican ideas and working-class mutuality. Montgomery's exploration of the dialectic between the market and citizenship does not attempt to provide an explanation for an American "model" of working-class politics. The story is much too diverse for that. This is a narrative of historical contingency more than institutional constraint. The state is an important player in all of this but one that can only be understood as deeply rooted in social relations — not a very autonomous role. This approach makes the comparative history proposed by Hattam difficult, as does Montgomery's tendency to leave his theoretical conclusions implicit in his narrative. In his laudable attempt to avoid the rigidity of the institutionalists, we are often left with a sense of the state in class society, rather than a theory of it. Perhaps this is for the best given the manner in which the debate on the "relative autonomy of the state" in the 1970s exhausted itself. Indeed, *Citizen Worker* provides the sort of evidence that "new" labour historians were discovering that seemed difficult to insert into various, often ahistorical, schematic depictions of the relation between the state and civil society. In any case, the focus on workplace and neighbourhood did not demand answers to such questions.

[10]Paula Baker, "The Domestication of Politics: Women and American Political Society, 1780-1920," *American Historical Review*, 89, 3 (June, 1984).

The further labour historians move into the 20th century (where relatively few "new labour historians" tread), the issues raised by the debate on the state are difficult to ignore. Not only was the state extensively remade, it became much more of a daily presence in working-class life. Progressivism, and especially the New Deal, has proved a laboratory in which state theorists in the tradition of Theda Skocpol have toiled assiduously. Far more interventionist and explicitly regulatory, the state recast shop-floor relations through a system of industrial legality and working-class citizenship through a system of social security, all guided by a network of state agencies. The relationship of forces was altered in myriad ways that historians continue to debate. Moreover, for whatever reason, change did appear to come from the top down. New social relations were forged by the state.

This is the subject of Melvyn Dubofsky's *The State and Labor in Modern America*, which represents a third approach to reintegrating the state into labour history, one that demands a return, in some ways, to square one. It is, unapologetically, a return to history from the top down. The focus is on Washington (as opposed to state and local government) and the labour movement is represented, for all intents and purposes, by the central leadership of large national unions and of the AFL and Congress of Industrial Organizations (CIO). Dubofsky does not really take on the social history of the working class, except to declare in passing that working-class cultures have been romanticized and workers' power exaggerated. These, of course, are fighting words — or used to be. His argument is primarily directed against the corporate liberal interpretation which focuses on business dominance of the state and the ways in which — by carrot or stick — the state repressed or undermined working-class activity. Unlike Hattam and Montgomery who highlight state repression of popular movements (particularly labour), Dubofsky ascribes to it a more "ambiguous" role, arguing that "workers and their unions have gained from positive state intervention at particular junctures in American history." (xvi)

There have, of course, been gains. Most centrally, the Wagner Act eventually brought unprecedented union security and made the organized labour movement a force within the corridors of political power. But historians have also attempted to calculate the cost of such reforms. Were union leaders able to exercise the power they claimed to have within the state? Where did their loyalties lie — with their membership or with a political system that guaranteed them their jobs? Were workers not increasingly bound in a legalistic web that curtailed their independence and limited their action? In short, was the price too high?

Dubofsky is alarmingly straightforward in his response: absolutely not. He is far too good an historian not to acknowledge the seamier side of this relationship as well as the fickleness of President Roosevelt and his political descendants. Dubofsky is not trying to present the New Deal as anything it is not. His point is that, for all its faults it was far better than what preceded it (or what is likely to follow), and that workers could hardly expect more. Indeed, it satisfied most

workers' immediate demands for a measure of security and increased access to the fruits of capitalism in the 1930s and afterwards. Much of this is hard to dispute, particularly when, for instance, the CIO (Dubofsky's often tarnished but real hero) is compared to the AFL. What, indeed, had Gompers' voluntarism achieved? Organizationally, precious little, except when (as in World War I) the state, for its own reasons, encouraged working-class organization and Gompers, for all his anti-statism, jumped on board. Dubofsky's protagonists here are reformers attached to the state ("state managers" if you will) who defied both labour's cynicism and business hostility to include labour in the war effort. For the most part, labour lacked the foresight and power to inaugurate a new political regime (what he calls a "politics of productivity") and business was unremittingly hostile. If it were to happen, it required the Frank Walshes, the Robert Wagners, the Sidney Hillmans (who readily associated himself with the state), and miscellaneous National Labor Relations Board employees. It required the state.

This is all quite convincing. But does it satisfy the promise of "a more balanced narrative of state intervention?" (xvi) Take Dubofsky's discussion of the Taft-Hartley Act. Like most labour historians, I was raised to consider Taft-Hartley as an object lesson in the dangers of state regulation of the labour movement. The power that had accrued to the state could be used to control the labour movement. Dubofsky argues that the "slave labor act," although aiming to curtail union power in important ways "did not enslave American workers nor diminish the material gains most unions won for their members." (207) The reference to slavery was, of course, rhetorical. The real objections to Taft-Hartley were that it further limited a wide range of militant activities and, in a number of ways, isolated radicals ("Communist" or not). The impact, of course, can only be assessed by studying unions. But Dubofsky does not do this, moving on, instead, to the next moment of high labour politics, the Eisenhower Administration and the AFL-CIO merger.

In fact, Dubofsky sidesteps more than a few key debates. The crux of the "new left" critique of state intervention was that it demobilized the labour movement. In the world of automatic check-off of union dues and high-priced labour lawyers, union members were denied a role. The payoff came in the pay cheque, not in workplace control or union democracy. Dubofsky does not enter this world. He neither examines the workplace nor internal union politics, so the case he presents cannot be made nor disputed. Nevertheless, he is driven by a particular vision of the American working-class. "The Wagner Act," argues Dubofsky, "failed to create a solidaristic labor movement although it boosted the power of trade unions immeasurably, because far too many Americans refused to think and act in terms of class." (207) In short, more was not possible. This is the real riposte to the "new left" argument that something was lost in the New Deal, but it is not developed in this book (to the detriment of Dubofsky's case). He has, though, done so elsewhere,

characterizing the 1930s as the "Not So 'Turbulent Years'"[11] that saw a geographical and sectoral uneven development of militancy and little organized radicalism.

This is a huge debate and one to which a newer generation of scholars have made innovative contributions: Lizabeth Cohen, Gary Gerstle, Elizabeth Faue, and Steven Fraser, to name only a few.[12] This, of course, returns us to the realm of social history, where labour historians turned in the 1970s to understand the mass sentiments that, in part, drove labour politics. It is here that many of the questions Dubofsky asks are to be answered.

The core of *The State and Labor* is the New Deal; Dubofsky devotes only a single chapter to the mature industrial relations system after World War II. It was this patently bureaucratic and sclerotic system that stood as a pillar of the establishment, stifling militancy and repressing opposition, alienating radicals rather than embracing them. To the generation of the 1960s they formed an "establishment" that smothered all sorts of independent politics. This was not, of course, entirely new. As citizens, workers had long been active within the state and, in the 19th century, this also meant as partisans. Political parties, Montgomery notes, "imposed effective restraints on the expression and even the content of working people's aspirations and opinions." (117) This is no less true for the 20th century as "New Frontier-New Deal-Great Society" liberalism captured labour's allegiance for the Democratic Party and state regulation. Dubofsky has not directly confronted the charge that this was a "barren marriage."[13]

He points out, instead, that it was a disastrous divorce, leaving the labour movement in a perilous condition as the supporting props provided by the state were removed. Reagan's assault on the air traffic controllers inaugurated a new regulatory world in which unions fared poorly; the dismal level of union density in the US is not merely due to the slippage of the mass production sector which had spawned industrial unionism in the 1930s. These are difficult times and the abandonment by the state of the New Deal accord is largely to blame. But not entirely. Dubofsky attacks but does not directly counter Tomlin's notion that it offered only a "counterfeit liberty" and it certainly did not enable or inspire workers to fight effectively against concessions at the end of the long wave of expansion that had nurtured it. Moreover, was there not a danger of relying on benign state

[11]M. Dubofsky, "Not So 'Turbulent Years': A New Look at the 1930s," in Charles Stephenson and Robert Asher, eds., *Life and Labor: Dimensions of American Working-Class History* (Albany, NY 1986).

[12]Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (Cambridge 1990); Gary Gerstle, *Working-Class Americanism: The Politics of Labor in a Textile City, 1914-1969* (New York 1989); Elizabeth Faue, *Community of Suffering and Struggle: Women, Men, and the Labor Movement in Minneapolis, 1915-1945* (Chapel Hill 1991); Steven Fraser, *Labor Will Rule* (New York 1993).

[13]Mike Davis, "The Barren Marriage of American Labor and the Democratic Party," in *Prisoners of the American Dream* (London 1986).

managers and Democratic politicians for whom labour is, at best, an afterthought? What happens when this patronage disappears (as it has)?

The current state of the labour movement is rooted in its own history and in the history of the industrial relations system that matured in the 1950s and 1960s. Some blame must be placed upon the web of bureaucratic and legal restraints that encased the labour movement (rather than upon the left's critique of it, which had very limited resonance). Nevertheless, it is hard not to share Dubofsky's sense of loss, or at least foreboding. Whatever one's opinion of Sidney Hillman or John L. Lewis, or even George Meany, there was a time when "labour" could bend the President's ear, and speak as the voices of millions. Still, it is not clear why we should abandon our criticisms of these kinds of leaders, and of the industrial relations system that spawned them.

It is probably redundant to tell an historian who made his mark studying the Wobblies not to mourn (in this case the New Deal), but to organize. But the lesson from both Hattam and Montgomery is one of changing modes of state regulation of the labour movement. A few offered real openings, most tightly constrained the options facing a labour movement that had been shaped by a previous legal and regulatory regime. It does seem to me that building a new labour movement requires identifying the weakness of the old regime, as well as its strengths. The critique of bureaucracy and legalism still has much to offer.

Similarly, all three of these studies contribute in potentially complementary ways to an understanding of the state and labour. Hattam's contribution to the debate on working-class formation recognizes the real constraints on labour strategies, whether imposed by institutions or shaped by workers' own narratives of industrialization. Similarly, Dubofsky is right to remind historians that real power was and is concentrated at the centre, and that power has facilitated (as well as shaped) working-class organization. In the end though, the goal seems to be to understand the fate of a social movement whose members were, in Montgomery's terms, both citizens and workers. There seems little to be gained by excluding labour history's historic discovery of the shop floor, neighbourhood, fraternal club, and the playground from this enterprise. These were the sources from which workers constructed their narratives of industrialization that guided them into action. It is also important to recognize that hard times have fractured political ties. The new labour history was built on hopes that appear increasingly remote and Dubofsky is far from the only scholar to turn to liberalism as a means of understanding and responding to the crisis that confronts the labour movement.[14] In short, the state is crucial in constructing social relations and there is every reason "to bring it back in." But the diversity of strategies for reintegrating the state (and indeed, the multiple visions of the state) that are presented in these three books suggest

[14]See the Roundtable discussion in *International Labor and Working-Class History*, 46 (Fall 1994), prompted by Ira Katznelson's "The `Bourgeois' Dimension: A Provocation About Institutions, Politics, and the Future of Labor History."

there is little reason to expect agreement on the nature of the project. I would add the sole proviso, that it is not clear why this requires jettisoning either the insights gained by labour historians over the past quarter century, or the social vision that guided them.