Introducing the Issues
State Of The Union in Historiographical Perspective

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IT IS NO EXAGGERATION TO SAY that the twentieth century has been both a blessing and a bane for US labor unions. While it witnessed an era of social upheavals that, unlike previous ones, generated an important and unprecedented legislative effort (and, notably, a collective bargaining law that matched those adopted in countries such as France), the twentieth century also saw US unions decline to a parlous state. The Wagner Act notwithstanding, the proportion of unionized workers in the private sector has shrunk to 7%—a grim figure indeed.

Seen from the early days of the twenty-first century, the history of American unions in the past century thus looks like a full circle. Nothing better exemplifies this full circle, Nelson Lichtenstein tells us, than the language of a Burger King application form. In this form, the prospective "franchisee" (who, notably, is not technically a "worker") agrees to an "employment-at-will" status, whereby he can be fired "at any time, for any reason." Lichtenstein finds this application form rather daunting—such, indeed, was the legal status of American workers *before* the New Deal. American workers are now back in the legal and political twilight zone where they were before what French historians call the "legalization of the

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working class," that is, the official recognition of its existence, of its institutions, and of its weapons.[1]

How, Lichtenstein wonders, could a right to organize be formally enacted, implemented, and then abandoned? The thrust of *State of the Union* is to shed light on the intellectual, cultural, and political dynamics that contributed to the rise and fall of the union idea in the 20th century. By doing so, Lichtenstein breaks with the historical mien that had animated labor history since the 1970s, when a generation of social historians linked to the New Left had fully transformed the agenda of labor history. By moving its focus away from the labor unions, they had emphasized the social and cultural dynamics of the construction of class consciousness, at home and in the workplace. Thus, these "new" labor historians had uncovered the radicalism and the militancy of American workers, and derided the long-held idea that American workers were beholden to the capitalist system as a mere functionalist assumption.[2] More recently, another line of inquiry has been inaugurated to determine how the state, through its structures and policies, has affected the labor movement.[3]

Interestingly, in *State of the Union* labor history seems to experience a fresh shift in emphasis—it abandons the bottom up and the statist perspective for a labor-intellectual history writ large. Notably, Lichtenstein does not tell us that workers have no agency and should recede into the background. He still believes that, in E.P. Thompson's words, "class is made, not given." Only, he adds yet another layer of analysis by showing that class is also constructed and deconstructed through ideas, policies and legal concepts in what Habermas has called the public sphere[4]. "The fate of American labor is linked to the power of the ideas and values that sustain it," he explains. Accordingly, the rise and fall of the "labor question" becomes the interpretive framework through which the history of the American worker is analyzed.

The product of this effort is a rich synthesis that cuts against the account of 20th-century labor history established by the New labor historians, which has it that in the aftermath of the New Deal, instead of

[1] See Alain Dewerpe, *Le monde du travail en France,* 2nd ed. (Paris: Armand Colin, 1998).

[2] Herbert Gutman, "The Workers' Search for Power," in *Power and Culture, Essays on the American Working Class* (New York: Pantheon Books, 1987

[3] Forbath William, Law and the Shaping of the American Labor Movement, Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill: University of North Carolina Press, 1994).

[4] A good introduction to this notion is Steven Seidman (ed.), *Jurgen Harbermas on Society and Politics: A Reader* (Boston: Beacon Press, 1989), chapter 10.

working to develop true working class politics, unions accepted to be incorporated into a political order designed to fine-tune capitalism. Thus, *State of the Union* does not simply tell us the story of American workers in the twentieth century, it also tells us much about the state of the New Labor History and the political perspective that has sustained it.

State of the Union*, and the state of the New Left*

In a recent, new introduction to his first book, *Labor's War at Home* (1982), Nelson Lichtenstein explained that this book was the "product of the political and ideological debate that engaged my New Left generation when, in the early 1970s, so many campus-based radicals inaugurated a remarkable probe into the character, meaning, and history of the working class and its institutions."[5] In the early 1980s, this probe had resulted in a fresh vision of the 1930s and 1940s, one that stressed an enormous loss of opportunity. Indeed, New Left historians found the twentieth century to be a mixed archival bag. While they could see the 1930s as a "turbulent era," they met with deep disappointment in the post-war period, for by then bureaucratic unions and a wage-conscious working class seemed to have traded social activism for business unionism and the comfort of prosperity. In their opinion, the early 1940s were the endpoint of labor militancy and solidarity.[6]

Thus, in *Labor's War at Home*, Nelson Lichtenstein argued that during the second World War, American unions went from militancy to accommodation through the acceptance of no-strike pledges and the overall doctrine of industrial pluralism. That transformation, however, had to be imposed on militant locals where at times workers revolted against the unions' leadership. Union leaders, Lichtenstein, argues, were enticed by a Mephistopheles-like State to renounce their militant power and trade it off for institutional security. They agreed to that pact in the hope that the

[5] Nelson Lichtenstein, *Labor's War at Home: the CIO in World War II* (Philadelphia: Temple University Press, 2003), vii.

[6] For an account of the evolution of the historiography towards the theme of "containment," see David Brody, "The CIO after 50 Years: A Historical Reckoning," *Dissent* (Fall 1985): 457-72. For an expression of this disappointment, see Alice Kessler Harris, "A New Agenda for American Labor History: A Gendered Analysis and the Question of Class," in Kessler-Harris, Alice, and J.Carroll Moody (eds.), *Perspectives on American Labor History: The Problem of Synthesis* (DeKalb: Northern Illinois University Press, 1989).

labor-liberal alliance would bring about a political economy in which labor and business would be equal partners—a dream that never came true.

Moreover, supplementing this perspective was the "critical school," a group of legal scholars who derided the Wagner Act as a snare and a delusion. Far from liberating workers, this law had actually lured them into believing that collective bargaining and grievance procedures would put them on equal footing with management, but it actually only enlisted them in a system aiming to thwart militancy. The right to organize, one scholar concluded, is but a "counterfeit liberty," designed to ensure the workers' submission to the capitalist order.[7]

The most striking feature of *State of the Union* is that it operates a sharp break with this vision. Indeed, Lichtenstein is much more appreciative of the efforts of liberals and labor reformers, who, he agrees, helped set up a new system of industrial relations that the workers would not have gotten by themselves. Most importantly, Lichtenstein repudiates the idea that the working class had become submissive and passive in the 1950s, and 1960s, when workers were still facing the same shop-floor issues as in the 1930s, and were equally or more adamant in dealing with them. The main problem with the Wagner Act, Lichtenstein tells us, is not that it was a delusion or a snare, but rather that it did not go far enough to transcend racial and gender fault-lines that ran across 1930s America. Finally, and most significantly, Lichtenstein parts ways with the theory of the labor-management accord—labor unions wanted much more, and corporate America tolerated what it could not refuse. The labor contracts of the 1950s and 1960s were the product of a stand off, not of a truce.

What we witness as we read *State of the Union*, in a sense, is therefore the decline of the New Leftist paradigm. Replacing this paradigm is a narrative that refuses to postulate that the New deal collective bargaining regime collapsed of its own conservatism. Instead, it focuses on the forces (and Lichtenstein finds plenty of them) that embattled and finally weakened this regime. The 1950s and 1960s take center stage, since these were the decades that bred the cultural and ideological dynamics that eroded the notion of industrial democracy.

How can we account for this shift? Two explanations seem to be in order. The first one is purely historiographical. Although it has constituted

[7] The phrase "counterfeit liberty" was used by Christopher Tomlins in *The State and the Unions* (New York: Cambridge UP, 1985). For a good introduction to the this scholarship see Whyte Holt, "The New American Labor Law History," *Labor History* 30, n°2 (Spring 1989): 275-293.

the standard account for twenty years, the idea that during the 1940s the American State enticed the labor movement to shed its radicalism and accept the capitalist regime has come under increasing pressure. As early as 1994, Melvyn Dubofsky had challenged much of the critical school in a study that argued that the impact of state polices on the labor movement was much more ambiguous than had been acknowledged. "The State liberated as well as leashed. It offered a real as well as a counterfeit liberty," he concluded.[8] More recently, a few case studies have dealt important blows to the New Left vision. While he believed the case of the United Packinghouse Workers of America to be an exception, Rick Halpern had to admit that this union had not sought to curb shopfloor militancy in the name of responsible unionism. Nor had it established a strong, central organization—it actually maintained very democratic processes that did not alienate the rank and file from the union's bureaucracy.[9]

Other scholars have been even blunter. Daniel Clark has demonstrated that Southern textile workers went to great lengths to retain the kind grievance procedure that New Left scholars had derided as a fraud. Mill owners, not the workers, were the ones trying to get rid of an arbitration system that handed too many victories to the union. According to Clark, there is no mistaking the enormity of the changes brought about by the union and the labor contract. It was, in the words of one worker "like night and day."[10] Jack Metzgar agrees in a recent study of the 1959 steel strike. "If what we lived through in the 1950s was not liberation," he says, "then liberation never happens in real human lives." Like Clark, Metzgar not only shows that the SWOC had an enormous impact on the lives of the steelworkers, but also that the contracts it wrested from the management of US Steel were the workers' best protection against their owners' anti-union policies.[11] Both scholars take their fellow historians to task for having systematically derided the unions and their achievements in the postwar period.[12]

Historiography, however, is only one part of this new outlook. As Kevin Mattson explained in his recent *Intellectuals in Action*, the aim of the

[8] Melvyn Dubofsky, *The State and Labor in Modern America,"* 236.

[9] Rick Halpern, *Down on the Killing Floor: Black and White Workers in Chicago's Packinghouses, 1904-1954* (Chicago: University of Illinois Press, 1997).

[10] Daniel J.Clark, *Like Night and Day: Unionization in a Southern Mill Town* (Chapel Hill: University of North Carolina Press, 1997).

[11] Jack Metzgar, *Striking Steel: Solidarity Remembered* (Philadelphia: Temple UP, 2000).

[12] See Metzgar's last chapter "The Contest for Official Memory."

New Left was to further the New Deal impulse, not criticize it to death.[13] Today, for labor activists, the question is no longer whether another form of unionism is possible, but rather if *any* form of unionism can be fostered. In the 70s, a rising wave of labor militancy seemed to indicate that the unions were obsolete bureaucratic institutions, the collective bargaining regime a golden cage. In the aftermath of labor unions' decline, such a regime takes on a much more satisfying aspect. As Lichtenstein himself explains, "In the early 21st century, when the proportion of all union workers hovers just above 13%, organized labor's incorporation into a claustrophobic state apparatus seems far less of an issue than survival of those same unions, not to mention the revival of a socially conscious, New Deal impulse within the body politic."

In the course of this reevaluation of the New Deal, historians have developed an appreciation for unions and the State. While the former are key to defending Social Security or, developing national health insurance programs, enlisting the latter in the protection of labor's activities now appears as a necessity. As Barbara Ehrenreich and Thomas Geoghegan explained in their recent call to "light labor's fire," rebuilding the unions on a voluntary basis simply won't do. Workers need the protection of the State if they are to overcome the opposition of management. Thus, this historiographical shift is also inherently political.

Towards a new synthesis for the 20th century?

The consequences to this paradigmatic shift are not, of course, totally visible yet. Still, it is worthwhile to try to ponder them. First and foremost, the notion of a New Deal order, which has been so far the most influential way to problematize the 20th century seems now more questionable. The thrust of the whole notion of a "new deal order" was a sharp critique of the New Deal, which had abetted administrative structures and procedures that simultaneously empowered workers and led them to accept the capitalist order. Indeed, in Lichtenstein's words, what had jelled in the 1940s was an "American system of interclass accommodation," which had

[13] Kevin Mattson, *Intellectuals in Action: the Origins of the New Left and Radical Liberalism, 1945-1970* (University Park: Pennsylvania State University Press, 2002).

done away with the labor question and thwarted a possible American social democracy.[14]

Yet, if there was indeed no labor-management accord, then it becomes quite difficult to find in the labor relations of the 40s and 50s the stability necessary to foster anything close to a "New Deal Order." Consequently, labor's alliance with the Democratic Party becomes much less problematic, for it now seems that corporate America's determination to oppose the empowerment of union and its means to bring that determination to bear were simply too strong, with or without a totally independent labor movement. The possibility of a social-democratic America, to which the New Deal order was counterpoised, seems more distant.

More importantly, however, is one idea coming out of *State of the Union,* that the 1930-1970s period may not constitute a coherent whole, in that such a periodization conceals a major shift in American political culture. In de-emphasizing labor's political alliances to focus on the substance and on the public debate and its evolution, the book suggests that the century can be divided into two distinct periods: a laboristic society from the 1910s to the late 1950s and a pluralist society from the 1950s onwards.

From the progressive era to the 1950s, Lichtenstein demonstrates that the debate on industrial democracy was a function of the construction of what Sumner Slichter himself called a "laboristic society," in which unions were seen by many liberals as the engine of progress. By way of contrast, from the early fifties on, in the wake of the defeat (not the moderation) of the New Deal impulse, class politics eroded and receded, thus paving the way for the emergence of a "pluralist society," in which rights gained preeminence. The problem, then, is not that there was not enough working class consciousness or militancy in the 60s, but rather that labor unions were powerless because they were trapped in a political rhetoric that had died in the late 40s and early 50s—they were thoroughly unprepared to contribute to a political debate based on rights rhetoric and pluralist assumptions. As Lichtenstein shows, notwithstanding the working class unrest that was evident in the 60s, any form of revitalization of New

[14] Nelson Lichtenstein, "From Corporatism to Collective Bargaining: Orgnaized Labor and the Eclipse of Social Democracy in the Postwar Era," in Steve Fraser and Gary Gerstle (eds), *The Rise and Fall of the New Deal Order* (Princeton: Princeton UP, 1989),122

Deal corporatism was impossible because in this pluralist age, unions had disappeared from the liberal imagination.

This has implications for the way we see the fifties. In the traditional progressive account of the 20th century, the fifties stand as an historical aberration. Not only are they marred by McCarthyism, but they were dominated by a social conservatism that stood in sharp contrast to the yeasty years of the radical 1960s. In the words of historian Robert Zieger, in the 1950s "America seemed to have abolished the very idea of a working class. Ensconced in suburban comfort, performing technical and managerial tasks, affluent to the point of satiation, the American worker had come a long way."

By contrast, Lichtenstein differentiates between public discourse and social reality—the fifties were an "unquiet decade" riddled with social strife, he argues. Rather, he portrays the 50s as the pivotal decade of the 20th century, the very moment when the American public discourse, took on a distinctive, idiosyncratic tone—under the concurrent influence of intellectuals and the civil rights movement, abandoned class politics to embrace a form of pluralism that fostered individual rights—a rhetoric that, in the 1960s, would replace class in the minds of many people, including workers, as a venue for social empowerment. Thus, the fifties become a crucial period to understand what is peculiar about twentieth century American social history.

The essays included here discuss State *of the Union* from various angles. In the first essay, "Nelson Lichtenstein *vs.* Nelson Lichtenstein," Donna Kesselman provides a three-pronged critique of *State of the Union*. First, Kesselman, a savvy reader of Lichtenstein's previous work, shows that one of the main points *of State of the Union*—the idea that the postwar labor relations regime was the product of a huge defeat—can be made only by renouncing a criticism of the New Deal which had been a hallmark of Lichtenstein's earlier work, and which, according to her, is missing in *State of the Union*. Overall, she finds the book's celebration of the New Deal labor relations regime unwarranted. Kesselman, however, does not simply point to contradictions in Lichtenstein's work, she also offers ideas of her own. Indeed, she contends that the terminology used by American historians to analyze the history of labor is inadequate in so much as it masks the peculiarities of that history. Unlike their European counterparts unions have had to play multiple political roles, and only an acute consciousness of their peculiar mission will make it possible to assess their

fate in the postwar era. Finally, Kesselman discusses the ideas Nelson Lichtenstein offers to rejuvenate the labor movement. In a provocative and insightful conclusion, Kesselman argues that those ideas are strikingly close to those of Walter Reuther, the leader of the UAW whose career and legacy have been a focus of Lichtenstein's work. Walter Reuther, Kesselman concludes, has won Lichtenstein over to his cause.

In the second essay of this collection, "Class, Race and Labor," Catherine Collomp challenges one of Lichtenstein's main points—that American unions' decline was in many ways caused by the rise of the civil rights agenda, which emphasized individual rights at the expense of class. According to Collomp, the rise of civil rights politics was the *product* not the cause, of the decline of organized labor. Indeed, she remarks, only after the labor movement had been tamed in the late 1940s did the Federal Government enter the struggle for racial equality. Thus, the shift in power relations that occurred in the 60s took place in an American polity which had already been cleansed of the radical aspirations of its social movements.

The 1960s are also at the heart of Romain Huret's essay. In "Does the 'Working Poor' Exist ?," Huret moves the focus of the analysis away from the social and political realm to the Federal State and its experts. Lichtenstein, along with a host of commentators, thinks that the American Left and the Johnson Administration were at odds over the poverty question, because while the left advocated structural reform, the Johnson Administration focused on the cultural aspects of poverty. Huret, however, shows that a group of federal experts actually tried to design the structural policies that unions and the American left were demanding. Yet surprisingly, American unions never took much interest in the protection of the "working poor" that those experts unsuccessfully tried to put at the forefront of the liberal agenda. The 60s, according to Huret, were indeed a "lost opportunity" for unions, for, had they joined the war on poverty, they could have prevented the "labor question" and the "social question" from becoming two separate and independent strands of the liberal agenda.

In the last essay, this author challenges yet another element of the book—the idea that the Wagner Act operated a redefinition of American citizenship. The Wagner Act, I argue, was not akin to a *reconstruction* of American democracy. Indeed, there were two contemporary readings of the Wagner Act—a "philosophical" and an "economic" one. The former conceived of the right to organize as a fundamental one, while the latter

saw it as a means to an end, a technique to raise wages. Unlike Lichtenstein, I contend that the economic reading of the law largely prevailed over the philosophical one. Moreover, I argue that the true constitutional innovation of the law was its broad redefinition of the powers and role of the Federal government. The Wagner Act created a Federal agency—the National Labor Relations Board—which, like its progressive forebears, was designed to promote the public interest through virtuous and disinterested expertise. However, the NLRB never enjoyed the legitimacy that it needed to carry out its mission. Instead, its work gave rise to an ever bigger political controversy. In the end I show the NLRB failed because the protection of the right to organize was not predicated on a social contract.

Nelson Lichtenstein gives all the above commentaries a long and thoughtful answer in a final rejoinder that speaks both the vitality of the debate on 20th-century labor history and to his impressive mastery of the issues. Then, in an interview, Marianne Debouzy reflects on the parlous state of the union movement and on the intellectual debates which it has stirred. Finally, Alexis Chommeloux, Dominique Daniel, Romain Huret, Claude Julien, and Joseph McCartin have contributed book reviews that offer a glimpse of the rich and exciting work that has animated the field of American Labor History in the last ten years.