

# The Right to Work? Rethinking Labor and Politics in the 19<sup>th</sup> and 21<sup>st</sup> Centuries



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**The Origins of the Right to Work: Antilabor Democracy in Nineteenth-Century Chicago.** By Cedric de Leon. Ithaca, NY: Cornell University Press, 2015. 184p. \$79.95 cloth, \$24.95 paper.

Unionization rates in the United States now stand at 11.1% and have been dropping for decades.<sup>1</sup> Organized labor's weakness was underscored in March 2011 when Republican Governor Scott Walker launched an all out attack on public sector unions. Walker's ultimate victory marked the end of an era as public sector unions have been one of the last strongholds for organized labor. The outcome was all the more shocking given the site of confrontation—Madison, Wisconsin, a longstanding Democratic Party stronghold and home of the famous John R. Commons school of labor economics and labor history established just over a hundred years ago at the University of Wisconsin. Walker's 2011 attack on organized labor on the steps of the state house, his recall, re-election, and passage of Act 10 (a law that radically reformed Wisconsin's collective bargaining law), established Wisconsin as a right to work state and left public sector workers reeling.<sup>2</sup> The old stomping ground of organized labor was no longer secure. Many have been asking, how did we get here? Cedric de Leon's stunning new book, *The Origins of the Right to Work: Antilabor Democracy in Nineteenth Century Chicago*, offers a powerful reinterpretation of race, class and party in the middle decades of the nineteenth century. De Leon's radical reinterpretation of the right to work also animates new questions about the status of work today.

Typically, scholarly accounts of twentieth century U.S. politics have been viewed through Democratic Party eyes with the rise and fall of the New Deal coalition providing the central frame and little attention being paid to the Republican Party during the New Deal years. Within this narrative, the rise of the Right remains a reactive political

formation built on the failures of the New Deal and Civil Rights coalitions.<sup>3</sup> To be sure there are exceptions; Joseph Lowndes and Stephen Skowronek both provide compelling accounts of modern conservatism rooted in the dynamics of Republican Party coalition building.<sup>4</sup> Although the Republican Party remains the principal research site for Civil War politics and Reconstruction, after the end of the nineteenth century, Republicans largely fade from scholarly view as historians and social scientists shift attention to Democrats as the main site of political action.

Despite obvious limitations, this selective and sequential account of partisan politics from New Deal to New Right has been a generative one that has allowed scholars to examine important dynamics of regime formation.<sup>5</sup> And for the most part, the labor story has fitted rather neatly into this overarching frame in which a wide range of progressive policies secured during the New Deal and civil rights eras have been eroded, if not completely dismantled, as part and parcel of the demise of the New Deal coalition.<sup>6</sup> This twinning of the rise of the right and anti-union politics crystallized in the American social imaginary in 1981 when Ronald Reagan established his conservative credentials by successfully confronting the pilots' union.<sup>7</sup> Right to work policies thus generally have been understood as one element in this larger attack on organized labor in which state governments used a mix of tax subsidies and deregulated labor to attract and retain corporations in particular locales. In an intensely competitive global economy, conservatives argue, the price of domestic labor needed to be cut by curtailing rates of unionization through right to work laws. The National Right to Work Legal Defense Foundation currently identifies twenty-five states, mostly south east and mountain states, as having passed right to work legislation.<sup>8</sup> Scott Walker's triumphant right to work politics, from this perspective, is one of the final nails in the New Deal labor politics coffin.

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Cedric de Leon brilliantly turns the established labor-party politics narrative on its head in his new book, *The Origins of Right to Work: Antilabor Democracy in Nineteenth Century Chicago*. The right to work, de Leon shows, was not a 20<sup>th</sup> century invention developed to dismantle long established New Deal accomplishments. On the contrary, right to work politics have much deeper and more interesting antecedents reaching back to the anti-slavery politics of the mid-nineteenth century. De Leon's argument has two key components: the first discursive, the second institutional. Taken together, de Leon documents that skilled workers in Chicago initially embraced free labor arguments only to have them turned against them by Republican Party elites at mid-century. From de Leon's perspective, Scott Walker provides the latest twist in a long history of labor-party politics around questions of free labor in its many forms.<sup>9</sup>

Focusing on Chicago, de Leon builds on the rich labor historiography of artisan republicanism to document skilled artisans' critiques of dependency and wage labor.<sup>10</sup> But de Leon does not stop with artisans' claims to political independence and critiques of wage slavery; he extends the extant labor historiography in innovative ways by documenting time and again how producers' critiques of dependency echoed critiques of slavery. At mid-century, de Leon shows there were many discursive affinities undergirding skilled artisans' critiques of wage labor and Radical Republican opposition to the extension of slavery in the new territories. Put simply, "wage labor was not free labor" and from there it was easy to link labor and race in new ways.<sup>11</sup> Fears of dependence were rooted in 18<sup>th</sup> century conceptions of civic virtue that permeated much of 19<sup>th</sup> century culture and politics.<sup>12</sup> Tracing the discursive affinities across labor and anti-slavery politics allows de Leon to reconnect race and class in ways that provoke a broad rethinking of race, class, and labor across the historical arc of nineteenth century U.S. history.

Having established parallel critiques of wage dependency and slavery, de Leon then asks how mid-century critiques of wage labor were reframed as anti-labor politics?<sup>13</sup> In short, de Leon wants to know: "Why did the critics of wage dependency reorganize in favor of a liberal capitalist democracy?"<sup>14</sup> The answer, de Leon argues, lies in the ambiguity of "free labor" discourses that initially linked critiques of wage labor and anti-slavery politics, but were reinterpreted in support of anti-union politics in the aftermath of Civil War. Republican Party elites, de Leon documents, turned free labor arguments back against labor.<sup>15</sup> As a consequence, fears of dependency at the core of the producers' conception of class were redeployed once the crisis of slavery had passed. In de Leon's hands, the Free Soil movement sowed the seeds of anti-labor politics—seeds whose fruit we are reaping via Scott Walker's right to work politics today.<sup>16</sup> Note that the race-class nexus that de Leon considers pivotal differs dramatically from popular and scholarly accounts that

focus on the antagonistic relationship between race and class across the nineteenth and twentieth centuries.<sup>17</sup> For de Leon, nineteenth century industrialization did not pit labor and African Americans against one another; rather hostilities between race and labor were generated politically by Republican Party elites. For de Leon, "economic change has no objective political face. Economics matter, but how they matter or are interpreted depends in part on the trajectory and content of institutional politics."<sup>18</sup> De Leon locates the shift in free labor ideology in Republican Party hands.

De Leon's argument is innovative and consequential; it has broad implications for the periodization of nineteenth century American political history as well as for analyses of race, class, and political party. For de Leon's argument to fully convince, three issues warrant further discussion: the status of language; questions of agency; and the social underpinnings of nineteenth century electoral data. No one element is dispositive, but taken together they suggest that language and party are insufficient for explaining the ways in which organized labor gets attached to an anti-labor politics. The principal danger, as I see it, is that de Leon inadvertently exonerates labor from the active role union leaders and skilled artisans played in this mid-nineteenth century political assemblage. Although de Leon provides extensive primary source documentation of discursive similarities across class and anti-slavery politics, critiques of dependency alone need not build identifications across racist divides. Disagreement, antagonism, disrespect, and racism flourished within the producers' vision. De Leon's innovative argument would be more compelling had he addressed the relationship between skilled workers' critiques of wage slavery and the persistence of skilled workers' racism. How did racial divisions thrive even as workers argued against wage slavery? Identifying the double face of nineteenth century artisan republicanism is no easy task, but is essential if one is to take the full measure of skilled workers' relation to anti-slavery politics. Extensive research on liberalism and exclusion by Cheryl Harris, Uday Mehta, Edmund Morgan, Mae Ngai, Kevin Bruyneel, Jacqueline Stevens and others opens the door to such questions, but there is plenty of room for additional work.<sup>19</sup> De Leon is perfectly positioned to engage questions of artisan racism, but stops short of doing so by too readily assuming that deeper class-race identifications follow from critiques of wage slavery.

On questions of agency, Jasbir Puar's, *Territorist Assemblages: Homonationalism in Queer Times*<sup>20</sup> provides additional intellectual resources for addressing the shifting identificatory terrain that de Leon explores. To be sure, Puar and de Leon focus on very different identities and time periods. Nevertheless, Puar keeps political agency front and center in ways that might offer analytic strategies for de Leon to draw upon. By attending to divisions within the gay community over questions of gay marriage, Puar remains alert to the agency involved in all acts of affiliation.

Rather than attributing positions taken to broad social forces beyond the participants' control, Puar allows us to see that those arguing *for* gay marriage actively shaped this new homonational political formation; their agency made manifest precisely by the fact that other queer activists denounced this position. There was no necessary linkage between sexuality and security, rather these affinities had to be forged. Extending Puar's argument to the right to work, de Leon's analysis would have been more compelling had he examined divisions among workers on questions of slavery thereby revealing the ways in which many, but not all, labor leaders buttressed Republican Party efforts to disrupt nascent political alliances animated by anti-dependency discourse. Foregrounding divisions among skilled workers on questions of race would allow us to acknowledge the long documented racist dynamics of class formation in the United States while still holding onto the producers' critiques of both slavery and wage labor. Critiques of dependency indeed extended across race and class divides, but they need to be reconciled with the deep-seated racism that is also part-and-parcel of working-class formation in the United States.<sup>21</sup>

The third issue to be addressed is that of nineteenth century electoral data and class. De Leon buttresses his account of the anti-dependence coalition by examining data from the 1844, '48, '52, '56, and '60 elections. From the outset, de Leon readily accepts that early electoral data are incomplete, but data limitations notwithstanding, de Leon's argument is diminished because he stops short of allowing his reconceptualization of class to generate the analytic categories used to interpret electoral returns. Throughout the book, de Leon animates the producers' conception of class through extensive primary research, but when he turns to electoral data, older conceptions of class slip back in. Who voted for whom is assumed to map onto twentieth century notions of class in which "worker" precincts and wards are taken as the unit of analysis and then assessed for how they lined up politically.<sup>22</sup> But why organize the data this way? Apprentices, journeymen, and master craftsmen did not identify as "workers;" that is precisely the point of republican conceptions of class—they are different from the economic and social division used today. Indeed, that is precisely the argument sustained throughout de Leon's book and the rich social histories of nineteenth century conceptions of class that de Leon so effectively draws upon.<sup>23</sup> Why not reframe the electoral data through republican conceptions of class? Or better yet, allow that conceptions of class were changing in the middle decades of the nineteenth century and thus electoral data from that period need to be framed accordingly. By assuming that the social category "workers" maps onto nineteenth century electoral returns, de Leon undercuts his powerful argument by failing to see that it is producers/turtles all the way down. The problem with the political analysis,

then, is not with the data, but with the presentist assumptions that creep back in.

These three issues notwithstanding, this is a path breaking book. De Leon reconnects race and class on two important fronts. First, he persuasively links issues of class formation and slavery through nineteenth century critiques of dependency in both domains. Equally important, de Leon re-centers political parties as generative political forces in their own right. For de Leon, politics is not simply a manifestation of social formations secured elsewhere; de Leon rightly understands political parties as shaping, rather than reflecting, subjectivities and identifications. For de Leon, political elites animate rather than follow processes of identity formation—an important argument for us to reckon with in the election year of 2016.

Since the Great Recession, worlds of work have been changing: 3D printing, app and share economies, co-working, and distributed manufacturing are shaking up systems of production, profit, and labor. The changes are dramatic, leading many to claim we are living through a new industrial revolution in which systems of production, career arcs, and the nature of work all are being reconfigured.<sup>24</sup> The Government Accountability Office presently estimates that up to 40.4% of the employed labor force was in "alternative work arrangements."<sup>25</sup> Debates over the right to organize versus the right to work are no longer sufficient; they do not capture the changes at hand.<sup>26</sup> Limits of older debates have been revealed by Kathi Weeks' and Miya Tokumitsu's dramatic rethinking of work itself in which they replace demands for the right to organize and strike with the right *not* to work. For Weeks and Tokumitsu, loving one's work is part of the problem rather than the solution. Whether one agrees with them, there is no denying the pace of change around the politics of work.<sup>27</sup>

If the right to work is longer the front line of labor politics, how will growing inequalities be addressed in the decades ahead? What institutions will protect labor standards for the precariat? What are the career paths and likely political identifications of the rapidly expanding contingent work force? De Leon's ambitious reconsideration of race, class, and party in the nineteenth century underscores the the dynamic relations in play. Social scientists would do well to follow de Leon's lead and make work and politics a top research priority in the decades ahead.

## Notes

- 1 For current unionization rates, see Bureau of Labor Statistics 2016. For historical trends, see Mayer 2004.
- 2 Barbash 1989; Greenhouse 2014; National Right to Work Legal Defense Foundation, Inc. 2016.
- 3 Edsall and Edsall 1991; Fraser and Gerstle 1989; Plotke 1996.
- 4 Skowronek 1997; and Lowndes 2009.
- 5 Edsall and Edsall 1991; Fraser and Gerstle 1989; Katznelson 2013.

- 6 Katznelson, Geiger, and Kryder 1993; Klare 1977; Plotke 1996; Stone 1981.
- 7 McCartin 2011.
- 8 The National Right to Work Legal Defense Foundation, Inc. 2016. Their website has a very detailed account of the legislative status of the right to work organized by state.
- 9 de Leon 2015, preface.
- 10 Nineteenth century labor history is extensive. For influential works that opened up the field in the United States, see Dawley 1976; Laurie 1980; Rock 1979; Sewell 1980; Stedman Jones 1983; Wilentz 1984. For powerful critiques based on gender and class, see Joan Scott, 1993, chap 4; and Roediger, 1991, chap 3.
- 11 de Leon 2015, 33.
- 12 Ibid. chaps. 2,3.
- 13 Ibid. 4.
- 14 Ibid. 49.
- 15 Ibid. 80–93.
- 16 See for comparison, see Eric Foner’s classic account of free labor ideology. See Foner 1970.
- 17 For powerful works race and class in the United States, see Hansen and King 2013; Lott 1993; Mink 1986; Slotkin 1973; Roediger 1991.
- 18 de Leon 2015, 36.
- 19 The literature on liberalism and racism is enormous. Important texts include Harris 1993; Mehta, 1999; Morgan 1972; Ngai 2004; Bruyneel 2007; Stevens 1999.
- 20 Puar 2007.
- 21 Gompers 1902; Lott 1993; Mink 1986; Roediger 1991; Slotkin 1973.
- 22 de Leon 2015, 46–7, 56–8, 60–61.
- 23 Dawley 1976; Laurie 1980; Sewell 1980; Stedman Jones 1983; Wilentz 1984.
- 24 There is an emerging body of new research on new economies. See Anderson 2012; Berger 2013; The Economist 2012; Hattam et al. 2015; Helper et al. 2012; Lipson and Kurman 2013; Locke and Wellhausen 2015; Stone 2004.
- 25 United States Government and Accountability Office 2015, 15.
- 26 Noonan and McLannahan 2016; Piketty 2014; Standing 2014.
- 27 Weeks 2011 and Tokumitsu 2015.

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