

*Citizenship and Justice in the Lives
and Thoughts of Nineteenth-Century
American Workers*

DAVID MONTGOMERY

THE TANNER LECTURES ON HUMAN VALUES

Delivered at

Brasenose College, Oxford University

April 29, May 3, and May 6, 1991

DAVID MONTGOMERY worked as a machinist during the 1950s until he was blacklisted. He received his Ph.D. degree from the University of Minnesota, taught at the University of Pittsburgh and then at Yale University, where he is presently Farnam Professor of History. In 1986–87 he was Harmsworth Professor of History at Oxford University. He is the author of *Beyond Equality: Labor and the Radical Republicans, 1962–72* (1967), *Workers' Control in America: Studies in the History of Work, Technology, and Labor Struggles* (1979), and the prize-winning *The Fall of the House of Labor* (1987). Until 1989 he was editor of the journal *International Labour and Working Class History*.

I. WAGE-LABOR, BONDAGE, AND CITIZENSHIP

Workers in every industrializing country of the nineteenth century fought for civil and political rights within the national polity. Although social democratic parties proclaimed collective ownership of the means of production as their ultimate objective, and anarchists held all forms of government and all patriotisms in contempt, the greatest mass mobilizations and general strikes of European workers before 1914 demanded political rights: the vote, civil liberties, and the end of autocracy. It was common for people who had battled for universal manhood suffrage and annual parliaments in Britain to hail the United States as the exemplar of their dreams. “*Here,*” proclaimed Irish-born John Binns from Philadelphia, “the *people* are sovereign.” Thomas Ainge Devyr had expressed the same belief when he was arraigned in Newcastle before “their masquerading lordships in their black gowns and white wigs.” One of them reproached Devyr and his Chartist associates for “committing not only a crime but a folly, in assuming that the mass could govern, instead of being governed.” To which the irrepressible Devyr replied: “It is a glorious sunset streaming through that gothic window. Did your lordship ever hear of a great country lying away in the direction of that setting sun? Did you hear that its people assume to govern themselves? Actually do the very thing that your lordship informs us cannot be done?”¹

The question to be addressed by these lectures is, “What difference did democracy make in the lives of American working

¹ John Binns, *Recollections of the Life of John Binns: Twenty-Nine Years in Europe and Fifty-Three in the United States* (Philadelphia, 1854), 227; Thomas Ainge Devyr, *The Odd Book of the Nineteenth Century; or, “Chivalry” in Modern Days* (Greenpoint, N.Y., 1882), “Irish and English Sections,” 185–86.

people in the nineteenth century? Two considerations must frame the answer to this question. First, although the expansion of the suffrage to most adult white males had been a gradual process, stretching from the 1790s to the 1840s, the balance had been tipped decisively toward the establishment of voting as a right of adult males by 1810. Property and tax qualifications for voting survived later in municipal elections, which will be of special concern to us in these lectures, than they did in voting for the president, Congress, or state assemblies. Taxpayer qualifications for local elections remained a subject of controversy in Pennsylvania, Massachusetts, Ohio, and other states with substantial manufacturing populations long after freehold qualifications had disappeared everywhere but a few southern states and Rhode Island.²

More important, the claim of every man to equal political rights had been championed by the Jeffersonians against what the Democratic-Republicans of New York called in the 1790s the “consummate and overbearing haughtiness” of the postrevolutionary Federalist elite.³ Theirs was the political community into which John Binns of the London Corresponding Society and the United Englishmen fit with ease. As Joyce Appleby has argued, however, it was not simply their political egalitarianism which distinguished Jeffersonian Republicans from classical republicanism, but also their conviction that public needs were best met by private arrangements, rather than by the actions of governments or incorporated bodies. They celebrated the activities of individuals both as equal members of the polity and as unfettered economic agents. The steady increase in the price of grain and in grain exports between 1789 and 1807 persuaded both smallholding farmers and urban mechanics that the Jeffersonian formula offered

² Edward Pessen, *Jacksonian America: Society, Personality, and Politics*, rev. ed. (Homewood, Ill., 1978), 151–53; Chilton Williamson, *American Suffrage: From Property to Democracy, 1760–1860* (Princeton, 1960).

³ Quoted in Howard B. Rock, *Artisans of the New Republic: The Tradesmen of New York City in the Age of Jefferson* (New York, 1979), 50.

small commodity producers the prospect of a steadily improving life of honest, moderate, self-regulated, and rewarding work.⁴

Professor Appleby also argued that the Jeffersonian ideological victory of 1800 was so complete that it drove all other styles of discourse from the national political arena. Many a writer on “working-class republicanism” would agree with that proposition, at least in part. From another point of view, the Jeffersonian ideological triumph left dependent classes — slaves, indentured servants, wage earners, housewives — bereft of a political vocabulary suited to their experiences and needs. We will have several occasions in these lectures to examine working people’s appropriation of portions of the Jeffersonian discourse for their own use. Such appropriation required the infusion of collective action and mutualistic values into republican rhetoric. The point of departure was the conviction that there was a common good to be fashioned by both private and public behavior, and that it was nurtured by freedom of speech and action and by self-organization. Lyceums, mechanics’ institutes, cooperatives, trade unions, workingmen’s parties, all clothed themselves in Jeffersonian celebration of diversity and popular initiative. “Let a thousand flowers blossom” — to borrow a phrase from a more recent writer. But not all those flowers could find a place in the garden of capitalism. As the free market assumed its industrial shape bourgeois reformers approached plebeian life in the spirit John Milton attributed to Adam in the Garden of Eden:

To-morrow, ere fresh morning streak the east
With the first approach of light, we must be risen,
And at our pleasant labour, to reform
Yon flowery arbours, yonder alleys green, . . .
That mock our scant manuring, and require
More hands than ours to lop their wanton growth.⁵

⁴ Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York, 1984).

⁵ “Paradise Lost,” *The Complete Poems of John Milton, with Complete Notes by Thomas Newton, D.D., Bishop of Bristol* (New York, 1936), 119.

Second, what had appeared to be a relatively early and easy advance toward manhood suffrage and laissez-faire economics in North America was transformed into bloody civil war by the confrontation between industrializing society and chattel slavery. During the eighteenth century, merchant capital had encouraged the production of commodities through a variety of labor systems, ranging from the total subjugation of the slave to such self-direction among artisans and yeomen as can seldom be found in either previous or subsequent human experience. It also secured established privilege and power, based on family lineage and personal access to the levers of government. The rural and urban popular mobilizations of the nineteenth century, which democratized the American political system, also undermined the personal forms of subordination which had bound many working people for shorter or longer periods to masters and which had also obligated both masters and municipal authorities to care for basic needs of working people and those who could not work.

The expansion of wage labor and the justification of that relationship by the legal doctrine of employment at will severed all bonds between employer and employee but monetary ones, while encouraging new forms of discipline through work rules, public institutions, and police powers. The new impositions were by no means uncontested. The social networks of urban economic and neighborhood life, mass communication systems based on the printed word, interaction among peoples of diverse cultures and beliefs, and the Jeffersonian legacy encouraged ordinary people to believe that destiny lay “not in our stars but in our selves.” Working people sought to use their access to the powers of government not only to defend their customs against unpalatable innovations but also to reshape social life according to their own aspirations.

The Right to Vote

In the late eighteenth century, hired labor had coexisted with and often been overshadowed by slavery, indentured servitude,

apprenticeship, and other forms of bonded labor. By the 1820s, however, the swelling ranks of men and women dependent on wages for their livelihood and on rental for their dwellings had elevated the wage contract to the status of a norm in terms of which other social and political relationships were defined. That norm was elaborated by jurists and legislators in the context of redefinitions of the rights of property and exigencies of commodity circulation. Indentured servitude disappeared by the 1830s) and a few years after the census of 1850 had been recorded, the number of wage earners ten years of age and older for the first time surpassed the number of slaves over ten years of age.⁷ Nevertheless, factory employment still accounted for only a small, if growing, fraction of the men and women who were dependent on wages for their incomes.⁷ The Reverend Joseph Tuckerman, in *Essay on the Wages Paid to Females for Their Labour*, written in 1829, reminded his readers that

the classes are very numerous, of those who are wholly dependent upon wages. They would, indeed, be numerous, if we looked for them among those only who have no trade. . . . This large division includes shop, market, and other porters; carmen; those who are employed in lading, and unlading vessels; wood-sawyers, hod-carriers; house servants; those employed by mechanics in a single branch of the business; and multitudes, who are men and women of any work, occasionally

⁶ Slaves accounted for 23 percent of the nation's labor force over nine years of age in 1850 and 21 percent in 1860. Although the number of wage earners is difficult to calculate precisely from census data, the labor force in manufacturing, construction, mining, transportation, and domestic service accounted for 21 percent of the total in 1850 and 23 percent in 1860 (U.S. Department of Commerce, Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970*, 2 vols. [Washington, D.C., 1975], 1:139).

⁷ See Jonathan Prude, *The Coming of Industrial Order: Town and Factory Life in Rural Massachusetts, 1810–1860* (New York, 1983); Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (New York, 1984); Bruce Laurie, *Working People of Philadelphia, 1800–1850* (Philadelphia, 1980); Iver Bernstein, *The New York City Draft Riots: Their Significance for American Society and Politics in the Age of the Civil War* (New York, 1990).

required in families, as washing, scouring, &c.; or on the wharves, or in the streets of the city. Besides these, the number is great of those, who are journeymen, and many of whom will never be anything but journeymen, in the various mechanic arts; and considerable numbers are also employed in the different departments of large manufactories.⁸

Between the 1770s and the 1840s every state redefined its voting qualifications so as to incorporate into the polity the adult white males among these wage earners. The changes were couched in the rhetoric of equal rights and popular sovereignty made familiar by the rural smallholding majority of the population, and may well have encountered relatively weak resistance outside of Rhode Island because the wage earners' numbers remained quite unthreatening in comparison to those of small proprietors. The most obvious legacy of the Revolution, in fact, had been a dramatic expansion of proprietorship in agriculture, encouraged by attacks on inheritance practices through which great families had kept their estates intact and especially by migration into territories west of Pennsylvania that had been annexed to the United States. As the patriot Noah Webster wrote: "An equality of property, with a necessity of alienation, constantly operating to destroy combinations of powerful families, is the very *soul of a republic*."⁹

State constitutions of the early nineteenth century, however, did more than simply bestow the suffrage on the many rural and urban householders: they explicitly enfranchised men who owned neither farm, business, nor even homes of their own. To be sure, the qualifications imposed on elections for legislators or congressmen fell more rapidly than those controlling municipal offices, governors, and in some states upper houses. In New York City memorials from artisans to the legislature demanded that renters,

⁸ Joseph Tuckerman, *An Essay on the Wages Paid to Females for Their Labour* (Philadelphia, 1830), 8.

⁹ Quoted in J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975), 534.

as well as homeowners, be allowed to vote. Democratic-Republican politicians, who courted the endorsement of mechanics' associations and militia companies, lent conspicuous support to those demands. They clothed their advocacy of equal suffrage in ardent nationalism, and during the tense years between Jay's Treaty and the War of 1812 accused their foes of wishing to bring back the British king. One New York election broadside of 1807 proclaimed:

The finishing
STROKE.
Every Shot's a Vote,
and every Vote
KILLS A TORY!
Do your duty, Republicans,
Let your exertions this day
Pat down the Kings
and tyrants of Britain."

Opponents of manhood suffrage employed two arguments drawn from classical republicanism. One was that people with no propertied stake in society were potential followers of wicked and ambitious demagogues, who appealed, in the words of the New York chancellor James Kent, to "a tendency in the poor to covet and to share the plunder of the rich; in the debtor to relax or avoid the obligations of contract; in the majority to tyrannize over the minority . . . ; in the indolent and profligate, to cast the whole burthens of society upon the industrious and the virtuous."¹¹ The other objection was that agricultural interests needed to retain some constitutional defense against the growing voting power of the cities. This argument interestingly assumed that the urban poor would follow the political dictates of their employers. As Josiah Quincy of Massachusetts explained: "There

¹⁰ Rock, *Artisans of the New Republic*, 62.

¹¹Merrill D. Peterson, ed., *Democracy, Liberty, and Property: The State Constitutional Conventions of the 1820's* (Indianapolis, 1966), 194.

is nothing in the condition of our country, to prevent manufacturers from being absolutely dependent upon their employers, here as they are everywhere else. The whole body of every manufacturing establishment, therefore, are dead votes, counted by the head, by their employer.”¹²

Only in Rhode Island, where statutes dating from the eighteenth century severely limited the legislative representation of the many rapidly growing factory towns and also restricted the electorate to those men with \$134 worth of real estate who had been chosen as “freemen” by vote of a town meeting, did landowners’ resistance to a series of reform attempts from 1811 onward ultimately force a violent confrontation in 1842. “Worth makes the man, but sand and gravel make the voter” protested the champions of the People’s Convention, which created a rival government based on white male suffrage. Their armed confrontation with the authorities, the debate over possible federal intervention, and the trial and incarceration of Thomas Dorr galvanized democratic sentiment against this flagrant exception to what had become the American rule.¹³

By no means were all restrictions on the franchise removed. No state permitted women to vote. All states outside of New England shaped their constitutions “to meet the public sentiment,” either by prohibiting African Americans from voting or else by imposing on them a special property qualification, like that enacted by New York in 1825, which only sixteen black men in the entire state could meet. In fact, the People’s Convention had disfranchised Rhode Island’s African Americans, while conservatives defended property qualifications which made no mention of

¹² Debates and Proceedings of the Massachusetts Convention, quoted in Robert J. Steinfeld, “Property and Suffrage in the Early American Republic,” *Stanford Law Review* 41 (January 1989): 358–59. Kent made much the same warning (Peterson, *Democracy*, 196).

¹³ Marvin E. Gettleman, *The Dorr Rebellion: A Study in American Radicalism, 1833–1849* (New York, 1973), 39. See also *Charters and Legislative Documents, Illustrative of Rhode Island History* (Providence, 1844).

race. Nor were race and gender the only grounds for exclusion from the broadened franchise. In Rhode Island, a Landholders' Convention, which met during the fierce repression of the Dorrites, abolished the freehold requirement but retained it for citizens who had been born abroad. New Hampshire, Delaware, and Massachusetts required voters to pay a property or poll tax. During the 1850s Massachusetts, Pennsylvania, and other industrial states also added restrictions on the political rights of immigrants, such as residency requirements and literacy tests.¹⁴

Most of the states which had neither property nor poll tax qualifications prohibited paupers from voting, either by explicit constitutional provision or, as in the case of Pennsylvania in 1877, by a ruling of the state supreme court.¹⁵ The impact of pauper exclusion on the electorate was probably greatest in rural areas, where destitute men and women continued to receive relief from local authorities. Defined by the Massachusetts Supreme Court as "persons receiving aid and assistance from the public, under the provisions made by law for the support and maintenance of the poor," paupers owed their labor to the towns or counties which sustained them and, indeed, could be hired or even auctioned out to individual citizens by the selectmen.¹⁶

Public relief was a routine part of the income of the nineteenth-century urban poor, and aside from the privileged few, virtually any woman living without a man's income was impoverished. So dependent were antebellum women outworkers in the clothing

¹⁴ Sources on suffrage requirements are described at length in Steinfeld, "Property and Suffrage," 353–54 n. 59. See also Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca, 1989), 156; Gettleman, *Dorr Rebellion*, 44–53, 129–30. The quotation is from the New York debates, quoted by Blackmar, *Manhattan for Rent*, 156. New Hampshire's constitutional exclusion of anyone who was not a Protestant from holding state office was retained in the constitution of 1877, despite a vigorous popular campaign for its abolition (*Irish World*, December 2, 1876; March 31, 1877).

¹⁵ The exceptions were Vermont, Kentucky, Tennessee, Indiana, Illinois, Michigan, and Missouri (Steinfeld, "Property and Suffrage," 353–54 n. 59).

¹⁶ *Ibid.*, 374; the quotation is from an 1832 ruling of the supreme court, upon the request of the state senate: 28 Mass. (11 Pick.), at 540.

trades on poor relief that, as Mathew Carey observed, outdoor relief payments fixed the level of women's wages.¹⁷ Destitute or not, however, they were excluded from the suffrage by virtue of being women. Moreover, by the 1870s most poor relief in larger urban areas had been taken out of the hands of elected governmental bodies by privately directed charities. Consequently, the important development that is revealed by the pauper exclusion is ideological: during the half-century following the Revolution a man's wage contract had taken its place alongside of property ownership as a badge of participation in the polity.

Edward Pessen has shown that, before the 1840s, expansion of the electorate brought little change, if any, in the elite status of mayors and council members in major cities. Nevertheless, partisan mobilizations became a characteristic form of plebeian male sociability in both urban and rural settings, and during the forties and fifties master artisans and small retailers, though not laborers, began to fill seats on city councils. Moreover, when urban workers organized their own parades they no longer appeared in their work garb, even when they were grouped by trade unions, but in street clothes, increasingly difficult to distinguish in style from those of the middle classes. Public processions of artisans dressed for and performing their work, which had been characteristic of the late-eighteenth-century civic pageantry, had been reduced by the 1830s to employers' advertisements of their wares. Workers celebrating or demanding their rights were attired as citizens."

Chicago's police historian John J. Flinn captured the symbolism of workers in mufti in his description of the infectious

¹⁷Christine Stansell, *City of Women: Sex and Class in New York, 1789–1860* (New York, 1986), 11–20; Mathew Carey, *Appeal to the Wealthy of the Land* (Philadelphia, 1833), 13–15.

¹⁸Edward Pessen, "Who Governed the Nation's Cities in the 'Era of the Common Man'?" in *The Many-Faceted Jacksonian Era: New Interpretations*, ed. Edward Pessen (Westport, Conn., 1977), 242–60; Susan G. Davies, *Parades and Power: Street Theater in Nineteenth-Century Philadelphia* (Berkeley, Calif., 1986), 124–44, 176; Wilentz, *Chants Democratic*.

spirit of the great strike of 1877: "Workingmen who had no earthly cause to complain, who could not call to mind a grievance, threw down their tools, tore off their 'overalls,' snatched up their coats and hats, shook their clenched fists at their employers, and — joined the nearest mob."¹⁹

Despite the preponderance of rural influence in nineteenth-century state legislatures, therefore, political dynamics in industrializing America were different from those, for example, of Sweden, where smallholder dominance in parliament provided the only champions of the interests of disfranchised urban workers. Wage earners in the United States were assiduously courted by urban politicians. To be sure, American workers had *not* secured the universal right to vote, for which their European counterparts were still contending in vain. Even though racial disqualifications were removed from northern states by the Fifteenth Amendment to the U.S. Constitution in 1870, foreign citizenship, failure to meet residency and poll-tax requirements, and above all gender sharply curtailed the working-class vote, despite the high turnout of eligible voters that historians have found during the last half of the century. Jean-Claude Simon concluded that in the textile city of Lawrence, Massachusetts, only 15 percent of the population were registered voters in 1880.²⁰ The many residents of unincorporated company towns had no elected local government. As Leon Fink has shown, factory towns where labor reform parties won local control tended to be quickly erased from the map by

¹⁹ John J. Flinn, *History of the Chicago Police Force* (Chicago, 1887), 165.

²⁰ Jean-Claude Simon, "Textile Workers, Trade Unions, and Politics: Comparative Case Studies, France and the United States, 1885–1914" (Ph.D. diss., Tufts University, 1980), 35. See also David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865–1925* (New York, 1987), 167–69. Historical accounts of high voter participation have also noted that the turnout in urban areas was consistently lower than that in the countryside. See Paul Kleppner, *The Cross of Culture: A Social Analysis of Midwestern Politics, 1850–1900* (New York, 1970). On Sweden, see Birger Simonson, "Sweden," in Marcel Van der Linden and Jürgen Rojahn, eds., *The Formation of Labour Movements, 1870–1914*, 2 vols. (Leiden, 1990), 85–102.

state legislatures in the eighties. And intimidation (then called bulldozing) kept thousands of rural black laborers away from the polls during the 1860s and 1870s, long before southern state legislatures formally disfranchised them.²¹

Despite these barriers to voting, white male wage earners had become an important constituency which aspirants to political office had to court; their right to vote was not *denied* because of their role as propertyless sellers of labor power but rather *predicated* upon that role.

The Right to Quit

Hand-in-hand with the right to vote came destruction of legal sanctions binding a worker to a particular employer. Testifying before the Royal Commission on Trade Unions at the very time Parliament was considering amendments to the British master-and-servant law, the American iron manufacturer Abram Hewitt asserted, "I have never known a master to go to court" to force a worker back to a job he or she had quit. He considered enactment by a state legislature of a law allowing such action both politically impossible and "very undesirable."²²

Although the influence of working-class voters on legislators and jurists played no small part in the demise of the law of master and servant, whatever cracks they provided in that historic legal code were vigorously pried open by the defiance manifested by individual men and women toward binding agreements and servile status. Such defiance was encouraged by the eagerness of employers and contractors to poach each others' laborers. Moreover, the doctrine of "employment at will," which replaced that of master and servant with legal reasoning congruous to that which

²¹ Leon Fink, *Workingman's Democracy: The Knights of Labor and American Politics* (Urbana, Ill., 1983), 82–88; Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York, 1976), 19–27.

²² "Fourth Report of the Commissioners Appointed to Inquire into the Organization and Rules of Trades Unions and Other Associations," *Parliamentary Sessional Papers*, 1867, no. 3952 (London, 1867), 10.

had justified expansion of the suffrage, proved more of a curse than a blessing to workers. After the Civil War it became the main target of working-class protest.

Master-and-servant legislation in Britain and the United States shared the same roots in the fourteenth-century Statute of Laborers and the Elizabethan Statute of Artificers. The law imposed criminal sanctions against workers who left their employment without the master's permission. Those sanctions applied to wage earners as well as to slaves, indentured servants, and apprentice.²³ In 1823 the British Parliament renewed the law's provision that abandoning work could lead to criminal prosecution before a justice of the peace and a sentence of up to three months at hard labor after which the workers' still owed their masters all contracted labor time. The new British law did, however, eliminate the magistrates' powers of supervision of conditions of employment, which had been part of the Elizabethan law but had lapsed into disuse. Daphne Simon has calculated that during the 1860s an average of ten thousand men and women in England and Wales were prosecuted each year for leaving their jobs, most of them agricultural laborers, household workers, miners, and workers in potteries and cutlery trades.²⁴

During the same decade that Britain's Parliament *renewed* the law of criminal sanctions, American courts discarded it. A book by Robert J. Steinfeld sheds important light on this development. Steinfeld argues that the decisive legal judgments hinged on the claims of owners of indentured servants, and they were couched in language that sharply contrasted the legal position of wage earners to that of slaves. Although all northern states by 1820 either had prohibited chattel slavery or had decreed the eventual manumission of all children subsequently born to slaves, migrants

²³ Albert Matthews, "Hired Man and Help," *Publications of the Colonial Society of Massachusetts*, vol. 5 (Boston, 1898), 234.

²⁴ Daphne Simon, "Master and Servant," in *Democracy and the Labor Movement*, ed. John Saville (London, 1954); the statistics on prosecutions are on p. 160.

from Europe who had contracted themselves into temporary bondage for specified periods of time continued to arrive and be sold in the ports of Philadelphia, New York, and Baltimore. Pennsylvania, the most common destination of such servants, had enacted regulations of the trade by 1818, to require schooling for servants' children and to inhibit the separation of families and the sale of servants outside of the state.²⁵

Virtually all the new arrivals were sold to *rural* employers — for labor in the fields, within households, or on construction projects. In the northern cities the rapid disappearance of journeymen residing within the households of employing artisans, the substitution of day-to-day money wages for board and services provided by the master's wife ("found"), and the large influx of immigrant journeymen after 1790 had undermined the eighteenth-century reliance of Philadelphia's artisans on indentured whites and of New York's artisans on black slaves. In New York City, where the owning of slaves had been remarkably equally distributed throughout the white population before the Revolution, most slaves of 1800 were found in households of the wealthy, and bondspeople still employed by artisans had declined to only 18 percent of the total. White artisans, laborers, and household workers alike vociferously objected to being called "servants" and to physical punishments, which they considered badges of servitude.²⁶

Both chattel slavery in its New York and New Jersey agricultural strongholds and indentured servitude on Pennsylvania

²⁵ Robert J. Steinfeld, *The Invention of Free Labor in the United States* (Chapel Hill, 1991), cited by permission of author; Cheesman A. Herrick, *White Servitude in Pennsylvania: Indentured and Redemption Labor in Colony and Commonwealth* (Philadelphia, 1926), 263–64. Sharon V. Salinger's otherwise excellent study of indentured servitude leaves the impression that the trade had ended by 1800; see Salinger, "To Serve Well and Faithfully": *Labor and Indentured Servants in Pennsylvania, 1682–1800* (New York, 1987).

²⁶ Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770–1810* (Athens, Ga., 1991), 27–36 and passim. On found labor see Blackmar, *Manhattan for Rent*, 57–59, 62. On objections to "servants," see Matthews, "Hired Man," 233–34; Alfred A. Young, "The Mechanics and the Jeffersonians: New York, 1789–1801," *Labor History* 5 (Fall 1964): 247–76.

farms were plagued with runaways and with (often successful) efforts of bondspeople to negotiate better terms with their owners. Shane White's study of the decline of slavery in New York has produced evidence of many black slaves negotiating their way to freedom through long-term indentures, especially after the enactment of the gradual manumission law of 1799. Simultaneously, popular antipathy toward bondage for white people created difficulties for owners who sought to enforce the terms of indentures.²⁷

The troubled persistence of indentured servitude is revealed by the experiences of Ludwig Gall — ironically a German follower of Charles Fourier — who came to Pennsylvania in 1819 in search of a site for a phalanstery. Gall brought eleven servants with him. When they arrived in Philadelphia, Gall recorded:

They had scarcely come ashore when they were greeted as countrymen by people who told them that contracts signed in Europe were not binding here; . . . that they were free as birds here; that they didn't have to pay for their passage, and nobody would think ill of them if they used the money instead to toast the health of their European masters. . . . The last scoundrel said: "Follow me, dear countrymen; don't let yourselves be wheedled away into the wilderness."²⁸

Gall resorted to the threat of debtors' prison to make his "companions" repay their passage. He brought one defiant servant before a justice of the peace and had him incarcerated, only to discover that he (Gall) had to pay the prisoner's maintenance, and a late payment the second week set the man free. Although that servant seems to have enjoyed his stay with a "boisterous group" of three hundred debtors, who "formed their own little republic" in the Walnut Street prison, the other ten were persuaded by the threat of jail to indenture themselves to Gall for

²⁷ White, *Somewhat More Independent*, 47–50, 107–48.

²⁸ Frederic Trautman, "Pennsylvania through a German's Eyes: The Travels of Ludwig Gall, 1819–1820," *Pennsylvania Magazine of History and Biography* 105 (January 1981), 40.

three to four years, in return for Gall's promise to pay them ten dollars a year.²⁹

Gall's troubles did not end there. His anxiety to rush the servants out of the city before they learned the ways of American life was well founded: five men whom he had boarded apart from his family deserted him the day he left Philadelphia. The remaining servants made Gall cut short his westward journey in Harrisburg. Five days after his departure from Philadelphia, he wrote: "Two of my servants deserted me between Montjoie and here [Harrisburg]; and my choice was to continue the journey with hired help, whom I should have to pay \$2 a day, or stay here perforce." He rented "a pretty country house" with thirty-six tillable acres, "precisely as much as the [one man and two women] who remained true to me can care for with two horses."³⁰

Alas, the remaining man did not "remain true" for long. He soon demanded a seat at the family table and a good Sunday suit, and on Gall's refusal, he absconded. A neighborhood farmer captured the man and had him jailed by the justice of the peace. From prison the man spent six weeks negotiating the terms of his own release, while Gall paid his maintenance. His prison had cards, whiskey, and in fact, growled Gall, "Methodists with a misplaced love of humanity supplied him and his fellows with an abundance of food and drink. . . . Indeed, everything was in vain. In the end I had to let the fellow go."³¹

Just to rub it in, the "French-speaking Swiss immigrant," whom Gall hired in the servant's place, threatened to drag Gall before a justice of the peace for asking him to feed the horses on Sunday (in violation of state Sabbath laws). Gall settled out of court: paying the hired man half the anticipated fine.³²

²⁹ *Ibid.*, 41n.

³⁰ *Ibid.*, 57n., 55, 60.

³¹ *Ibid.*, 62–63.

³² *Ibid.*, 63.

The Chesapeake and Ohio Canal Company reproduced Gall's experience on a larger scale, when it brought some five hundred laborers from Ireland in 1829, only to have them depart for Baltimore or to nearby railroad construction, where higher wages were available. Prosecution of the runaways proved prohibitively costly to the company, and juries refused to convict the workers. Even a federal judge who was willing to enforce Maryland's 1715 statute against runaway servants acknowledged that bound wage labor was "opposed to the principles of our free institutions and . . . repugnant to our feelings." Both the canal laborers and those working nearby on the new railroad struck several times during the next six years over wages and over control of hiring, inducing President Jackson to dispatch federal troops in 1834 to maintain order. But no worker faced imprisonment for breach of contract, such as they would have risked in England.³³

The repugnance felt by the federal judge had been written into law by the Supreme Court of Indiana in an 1821 ruling on *The case of Mary Clark, a woman of color*. The case was brought by a free black woman in a free state, whose master made the familiar claim that she had bound herself voluntarily in 1816 "to serve him as an indented servant and house-maid for 20 years." When her suit for habeas corpus was denied by a lower court, Clark appealed to the state supreme court, which set her free with the resounding declaration that no one but apprentices, soldiers, and sailors could be subjected to criminal prosecution for deserting a job in violation of a contract. Because a contract for service "must be performed under the eye of the master" and might "require a number of years," enforcement of such performance by law "would produce a state of servitude as degrading and demoralizing in its consequences, as a state of absolute slavery."³⁴

³³ Judge Cranch, quoted in Steinfeld, *Invention*, 268. On the strike, see George Rogers Taylor, *The Transportation Revolution, 1815-1860* (New York, 1951), 289-90.

³⁴ 1 Blackford 122 (Ind., 1821), at 124-25.

Although legal commentaries soon began to quote *The case of Mary Clark*, it did not appear frequently as a cited precedent until after the Civil War. By that time the adoption by former Confederate states of Black Codes — labor codes applying specifically to African Americans, whose central feature was the imposition of criminal prosecution for those who failed to sign one-year labor contracts, or who left a job after they had signed such a contract — had evoked a vigorous reaction, first from black southerners and then from the federal Congress. “I hope soon to be called a citizen of the U.S. and have the rights of a citizen,” a black soldier from South Carolina had written in 1866. “I am opposed myself to working under a contract. I am as much at liberty to hire a White man to work as he to hire me, I expect to stay in the South after I am mustered out of service, but not to hire myself to a planter.”³⁵

The soldier’s conception of liberty was enshrined in the 1866 Civil Rights Act, and subsequently in the Fourteenth Amendment to the Constitution, both of which nullified contractual requirements of the Black Codes, and put in their place national principles of “freedom of contract” to regulate both economic and family life. The promise sought by the black soldier of equal application of the principle of employment at will had become the law of the land. Its practical significance for the daily lives of southern rural workers provides an especially dramatic illustration of the impact of democracy on the law of wage labor and will receive close attention in my final lecture.

It is noteworthy that most of the cases involving breach of labor contract by workers which came before the courts between the 1820s and the 1850s involved farm laborers.³⁶ They were the

³⁵ Melton R. Linton to *South Carolina Leader*, March 31, 1866, quoted in Gerald D. Jaynes, *Branches without Roots: Genesis of the Black Working Class in the American South, 1862–1882* (New York, 1986), 73.

³⁶ See Steinfeld, *Invention*; Christopher L. Tomlins, “The Ties That Bind: Master and Servant in Massachusetts, 1800–1850,” *Labor History* 30 (Spring 1989): 193–227; Matthew W. Finkin, Alvin L. Goldman, and Clyde W. Summers, *Legal*

classic “servants,” to whom the English law had primarily been addressed, hired on long-term (usually annual) agreements, boarded in the household of the farmer, and pursuing such tasks as were assigned to them with the varying seasons. The man who advised Gall’s servants against being “wheedled into the wilderness” knew well that virtually all redemptioners who arrived in Philadelphia by 1819 were immediately dispatched westward to farms, where they had provided the labor force for a century past.³⁷ Quite different was the practice in eighteenth-century New England, where most “hired hands” had been sons or daughters of neighboring freeholders, who expected one day to come into farms of their own and were meanwhile integrated into the life of the towns by bonds of kinship. By the 1850s, however, enough young people had migrated West or to urban life that citizens became older and laborers became aliens. The Middlesex Society of Husbandmen and Manufacturers lamented in 1851: “The sons of our farmers are looked for in vain upon the old homesteads; and in their places we find *foreigners* assisting the *father* in the ordinary business of the farm.”³⁸

In the newer farming regions from Ohio westward to Iowa, the number of laborers hired for seasonal work or for particular tasks (like breaking ground and digging wells) swelled steadily, and many of them wintered in towns. Those who resided in farmers’ households found their work intensified (for example,

Protection for the Individual Employee (Saint Paul, Minn., 1989), 1–15; Wythe Holt, “Recovery by the Worker Who Quits: A Comparison of the Mainstream, Legal Realist, and Critical Legal Studies Approaches to a Problem of Nineteenth-Century Contract Law,” *Wisconsin Law Review* 4 (1986): 677–732.

³⁷ Salinger, “*To Serve Well*”; Marcus Lee Hansen, *The Atlantic Migration, 1607–1860: A History of the Continuing Settlement of the United States* (New York, 1961), 50–55, 103–5; Frances Wright, *Views of Society and Manners in America*, ed. Paul R. Baker (Cambridge, Mass., 1963), 240–43.

³⁸ Middlesex Society of Husbandmen and Manufacturers, *Transactions* (Lowell, Mass., 1851), 24. See also Hal S. Barron, *Those Who Stayed Behind: Rural Society in Nineteenth-Century New England* (New York, 1984); Harold F. Wilson, *The Hill Country of Northern New England: Its Social and Economic History, 1790–1930* (New York, 1936).

by indoor work or pay deductions for rainy days) and their conduct increasingly subject to evangelical discipline. By the 1870s more than ten thousand men worked the fields of the Iowa-Minnesota-Wisconsin region as day laborers.³⁹ The influential Massachusetts Supreme Judicial Court decision of 1824, *Stark u. Parker*, established the basis on which the legal status of these workers was erected. A farm laborer, who had quit his job before the end of his one-year contract, sued his employer for a portion of his year's pay corresponding to the days he had actually worked. When a jury on instructions from the judge calculated the amount due the laborer, the employer's attorneys protested the instructions, and the case was sent to the Supreme Judicial Courts so that it might consider arguments on "a new principle." Although neither the justices nor the farmer's attorney charged the laborer with a criminal offense, the supreme court ruled that his claim to wages corresponding to the months he had actually worked a "monstrous absurdity" and especially dangerous in "this commonwealth . . . where the important business of husbandry leads to multiplied engagements of precisely this description." Only "upon the performance of his contract, and as the reward of fidelity" was "the labourer worthy of his hire," that is, legally entitled to payment for any of the work done. The court explained: "Nothing can be more unreasonable than that a man, who deliberately and wantonly violates an engagement, should be permitted to seek in a court of justice an indemnity from the consequences of his voluntary act."⁴⁰

The converse of the workers' freedom to quit at the cost only of lost wages was that the employer owed him or her nothing but

³⁹ David E. Schob, *Hired Hands and Plowboys: Farm Labor in the Midwest, 1815-60* (Urbana, Ill., 1975), 111-48, 222-57; Richard Mahon, "Wage Labor and Seasonal Migration in the Wheat Belt of the Upper Mississippi Valley, 1860-1875" (Paper presented to the Chicago Area Labor History Group, December 9, 1988).

⁴⁰ 19 Mass. (2 Pick.) 267, at 273, 275, 276. This case appears as the centerpiece of most historical discussions of employment at will. The contrary argument of New Hampshire courts in *Britten v. Turner*, 6 New Hampshire 481 (1834), was seldom followed by any courts (Holt, "Recovery," 682-89).

wages for work properly performed. Court rulings and prestigious commentaries on the common law agreed that the employer had no obligation to retain or nurse an incapacitated farm laborer and that no legal distinction existed between one type of hired worker and another. In the words of Chancellor James Kent: a hired servant is a hired servant, “whether that servant is employed in husbandry, in manufacturing business, or in any other manner.”⁴¹

The demise of master-and-servant law coincided with the gradual abolition of imprisonment for debt and of distress suits by landlords against their tenants. In both cases political mobilizations and individual acts of defiance by working people helped spur state legislatures into action, but the shape of the laws that replaced the hated practices was determined by new, propertied interests. Debtors prison was a very real menace to the urban poor of the early nineteenth century. Defaulting debtors in Pennsylvania had to spend at least thirty days in jail, with their keep paid by the creditor. After that they could sue for relief, even if they had not yet paid.

Peter Coleman has calculated that the courts of Philadelphia received an average of 750 such petitions each year between 1822 and 1830, most of them involving petty claims against poor artisans and laborers — claims which often ran to as little as sixty cents, and in one famous case of 1830, two cents. The rapid growth of the wage-earning population stimulated not only demands for abolition of debtors prison, but also powerful opposition to those demands, especially from the vast network of petty creditors with whom working people dealt. Consequently long after the U.S. Supreme Court had sanctioned state bankruptcy laws and the abolition of imprisonment for debt, the practice continued vigorously in the industrializing regions. By that time, however, more than one creditor agreed with Ludwig Gall that debtors often used partisan justices of the peace and the creditors’ obliga-

⁴¹ Steinfeld, *Invention*, chap. 6. The quotation is from James Kent, *Commentaries on American Law*, 2d ed., 4 vols. (New York, 1832), 2:261.

tion to pay their board in prison to improve their own bargaining position. Pennsylvania abolished debt imprisonment in 1842 and Massachusetts' Know-Nothing-dominated legislature followed suit in 1857. The new state bankruptcy laws were painstakingly fashioned around the difficult problems of balancing the claims of various creditors and securing at least partial repayment through the reclaiming of consumer goods and garnishment of wages.⁴²

Under the common-law doctrine of distress, landlords were entitled to seize tenants' personal property for nonpayment of rent. The practice generated fierce controversies in New York City, when popular politicians helped tenants bring charges of assault and battery against landlords who had broken in and seized belongings, and the Anti-Rent War of upstate farmers against the patroons' estates evoked vigorous political campaigns in the city against landlords' powers, encouraged by the spell-binding oratory of the Democratic party's tribune of the poor, Mike Walsh. Last but hardly least, manufacturers protested that materials and tools they had let to outworkers were seized by landlords through distress claims. A state law of 1846 abolished landlords' rights of distress. In its place the law made eviction orders easier to obtain in court and reduced the required notice for eviction to one month. The reform accelerated landlords' actions against urban tenants, but also against farm tenants, who had been accustomed to leases of six months or a year, based on the seasons of farming.⁴³

In each case, therefore, physical or criminal sanctions were replaced by monetary ones, and whatever remained of the reciprocal obligations the master, creditor, or dwelling owner had owed the worker died also. Inequality and coercive power that had rested, in Cornelius Blatchly's familiar words, on "ancient usurpa-

⁴² Peter J. Coleman, *Debtors and Creditors in America: Insolvency, Imprisonment for Debt, and Bankruptcy, 1607-1900* (Madison, Wis., 1974), 147-54 and passim.

⁴³ Blackmar, *Manhattan for Rent*, 217-25. On Walsh, see Wilentz, *Chants Democratic*, 327-35.

tion, tyranny, and conquest” was replaced by that of the “free market.”⁴⁴ The triumphant legal principle was the one repeated by the Supreme Court of Tennessee in 1884: “either party may terminate the service, for any cause, good or bad, or without cause, and the other cannot complain in law.”⁴⁵

Citizenship and the Terms of Employment

An influential article by Christopher Tomlins contends, in sharp contrast to what I have argued here, that, rather than eliminating master-and-servant law, antebellum judicial decisions infused the whole developing law of wage labor with its principles.⁴⁶ Tomlins has in mind, not criminal sanctions for quitting work, which survived only for slaves, for sailors, for military personnel, and (rather ineffectively) for apprentices, but rather the legally sanctioned authority of the employer over the worker on the job. They are two quite different things — as the striking Australian coal miners and sheep shearers who were imprisoned for deserting their masters in the 1890s, the Belgians who were obliged by the police to have their *livrets* signed off by employers before leaving a job, or the Russians who needed clearance of their internal passports and workbooks to move were very well aware.⁴⁷ Historians who portray only the rise of new hierarchies in the transition from traditional to industrial society find no place in

⁴⁴ Cornelius C. Blatchly, *Some Causes of Popular Poverty, Arising from the Enriching Nature of Interest, Rents, Duties, Inheritances, and Church Establishments. Investigated in their principles and consequences* (Philadelphia, 1817), 198, quoted in D. Harris, *Socialist Origins in the United States: American Forerunners of Marx, 1817–1842* (Assen, Netherlands, 1966), 13.

⁴⁵ *Payne v. The Western Atlantic Railroad Company*, 81 Tenn. 507, at 517. The case is condensed in Finkin, Goldman, and Summers, *Legal Protection*, 10–14. It involved a railroad manager who dismissed workers who traded at a store which was under the ban of company rules.

⁴⁶ Tomlins, “Ties That Bind.”

⁴⁷ Van der Linden and Rojahn, *Formation of Labour Movements*, 27–28, 588; Reginald E. Zelnik, *Labor and Society in Tsarist Russia: The Factory Workers of St. Petersburg* (Stanford, 1971), 33–34, 125–29, 141, 358–59.

their schema for workers' abiding hatred of the Old Regime. Conversely, those who favor a paradigm of "modernization," or some other present-day version of the progress from status to contract, are constrained to interpret workers' protests *only* as evidence of cultural baggage carried over from an earlier era.

The new exploitation and discipline of industrial society were sanctioned and strengthened by laws predicated on freedom of contract, just as Tomlins contends. "Contracts of hiring are generally made verbally," a legal commentator of 1886 recognized, and "but few words are used. The rest is left to the custom of the trade, and the parties are bound by it."⁴⁸ Courts in Massachusetts, Pennsylvania, and New York decided during the 1870s and 1880s that rules posted by a company became part of the contract between employer and employee. Even if the rules were not explicit, decided the New York Court of Appeals, workers "entered into the contract with the knowledge of the established usages of the employment." Thus despite the fact that the state's law had declared eight hours a day's work in 1867, a scowman was bound by the custom of the docks: ten hours.⁴⁹

Factory regulations, sometimes posted, more often simply understood, required workers to be at their machines from first whistle to last, to abstain from conversation, to complete assigned tasks and quotas of output, to give two weeks' notice or more of intention to quit, to refrain from joining unions, and to act with deference and obedience toward "superiors." Such rules were often flouted, to be sure, but employers' sanctions of dismissal, humiliation, fines, blacklists, and evictions from company-owned housing were reinforced by the workers' own need for income and a "piece-work gait." Conversely, customs and usages of the trade

⁴⁸ Henry A. Haigh, *A Plain Statement of the Laws Relating to Labor* (Detroit, 1886), 2, quoted in Amy Dru Stanley, "Contract Rights in the Age of Emancipation: Wage Labor and Marriage after the Civil War" Ph.D. diss., Yale University, 1990), 57.

⁴⁹ *McCarthy v. Mayor, Aldermen and Commonality of the City of New York*, 96 N.Y. 1, 7 (1884), quoted in Stanley, "Contract Rights," 62.

which ran counter to an employer's rules or practices enjoyed no legal sanction. They were often defended by the workers' own collective action and enshrined in trade-union rules. Union enforcement of those rules, however, could and did bring their members before the courts charged with conspiracy to injure an employer or to obstruct commerce.⁵⁰

In the immediate aftermath of the Civil War a new wave of conspiracy prosecutions came before state courts. Some cases involved employers' associations establishing price scales for their members, and others concerned trade unions pledging their adherents not to accept employment at less than union wage rates. In yet another type of case, the owners of waterfront taverns of Boston were brought before the bar for vowing not to permit seamen to be hired from their premises for less than \$18 a month for the Atlantic Ocean or \$20 for more distant waters. Where such actions did not appear to involve coercion of individuals who had not joined the associations, courts of the 1860s were rather tolerant of the combinations. Judges set their faces sternly, however, against trade-union actions to obstruct the work of strike-breakers and to prevent the hiring or apprenticing of nonmembers or of people who would work below union scale, and prohibited them with increasing frequency during the next two decades. Such acts, wrote the Supreme Judicial Court of Massachusetts, "establish a tyranny of irresponsible persons over labor and mechanical business, which would be extremely injurious to both."⁵¹

⁵⁰On company rules and union rules, see Montgomery, *Fall of the House of Labor*, 9-44, 148-70, 203-13.

⁵¹*John Carew v. Alexander Rutherford and others*, 101 Mass 1 (1870), at 15. See also *Master Stevedores' Association v. Peter H. Walsh*, 2 Daly 1 (1867); *Samuel Walker and others v. Michael Cronin*, 107 Mass. 555 (1870); *State v. Donaldson et al.*, 3 Vroom 151 (1867); "Law and Labor," *Galaxy* 6 (October 1868) : 566-67. For a discussion of later conspiracy cases and their impact on the labor movement, see Victoria Hattam, "Economic Visions and Political Strategies: American Labor and the State, 1865-1896," in *Studies in American Political Development*, vol. 4, ed. Karen Orren and Stephen Skowronek (New Haven, 1990), 82-129; William E. Forbath, *Law and the Shaping of the American Labor Movement* (Cambridge, Mass., 1991).

From the vantage point of workers, however, the true “tyranny of irresponsible persons” was that exercised by the very owners of large enterprises who celebrated the free market:

He stood before the workingmen
 As ruler of the mills;
 Who lived among the “upper ten”
 And sneered at labor’s ills,
 And bid them come to meet him in
 His office one by one,
 To sign a new “agreement;” “then”
 He said, “the mills will run.”⁵²

To men like Michael McGovern, the “Puddler Poet” who penned those lines, the precious legacy of the Jeffersonian doctrine lay in the sanction it offered to the collective initiatives of working people, trying to regulate economic life for the common welfare, and in the access it offered to the use of government to further this goal. Treasured though the ability to quit a job was to any worker, everyday experience mocked the notion that the search for work was guided by free choice. “An empty stomach can make no contracts,” wrote the labor reformer George McNeill. Workers, who “must sell to-day’s labor to-day, or never . . . *assent* but they do not *consent*, they submit but they do not agree.” The lesson to be learned from this experience was clearly stated in 1867 by the National Labor Union: “until capital and labor become organized into a system of mutual co-operation, the workingmen must protect themselves by means of co-operation with one another.”⁵³ As long as socially organized production was directed in the interests of individual profit, they believed, industrialization would

⁵² Michael McGovern, “Squeezing His Lemons,” in *Labor Lyrics, and other Poems* (Youngstown, Ohio, 1899), 6.

⁵³ George E. McNeill, *Argument on the Hours of Labor. Delivered before the Labor Committee of the Massachusetts Legislature* (New York, n.d.), 13, 17–18. *Address of the National Labor Congress to the Workingmen of the United States*, in John R. Commons, et al., *A Documentary History of American Industrial Society*, 10 vols. (Cleveland, 1910–11), 9:151.

fail to fulfill even its promise of material well-being. “We prate religion,” wrote Alexander Troup of New Haven, “we indulge in morbid sentimentalism over ‘happy homes,’ we spread ourselves in eagle flights of oratory over our American institutions and the liberty and equality we enjoy under the law, while at the same time we are manufacturing paupers to an extent which places it among our leading industries.”⁵⁴

To the courts, however, the basic principles of the republic required defense of individual initiative in economic life against both governmental and group interference. In 1837 the Supreme Court of Massachusetts made this clear while reasserting that a farm laborer hired for six months who had quit at the end of five was entitled to no pay. The judges declared: “Laborers, and especially that most improvident part of them, sailors, may excite sympathy; but in a government of equal laws, they must be subject to the same rules and principles as the rest of the community; and a court of justice is almost the only place where sympathy should have no influence.”⁵⁵ Forty years later, during the great strikes which swept the country in July 1877, the editors of the *Buffalo Express* expressed their sympathy for the suffering workers, as did those of many other journals. But their principles made them abjure that sympathy. “The right to hire men for what labor is offered in the market must be upheld against brute force, whatever shape it takes,” they wrote, “and the railroad companies have the support of all law-abiding citizens in upholding it.”⁵⁶

In conclusion, democracy hastened the destruction of onerous forms of personal subordination to masters, landlords, and creditors that American wage earners had historically faced. The voting rights extended to white male wage earners in the early nineteenth century provided working people with both liberty of ac-

⁵⁴ *New Haven Daily Union*, September 12, 1891.

⁵⁵ *Olmstead v. Beale*, 36 Mass. (19 Pick.) 528, at 528–29.

⁵⁶ *Buffalo Express*, July 27, 1877, 2.

tion and political influence, which they used to eliminate master-and-servant laws, imprisonment for debt, and seizure of personal property for nonpayment of rent. The new laws which replaced the old, however, were defined not by the daily needs of wage earners but by the emerging requirements of wage contracts for labor, rental of urban housing, expanded circulation of commodities, and the promotion of economic innovation. They translated the private initiatives celebrated by Jeffersonian democracy into the doctrine of the “free market.” That doctrine, in its turn, enshrined rules established by employers in the legal definition of the wage contract. It also justified severe restriction of the use working people could make of their democratic rights and powers through their own collective initiatives, as well as through governmental action. Moreover, the advocates of the free market used both governmental coercion and their own wealth to regulate the personal as well as the collective behavior of working people. That effort, and the controversies it aroused, will be the subject of the next lecture.

II. LAW AND ORDER IN URBAN LIFE

The term *market* has many meanings and many more connotations, which are often jumbled together in order to impart some desired ideological message or other. The “propensity to truck, barter, and exchange one thing for another,” which Adam Smith believed arose from man’s “almost constant occasion for the help of his brethren” and distinguished humans from all other species of animals, has been variously identified with a village fair, the Chicago grain exchange, and the morning shape-up outside the gates of a packinghouse. As Barbara J. Fields has noted, to describe people as “market-oriented” carries about as much information content as to say that they were “clothes-wearing.”⁵⁷

⁵⁷Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (New York, 1937), 13, 14. Barbara J. Fields, review of *Roots of Southern Populism*, by Steven Hahn, *International Labor and Working-Class History* 28 (Fall 1985): 139.

Specifying what we mean by market activity has especially important bearings on the question of human liberty. On one level we may note that so-called free-market economies have coexisted at various times with governments as libertarian as that of contemporary Sweden and as oppressive as that of Pinochet's Chile. The *creation* of such an economy has always entailed forceful governmental suppression of its foes. In the United States it involved civil war. On another level, the range of personal behavior tolerated, or even encouraged, by marketing has varied radically from one context to another. The marketplace of early modern Europe, where men and women haggled over wares they usually could hold in their hands, were notorious theaters of license and subversion. The ostensibly impersonal relationships of commodity exchange made famous by Adam Smith impose a firm behavioral discipline on buyers and sellers alike. Both the hiring and the use of wage labor brought with them strict regulation of the personal conduct of working people, on and off the job. E. P. Thompson described the psychological as well as the judicial imperatives of this regulation in a famous passage: "In all these ways — by the division of labour; the supervision of labour; fines; bells and clocks; money incentives; preachings and schoolings; the suppression of fairs and sports — new labour habits were formed, and a new time-discipline was imposed."⁵⁸

The connection between habits of work and systems of exchange and exploitation emerges clearly from Merritt Roe Smith's study of the Harpers Ferry Armory. "Every way considered," a newly arrived master armorer had observed in 1831, "there are customs and habits so interwoven with the very fibers of things as in some respects to be almost hopelessly remitless."⁵⁰ Because

⁵⁸ E. P. Thompson, "Time, Work Discipline, and Industrial Capitalism," *Past and Present* 39 (December 1967): 90. On early modern markets, see Fernand Braudel, *Civilization and Capitalism, 15th–18th Century*, 3 vols., trans. Sian Reynolds (New York, 1986), 3:25–113.

⁵⁹ Benjamin Moore to Major Rufus L. Baker, May 5, 1831, quoted in Merritt Roe Smith, *Harpers Ferry Armory and the New Technology: The Challenge of Change* (Ithaca, 1977), 279.

the armory belonged to the federal government, military officers appeared as its most articulate and influential utilitarian reformers, and political patronage supplied the dominant personalities of the enterprise. The same circumstances also generated a uniquely rich record of the economic and cultural transformation then under way in privately owned firms as well, but ordinarily without leaving such thorough documentation for the benefit of historians.

The “very fiber of things,” to which the new master armorer had referred, consisted of a rather isolated rustic setting, in which artisans’ customs had been nurtured and sheltered, not only by the independence with which workmen plied their difficult trades, but also by the familial style of domination and exploitation exercised by the local gentry. Those gentry, in fact, give the impression that some of what John Binns would have identified with “Old Corruption,” as radicals of his generation called the British monarchy, was still to be found in the new republic. Between 1807 and 1828 a “Junto” of four intermarried families had dominated every aspect of life at Harpers Ferry. Their agents controlled all purchases of wood, coal, and iron for the works. The husband of the armory superintendent’s adopted daughter owned the land on which the town was built and the ferry rights which gave access to it. Master armorers and inside contractors were appointed only with the Junto’s patronage. The owner of the dry-goods store was married to the daughter of the local congressman, and all members of the Junto were on familiar terms with established leaders of Virginia politics, with Henry Clay, and with President John Quincy Adams. No candidate could hope to carry local elections without their blessing.

While rents, interest, fees, and monopoly profits flowed to the Junto from a multitude of sources, the high rents and store prices they charged the workers were offset by lax piece rates, which allowed the men relatively high earnings. Steady drinking on the job provoked no punishment: the armory’s superintendent owned the distillery and tavern. Within the shops, one protesting officer

reported, “workmen came and went at any hour they pleased, the machinery being in operation whether there were 50 or 10 at work.” Moreover, he noted, popular activities dissolved the boundary between workshop and community: “the shops were made places of business, *I* have seen four farmers at one time in one shop with paper and pencil in hand, surrounded by more than a dozen workmen, who were giving orders as to the number and weight of hogs they were to receive at killing time. All debts were done for in the Shops, . . . and arrangements of all kinds, whether for politics, pleasure or business were concluded there.”⁶⁰

The attack on the Junto’s regime and on the artisans’ customs was led by Colonel George Bomford, chief of ordnance of the United States, who sought less expensive and more uniform weapons for the army, and who also enjoyed good political connections — in his case with Andrew Jackson and the Democrats of Pennsylvania. His efforts were supported by producers of wood and coal in western Virginia, who were eager to participate in competitive bidding for armory supplies, and by state politicians, who had attached their fortunes to Jackson’s successful presidential campaign. The new president’s spoils system quickly swept the Junto out of control of the armory and opened the way to a protracted assault on local work practices and customs, which the artisans and their plebeian neighbors now defended by themselves.

The new superintendent posted rules forbidding loitering, gambling, and drinking on the armory’s premises, and he imposed stringent standards of inspection, which cut into piece-work earnings. Armorers’ protests against the new regime reached a bloody climax when one of their number, Ebenezer Cox, drew a gun and killed the new superintendent. Though Cox’s execution endowed local folk legends with a hero, and a popular Whig congressman from the Massachusetts district where the other federal arms works was located made himself a public champion of all the nation’s armory workers against military despotism, the utilitarian

⁶⁰ Lieutenant John Symington to Maynadier, July 12, 1849, quoted in *ibid.*, 270.

campaign from Washington did not let up. In 1841 the hated rules were posted once again, and this time they were reinforced by the installation of a clock to set the boundaries of the working day. The entire work force went on strike and dispatched a delegation by riverboat to plead with President John Tyler against regulations that converted them into “mere machines of labor.”

The workers’ flamboyant exercise of their citizenship proved futile. Congress passed and the president signed a law establishing military superintendents at all arsenals. The posted rules grew in number, inside contractors slashed piece rates and refined the division of labor, and new machinery, at times tended by boys, reduced the works’ reliance on the armorers’ manual skills. As the report of an inspecting colonel summed up the situation: “We say to the Armorers — here are our Regulations; if you will not abide by them — go elsewhere — for we know that as many good or better workmen can be had at any moment. They answer — no, we will not leave the armory. We insist on working for the United States and will fix our own terms !!!”⁶¹

The Harpers Ferry confrontation was usual in two respects: the artisans were employees of the government, and the direct initiators of the new work regime were military officers seeking cheaper and better weapons, rather than private employers facing competitive pressures. Nevertheless, the army officers championed the free market for both labor and materials, their efforts were supported politically by men who wished to supply the armory through competitive markets, and the new regulations and time clocks were no different from those of a privately owned Lowell textile mill or Philadelphia glassworks.

Employers were best able to induce new labor habits and a new time discipline through rules, sanctions, and pay systems imposed in the workplace itself. When our attention shifts from the factory to the antebellum city, however, we find that the work rules

⁶¹ Colonel George Talcott to Spencer, May 17, 1842, quoted in *ibid.*, 274–75.

of a single enterprise had about as much impact on plebeian customs as King Canute's voice had on the tides. The dense concentration of wage earners in New York, Philadelphia, and other cities nurtured social networks and organizations, which not only defended embattled customs but also transformed them into codes of mutualism, which denied employers their desired access to other, more pliable workers, who would submit to the new regulations.

Moreover, those customs and codes were defended as "popular liberties" against utilitarian and evangelical reformers by professional and clerical leaders of immigrant communities and by politicians soliciting working people's votes. New York's leader of the "Subterranean Democracy," Mike Walsh, denounced the "gloomy, churlish, money-worshipping" spirit, which prohibited or discountenanced "[b]allad singing, street dancing, tumbling, [and] public games, so that Fourth of July and election sports alone remain."⁶² In 1845 he added, "No man devoid of all other means of support but that which his labor affords him can be a freeman, under the present state of society."⁶³

During the last quarter of a century social historians have lavished attention on the efforts of evangelical churches, tract societies, moral reform agencies, temperance organizations, charities, and promoters of common schools to reshape the intractable and ominous daily life of the city. Three aspects of this well-studied effort had special importance for the meaning of citizenship to working men and women: the substitution of professional for private prosecution in criminal offenses, the simultaneous expansion of vagrancy law and privatization of poor relief, and the unruliness imparted to city life by the free market in land and housing. Each of them deserves close attention.

⁶² Herbert G. Gutman, *Work, Culture, and Society in Industrializing America: Essays in Working-Class and Social History* (New York, 1976), 56.

⁶³ *Subterranean*, September 13, 1845, quoted in Wilentz, *Chants Democratic*, 332.

The Definition and Prosecution of Crime

“Experience convinced me,” wrote Ludwig Gall in this litany of complaints about Pennsylvania in 1819–20, “that under the highly praised rule of law the principle obtains that where there is no plaintiff, there is no judge; and the law, the final authority in a republic, may be broken without punishment, if no individual brings charges.”⁶⁴ In Pennsylvania most criminal charges were then pressed before aldermen or a mayor’s court by the offended party in person. John Binns, “the indefatigable conspirator” for Jacobin causes in England and Ireland, who had fled to the United States in 1801 and immediately joined the Jeffersonian party, was appointed an alderman by the governor in 1822. In his *Recollections* and in *Binns’ Justice; or, Magistrate’s Daily Companion*, which he published in 1840 (and which still appears in revised editions to this day), Binns left us a valuable record of the work of a Philadelphia magistrate and of his relationship to plebeian citizens. Binns heard cases involving all crimes but murder, sending the more serious charges to grand juries and judging lesser cases in person. He also licensed taverns, intervened personally in street fights, summoning bystanders to his aid, and routinely charged bakers with violating the assize of bread (only to be frustrated, he wrote, because in Federalist Philadelphia, “the bakers always voted the *right* ticket”). Because the fees paid him by prosecutors or convicted defendants constituted his income, Binns carefully located his office where he best expected to do a “very large business.” But he admonished his fellow aldermen to rule “in a spirit of mildness, humanity, and a sense of justice,” because, he explained, “the mass of what is called criminal law is concocted and enacted to protect the property of the wealthy against the wants as much as the vices of the poor, the suffering, and the ignorant.”⁶⁵

⁶⁴ Trautman, “Pennsylvania through a German’s Eyes,” 64.

⁶⁵ Binns, *Recollections*, 299–300, 298, 292. The description of Binns is from E. P. Thompson, *The Making of the English Working Class* (New York, 1963), 174.

A remarkably large proportion of the charges of theft or assault and battery were brought by women (against neighbors, husbands, and household servants) and by disfranchised African Americans. One unsympathetic alderman described the typical prosecutor as one of “a class that think all personal redress lie[s] in an appeal to the magistrate, and a trifling quarrel in a neighborhood frequently leads to . . . a foot race to see which shall first enter complaint before a magistrate.” Allen Steinberg’s history of the Philadelphia judicial system depicts an alderman’s “typical day” in 1848, as including six assault-and-battery cases, three cases involving larceny, three breaches of city ordinances, one fast-driving charge, and one of throwing torpedoes onto the stage of the Arch Street theater. In addition, during that imaginary day the magistrate committed three boys to the house of refuge, issued two landlords’ warrants of eviction, two private notices and eight summonses, had one man examined for life insurance and another operated on for ophthalmia, and conducted one marriage ceremony.⁶⁶

Aldermen were partisan figures, and none more so than Binns himself. They mobilized voters for their parties, while they dispensed justice in neighborhoods wherein they practiced. Their encounters with the expanding electorate helped make the fee-for-service legal system more accessible to use by propertyless urban men and women than courts had been in colonial cities, and more accessible than the courts would become after the professionalization of police and prosecutors during the middle decades of the nineteenth century. Binns was so outspoken as editor of the *Democratic Review* that a Federalist mob stormed his house after the election of 1824, and twenty years later the victory of the nativist American Republican party cost him his bench. A younger fellow Irishman, the cloth manufacturer Hugh Clark, was both alderman

⁶⁶ Allen Steinberg, *The Transformation of Criminal Justice: Philadelphia, 1800–1880* (Chapel Hill, 1989), 26; the quotation is on p. 52. See also S. J. Kleinberg, *The Shadow of the Mills: Working-Class Families in Pittsburgh, 1870–1907* (Pittsburgh, 1989), 277–82.

and leader of the Catholic faction of the Democratic party in the weaving suburb of Kensington. His prominence, and that of his tavern-owning brother, made their homes among the first of the thirty buildings burned by the armed Protestants from Philadelphia, who marched against Kensington in May 1844.⁶⁷ Moreover, inexpensive urban newspapers kept criminal trials in the public eye by daily columns on happenings in the courts, and they used those cases to moralize about the decline of the republic, about abusive landlords, creditors, and employers, and also about the dissolute lives of apprentice boys and servant girls who had succumbed to evil urban influences and entered “downward careers.”⁶⁸ In a sense, private prosecution of criminal charges had become the poorer people’s counterpart of civil cases among the propertied classes.

Despite the popular use of such courts, Binns also found much to denounce in the conduct of fellow magistrates, who “extort[ed] fees from those charged with crime.” Two years after he became an alderman, he was summoned on a Sunday morning to the Walnut Street prison, where hungry and abused inmates had risen in revolt and been put down by a company of marines. He admired greatly the work of William Mullen, a temperance advocate and activist of the workingmen’s congresses and the antislavery and land-reform movements, who used his position as prison inspector to release hundreds of wrongly incarcerated individuals. The poor, Mullen had charged, “may almost be called bondsmen of certain depraved individuals upon whom they live in a helpless state of dependence,” who provide them with casual employment and pay them in “broken victuals . . . poisonous liquor . . . [and a] night’s

⁶⁷ Binns, *Recollections*, 255–56, 292; David Montgomery, “The Shuttle and the Cross: Weavers and Artisans in the Kensington Riots of 1844,” *Journal of Social History* 5 (Spring 1972): 411–46.

⁶⁸ Dan Schiller, *Objectivity and the News: The Public and the Rise of Commercial Journalism* (Philadelphia, 1981).

straw upon which they are to sleep off its fumes.”⁶⁹ Such traditional, highly personal exploitation, Mullen argued, was ruthlessly reinforced by the fee-for-justice system. The determination to reform such archaic abuses led Mullen and the magistrate William D. Kelley eventually into the new Republican party.

Benjamin Sewell, the Philadelphia street preacher, described as commonplace evictions of residents of squalid dwellings who failed to produce the nightly rent and received “a piece of printed paper issued by that important dignitary, which belongs to, and is so essential to a neighborhood like this — I mean an Alderman. This paper is served with a great deal of dignity by the Ward Constable, and purports to be a notice to move within five days.” A landlord whipped a German neighbor of Sewell’s mission house and then, Sewell observed, “trumped up a charge against him before a celebrated Alderman not a mile off, who, being of that class of functionaries, (there are others like him,) who send all to jail if the *costs* are not paid, which are ‘*managed*’ up to the amount of two dollars, made out a commitment for the unhappy man, and so poor Ereheart, for the first time in his life, was locked up in Moyamensing prison.”⁷⁰

Contrary to Mullen’s and Sewell’s criticism of private prosecution, however, the most systematic abuse of impoverished defendants by aldermen appears to have occurred in a growing number of cases in which the plaintiff was not an individual but the government. Offenses of disorderly conduct and vagrancy needed no indictment. The police charged men and women with those offenses before aldermen or juryless courts of special sessions. In

⁶⁹ Binns, *Recollections*, 276–78. Mullen is quoted in Steinberg, *Transformation of Criminal Justice*, 160. Caspar Souder, on the other hand, described impoverished rag pickers as prominent litigants, “often encouraged by unscrupulous magistrates” (*The Mysteries and Miseries of Philadelphia* [Philadelphia, 1853], 17–18, quoted in Steinberg, I).

⁷⁰ Rev. Benjamin T. Sewell, *Sorrow’s Circuit; or, Five Years’ Experience in the Bedford Street Mission, Philadelphia* (Philadelphia, 1860), 324, 326.

fact, the reform efforts of evangelists and utilitarians greatly increased the number of such prosecutions, at the same time as they replaced private prosecution of crimes with charges brought by salaried government officials.

To be sure, police action against the disorderly and the destitute had long historic roots. During the eighteenth century, city authorities had often rounded up people without legal settlement, and expelled them before winter set in, in order to keep down the poor rolls. By the 1820s, however, the numbers of homeless poor in major cities had reached crisis proportions, and incarceration had replaced expulsion as the favored remedy. In 1822, New York's judges sentenced 450 boys and girls to prison for having no homes — usually for six months.⁷¹ Philadelphia's magistrates sentenced 1,210 separate individuals in 1826. Priscilla Ferguson Clement has calculated that more "wandering poor" were imprisoned that year in proportion to Philadelphia's population than in any other year of the nineteenth century. Almost half those locked up in the 1820s had been women, and almost half had been black. The population of white male vagrants fluctuated widely with the business cycle.⁷²

The notorious charge "drunk and disorderly," scourge of the twentieth-century worker, had made its debut by the 1830s. In addition to the alderman's power to sentence an intoxicated person to twenty-four hours in jail and a fine roughly equal to two days of a laborer's pay, disorderly drinkers who could not post \$100 or \$200 bond to keep the peace could be sentenced to an indefinite incarceration. That usually meant staying in jail until they were discharged by a prison inspector like William Mullen, or until someone greased the palm of the alderman. Disorderly vagrants

⁷¹ Steinberg, *Transformation of Criminal Justice*, 29; Blackmar, *Manhattan for Rent*, 170; Grace Abbott, *The Child and the State*, 2 vols. (Chicago, 1938), 2:348-49.

⁷² Priscilla Ferguson Clement, "The Transformation of the Wandering Poor in Nineteenth-Century Philadelphia," in *Walking to Work: Tramps in America, 1790-1935*, ed. Eric H. Monkkonen (Lincoln, Neb., 1984), 59-66.

were confined an average of twenty-two days in 1854. Twenty-one percent of all arrests in Philadelphia in 1856 were on the drunk and disorderly charge, as 29 percent of all arrests in New York had been in 1846, when 4,241 persons had been so imprisoned in only three months.⁷³

Uniformed police forces appeared in New York and Philadelphia in the 1840s, in deliberate imitation of Britain's "Peelers," but under the control of state-appointed commissioners, rather than the national government. Accompanying the uniform, salary, and metal badge was another change, which Paul Faler discerned in the case of Lynn, Massachusetts: the traditional emblem of authority, the constable's staff, was "cut . . . into pieces, and made billy clubs."⁷⁴ Philadelphia's consolidation act of 1853 assigned one alderman to each of fifty police districts, empowered the city council to elect them, put them on salary, and prohibited them from collecting fees. The reform had been made possible by the triumph of Know-Nothing candidates, following a decade of annual riots and a wave of bloody street confrontations involving antagonistic Protestant and Catholic street gangs and volunteer fire companies. The new mayor, Robert T. Conrad, wasted no time dispatching the seven-hundred-member police force against those he called "perverted immigrants." Conrad's police sweeps against the "idle and vicious" were previews of the dragnets ordered by Police Commissioner John A. Kennedy of New York in 1860 and by Mayor Morton McMichael of Philadelphia in 1866.⁷⁵

Incarceration of disorderly, homeless, and begging men and women was encouraged by developers of prestigious housing and

⁷³ Steinberg, *Transformation of Criminal Justice*, 121–27, 172–79; Blackmar, *Manhattan for Rent*, 181. John Peter Altgeld crusaded against corrupt plundering of "drunk and disorderlies" in Illinois in the 1880s. See Altgeld, *Live Questions* (Chicago, 1890).

⁷⁴ Paul G. Faler, *Mechanics and Manufacturers in the Early Industrial Revolution: Lynn, Massachusetts, 1780–1860* (Albany, N.Y., 1981), 136.

⁷⁵ Steinberg, *Transformation of Criminal Justice*, 147–49, 165–71, 172–79; Bernstein, *New York City Draft Riots*, 184.

shopping areas, who wished to insulate patrons from disturbance; by store owners, who also summoned city authorities to suppress the competition, cries, and horns of street vendors; and by moral reformers seeking to remove prostitutes and transvestites from the streets (in a word, to cleanse “the market” of its medieval attributes). The guiding force behind the quest for more orderly urban life in New York, however, was the Association for Improving the Condition of the Poor (AICP). Created in 1843 as the offspring of tract societies and Fourierism (called Associationism in the United States), the association attracted the talents of prominent intellectuals and the donations of many manufacturers, and it provided a model for urban reformers elsewhere in the nation. The association’s early reports elaborated its goals: to create “new tastes, new desires, new activities and purposes” among the “respectable” poor, to secure its donors against “imposition” from unworthy solicitors of charity, and to draw “a line of distinction between the pauper and the independent laborer.”⁷⁶

Pursuit of these objectives led the AICP to intervene in the relationship between local democracy and the market in three ways: by excluding elected officials from control over poor relief, by intensifying police regulation of working-class behavior, and by enlisting the powers of government to improve the physical conditions in which workers and their families lived. A close look at these three projects suggests that all were at least partially frustrated by the web of social relations that had been produced by the very industrial system that the association was trying to promote.

The Privatization of Poor Relief

There had never been a clear line of demarcation between public and private charity in North America, and none can be

⁷⁶ Robert M. Hartley, quoted in Bernstein, *New York City Draft Riots*, 182; Report of the AICP, 1850, quoted in *ibid.*, 181. On efforts to suppress street activities, see Davis, *Parades and Power*, 30, 107–8; Blackmar, *Manhattan for Rent*; George A. Chauncey, Jr., “Gay New York: Urban Culture and the Making of a Gay Male World, 1890–1940” (Ph.D. diss., Yale University, 1989).

drawn today. During the 1850s the Association for Improving the Condition of the Poor and various other agencies with overlapping membership encouraged the city to build new asylums and orphanages, and they appeared before courts to urge appropriate incarceration for destitute individuals. Its agents and those of affiliated charities hired out orphans and other pauper children from those institutions to private employers, sent them to the West, prevented parents from reclaiming institutionalized children, and during the Civil War enrolled boys among them into the army and kept half the enlistment bounty.⁷⁷

The desire of Charles Loring Brace, Frederick Law Olmsted, Josephine Shaw Lowell, and other leaders of the AICP to “abolish beggary” and compel “lazy vagabonds to work” inspired the association not only to share authority with elected officers of the city but also to usurp public control of relief disbursement. Despite the association’s persistent efforts, however, it never secured the monopoly on the dispensation of relief that its plan for regulating the poor required. The state of New York levied a tax on shipmasters for every immigrant they brought into the state and used the proceeds after 1847 to fund a hospital and a refuge for immigrants in need of such facilities. Nativists’ fears of diseased foreigners encouraged the development of those institutions. Both child-care centers sponsored by bourgeois women and beneficial societies created by immigrants dispensed aid primarily for the purpose of promoting group solidarity. “The mission of our Catholic charities,” explained a spokesman, “is . . . preservative.” They scrutinized cases more with the objective of conserving their treasuries than of improving the work ethic of recipients. The same was true of insurance funds created by trade unions and the Knights of Labor. City officials disbursed relief to win voters’ favor. Their powers posed the greatest menace of all to the association, because they threatened, as the *Chicago*

⁷⁷ Tara Fitzpatrick, “Reared by Industry: Labor Discipline and Prison Discipline in the New York House of Refuge” (Seminar paper, Yale University, 1981).

Tribune editorialized in 1874, to make the city “an organized robber” which would use the votes of the many to transfer “the sweat and toil of the thrifty and self-denying” to “the idle, the improvident, the spendthrifts, and the drones of society.”⁷⁸

The confrontation between private and state control had, in fact, assumed its most acute form in Chicago after the great fire of 1871. When contributions exceeding \$4,400,000 poured into the city from around the world, the Relief and Aid Society, formed by business leaders, successfully demanded that the city council turn all the funds over to it, without the elected government being allowed even to audit the expenditures. So miserly was the society in dispensing the funds that when the great depression struck in 1873, it still had \$600,000 left, and it adamantly refused to let the city touch that sum for the newly unemployed.”

In New York the same objective had been reached by a more circuitous route. The public works projects launched by Mayor Fernando Wood in 1857 to feed the unemployed had been denounced by an enraged AICP as “pseudo-philanthropy” and as an incitement to revolution akin to Paris’s national workshops of 1848. During the ensuing decade the city’s lavish grants to Catholic charities provided a major complaint in what the *New York Times* called the “revolt of the capitalists” against the extravagance of the Tweed Ring. By the time the depression enveloped New York, however, Tweed and his colleagues had been ousted, and the reformed city government spent not one cent on

⁷⁸ *Chicago Tribune*, January 2, 1874, quoted in Karen Lynn Sawislak, “Smoldering City: Class, Ethnicity, and Politics in Chicago at the Time of the Great Fire, 1867–1874” (Ph.D. diss., Yale University, 1990), 313. On New York’s immigrant head tax, see Maldwyn A. Jones, *American Immigration* (Chicago, 1960), 128. On child-care centers, see Lynn Weiner, *From Working Girl to Working Mother: The Female Labor Force in the United States, 1820–1980* (Chapel Hill, 1985), 124; Jane Levey, “The New Haven Mothers’ Aid Society and the Day Nursery Idea, 1885–1904” (Seminar paper, Yale University 1990). On Catholic charities, see Thomas F. Ring, “Catholic Child-Helping Agencies in the United States,” in National Conference of Charities and Corrections, *Proceedings of 1896*, 346, quoted in Levey, “New Haven Mothers’ Aid Society,” 46–47.

⁷⁹ Sawislak, “Smoldering City,” 105–17, 312–25.

relief to the unemployed. Instead, it dispatched the police to scatter the demonstrators who had gathered in Tompkins Square in January 1874, to demand work relief.”

Incessant protests from the working class prevented the permanent removal of poor relief from control by elected officials in New York and everywhere else. That protest assumed two distinct and quite contradictory forms. One had been expressed as early as 1828, when a writer in Philadelphia’s *Mechanics Free Press* had formulated a position which latter-day socialists would repeat again and again: “I think that no such things as *charities* should exist; for though it is very proper that schools should be instituted for the instruction of youth, and asylums provided for the aged, the sick and the infirm, yet these things ought not to be left to the uncertainty of private charities, but to be institutions founded and supported by the government itself.”⁸¹

Socialists of the 1880s carried the argument one step farther. They sought to abolish the system of employment for wages, which left people without work or income. In Chicago Social Revolutionaries seized the occasion of the most reverent holidays to display the miseries of working-class men, women, and children and their contempt for the social order before the homes and meeting places of the city’s most prominent bourgeoisie. A circular which summoned more than two thousand people on a cold and rainy Thanksgiving Day in 1884 proclaimed:

Next Thursday . . . when our Lords and Masters are feasting on Turkey and Champagne, and offering prayers of gratitude for the bounties they enjoy, the wage-slaves of Chicago, the

⁸⁰ Bernstein, *New York City Draft Riots*, 138–40; David Montgomery, *Beyond Equality: Labor and the Radical Republicans, 1862–1872* (New York, 1967), 377–79; Herbert G. Gutman, “The Tompkins Square ‘Riot’ in New York City on January 13, 1874,” *Labor History* 6 (Winter 1965): 44–70. These issues were replayed, often on a larger scale, in the 1890s. See Carlos C. Closson, Jr., “The Unemployed in American Cities,” *Quarterly Journal of Economics* 8 (January 1894): 168–217, 257–58.

⁸¹ *Mechanics Free Press*, June 28, 1828.

unemployed, the enforced idle, the tramps — and the homeless and destitute — will assemble on Market Street, between Randolph and Madison Streets, to mutter their curses loud and deep against the “Lords” who have deprived them of every blessing during the past year.”

The Thanksgiving Day assembly was no mob but a procession whose thorough organization made it all the more awesome, as it wound through the city’s finest neighborhoods, lampooning the rich, shouting “Vive la commune,” and foretelling the workers’ pending seizure of all means of production. Ten years after that the irrepressible Morrison Swift and his socialist comrades led equally large crowds through the streets of Boston demanding “the right to work.” It was not charity they sought, but municipal and national enterprises that would provide remunerative employment to everyone who needed it.⁸³

Most leaders of immigrant communities, and especially Catholics, did believe in charity — to benefit the giver and the community, as well as the recipient. But ethnic aid societies used the voting power of their constituents to solicit government funds, and their solidaristic intentions allowed some evasion of the AICP’s screens against “lazy vagabonds.” The *Irish World* summed up their contempt for evangelical reformers in an editorial describing a jobless man returning to his hungry family: “Now, ye ‘Revivalists’ — ye MOODYS and ye SANKEYS — where is your ‘revival’? . . . Is it your screaming and spasmodicking . . . that will save . . . ye ‘from the wrath to come?’ . . . Is not the voice of the Divine Redeemer ringing in your ears? ‘I was hungry, and ye gave me

⁸² Quoted in Paul Avrich, *The Haymarket Tragedy* (Princeton, 1984), 144. See also Bruce C. Nelson, *Beyond the Martyrs: A Social History of Chicago’s Anarchists, 1870–1900* (New Brunswick, N.J., 1988), 141; Hartmut Keil and Heinz Ickstadt, “Elemente einer deutschen Arbeiterkultur in Chicago zwischen 1880 und 1890,” *Geschichte und Gesellschaft* 5 (1979): 103–24.

⁸³ Alexander Keyssar, *Out of Work: The First Century of Unemployment in Massachusetts* (New York, 1986), 225–31.

not to eat; naked and ye clothed me not; sick and in prison, and ye visited me not; houseless and ye took me not in.’”⁸⁴

The Crime of Idleness

As far as the Association for Improving the Condition of the Poor was concerned, the task of assisting and elevating the “respectable” poor could not be fulfilled without the second component of its program: police regulation of the “debased poor.” Such people, the association argued in 1850, “love to clan together in some out of the way place, are content to live in filth and disorder with a bare subsistence, provided they can drink, and smoke, and gossip, and enjoy their balls, and wakes, and frolics without molestation.”⁸⁵ Massachusetts led the way to new legislation with an act in 1866 increasing the punishment meted out to “idle persons who, not having visible means of support, live abroad without lawful employment . . . or place themselves in the streets, highways, passages, or other public places to beg or receive alms” to six months forced labor. “The low nature of the vagrant lacks any principle or purpose impelling him to labor,” explained Edward Pierce of the Massachusetts Board of Charities.⁸⁶ In the aftermath of the strikes of 1877, whose tumult was widely attributed to “tramps,” all industrial states, some agricultural states like Iowa, and ultimately by 1896 forty of the forty-four states, enacted yet more stringent measures: tramp acts.⁸⁷

The tramp acts shifted the emphasis in the definition of the crime from begging to wandering without work. In addition they converted deeds, which were misdemeanors when committed by

⁸⁴ *Irish World*, December 2, 1876.

⁸⁵ Report of AICP, 1850, quoted in Bernstein, *New York City Draft Riots*, 181.

⁸⁶ Stanley, “Contract Rights,” 131, 141. Stanley attributes the new severity of Massachusetts’ laws to the experience of Pierce and others with proletarianizing former slaves in the South during the Civil War.

⁸⁷ Sidney L. Harring, “Class Conflict and the Suppression of Tramps in Buffalo, 1892–1894,” *Law and Society Review* 11 (Summer 1977): 873–911; the New York statute is quoted on p. 881.

others, into felonies when perpetrated by tramps, and they provided that state governments would reimburse localities the expenses of incarcerating tramps. Sidney Harring's study of Buffalo revealed that police there arrested more than 2,000 people each year under this law between 1891 and 1897, including Jack London, who had ridden the rails to see Niagara Falls. They seized 4,716 people as tramps in 1894 alone, in addition to even greater numbers charged under the older vagrancy and drunk and disorderly rubrics. A "tramp census" conducted in 1892–93 by John J. McCook, a Trinity College professor, revealed the significance of these laws: the demographic characteristics of tramps (sex, nativity, trade, and literacy) were virtually indistinguishable from those of industrial workers generally. Similarly the German Society of Chicago discovered in the same years that most of the growing number of tramps it encountered were not recent arrivals in the United States but rather residents of many years' standing, and very often skilled workers.⁸⁸ In place of the master-and-servant law, which had required a worker to complete a contract with a particular employer, the principle of employment at will was now supplemented by laws requiring the free worker to have *some employer*. A commentary on criminal law from the nineties made the point clear: "there is, in just principle, nothing which 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."⁸⁹

Workers' reaction to tramps was ambivalent. In the popular dime novels of the eighties the tramp appeared as a treacherous figure, as dangerous to the republic as was the capitalist. During

⁸⁸ Ibid., 881, 886, 887; John B. Jentz and Hartmut Keil, "From Immigrants to Urban Workers: Chicago's German Poor in the Gilded Age and Progressive Era, 1883–1908," *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 68 (1981): 95. On McCook's research, see Adela Haberski French, ed., *The Social Reform Papers of John James McCook: A Guide to the Microfilm Edition* (Hartford, Conn., 1977).

⁸⁹ Joel Bishop, *New Commentaries on the Criminal Law*, 2 vols. (Chicago, 1892), 1:273–74.

the strikes of 1877, strikers' committees in many midwestern railroad towns had barred all strangers from their communities. Yet the most respectable workman knew that he could be the next accused tramp. During the depression of the nineties trade unions worked directly with city governments in such cities as Chicago and Denver to feed and house the unemployed, and demonstrators in Boston demanded "municipal factories where the unemployed can work for themselves." Populist Governor Lorenzo Lewelling of Kansas declared his state's tramp act unconstitutional, and he ordered the police not to molest people without homes or jobs. "The right to go freely from place to place in search of employment, or even in obedience of a mere whim," his circular proclaimed, "is part of that personal liberty guaranteed by the Constitution of the United States to every human being on American soil."⁹⁰ During the previous depression a cartoon in the *Irish World* had depicted "American Labor" as a man clad in rags, standing on an auction block. A notice on the block was inscribed: "Knocked Down to the Highest Bidder." In the background loomed a huge prison. The jailer holding shackles was the only bidder.⁹¹

A Free Market in Real Estate?

If removing relief payments from government control and tightening police control of "the dissolute" were two of the objectives of the AICP, the third was the amelioration of the circumstances and prospects of "respectable" labor. Toward this end it supported improved common schools. It also encouraged employers to provide evening classes for apprentices, to create mutual-aid

⁹⁰Mary C. Grimes, *The Knights in Fiction: Two Labor Novels of the 1880s*, with afterword by David Montgomery (Urbana, Ill., 1986); Michael Denning, *Mechanical Accents: Dime Novels and Working-class Culture in America* (London, 1987), 149–57; J. A. Dacus, *Annals of the Great Strikes in the United States* (Chicago, 1877); Closson, "The Unemployed"; Keyssar, *Out of Work*, 349; "The Tramp Circular," appendix E in Lawrence Goodwyn, *Democratic Promise: The Populist Moment in America* (New York, 1976), 597–99; the quotation is on p. 598.

⁹¹*Irish World*, December 30, 1876.

societies, and during the Civil War to supply commutation fees that would enable worthy employees to evade conscription. Above all, it campaigned for legislation to establish minimum physical standards for urban housing. Although the middle and upper classes had created their own enclaves of respectable urban life, the bustle and squalor of working-class neighborhoods mocked bourgeois dreams of new labor habits and a new time discipline. The intermingled habitats, industry, street life, taverns, and popular theaters that urban growth folded in upon each other spawned plebeian cultures which contested the association's efforts in daily social intercourse, at the ballot box, and through violent crowd action. Philadelphia's Moyamensing fire-house riots and New York's Astor Place theater bloodshed in 1849 foretold eruption of "the volcano under the city," which came to pass in the draft riots of 1863 and the nationwide strikes of July 1877. These events persuaded prominent public figures that the free market in urban real estate produced social chaos. The police powers of the state had to be invoked to reshape the physical infrastructure of daily life."

For most workers urban homes were rented homes. As urban populations swelled during the early nineteenth century and the practice of employment at will spread from craft to craft (and became enshrined in law), the dependence of the men and women Mike Walsh called "devoid of all other means of support" but their labor was not only that of wage earners but also that of renters of dwelling places. The evolving relationship of wage labor to alienation from real estate has been ably analyzed by Elizabeth Blackmar in her study, *Manhattan for Rent*.

Blackmar argues that the closed colonial elite of landed families was gradually displaced by an ostensibly neutral and vigorously competitive market in land, which New York City had laid

⁹² Bernstein, *New York City Draft Riots*, 57–58, 183–85, 254–55; John H. Griscom, *The Sanitary Condition of the Laboring Population of New York* (New York, 1845); William Osborn Stoddard, *The Volcano under the City, by a Volunteer Special* (New York, 1887).

out along its famous grid system of 1811. The outcome, however, was by no means as egalitarian as the Jeffersonian rectangular blocks on the city map would suggest. Blackmar contends that “the neutral market had carried a new class dynamic into the process of residential neighborhood formation, and it persisted through the rest of the century.” Vast stretches of vacant land surrounding the city remained in relatively few hands. As Henry George argued in *Progress and Poverty*, unused land on the city’s outskirts created an artificial scarcity of land for use within the growing city. Second, the competitive housing market itself, and especially “the purchasing power that permitted elite New Yorkers to claim blocks for their exclusive use,” both added to the value of real estate in the more elegant neighborhoods, and depressed values in less fortunate areas, so that a high return could be acquired from the latter only by multiplying the number of dwellings and surrounding them with manufacturing and commercial activities. Finally, the rising portion of incomes that working people had to devote to rent diminished their ability to acquire their own property in other areas.⁹³ “The workingman who lives in a city tenement,” wrote the popular Knight of Labor Phillips Thompson, “pays a larger proportion of his earnings to the landlord for the privilege of existing and employing his faculties in some form of productive industry, having apparently very little direct connection with the soil, than does the small farmer whose subsistence is wholly and directly drawn from the land.”⁹⁴

All three of these developments appeared in every industrial town, though not always effecting so total a transformation as occurred in New York. Jonathan Prude found native-born artisans in textile towns of the Blackstone valley in Massachusetts likely as late as 1850 to own their homes (and enjoying unchanged pat-

⁹³ Blackmar, *Manhattan for Rent*, 104; Henry George, *Progress and Poverty: An Inquiry into the Cause of Industrial Depression and of Increase of Want with Increase of Wealth* (1879; repr., New York, 1935).

⁹⁴ Phillips Thompson, “The Land Question,” in *Labor Day Annual*, ed. Terence V. Powderly and A. W. Wright (Toronto, 1893), 18.

terns of work), but the transient mill hands boarded or rented. Alan Dawley concluded that the extinction of master shoemakers in Lynn also rendered the town's fabled home-owning workers a myth.⁹⁵ The 1840 tax rolls of Manayunk, a spinning mill and handloom weaving center adjacent to Philadelphia, revealed very few workers with any real estate. The few who owned buildings were carpenters, masons, and blacksmiths. The most desolate conditions were reported by the Philadelphia street preacher Benjamin Sewell, most of whose impoverished neighbors disappeared after dark into habitations for which they paid in advance by the night: six cents if there was no floor, twelve cents if there was flooring.⁹⁶

In New York the Tenant League called on the city government in 1848 to rescue the working people from the ravages of the free market in real estate. Its leader, M. T. O'Connor, advocated a triple tax on unimproved land, the sale of city lots to homesteaders on easy terms, a prohibition on rental of cellars, and a repeal of the fire-limit law, which required brick construction north of Fourteenth Street.⁹⁷ All of the league's proposals reappeared in one form or another in the political demands of urban workers during the ensuing half-century.

After the fire, Chicago's newly elected "Fireproof Administration" attempted to require brick construction throughout the city, only to encounter adamant resistance, not only from workers, but also from the business and professional leaders of the German North Side. Brick construction meant tenements and "smoking machine shops, mills, and lumber depots," argued Anton Hesing

⁹⁵ Jonathan Prude, *The Coming of Industrial Order: Town and Factory Life in Rural Massachusetts, 1810–1860* (New York, 1983); Alan Dawley, *Class and Community: The Industrial Revolution in Lynn* (Cambridge, Mass., 1976). Cf. Klaus Tenfelde, "Germany," in Van der Linden and Rojahn, *Formation of Labor Movements*, 252–53, on renting and home ownership among workers in late-nineteenth-century Germany, and Hartmut Kaelble, *Industrialisation and Social Inequality in 19th-Century Europe* (Leamington Spa, 1986), 105–27.

⁹⁶ Manayunk tax rolls, 1840 (Pennsylvania Historical Society), cited in Montgomery, "Shuttle and Cross"; Sewell, *Sorrow's Circuit*, 323–44.

⁹⁷ Blackmar, *Manhattan for Rent*, 247.

of the *Illinois Staats-Zeitung*. Workers could build their own cottages out of wood. “Those are not *true* Americans — no matter where born,” Hesing thundered, “who would consign our laboring classes to the condition of *proletaires* by depriving them of a chance to live under their own roofs.”⁹⁸ Democratic institutions provided an effective defense for Chicago’s workers, first because their cause was championed by a powerful ethnic elite, and second because it was the Germans who demanded an unrestrained market. The Fireproof Administration had wished to regulate land use in the larger interest of the city’s businessmen. The long-term consequences of the German householders’ political victory, however, were not admirable. By the time of the Haymarket Affair it was evident that the “friendly flower-framed little houses,” promised by Hesing, had become dark duplexes crowded in by apartment buildings and workshop.⁹⁹

A remarkably different approach had been attempted by New York’s workers. An unprecedented wave of strikes in 1850 prompted Tammany Hall to donate a wing of the new city hall to the use of an Industrial Congress, made up of delegates from all workers’ organizations. A committee of that congress, chaired by the carpenter Benjamin Price, sought legislative remedies for what it called the accumulation of “immense wealth regardless of the misery and distress thereby entailed upon hundreds and thousands . . . [of] fellow beings,” through the creation of an elected inspector of rents, who was to be empowered to halt the payment of rents on unfit tenements, and of district surveyors, who would inspect all buildings and prohibit occupancy of unfit ones. The second effort—that which sought to impose legal standards on the construction and use of dwelling — placed at least part of the labor movement in alliance with the Association for Improving

⁹⁸*Illinois Staats-Zeitung*, October 20, 1871; Anton C. Hesing to *Chicago Republican*, January 18, 1872, quoted in Sawislak, “Smoldering City,” 182, 191.

⁹⁹Hartmut Keil, ed., *German Workers’ Culture in the United States, 1850 to 1920* (Washington, D.C., 1988), 30–31, 51.

the Condition of the Poor, and it led eventually to the tenement-house law of 1867, based on AICP proposals, but introduced into the legislature by Assemblyman Patrick Keady, former president of the Brooklyn painters' union.¹⁰⁰

Although lax enforcement by the city government neutralized the effects of the 1867 law (aside from the eviction of thousands of people from cellars), the effort to regulate tenement houses had revealed that workers' homes played as decisive a role as their jobs in the class conflict over the social discipline required by a system of "employment at will." That battle helps explain the widespread popularity of the single-tax movement, and the huge vote garnered by Henry George's campaign for mayor of New York in 1886. The connection between alienation from the land and the rigors of the wage system was constantly reiterated by labor reformers. General Master Workman Terence V. Powderly of the Knights of Labor believed "the key note that will reach the American heart," was the workers' experience of "the alien land lord who first drives his victims from Irish soil and heads them off in this land by buying (stealing) up the land and compels his slave to go up into an eight story tenement in a large city and live on a crust of bread or pay an exorbitant price for land which God made for all honest men instead of for thieves."¹⁰¹

Powderly's colleague Phillips Thompson used that keynote to call for the gradual abolition of private ownership of land. "Individualism is everywhere giving place to organized, systematized combination in the interests of capitalism," he wrote in 1893. Our "aim should be to substitute for the capitalist director and or-

¹⁰⁰ Bernstein, *New York City Draft Riots*, 85–92, 187–88.

¹⁰¹ Powderly to friend Dever, September 22, 1883, quoted in Stuart Bruce Kaufman, *Samuel Gompers and the Origins of the American Federation of Labor, 1848–1896* (Westport, Conn., 1973), 155. On the weak enforcement of the tenement-house law, see David M. Scobey, "Empire City: Politics, Culture, and Urbanism in Gilded-Age New York" (Ph.D. diss., Yale University, 1989), 347–51. On the George campaign, see David Scobey, "Boycotting the Politics Factory: Labor Radicalism and the New York City Election of 1884 [sic]," *Radical History Review* 28–30 (1984): 280–326.

ganizer of industry the agent of the people, and to make public convenience instead of private aggrandizement the controlling and animating principle. Public ownership of the land is an essential feature of any movement for social regeneration which keeps in view this inevitable tendency of the times."¹⁰² Thompson had carried the logic of the AICP's attempt to regulate the urban real-estate market to a conclusion which reversed the larger economic vision of the association's leaders and sponsors.

In short, the establishment of a regime of "the free market" had required new and vigorous use of the states' police powers over the human beings whose talents and exertions were for hire. Consider the words chosen by Adam Smith to describe the labor theory of value, through which he explained the functioning of supply and demand. Every producer entering the market, wrote Smith, "must always lay down the same proportion of his ease, his liberty, and his happiness."¹⁰³ His description of freely contracted work as the sacrifice of ease, liberty, and happiness forecast the disputes over the policing of everyday urban life that were to confront the newly democratized electorate: the definition and prosecution of crime, the provision of poor relief and suppression of vagrancy, and the uses and regulation of urban real estate. Those issues carried the conflict between the propertied and the propertyless beyond the walls of the workplace, and into the very heart of urban politics. But urban political activity was mediated by professional politicians. The role of those men and their parties will be the subject of the next and final lecture.

III. POLITICAL PARTIES

In 1880, Charles Francis Adams, Jr., reflected publicly on the nine presidential elections in which he had been actively involved since his youthful participation in antislavery parties. "I think, of

¹⁰² Thompson, "Land Question," 21.

¹⁰³ Smith, *Wealth of Nations*, 33.

the whole nine, there was but one, that of 1852, which at the time was not emphatically pronounced to be the most important election in its consequences ever held,” he mused. “The issues at stake were always too tremendous to be calmly contemplated; and if the day was lost now it was lost forever.” Of all those elections, he now believed, only one, “so far as the grand results were concerned, was really important . . . that of 1864, when we were in the midst of the Rebellion.” He advised his audience that the time was overripe to “put aside” disputes “over the possession of a little temporal political authority,” and his explanation provided a classic formulation of nineteenth-century liberalism:

[T]he future of this country is in the hands of our universities, our schools, our specialists, our scientific men, and our writers. Why! take in the grand results, what does Washington do but impede? As an obstacle to intelligent Progress, the National Government is an undisputable success. . . . We do not care which [party] is in office and which in opposition; we only ask that one shall be in office and one in opposition; we who manage the schools, the press, the shops, the railroads, and exchanges will take care of the rest. . . . The first object of the thinking citizen, therefore, now should be, not to keep one party or the other in power, . . . but . . . to insist on order and submission to law. That secured, all else must follow.¹⁰⁴

I have already suggested that securing “order and submission to law” was no small undertaking, nor was it as unproblematic as Adams inferred. Moreover, the use of governmental coercion to impose a new definition of “order” and popular reactions to that coercion during the decades surrounding the Civil War played a major role in generating the “fanatical” party loyalties that Adams deplored. The primary vehicle for translating popular sentiments into government policy was the political party. Never-

¹⁰⁴ Charles Francis Adams, Jr., *Individuality in Politics: A Lecture Delivered in Steinway Hall, New York, Wednesday Evening, April 21, 1880* (New York, 1880), 6, 11–13.

theless, the private arrangements which had reordered economic and social life had both shaped party programs and imposed sharp limits on what any party might do with governmental power. While that paradox was evident everywhere, the process by which a triumphant market system nurtured intense party loyalties while still permitting those who “manage[d] the schools, the press, the shops, the railroads, and exchanges” to “take care of the rest,” followed different trajectories for black workers in the South and white workers in the North. Close examination of those different trajectories also reveals, however, that the events of that moment of time in which the coercive power of the machinery of state *did* play a decisive role in reshaping the social order provided the rationale behind both the subsequent intensity of party loyalties and the subsequent insignificance of what parties could do.

The relationship of wage labor to democratic government which had taken three-quarters of a century to crystalize in the North was resolved with ferocious haste in the southern states after the Civil War. Slavery was soon replaced by master-and-servant laws, augmented by new vagrancy statutes, in special codes regulating black labor. These codes were quickly overturned and rights of citizenship won by a process that allied African Americans in the South to the Republican party. In fact, no other group of working people in the history of the United States has ever linked its aspirations so tightly or with such unanimity to a political party.

Without a doubt the most widespread desire of former slaves was to settle on land of their own. Drafters of a petition to President Andrew Johnson from Edisto Island, South Carolina, expressed their indignation at the thought of being driven once again into their former masters' fields: “man that have stud upon the feal of battle & have shot there master & sons now Going to ask ether one for bread or for shelter or Comfortable for his wife & children sunch a thing the u st should not aught to Expect a man.”¹⁰⁵

¹⁰⁵ Mary Ames, From *A New England Woman's Diary in Dixie in 1865* (Springfield, Mass., 1906), 101.

It was equally clear, however, that the land was not redistributed to its tillers. The petition I have just quoted came from the region covered by General William Tecumseh Sherman's famous Field Order No. 15, the only large-scale effort to settle freed people on small plots carved from plantations that had been abandoned by their owners during the war. The occasion for the petition was President Johnson's restoration of those lands to pardoned former owners. Although many black military veterans used mustering-out pay to purchase land, even soldiers realistically feared that their discharges and their pay would arrive too late. "Run Right out of Slavery into Soldiery & we hadent nothing atoll & our wives & mothers most all of them is aperishing all about where we leave them," wrote such a soldier to his commander early in 1866. "Property & all the lands that would be sold cheap will be gone & we will have a hard struggle to get along in the U.S." ¹⁰⁶

Even though the depression of the 1870s threw vast tracts of southern land into state hands through tax defaults, most of that acreage made its way back to former owners, and only South Carolina and Mississippi systematically used such lands to homestead black families. By 1890, when the U.S. census first clearly distinguished patterns of land ownership and tenancy, only 14 percent of South Carolina's black farmers and 16 percent of those in Mississippi owned the land they worked. Virtually all their farms were outside the plantation regions of the states.¹⁰⁷

In practice, therefore, the labor question was fought out not over ownership of the land but over the terms of contract. Plantations remained intact, even though many were bought by new owners or were leased out to some white person with operating

¹⁰⁶ Ira Berlin et al., eds., *Freedom: A Documentary History of Emancipation, 1861-1867*, 3 vols. (New York, 1982-), series 2, *The Black Military Experience*, 777-78.

¹⁰⁷ Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York, 1988), 375; Neil R. McMillen, *Dark Journey: Black Mississippians in the Age of Jim Crow* (Urbana, Ill., 1989), 112-14.

capital, who hired black workers. The federal Bureau of Refugees, Freedmen, and Abandoned Lands often required former slaves to contract for a full crop year, especially in Louisiana, where many sugar planters had gone over to the Union side before the war's end. The bureau also created precedents beneficial to field hands, however, because it adjudicated black workers' grievances, and it insisted that workers' claims to wages took precedence over landlords' claims for rent or merchants' claims for credit advances. Although historians are far from agreed among themselves as to the role of the bureau — Leon Litwack calling it the “planter's guard” — the fact remains that landowners themselves were overwhelmingly hostile to its “interference.” Worse even than the bureau, from the planters' perspective, was the presence of black soldiers. One white Mississippian explained why:

The Negro Soldiery here are constantly telling our negroes, that for the next year, The Government will give them lands, provisions, Stock & all things necessary to carry on business for themselves, — & are constantly advising them not to make contracts with white persons, for the next year. — Strange to say the negroes believe such stories in spite of facts to the contrary told them by their employers.¹⁰⁸

The Black Codes, which were passed by every former Confederate state in the last months of 1865, resolved these ambiguities by openly reinstating the law of master and servant for African Americans. All black men and women were obliged to contract by the middle of January to work for wages for the remainder of the year. Those who wished to pursue artisanal or commercial occupations were required to seek annual licenses from district courts. Civil officers were obliged to “arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the

¹⁰⁸ Berlin, *Black Military Experience*, 747; Leon F. Litwack, *Been So Long in the Storm: The Aftermath of Slavery* (New York, 1979), 386. For a different evaluation of the bureau, see Foner, *Reconstruction*, 144–68.

expiration of his or her term of service without good cause.” Juries of freeholders were to assign deserters to their former employers or to new ones.¹⁰⁹

No provisions of the codes caused more distress in black households than those which authorized courts to bind out orphans or those under eighteen “whose parents have not the means or who refuse to provide for and support” them, with preference in assignment to be given “the former owner of said minors.” From Maryland to Mississippi black women were engaged in efforts to reclaim their own children.¹¹⁰

The practical significance of the Black Codes was revealed in a letter from twelve black soldiers in Mississippi to their commanding officer. It said:

The Law in regard to the freedman is that they all have to have a written contract judge jones mayor of this place is enforcing the law He says they have no right to rent a house nor land nor reside in town with[out] a white man to stand fer thim He makes all men pay Two Dollars for Licience and he will not give Licience without a written contract both women and men have to submit or go to Jail

His deputy is taking people all the time men that is traverling is stoped and put in jail or Forced to contract if this is the Law of the United States we will submit but if it is not we are willing to take our musket and surve three years Longer.¹¹¹

Almost a year before that letter was written, General Daniel Sickles had nullified South Carolina’s code and proclaimed his

¹⁰⁹ Henry Steele Commager, ed., *Documents of American History*, 3d ed. (New York, 1947), 2:2-5; the codes of several states are paraphrased extensively in Edward McPherson, *The Political History of the United States of America during the Period of Reconstruction* (Washington, D.C., 1875), 29–36.

¹¹⁰ Mississippi Apprentice Act, Commager, *Documents*, 2:3. On parents’ battles against such laws, see Tera W. Hunter, “Household Workers in the Making: Afro-American Women in Atlanta and the New South, 1861–1920” (Ph.D. diss., Yale University, 1990), 6–58; Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven, 1985), 139–42.

¹¹¹ Berlin, *Black Military Experience*, 821.

own elaborate rules of contract and vagrancy, based on the principle "All laws shall be applicable alike to all inhabitants." The following April, Congress enshrined that doctrine in the Civil Rights Act, which made it a crime for any person to deprive another individual of equal rights to make and enforce contracts. When that act in turn was folded into the Fourteenth Amendment to the Constitution later in the year, the right of all men to contract for employment at will had obtained the sanction of national law. The political economist Arthur Latham Perry summed up the ideals of the new order: "society is one vast hive of buyers and sellers, every man bringing something to the market and carrying something off. . . . You do something for me, and I will do something for you, is the fundamental law of society."¹¹²

Black Workers and the Southern Republicans

Just what exertions were to be exchanged for what reward on southern plantations, however, could only be decided by sharp, and sometimes bloody confrontations. Planters' efforts to graft the payment of money wages onto systems of gang labor inherited from slavery ran afoul of two obstacles: they had little cash to advance before sale of the year's crop, and gang labor once the driver's whip was withdrawn maximized workers' solidarities. Planters did learn quickly to dismiss old and infirm former slaves. Even the South Carolina Black Code had departed from the customs of slavery on this score by requiring each black family to maintain its own "old and helpless members." Planters also learned to lay off hands when work was slack. An army surgeon traveling in coastal South Carolina in June 1866 met "several troops" of freed people, "who had just been discharged from plantations and were looking for work they knew not where." After the season's final thinning and weeding, the crop had been "laid by," and there was little work to do until harvest time, when

¹¹² Sickles, quoted in McPherson, *Political History*, 36; Perry, quoted in Stanley, "Contract Rights," 51.

hands could be hired to pick cotton by the pound. Resident workers fought such layoffs by greeting day laborers with great hostility, so as to drive them off and compel the planters to hire and keep year-round hands.¹¹³

Workers' quest for stable employment did not, however, make them amenable to the contractual terms the planters wanted. Some form of wage masquerading as a share of the crop became commonplace as early as the 1866 season, because share payment did not oblige the employer to turn any money over to the worker until the crop was in, and the practice also gave the worker an interest in the size of the harvest. Always at issue, however, was the question of whose labor the planter had hired with that share: that of one person or that of an entire family. No question generated more frequent personal quarrels than the refusal of married women to go to the fields. Moreover, intensive cultivation of the cash crop was best encouraged by placing many croppers on small lots. That maximized the return to the planter at the expense of the worker's standard of living. Battles over the number of families working a plantation could not be separated from disputes over the size of garden plots and the grazing area for livestock to which workers were entitled, or indeed from disputes over whether things other than cotton raised on the plantation belonged to the planter or to the worker. For that matter, to whom did the cotton itself belong before it was ginned and sold? Had the sharecropper any "interest" in the crop other than his year's pay? A major undertaking of the Ku Klux Klan was to intimidate workers from selling "what was not theirs."

In short, even on the resuscitated plantation the laborer sought to rent land for his own use in exchange for paying the landlord

¹¹³Jaynes, *Branches without Roots*, 24–54; Joel Williamson, *After Slavery: The Negro in South Carolina during Reconstruction, 1861–1877* (New York, 1975), 74; Julie Saville, "A Measure of Freedom: From Slave to Wage Labor in South Carolina, 1860–1868" (Ph.D. diss., Yale University, 1986), 223–24; the quotation is on p. 224. General Sickles's code had specified different treatment for jobless long-term residents of plantations from that for drifters.

a share of the crop, while the employer sought to hire the labor power of the worker and his family and to compensate the worker with a specified share of the crop. A Georgia freedwoman recounted a similar battle over household obligations when she returned to the plantation where she had formerly been a slave:

my old Missus asked me if I came back to behave myself & do her work & I told her no that I came back to do my own work. I went to my own house & in the morning my old master came to me & asked me if I wouldn't go and milk the cows: I told him that my Missus had driven me off — well said he you go and do it — then my Mistress came out again & asked me if I came back to work for her like a “nigger” — I told her no that I was free & she said be off then & called me a stinking bitch. I afterwards wove 40 yds. of dress goods for her that she promised to pay me for; but she never paid me a cent for it . . . except give me a meal of victuals.¹¹⁴

Masters' claims to all the workers' time were thus countered by freedpeople's readiness to do specified tasks in exchange for money payment or a share of the crop, plus a home and earth to be used at their own discretion. This encounter was especially damaging to rice planters, whose slaves had spent much of their time in ditching and water-control work, which was to the rice worker what dead work was to the coal miner — arduous and uncompensated. Such controversies ended rice cultivation in some coastal areas. They also induced sugar planters to institute straight-forward day labor and persuaded cotton growers to divide estates into family units.

Workers quickly learned to pledge each other not to work for less than terms to which they had agreed among themselves. Backed by sanctions of ostracism and even violence against non-conformists, former slaves increased the share of the crop offered workers from one-fourth, or the one-third specified by the Freedman's Bureau, to one-half. Their most effective instrument was

¹¹⁴ Berlin, *Freedom*, series 1, vol. 1, *The Destruction of Slavery*, 151.

the paramilitary club, which brought men and women from various plantations together, often on Saturday market days. In response to planters' claims that six days' labor were owed, and to Black Code prohibitions against the bearing of arms by African Americans, the freedpeople appealed to U.S. military authorities that theirs were patriotic gatherings, defending the United States and often drilled by black army veterans. After the Reconstruction Acts of 1867 these armed contingents openly affiliated with the Union leagues and became the most effective agencies for mobilizing Republican votes in the countryside.¹¹⁵

To put it another way: the enfranchisement of black voters by the 1867 Reconstruction Acts grafted the new state Republican parties directly onto existing networks of solidarity, which rural laborers had fashioned in daily struggles around the terms under which they would work for wages. In urban areas (especially Richmond and New Orleans) mutual-aid societies and black trade unions played similar roles. Nevertheless, the black fieldworkers neither created nor led state Republican parties. Like the Reconstruction Acts, the Republican party had been created up North, and invented for purposes rather different from those of the field hands themselves. Consequently, the Republican party simultaneously politicized and restrained the action on the plantation.

In preparation for elections of delegates to state constitutional conventions required by the Reconstruction Acts and in the subsequent balloting for state officials, Republican activists toured the southern countryside (among them more than eighty "colored itinerant lecturers," financed by the party's Congressional Committee). They were welcomed by Union League clubs, which were made up not only of black field and household workers, but often of beleaguered local white loyalists as well. Local economic griev-

¹¹⁵ Saville, "A Measure of Freedom," 232–40; Michael W. Fitzgerald, " 'To Give Our Votes to the Party': Black Political Agitation and Agricultural Change in Alabama, 1865–1870," *Journal of American History* 76 (September 1989) : 489–505; Jaynes, *Branches without Roots*, 45–53. For a wartime offer of one-quarter of the crop, see Berlin, *Black Military Experience*, 327.

ances blended with state and national governmental issues in the clubs' discussions. In fact, it must be said that the distinction between economic and political questions, which was then so finely drawn by white trade unionists, made no sense in African-American organizations.¹¹⁶ Although the support lent by the Republicans to the everyday struggles of rural black workers was substantial, the party never defined its policies in terms of those struggles. Moreover, former slaves representing constituencies of rural men and women never occupied major executive offices, and they appeared in significant numbers in the state legislatures only in the final years of Republican rule in states where that regime persisted into the period 1872–76: Mississippi, South Carolina, Louisiana, Alabama, and Florida.

The new states bore little resemblance to the clientelistic polities of the slave owners, which had tightly circumscribed the role of government. South Carolina's Republicans created tax-supported universal education, built asylums to shelter the aged and poor, subsidized railroad construction, protected tenants and homesteaders against eviction, outlawed payment in scrip that could be redeemed only at plantation stores, allowed election of judges, and ended imprisonment for debt. They incorporated Union League contingents into the state militia, ended the leasing of convict laborers to private employers, and inhibited mob attacks against African-American property owners. Through their power in important legislative committees, leading black Republicans ultimately won control of South Carolina's land commission and used that body to shift estates forfeited to the government during the great depression to black smallholders.¹¹⁷

¹¹⁶ Foner, *Reconstruction*, 283–91; Peter J. Rachleff, *Black Labor in the South: Richmond, Virginia, 1865-1890* (Philadelphia, 1984), 39–51; Fitzgerald, "'To Give Our Votes,'" 495–505.

¹¹⁷ Thomas Holt, *Black over White: Negro Political Leadership in South Carolina during Reconstruction* (Urbana, Ill., 1977), 95–170; Foner, *Reconstruction*, 362–79, and 539–41 on Florida. See also Francis Butler Simkins and Robert H. Woody, *South Carolina during Reconstruction* (Chapel Hill, 1932).

Perhaps most important of all, when disputes over work and crops led planters to charge their workers with contract violation, idleness, or theft, sheriffs and justices of the peace often lent a sympathetic ear to the former slaves. The complaint of a planter that “justice is generally administered solely in the interest of the laborer,” was echoed by the editorial lament of the *Southern Argus* of Selma, Alabama: “There is a vagrant law on our statute books . . . but it is a dead letter because those who are charged with its enforcement are indebted to the vagrant vote for their offices.”¹¹⁸

To be sure, the first priority of southern Republicans, just like that of their northern mentors, was capitalist economic development. Nevertheless, the southern parties lacked the organic links to local economic elites, which secured party hegemony and guided policy in the North. Quite the contrary, the vanquished elites of the South considered the new regimes illegitimate — unworthy of obedience, and certainly unworthy of their taxes. In desperate need of revenues and of experienced and locally prestigious personnel, southern Republicans initially featured white candidates and extended patronage to any established political personality who would accept it. The speedy and violent removal of Republicans from power in Virginia, North Carolina, Tennessee, and Georgia showed the futility of this policy and encouraged African Americans to assert themselves more openly in party circles. Black workers from Richmond, Philadelphia, and Baltimore initiated their own National Labor Congress in 1869. It chastised the Republicans for their timidity on land redistribution, stimulated both urban and rural trade unionism, and demanded the establishment of state labor bureaus to provide wage earners the active protection of government. A leading figure in the movement was Warwick Reed, a one-time slave, tobacco worker, and captain of a black militia unit, who was elected vice-president for Virginia by

¹¹⁸ Foner, *Reconstruction*, 363.

the overwhelmingly white national Industrial Congress in 1874.¹¹⁹

Although leading black Republicans seized the occasion to demand a greater role in their party's affairs, they also expressed anxiety over the strikes and political demands of their constituents. The *New Orleans Tribune*, voice of the historic free black elite, counseled striking black dockers in 1867 "not to jeopardize the future by rushing into some unreasonable excitement."¹²⁰ When a South Carolina black labor convention with three hundred delegates petitioned the state legislature for land distribution, a legal nine-hour day, and labor commissioners in each county to oversee the claims of rural workers, the legislature rejected the proposals after heated debate. A white Republican from the Piedmont proclaimed: "Nobody has ever been able to legislate in regard to labor." He concluded: "The law of supply and demand must regulate the matter." William Whipper, a northern-born black lawyer and outspoken champion of civil rights, who owned a rice plantation himself, agreed. He rejected the inference "that the people as a class are not able to take care of themselves." As if in confirmation of his view, Whipper was taken to court by his own workers for failing to pay them.¹²¹

An acid test of the party's commitments arose when workers on rice plantations along the Combahee River struck against illegal scrip payment in the midst of the decisive election campaign of 1876. Although some prominent Republicans called for forceful suppression of picketing, the local militia was largely made up of strikers, and the challenge to activities in support of the strike came from an armed band of white vigilantes. The famous black

¹¹⁹ On the Republican policy of favoring white candidates, see Holt, *Black over White*, 95-109. On the National Labor Congress, see Rachleff, *Black Labor*, 55-69, 72-78; Philip S. Foner and Ronald L. Lewis, eds., *The Black Worker: A Documentary History from Colonial Times to the Present*, 6 vols. (Philadelphia, 1978-82), 2:37-110.

¹²⁰ Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class, and Politics, 1863-1923* (New York, 1991), 31. The reaction of the *Tribune* to the dock strike of 1865 had been even more hostile; see *ibid.*, 23-25.

¹²¹ Holt, *Black over White*, 161-62.

congressman Robert Smalls personally intervened to separate the antagonists and persuaded the planters to agree to the strikers' demands by obeying the law requiring money wages. Ten arrested strikers were taken before a black trial judge in nearby Beaufort, who set them all free, to the applause of the crowd in the streets.¹²²

By the end of that year, however, the hopes of black men and women throughout the rural South had been crushed. It was not the laissez-faire inclinations of the Republicans that administered the devastating blow, but the triumph of the Democratic "Redeemers." The victors shattered Republican political organizations, wreaking especially bloody vengeance on party activists and on Union leagues. They effectively suppressed the counter-pressures of workers' solidarities in all districts but those where the African-American population was most dense. They placed local sheriffs and judges directly under the authority of the white-supremacist state governments. And they festooned the statute books with legislation regulating in detail the issues of everyday confrontation between planters and workers: vagrancy, enticement, and criminal surety laws; laws restricting hunting rights and enclosing unimproved lands; laws declaring thefts of livestock or sales of standing crops to be felonies; laws giving the landlord or merchant-creditor first lien on the crop; and laws for leasing out to labor the thousands of African Americans sentenced under the new statutes. "The lords of the soil," concluded the defeated Republican Albion Tourgee, "are the lords of the labor still."¹²³ Disfranchisement followed. "It is certain," the *Memphis Daily Avalanche* predicted in 1889, "that many years will elapse before the bulk of the Negroes will reawaken to an interest in elections, if relegated to their proper sphere, the corn and cotton fields."¹²⁴

¹²² Foner, *Nothing But Freedom: Emancipation and Its Legacy* (Baton Rouge, 1981), 90–106.

¹²³ [Albion Tourgee], *A Fool's Errand by One of the Fools* (New York, 1880), 342.

¹²⁴ *Memphis Daily Avalanche*, March 27, 1889, quoted in J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restrictions and the Establishment of*

Southern black workers had been driven from the political arena, while legislation clamped tight judicially enforced controls on their terms of contract. The states had imposed labor discipline on a free market system. Although the southern Republican party continued to battle the worst excesses of the new regime, such as the unrestrained exploitation of convict labor and the shrinking budgets of public schools, it had been reduced to little more than an agency for distribution of federal offices, except perhaps in North Carolina, Virginia, and the Appalachian Mountain region. The Democrats won and retained control of the South by proclaiming themselves the one legitimate white man's party. Their ability to overawe rebellious political movements after the 1870s with the warning that any break in the ranks of white voters threatened to restore Negro rule provided a heavy ballast for property and for white supremacy that would guide the course of the national Democratic party into the 1940s.¹²⁵ Patrick Ford, the editor of the *Irish World*, who worshiped at the shrine of Thomas Jefferson, protested in 1876 that if one asked a "Regular Democrat: *What is a Democrat?* The instant answer from him would be: *A man who hates niggers!* . . . Never before was common sense so impudently outraged. Never before were words so recklessly twisted from their true meaning, Never!"¹²⁶

Northern Industrial Workers and Urban Politics

The white workers of the North, to whom Ford addressed those words, confronted a regime very different from that in the

the One-party South (New Haven, 1974), 111. The best account of Redeemers' legislation is Michael Perman, *The Road to Redemption: Southern Politics, 1869-1879* (Chapel Hill, 1984), 237-63. See also Steven Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850-1890* (New York, 1983), 239-68; W. E. B. DuBois, *Black Reconstruction in America, 1860-1880* (New York, 1935), 670-711.

¹²⁵ John R. Lynch, *The Facts of Reconstruction* (New York, 1913); Rachleff, *Black Labor*, 86-178; C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge, 1951).

¹²⁶ Editorial, *Irish World*, October 21, 1876.

South. They were welcomed into the polity with enthusiasm by all political parties, and they played visible roles in the party controversies that reshaped the Union, abolished slavery, and re-drafted the framework of government to suit the industrious “hive of buyers and sellers,” which Arthur Latham Perry had celebrated. But the triumph of the free market eventually minimized the impact of those parties on everyday affairs and encouraged workers to mobilize their social power outside of the political arena. A brief examination of the leading industrial city, New York, during the Civil War epoch may illustrate this process.

During the 1840s the Democratic, Whig, and Native American parties of New York had all integrated voters into their organizations through ward committees, usually of thirteen to twenty-five members each, which nominated candidates for aldermen, tax assessors, and constables, and also organized vigilance committees of neighborhood activists to mobilize friendly voters and scrutinize unfriendly ones on election day. Ward committees selected delegates to a city general committee, who established a slate for citywide, state, and congressional offices and oversaw periodic conventions where formal nominations were made. Although prominent figures from business and professional life (especially lawyers) dominated top party offices during the forties, tradesmen and artisans contributed the bulk of Democratic and nativist ward representatives.¹²⁷

Fire companies and clubs which grouped men by nationality or occupation sponsored social activities and public spectacles. Licensed cartmen, who were virtually all native-born whites and who often paraded on behalf of Whig nominees, continued a centuries-old tradition of personal ties to leading political figures. Newer contingents in public displays upheld particular causes.

¹²⁷ Anthony Gronowicz, “Revising the Concept of Jacksonian Democracy: A Comparison of New York City’s Democrats in 1844 and 1884” (Ph.D. diss., University of Pennsylvania, 1981), 127–50; Edward Pessen, “Who Governed the Nation’s Cities in the ‘Era of the Common Man’?” in *The Many-Faceted Jacksonian Era: New, Interpretations*, ed. Edward Pessen (Westport, Conn., 1977), 242–60.

Among them were Shiffler Clubs, named in honor of the Philadelphia morocco-dresser apprentice who had been killed fighting Catholics in 1844, and the Empire Club, dedicated to the annexation of Texas and Oregon, whose members were notorious for charging their opponents on horseback. Parliamentary formations appeared with the white-hatted contingents of Wide Awakes created by the Know-Nothings and continued as regular features of Republican parades, but then more ominously equipped with muskets and field uniforms. After the Civil War every party sported its contingents of uniformed veterans — including labor-reform parties — and Chicago's socialists displayed their own armed militia (the *Lehr und Wehr Vereinen*).¹²⁸

The English hatter James Burn, who claimed to have been cured of his youthful Chartist illusions by observing universal suffrage at work in New York, conceded: “It is true the people are amused with processions, illuminations, musical serenades, and other public demonstrations.”¹²⁹ But the political pageantry did more than just amuse voters. It also served to define the nation and its social boundaries. Patriotism was trumpeted by all processions of vote seekers. Flags, soldiers, war heroes, and stirring march music were indispensable. Women were restricted to ceremonial or allegorical roles in these thoroughly masculine rituals, in contrast to their appearance in temperance and trade-union processions as marchers, albeit in decorous attire and flanked by contingents of dignified-looking men.¹³⁰ The respectability of the

¹²⁸ Gronowicz, “Revising the Concept”; Montgomery, “Shuttle and the Cross,” 432. On the Wide Awakes, see John Bach McMaster, *A History of the People of the United States: From the Revolution to the Civil War* 8 vols. (New York, 1910), 8:85–87. On Chicago socialists, see Nelson, *Beyond the Martyrs*, 138–51.

¹²⁹ [James D. Burn], *Three Years among the Working-Classes of the United States during the War* (London, 1865), 251.

¹³⁰ Davis, *Parades and Power*, 47, 149, 157; Michael E. McGerr, *The Decline of Poplar Politics: The American North, 1865–1928* (New York, 1986); Paula Baker, “The Domestication of Politics: Women and American Political Society, 1780–1920,” *American Historical Review* 89 (June 1984): 620–47; Mary H. Blewett, *Men, Women, and Work: Class, Gender, and Protest in the New England Shoe Industry, 1780–1910* (Urbana, Ill., 1988), 130–62.

citizenry was underscored by the studious exclusion of African Americans. In fact, for those who were deemed fit to be slaves to appear even in their own parades for temperance or in celebration of Britain's Emancipation Day was to invite ridicule, and often physical attack.¹³¹

Electioneering was also expensive, and the funds needed to finance it were generated by the role of municipal government in the city's physical expansion. Two crucial innovations of the 1850s had attached New York's contractors and developers securely to the dominant Democratic party. First, the financial district emerged as one of the world's leading capital markets. Prominent bankers, shippers, and railroad developers, like August Belmont, John A. Dix, and Samuel Tilden, based their activities in the city and linked their fortunes to the Democratic party and its policies of expansionism, free trade, and conciliation of slavery. Second, the same securities markets provided the means for urban development through deficit financing — a practice the Tweed Ring ultimately developed into a fine art. In 1852 the city began funding its streets, sewers, gas works, wharves, schools, and other construction through bond issues. This meant that contractors could be paid before a project was completed and local assessments collected. As a result, smaller firms could bid for projects that would previously have required much greater capitalization. In addition, taxes could be kept down while expenditures swelled. Municipal improvements raced ahead, and competing contractors scrambled to improve their chances by donations to party coffers and employment of workers recommended by party leaders.¹³²

¹³¹Such attacks in Philadelphia have been the most closely examined. See Davis, *Parades and Power*, 46; Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720–1840* (Cambridge, Mass., 1988), 172–211, 253–59. For New York, see Blackmar, *Manhattan for Rent*, 52–53, 172–75.

¹³²Bernstein, *New York City Draft Riots*, 200–201; Alfred B. Chandler, Jr., *The Visible Hand: The Managerial Revolution in American Business* (Cambridge, Mass., 1977), 92–94. The city did not adopt the plan of the Industrial Congress that the government employ workers at union scales to construct its own improvements. See Bernstein, *New York City Draft Riots*, 88–89.

Despite New York's position as the country's leading port, similar developments occurred in other cities, though often with different partisan implications. In Philadelphia, for example, the Republican party played the developer's role and mustered even the Irish-American contractors to its side.¹³³ In manufacturing and mining towns throughout New England and the Middle Atlantic states large numbers of old stock and British immigrant workers moved through life in networks of Protestant chapels, temperance societies, and reading and discussion societies, which drew them into the orbit of the Know-Nothing and Republican parties. Like other Republicans they espoused active use of the government's coercive, financial, and administrative powers to "improve" social life.

The future socialist Judson Grenell, who swore off the bottle lest he become another "blear-eyed bum printer," and moved west to Detroit at the invitation of his brother, a Baptist preacher, who provided a job in the composing room of the *Michigan Christian Herald*, followed this political path. So did the first secretary of the United Mine Workers, Robert Watchorn, whose every step from Derbyshire to Pennsylvania was guided by contacts in the Primitive Methodist Church, and who ended his days a prosperous businessman and benefactor of Methodist charities. Philadelphia's champions of the imprisoned poor, William Mullen and William D. Kelley, were labor-reform activists who were drawn through self-improvement networks into Republican circles, as were Boston's George McNeill and Edward Rogers. Such men guided the numerous, though volatile, working-class Republican clubs of the sixties.¹³⁴

The peculiar society created by the nation's dominant port, however, confined the Republicans to a permanent minority posi-

¹³³ Dennis Clark, *The Irish in Philadelphia: Ten Generations of Urban Experience* (Philadelphia, 1973), 138–32; A. K. McClure, *Old Time Notes of Pennsylvania*, 2 vols. (Philadelphia, 1905).

¹³⁴ Judson Grenell, "Autobiography" (Michigan State University Archives and Historical Collections); Robert Watchorn, *The Autobiography of Robert Watchorn*, ed. Herbert Faulkner West (Oklahoma City, 1958); Steinberg, *Transformation of Criminal Justice*, 112–13, 157–61; Montgomery, *Beyond Equality*, 201–10, 249–51.

tion in New York and focused political activity on rival clubs within the Democratic fold. Few white Republican workers were found in the city. Even those worker advocates of land and housing reform in Manhattan who collaborated with prominent Republicans on specific issues, proclaimed their personal independence of all “party thralldom.” Some neighborhoods, like the large ship-building area along the East River, where employers still resided alongside predominantly native ship carpenters and caulkers, had lent strength to nativist parties; but the huge enterprises where metal ships were fabricated just to the north were staffed entirely by immigrants, who were ardent Democrats — and their products were rendering the wooden ships obsolete.¹³⁵

It was to the Democratic party that they flocked, in Mike Walsh’s words, to “get a taste of the equality which they hear so much preached, but never, save there, see even partially practiced.”¹³⁶ They subscribed to the Jeffersonian doctrines of the prominent editor of the *Democratic Review*, John L. O’Sullivan: “It is under this word *government*, that the subtle danger lurks.” The party which upheld the personal and property rights of the street vendor, the holiday reveler, the patron of the Bowery Theater, the celebrator of Saint Monday, the volunteer fireman, the Catholic schoolchild, the family relaxing in a German beer garden, the striker, the merchant, and the slave owner mustered their support in opposition to the active-government party of the Protestant industrialists. “Government [wrote O’Sullivan] should have as little as possible to do with the general business and interests of the people. . . . Its domestic action should be confined to the administration of justice, for the protection of the natural

¹³⁵ Blackmar, *Manhattan for Rent*, 101; Leonard A. Swann, *John Roach, Maritime Entrepreneur: The Years as Naval Contractor, 1862–1886* (Annapolis, Md., 1965). On New York’s working-class land reformers, see Lewis Masquerier, *Sociology; or, The Reconstruction of Society, Government, and Property, upon the Principles of Equality . . . Giving All the Liberty and Happiness to Be Found on Earth* (New York, 1877); Helene S. Zahler, *Eastern Workingmen and National Land Policy, 1829–1862* (New York, 1941).

¹³⁶ Quoted in Gutman, *Work, Culture, and Society*, 56.

equal rights of the citizen, and the preservation of social order. In all other respects, the VOLUNTARY PRINCIPLE . . . affords the true “golden rule.”¹³⁷

In neither of his presidential election campaigns did Abraham Lincoln obtain as many as 35 percent of New York’s votes. Republicans dominated the areas of central uptown Manhattan, where the bourgeoisie had clustered their new homes, and they reached deep into the fabric of daily life through such institutions as the Association for Improving the Condition of the Poor. The prominent young men of the publishing world who joined forces with scions of the city’s oldest mercantile families during the war to form the Union League Club, called by its founder Frederick Law Olmsted, the “club of the true American aristocracy,” shaped the thinking of the reading public across the land.¹³⁸ To obtain the police force, poor laws, and morals legislation they desired to regulate their own city, however, the Republicans had to appeal to the state government in Albany. In the Astor Place theater riot of 1849, the police attacks on striking tailors in 1850, and the war of the “Bloody Oulde Sixth” ward against the metropolitan police in 1857, those impositions had produced violent clashes with the impoverished residents of tenement neighborhoods where clothing and shoes were fabricated.¹³⁹

In July 1863 these antagonisms erupted in the bloodiest urban violence in the country’s history, with consequences that significantly changed the relationship between workers and the Democratic party. Enforcement of the federal conscription law provoked

¹³⁷ *United States Magazine and Democratic Review* 1 (January 1838): 2–15, reproduced in *Ideology and Power in the Age of Jackson*, ed. Edwin C. Roswencz (Garden City, N. Y., 1964), 300–319; the quotations are on pp. 306, 308.

¹³⁸ Bernstein, *New York City Draft Riots*, 55–56, 129–31.

¹³⁹ Wilentz, *Chants Democratic*, 358–59, 378–80; Lawrence Levine, *Highbrow, Lowbrow: The Emergence of Cultural Hierarchy in America* (Cambridge, Mass., 1988), 63–68; Richard Moody, *The Astor Place Riot* (Bloomington, Ind., 1958); Carol Groneman, “The ‘Bloody Oulde Sixth’: A Social Analysis of a New York City Working-Class Community in the Mid-Nineteenth Century (Ph.D. diss., University of Rochester, 1973).

a violent popular assault on Republican notables, on the agencies through which they governed the city affairs from Albany and Washington, and on African Americans, whose cause of emancipation the Republicans had embraced. The law, which made “able-bodied male citizens” eligible for conscription but allowed both commutation for a fee of \$300 and the purchase of substitutes, came in the wake of the futile battlefield carnage of the winter of 1862–63 and the president’s announcement of emancipation for slaves behind Confederate lines. A provost marshal in each conscription district was empowered to administer the law, to imprison obstructionists and deny them the writ of habeas corpus, and, if need be, to call upon detachments of the army to impose martial law. Some coal-mining areas of Pennsylvania were under martial law for a year and a half. The future member of Parliament John Wilson of Durham later recalled working near such a region. Someone who uttered “a word of praise of Lincoln,” he wrote, “if not sure of his company, need not have been surprised if he was called upon to look into the barrel of a revolver or a rifle.” In those mining towns Lincoln’s assassination evoked only cheers and mockery.¹⁴⁰

As Iver Bernstein’s splendid account of the New York uprising reveals, the battle developed through three successive but overlapping phases. It began early Monday morning with a general strike, rolling out of the riverside industrial areas of the upper West Side, and spread by marchers who toured Manhattan closing down work. The Black Joke fire company, whose leader was a Democratic alderman and municipal contractor, led an assault that destroyed the district provost marshal’s office, while other groups vandalized the homes of prosperous Republicans. Late in the day the character of the crowds began to change. The infamous assault on the Colored Orphanage Asylum, which destroyed the building

¹⁴⁰ Grace Palladino, *Another Civil War: Labor, Capital, and the State in the Anthracite Regions of Pennsylvania, 1840–68* (Urbana, Ill., 1990); John Wilson, *Memories of a Labour Leader* (Fife, Sussex, 1980), 172, 178–80.

though the children escaped, inaugurated three days of lynchings of black men and women and devastation of their dwellings. At the same time the fire companies, including the Black Joke, reversed course and began extinguishing fires, often in defiance of people by whose sides they had attacked buildings earlier.

Having made their protest against the draft and effectively halted it, the fire companies and most trade unions (with the notable exception of the largest: the Longshoremen's Association) withdrew from the action. So too did the impoverished outworkers of the Bloody Oulde Sixth — leaving the historic heartland of New York riots remarkable quiet. Moreover, the workers of Kleindeutschland, the German neighborhood above the eastern bulge of lower Manhattan, barricaded and patrolled their neighborhood against all outsiders. They were subsequently to provide decisive votes for the victory of the anti-Tammany Democrat C. Godfrey Gunther in the fall mayoral elections. Their newspaper, the *New York Arbeiter-Zeitung*, expressed animosity toward their Irish neighbors as virulent as their own opposition to the draft: "These [Tammany voters], nine-tenths of them Irish, stand, as everyone knows, at no higher a cultural level than Russian peasants. . . . Their drunkenness makes them in most instances willing tools of the most coarse and depraved swindlers."¹⁴¹

The battle which raged on through Tuesday and Wednesday was sustained by two main groups. Waterfront workers killed black men and women or drove them from the neighborhoods and sacked brothels and taverns. There was vicious irony in the fact that local crowds were cleansing their communities of the interracial sociability and vice that reformers had long described as signs of those districts' degradation. Farther north, in the newer manufacturing areas along the two riverfronts, industrial workers and their families pummeled policemen to death, sacked wealthy mid-town homes and offices of Republican periodicals, and systematically erected barricades to seal off their parts of the city.

¹⁴¹ *Arbeiter-Zeitung*, September 10, 1864; my translation,

These were the barricades smashed on Wednesday and Thursday by the five regiments of soldiers withdrawn from the Gettysburg front. Some of their antagonists shouted cheers for Jeff Davis; others waved American flags. In their final assault, soldiers fought house to house eastward along Twenty-second Street, clearing the streets with grapeshot and driving tenement dwellers from their rooftops with bayonets. New York City had been retaken by the federal government.¹⁴²

The riots reshaped New York's politics in such a way as to give control of the Democratic party, and of the city government, for the next eight years to the Tweed Ring. Its rule permanently changed the relationship between the party and workers, in a manner that typified the new urban politics. Tweed and his cohorts dressed themselves in patriotic garb, while calling for an end to Republican "tyranny." In 1864 Tammany ardently supported the nomination of General George B. McClellan for president and featured soldiers in blue at its public manifestations. But it also effectively exempted the city of New York from the draft for the rest of the war by having the city council appropriate more than a million dollars to pay the \$300 commutation for any needy conscript who applied. At the same time, not only did Tammany celebrate the example of Alderman Peter Masterson of the Black Joke Fire Company, who had protested the draft but then safeguarded his community's property, but its own future mayor A. Oakey Hall vigorously prosecuted the trials of scores of arrested rioters. Claims of black victims were studiously ignored by the city, leaving assistance for the city's rapidly diminishing black population up to the Union League.

The support Tammany had long enjoyed from building contractors was now augmented by that of immigrant manufacturers and proprietors downtown, whom the war had enriched. For the rest of the century American-born voters of Irish descent remained

¹⁴² Except where citations specify otherwise, this account is based on Bernstein, *New York City Draft Riots*, 17–42, and Montgomery, *Beyond Equality*, 101–7.

the Tammany stalwarts — not the recent immigrants. Moreover, artisans and other workers, whose presence had been so noteworthy in the 1840s, virtually disappeared from the membership of party committees. By reinvigorating construction with deficit spending on an unprecedented scale, Tweed not only kept employment levels high but even dulled the antagonism of the Republican elite. Tammany also marginalized the former mayor and Peace Democrat Fernando Wood, who did not leave politics but did leave his former bailiwick, the Bloody Oulde Sixth, to return to Congress with votes from the shantytowns on the periphery of New York's northward growth.¹⁴³

The trade unions grew rapidly after the war, coordinated by two citywide delegate bodies: an English-language Workingmen's Union and a German-speaking Arbeiter-Union. They were spurred on not only by the prosperity of the construction, shipping, and consumer-goods industries, but also by the fact that the new edifices expanded the city and redesigned its commercial heart without breaking up the working-class neighborhoods, which had stood behind the barricades of 1863 (unlike Georges Haussmann's Paris). When Governor Reuben Fenton, a Republican, refused to apply his party's doctrine of the active state to enforcement of the "legal eight-hour day" recently enacted by the state legislature, the bricklayers struck in 1868, and contractors responded with conspiracy prosecutions of the unions. Tammany leader Peter B. Sweeney assured a reporter that his party was "sound on all questions affecting the laboring interests," considered the limitation of working hours to eight for the sake of "moral and intellectual improvement . . . an established maxim," and would urge repeal of the "odious and absurd" conspiracy law. "Submission to strikes,"

¹⁴³ Bernstein, *New York City Draft Riots*, 52–77, 196–99, 205–8, 215–16; Montgomery, *Beyond Equality*, 107–13; Martin Shefter, "The Electoral Foundations of the Political Machine: New York City, 1884–1897," in *The History of American Electoral Behavior*, ed. Joel H. Silbey, Allan G. Bogue, and William Flanigan (Princeton, 1978), 263–98; Gronowicz, "Revising the Concept." On immigrant manufacturers, see Gutman, *Work, Culture, and Society*, 211–33.

he added, “will, after a while, be a necessity, and the excesses, if any, in the claims made for the time being must be left to the after good sense and sober second thought of the unions.” Small wonder the attempt by union leaders and socialists to challenge Tammany at the polls in 1869 had pathetic results. Sensing that its opposition to black enfranchisement was by then costing more votes than it was winning, especially among German workers, however, the Tweed Ring switched its target to the Chinese. In 1870 it joined the unions in a huge rally against the immigration of “coolie labor” to the United States.¹⁴⁴

Nevertheless, the ability of an exuberantly nationalistic party with business and professional leaders cultivating a lucrative real estate market by deficit financing to retain the benevolent neutrality of manufacturers and bondholders, as well as the loyalty of an increasingly well organized working class did not survive beyond the fall of 1871. It was then that a parade of Orangemen, inspired by the Belfast militancy of 1867–68, brought bloody collision between soldiers and workers back to the city’s streets and enraged the Protestant establishment against the Tweed Ring. In the following months an Executive Committee of Citizens and Taxpayers for Financial Reform organized a concerted refusal by 1,000 leading property owners to pay taxes until the city’s books were audited. A strike of stonecutters stimulated new marches by large numbers of workers from the industrial neighborhoods of the Upper East Side down to city hall — this time featuring Irish, Germans, and Britons *joined* by black workers, all in tightly formed trade-union ranks, denouncing the reckless developers of the city for forcing workers into “tenement rookeries,” and ending with a thunderous vote to “throw off all allegiance to the Democratic party.” Simultaneously, the *Arbeiter-Zeitung*, the *Times*, and the *Tribune* all attacked the ring. The latter two papers collabo-

¹⁴⁴ Montgomery, *Beyond Equality*, 189–90, 323–26; Bernstein, *New York City Draft Riots*, 211–15, 225–26; the quotation from Sweeney is on pp. 214–15.

rated in circulating an anti-Tweed pamphlet, on the cover of which the feminine figure of "Reform" beckoned New Yorkers away from a hideous mob of murderers and pillagers, who were waving flags emblazoned "Commune," "Hibernia," and "Socialism, Robbery, Arson."¹⁴⁵

Attacked from many sides, the previously invincible Tweed Ring was abruptly toppled from power. Not only did the city's Democrats dissolve into half a dozen competing clubs for the rest of the century, but the major social confrontations of the ensuing decades were fought outside the arena framed and controlled by political parties. With city expenditures pared to the bone during the seventies, and larger factories leaving for more spacious surroundings, unemployment soared, while the provision of relief came effectively under the control of the Association for Improving the Condition of the Poor, and its offspring, the Charities Organization Society. No major efforts were made to plan city development through government agencies during the next twenty-five years. The future of trade unions and the eight-hour day were decided by the strikes of 100,000 workers in 1872, when concurrent cessations of work by construction, wood, and metal workers were successfully challenged by the city's largest employers, organized in an Employers' Central Committee against what one leader called "the spirit of communism behind this movement." No politician could influence the outcome.¹⁴⁶

¹⁴⁵ Montgomery, *Beyond Equality*, 378–79; Bernstein, *New York City Draft Riots*, 233–34; *Civil Rights. The Hibernian Riot and the "Insurrection of the Capitalists."* *A History of Important Events in New York in the Midsummer of 1871* (New York, 1871). On Belfast see Peter Gibbon, *The Origins of Ulster Unionism: The Formation of Popular Protestant Politics and Ideology in Nineteenth-Century Ireland* (Manchester, 1975), 99–102.

¹⁴⁶ John W. Pratt, "Boss Tweed's Public Welfare Program," *New York Historical Society Quarterly* 45 (October 1961), 396–411; [E. L. Godkin], "Labor and Politics," *Nation* 14 (June 13, 1872): 386–87. On the end of planning in New York, see David M. Scobey, "Empire City: Politics, Culture, and Urbanism in Gilded-Age New York" (Ph.D. diss., Yale University, 1989), 450ff. On employers' resistance to the eight-hour-day strikes, see [Adam S. Cameron], *The Eight Hour Question* (n.p., n.d.); the quotation is on p. 7.

The Ebb Tide of State Activism

“Universal suffrage,” Charles Francis Adams, Jr., had written in 1869, “can only mean in plain English the government of ignorance and vice: — it means a European, and especially Celtic, proletariat on the Atlantic Coast, an African proletariat on the shores of the Gulf; and a Chinese proletariat on the Pacific.”¹⁴⁷ Despite well-publicized efforts during the 1870s to restrict voting in New York’s municipal elections to property owners and despite ruthless attacks on African-American activists and organizations in the South, formal voting rights remained intact, at least until the last decade of the nineteenth century. Moreover, courtship of popular support by political parties lost none of its ardor or its patriotic trappings, and the turnout of voters for national elections remained high.¹⁴⁸ What declined was the influence of elected government itself over the nation’s social and economic development.

Adams’s castigation of government as little more than obstacle to the important work carried on by eminent men in civil society was echoed by the leading personalities of the late-nineteenth-century labor movement. Self-organization, temperance, lectures, self-education, cooperatives, union rules and boycotts to impose a mutualistic morality on the marketplace, and strikes when all else failed — these became the favored weapons of the workers’ movement. Labor organizations continued to lobby vigorously in state legislatures for specific measures to regulate mine, railroad, and

¹⁴⁷ Quoted in Foner, *Reconstruction*, 497.

¹⁴⁸ On the proposed property qualifications for New York City elections, see editorial, *Irish World*, April 14, 1877. For opinions about African-American suffrage, see James G. Blaine et al., “Ought the Negro to Be Disfranchised? Ought He to Have Been Enfranchised?” *North American Review* 128 (March 1879): 225–83. On voting participation, see Paul Kleppner, *The Cross of Culture: A Social Analysis of Midwestern Politics, 1850–1900* (New York, 1970); Samuel T. McSeveney, *The Politics of Depression: Political Behavior in the Northeast, 1893–1896* (New York, 1972); McGerr, *Decline of Popular Politics*, 12–45; Baker, “Domestication of Politics.” A good critique of recent studies of political behavior can be found in Richard Oestreicher, “Urban Working-Class Political Behavior and Theories of American Electoral Politics, 1870–1940,” *Journal of American History* 74 (March 1988): 1257–86.

factory employment, but even when they were successful, court rulings either held such acts unconstitutional or upheld the authority of employers to direct their enterprises as they wished, despite the legislated restrictions.

Although the formula of collective self-help guided workers through major confrontations and even provided the venue for the first hesitant manifestations of interracial cooperation among workers, it turned out to be as unsatisfactory as it was unstable. The coercive force of government, usually guided by the judiciary, which was not elected, and by increasingly professionalized city police forces, intervened heavily against workers' collective activity that violated the norms of the free market. As became especially apparent during the great depression of the 1890s, there was no way collective self-help could cope with the devastation of massive unemployment. Above all, unrestrained market activity reduced urban living to squalor. During the ebb tide of bourgeois municipal reform in the 1870s and 1880s, working-class civic consciousness stimulated widespread political movements to clean septic canals; build community bath houses; vaccinate schoolchildren; erect reading rooms, parks, and community centers; and relax harsh vagrancy and poor-relief regulations.¹⁴⁹

All these efforts encouraged the labor movement to summon its constituents away from "party tyranny." A ruling by General Master Workman Powderly prohibited "electioneering for any candidate in the Sanctuary" of a Knights of Labor Assembly. "Our order," he explained, "teaches MAN his duty by educating him on the great question of labor."¹⁵⁰ By the end of the century a favorite scheme in trade-union circles for circumventing both

¹⁴⁹ Estelle Feinstein, *Stamford in the Gilded Age, 1868-1893* (Stamford, Conn., 1974); Leon Fink, *Workingmen's Democracy: The Knights of Labor and American Politics* (Urbana, Ill., 1983); Richard Oestreicher, *Solidarity and Fragmentation: Working People and Class Consciousness in Detroit, 1875-1900* (Urbana, Ill., 1986).

¹⁵⁰ "Decisions of the Grand Master Workman, No. 65," *Record of the Proceedings of the Fourth Regular Session of the General Assembly, Held at Pittsburgh, Pa., Sept., 7-11, 1880* (n.p., n.d.), 258.

party rule and judicial protection of the claims of property was legislation by voters' initiative. As the poet Michael McGovern put it:

When parties you've elected to
 Direct (and rob) the nation,
 Had not your interest in view,
 'Tis time to try what you can do
 Through Direct Legislation.
 On this reformers can unite
 And vote for reformation.
 Then wrongs which judges will call "right"
 Will disappear before the light
 Of Direct Legislation.¹⁵¹

As Secretary Augustine McCraith of the Typographical Union warned advocates of any and all social reforms among his fellow trade unionists, however, the legacy of party loyalties derived from the Civil War epoch remained very much intact, long after the parties had ceased to provide effective instruments of social power to either white or black workers. Go "into a ward room rally," he advised, and there anyone would find "that sectarian prejudice reigned supreme, that the average voter casting his ballot is not a free man, but a one idead, corked up zealot on the old questions that were fought over in the days of Mary and Elizabeth."¹⁵² Despite Charles Francis Adams's belief that affairs that mattered most to social development were beyond the reach of government, one major party or another ruled every municipality. They were loose associations of officeholders, closely allied to local entrepreneurs (especially municipal contractors and lawyers) and to the recognized leaders of ethnic communities. Some mayors, like the Democrat Carter Harrison of Chicago and the Republicans Hazen Pingree of Detroit and Thomas Hannan of Kansas City, championed many demands of workers and distributed patronage

¹⁵¹ McGovern, "Squeezing His Lemons," 66–67.

¹⁵² Augustine McCraith to *Labor Leader* (Boston), December 23, 1893.

liberally to labor leaders. The hegemony of major parties was incessantly challenged by bourgeois Law and Order leagues and by Union Labor, Greenback, and Socialist tickets, but it was never overthrown for long.¹⁵³

At the close of the nineteenth century, on the eve of a dramatic expansion of corporate and governmental power, American workers had still been unable to fashion a cluster of trade, civic, and political organizations through which they could rescue their own destiny from the dictates of the market. It may well be, however, that the cooperative values with which they challenged those laws can provide sound guidance to the even more desperate effort to rescue life on this planet in which we and our children are engaged.

¹⁵³ Richard Schneirov, "The Knights of Labor in the Chicago Labor Movement and in Municipal Politics, 1877–1887" (Ph.D. diss., Northern Illinois University, 1984); Melvin G. Holli, *Reform in Detroit: Hazen S. Pingree and Urban Politics* (New York, 1969); Steven J. Ross, *Workers on the Edge: Work, Leisure, and Politics in Industrializing Cincinnati, 1788–1890* (New York, 1985); Nelson, *Beyond the Martyrs*; David M. Scobey, "Boycotting the Politics Factory: Labor Radicalism and the New York City Mayoral Election of 1884 [sic]," *Radical History Review* 28–30 (1984): 280–326; Michael Cassity, *Defending a Way of Life: An American Community in the Nineteenth Century* (Albany, N.Y., 1989).