

*FORGING RIVALS:
Race, Class, Law, and the Collapse of Postwar Liberalism*

BY REUEL SCHILLER

REVIEWED BY WILLIAM ISSEL*

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Forging Rivals is a fascinating, and original, analysis of twentieth century United States political history. Reuel Schiller makes a compelling case for the role of legal history, specifically the history of the clash of two competing legal doctrines, in the rise and fall of Democratic Party liberalism from the early 1940s to the early 1970s. Liberalism's demise, often ascribed to the shortcomings, misjudgments, and failures of the Truman, Kennedy, Johnson, and Carter administrations' policies, and public rejection of federal government activism, was actually a far more complex phenomenon. The limited success of liberalism was also the product of a bitter divorce that ended what many imagined would be a happy marriage between the labor movement and the civil rights movement. The breakup was messy, and perhaps inevitable, with the two parties more often talking past one another than communicating effectively because they differed on how to use the law to achieve "the blessings of liberty." Their irreconcilable differences were rooted in what Schiller defines as "legal and institutional contradictions," which were in turn traceable to the conflicting "legal regimes" of labor law on the one hand and the law of employment discrimination on the other.

Schiller begins with a capsule history of how New Deal liberalism was "forged" in a way that would bedevil labor union and civil rights cooperation from the beginning. New Deal labor law reforms did not undo the right of white employees and employers to maintain, if they chose to do so, racial segregation and racial differentials in hiring, promotions, pay rates, and workplace conditions. Nonwhite workers challenged this feature of the New Deal Order as an egregious case of old racist wine in new administrative law bottles and demanded the addition of fair employment practices law to the liberal agenda. Predictably, white labor tended to regard the new fair employment rules to be as unwelcome an intrusion into their affairs as

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did business. From the early 1940s through the 1960s, the result was continuous conflict between white labor leaders and civil rights leaders and their respective memberships. A relationship that was rancorous from the start only got worse as the parties clashed in one after another episode of bickering, with the crackup following closely on the heels of the black nationalist turn in the civil rights movement in the mid-1960s.

Schiller ably develops his argument that postwar liberalism's legal infrastructure did more to forge rivals than to facilitate cooperation between the labor movement and the civil rights movement. His method is to provide "thick description" of the ways the two parties constructed incompatible legal regimes in cooperation with the executive, legislative, and judicial branches of federal, state, and local governments. His five vividly written vignettes from the San Francisco Bay Area nicely illustrate the complexities in the legal wrangling that developed in California and all across the nation. He shows how public officials, civil rights leaders, labor union bureaucrats, and ordinary employees with workplace grievances involved themselves in bitter disputes from the early years of World War II to the end of the Vietnam War. More often than not, the unanticipated consequences of their actions influenced the degree to which they could obtain justice under the law as much as, or even more than, their original intentions. By 1966, in one especially fraught San Francisco case, labor union officials forthrightly condemned a local civil rights ordinance as "intrusion into collective bargaining" that they were duty bound to "resist." The city's CORE president, unmoved, declared simply that "I don't give a damn about the labor unions." (p. 174)

Schiller uses a wide range of primary sources, including twenty-one archival collections and interviews, and synthesizes a fully up-to-date selection of local and national secondary sources that document the intersections of race, class, and law in the history of postwar liberalism. In its focus on legal history as integral to the origins, development, and demise of postwar liberalism, this book breaks new ground and makes a significant contribution to the fields of both legal history and political history. *Forging Rivals* will be of great value in undergraduate and graduate courses. Schiller's story of the complexities and contingencies of the liberal project beautifully weaves both "agency" and "structure," and most importantly law and institutional history, into the narrative of twentieth-century American politics and policy.