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Labor: Freedom and Coercion

BOTH RACE AND GENDER have been incorporated as fundamental organizing axes of the labor system in the United States, and in turn the labor system has been organized in ways that create and re-create race-gender categories and relationships. This was true both in the early republic and during the antebellum period, when the economy was still primarily agrarian and characterized by small producers, and after the Civil War and at the turn of the century, when the economy was being transformed by industrialization and monopoly capital.

The democratizing movement for political equality among white men in the early nineteenth century led to a shift in the meaning of economic independence, which had long been defined in terms of property ownership. White male independence came to be anchored in the notion of “free labor.” For free labor to emerge as a supposed source of independence, it had to be distinguished from “unfree labor.” Thus there was a gradual differentiation in which statuses between freedom and slavery, such as indentured servitude and master-servant relations, were eliminated for native white men while continuing for blacks and other people of color (and sometimes immigrants). The category of unfree labor thus became racialized as nonwhite at the same time that free labor was racialized as white. What did not change was the assumption that independent manhood entailed control of and ownership of wives’ and children’s labor. This meant that women were

excluded from the category of free labor and therefore from economic independence. The status of free labor proved precarious, however, threatened on one side by growing capitalist industrialization, which was displacing the small-producer economy, and on the other side by the existence and spread of racial slavery.

The Civil War removed one of the threats: slavery, as well as indenture and peonage, was formally abolished, rendering all men free laborers in a system regulated by the legal doctrine of “liberty of contract.” It did not remove the other threat, industrial capitalism, which in fact mushroomed after the Civil War. The central question is why and how in the new capitalist industrial labor system, in which, according to the operative myth, race and gender ought to have been irrelevant, they instead became central organizing features. Part of the answer lies in the continuation of older common law traditions. Women continued to be excluded from “free labor” protections because the common law marriage contract obligated wives to provide labor for their husbands. The Elizabethan-era obligation of the poor to work was revived in expanded vagrancy laws which subjected the poor, but especially those of color, to forced labor.

The other part of the answer lies in the changes brought about by capitalism itself. First, capitalist industrialization reorganized production and reproduction, removing much production from the home and drawing men into the labor force to work for wages and leaving reproduction to be carried out as unpaid work by women at the household level. This led to a greater separation and demarcation of home and work, to differential valuation of men’s and women’s work, and to a secondary disadvantaged position for women in the labor market.¹ Second, capitalist industrialization was characterized by cyclical crises, new class formations, and heightened conflicts between capital and labor, between capitalists in different sectors, and between different segments of workers. The main conflict was between capital and labor, as workers resisted the new disciplinary regimes, deskilling, and relentless downward pressure on wages. These conflicts often took the form of competition between male and female or white and nonwhite workers, as capitalists sought to drive down wages by hiring cheaper and more docile workers—those with less political leverage. Simultaneously, higher-priced workers used whatever leverage they had to keep cheaper workers out of desirable jobs and industries. Complex

patterns of labor market segmentation and segregation can be seen as an unstable compromise that ultimately benefited capital by fragmenting workers into smaller interest groups and hampered coalitions across race, gender, skill, nativity, and other lines. Capitalist industrialization both incorporated existing race/gender hierarchies and reformulated and rearticulated race/gender relationships.

Despite the abolition of slavery and bonded labor, coercion persisted in the labor system. Certain regions and industries that disproportionately employed labor of color adopted debt peonage and other restrictions on their mobility. The denial of full citizenship to people of color and their subjection to coercion in the labor market were thus mutually created.

Antebellum Labor

The concept of labor, particularly free labor, has held a pivotal position in the definition of white manhood since the early republic. This was perhaps inevitable given the existence of chattel slavery in a nation founded on principles of freedom. Just as the United States developed a duality in the structure of citizenship, it also developed duality in the labor system: free labor for whites and unfree labor for blacks and other subordinated minorities, such as Native Americans, Mexicans, and Asians. The demarcation between free and unfree labor evolved over time, and the line was drawn differently in different periods.

Labor and Independence in the Early Republic

According to Eric Foner the dignity of labor was a central tenet of American culture from the very beginning. This characteristic reflected the early settlers' Calvinist beliefs, a central element of which was the conviction that each man had a calling or occupation to which he was divinely appointed. Success in one's calling was a way of serving God on earth. Labor was thus transmuted into a religious value, a Christian duty. More was involved than simply the "Protestant Ethic," however. Grafted onto the belief in the sacredness of work was a vision of the United States as a dynamic growing society, in which individuals could improve their lot through hard work. Striving was important not just for personal advancement but also for societal progress. Patriotic

Americans believed that the nation was destined to advance because its people were hardworking and public spirited. It was precisely these qualities that distinguished Americans from Indians, who had failed to husband resources and subdue nature, and from Europeans, whose advancement was stunted by an unproductive aristocracy.²

According to Judith Shklar, “the sheer novelty of the notion of the dignity of labor in general and as an essential element of citizenship, can scarcely be exaggerated.” In the European tradition, Shklar notes, it was almost universally believed that physical labor was defiling. Ancient philosophers had “regarded productive and commercial work as so degrading that it made a man unfit for citizenship.” Shklar argues that these attitudes continued in European society for centuries, institutionalized in the division of society into three strata: “those who pray, those who fight and”—the lowest stratum—“those who labor.”³

To early-nineteenth-century European visitors, Americans appeared to have an inordinate desire for improvement and an overweening confidence in being able to achieve success. Tocqueville commented that “the first thing that strikes one in the United States is the innumerable crowd of those striving to escape from their original social conditions.” To Tocqueville and other contemporary observers, the desire for advancement lent American life an aspect of almost frenetic activity and motion as Americans moved from place to place and from occupation to occupation. The spirit was apparent in the steady stream of settlers who abandoned eastern homes to seek fortunes in the West. Those who migrated were not the destitute but rather middle-class farmers who sold their land or left their fathers’ homesteads.⁴

The objective of all this activity seems to have been less to acquire great wealth than to attain economic independence. Tocqueville noted not only Americans’ addiction to work and love of money but also their desire for self-sufficiency. Historians by and large agree that Americans subscribed wholeheartedly to the republican concept of freedom as entailing ownership of productive property so as not to have to depend on another for one’s livelihood. Under the prevailing conditions of open land and an expanding economy in the early nineteenth century, most white American men had a reasonable chance of realizing their aspirations for economic independence. Nine out of ten Americans lived on the land. With the exception of the wealthy and the growing merchant class in urban areas, households still grew much of their own food,

manufactured cloth and other goods, and bartered produce for other necessities. In these semi-subsistence households, men did field work and made and maintained work implements, while women engaged in manufacture: processing and preserving food, weaving cloth, and making soap and candles and other goods. In this context the meaning of “labor” was broader than it later became. What Andrew Jackson called “the producing classes” encompassed all those involved in the production of goods—farmers, planters, laborers, mechanics, and small businessmen. Only those who profited from the work of others or whose occupations were financial or promotional, such as speculators, bankers, and lawyers, were excluded from the category of producers. At the other end of the scale and also excluded were those who also labored but were “dependent”—slaves. In Jackson’s view the great middle stratum of producers formed the backbone of American democracy, and their independence needed to be preserved against the threats posed by nonproductive classes both above and below.⁵

The democratization of the ideal of economic independence involved ideological and material breaks with the past. As Robert Steinfeld has documented, labor arrangements in colonial America had mirrored English practices, which subjected workers to substantial control by employers. In the traditional master-servant system, minors were apprenticed to master craftsmen to learn a trade, eventually rising to journeymen. Apprentices and journeymen worked alongside the master, lived in his household, and took meals with his family, blurring boundaries between personal and work relations. Seventeenth- and eighteenth-century legal statutes regulating master-servant relations granted masters considerable authority to discipline servants and compel performance. They also defined the master’s reciprocal obligation to provide protection and shelter, even if a servant became unable to work because of illness or injury.⁶

Another common type of unfree labor carried over from England was indentured servitude. In the labor-short colonial economy, indentured immigrants were a major source of workers. In one classic type of indenture, men and women desiring to immigrate signed contracts (before or after being transported) to serve for a specified period of time, typically four to seven years, in exchange for passage, a living, and the promise of “freedom dues” at the end of the contract. Bernard Bailyn has calculated that in the years 1773–1776 nearly 50 percent of

English and Scottish immigrants arrived as indentured servants or redemptioners (who had to work to pay off debt for passage). Indenture was not limited to the unskilled: four out of five immigrating artisans in most highly skilled crafts arrived under indenture, only a slightly lower proportion than those in lower-skilled trades. The practice of importing indentured workers did not cease with the Revolution. Large numbers continued to be imported as late as 1819, and the practice did not disappear until the 1830s.⁷

In the seventeenth and eighteenth centuries the work activities of white indentured servants and black slaves were often interchangeable, and there was considerable social intermingling among these groups. The major distinction, and a momentous one, was that indentured labor was not bound for life. Like apprentices, journeymen, and unindentured servants, indentured servants were dependent, but their dependence was considered temporary. After a period of service, they could expect to go out on their own, establish their own shops and farms, and become independent craftsmen or farmers. This was in marked contrast to chattel slavery, which involved involuntary, lifelong servitude and was a status limited to blacks. Thus from the beginning black racial status was closely linked to the most extreme form of unfree labor. Yet for over a century there existed a variety of labor arrangements aside from slavery that were far from free: apprenticeship, imprisonment for debt, tenant farming, hiring out of convicts, and impressment of sailors. Because there was a continuum between extreme independence and extreme dependence, we can speak of gradations of freedom-unfreedom among white men.⁸

Constructions of free and unfree and independent and dependent became more clearly polarized and racialized in the early decades of the Republic. Revolutionary-era rhetoric had spread egalitarian and libertarian ideas that called into question hierarchical labor arrangements among free men. Forms of relative unfreedom that white men had commonly experienced during at least some periods in their lives came to be seen as inconsistent with white male adulthood. As noted in Chapter 2, workers increasingly rejected the connotations of servility or dependence in the traditional terminology of “masters” and “servants.” European visitors were struck by what they considered the “arrogance” or “folly” of American workers, who were not loath to perform any task put to them, but vociferously rejected the appellation of

servant. The preferred terms were “help,” “hired help,” or sometimes hired man, woman, or girl. Such attitudes were not limited to American men. A European caller at a New England home in 1807 reported the following dialogue with a “maid servant” who opened the door: “Is your master at home? . . . I have no master . . . Don’t you live here? . . . I *stay* here . . . And who are you then? . . . Why I am Mr. ——’s help. I’d have you to know, *man*, that I am no *sarvant*; none but *negers* are *sarvants*.” Certain kinds of tasks had become so clearly racialized as black that they were considered too “servile” and degrading for whites. James Flint, who visited the United States from Britain in 1818–1820, noted that poor whites in Border States shunned certain types of labor which were associated with blacks, such as shoeblacking and carrying water.⁹

In a democratizing move to erase distinctions among them, laborers, journeymen, and artificers proudly assumed the title of “mechanic,” which had earlier referred to less-skilled workers. Together they formed their own organizations, separate from craft associations headed by master craftsmen. By the 1790s and early 1800s journeyman societies in a number of crafts were engaged in struggles over wages and terms of employment, even taking part in strikes. As journeymen began to be prosecuted for criminal “conspiracy,” their lawyers made clear that their clients no longer accepted what they considered the “slavish subordination” of traditional relations of employment. In an 1806 case involving Philadelphia cordwainers, their attorney Walter Franklin declared that the journeymen “conceived that every man being the sole owner, and master of his own goods and labour, had the right to affix the price of them; leaving to those who are to employ or purchase the right to accept or reject as they might think.”¹⁰

Here was a clear statement of the emerging definition of independence, not as rooted in ownership of land or other productive resources, but as resting on ownership of one’s own labor. Journeymen, along with domestic servants and laborers, were articulating a vision of workers as political equals with employers—as citizens entitled to self-government within the work relationship. Already, however, the logic of an emerging industrial economy was defining work as a market relation, not a political one. The court agreed with prosecutors that the journeymen were attempting to set up an illegitimate “private government” outside the democratically elected one. It declared the “com-

bine” a criminal conspiracy: in a free market, employer and worker would have to meet each other as individuals negotiating the wage bargain according to the impersonal laws of supply and demand.¹¹

The shift in language and meanings toward a market model had parallels in changing employment practices. Traditional arrangements such as living with the employer, taking meals at the employer’s table, and working for long periods for a single family declined. Courts increasingly refused to enforce traditional rights of employers to chastise workers or to compel performance. By the same token courts also relieved employers of the obligation to take care of sick or injured employees.¹²

By 1800 northern state statutes and court decisions had largely eliminated indentured servitude for native adult men and women, limiting it to immigrants and minors. By the second decade of the nineteenth century slavery had been abolished in the northeast and middle states, and prohibition of all indenture followed not long after. Prior to 1820 many courts had viewed indenture as “voluntary” and therefore enforceable as long as it had been willingly entered into. After 1821, owing to various court decisions, “involuntary servitude” was deemed to exist as soon as a worker wanted to leave and was prevented from doing so.¹³

The doctrine of liberty of contract did not, however, alter the common law interpretation of the relationship between employer and employee. Once in the employment relationship, the worker was bound by the common law of masters and servants. Workers were required to obey their employers’ directions as to how the work was done. Employers could withhold payment until the end of the term of contract. Max Weber later described the great power this formulation gave to employers: “The formal right of a worker to enter into any contract whatsoever with any employer whatsoever” means that “the more powerful party in the market, i.e. normally the employer, has the possibility to set the terms, to offer the job ‘take it or leave it,’ and, given the normally pressing economic need of the worker, to impose his terms upon him.”¹⁴

Labor spokesmen disputed the law’s notion of freedom and pointed out ways in which the power of wealth made a mockery of choice. A New England organization of workingmen called the region’s mills monuments to “cupidity and avarice” that would crush the indepen-

dence of “American freemen.” A factory worker involved in the National Trades Union, the first national body of unionists, formed in 1834, charged that the factory system was “subversive of liberty—calculated to change the character of a people from . . . bold and free, to enervated, dependent, and slavish.”¹⁵

Workingmen sought to reassert the traditional rights of artisans and artificers to work according to their own rhythms and to set their own hours. In their view employers should not be allowed to stretch out the workday to twelve or fourteen hours. Invoking the republican ideal, unionists said that worker citizens needed time for self-education and political discussion. During the 1820s and 1830s workers coalesced around drives for a ten-hour day. Workingmen’s parties were active in several states in the late 1820s. These parties asked for what became standard demands for labor unions: an end to imprisonment for debt, mandatory militia duty, and the prison labor system, as well as reform of the legal system, more equitable tax laws, and mechanics’ lien laws for first right to employers’ payrolls. Workingmen’s parties died out in the 1830s, but within a few years falling wage rates and worsening conditions for journeymen and factory workers during a time of price inflation sparked renewed trade union organizing. Strikes were mounted throughout the Northeast in 1836 to renew demands for a ten-hour day. In that year women textile workers in Philadelphia, Paterson, and various parts of New England participated in strikes that resulted in a compromise settlement for an eleven-hour day. Factory women marched through the streets of Lowell, Massachusetts, singing, “Oh I cannot be a slave, I will not be a slave.” According to Bruce Laurie, this was one of the first references to “wage slavery,” a term that became a battle cry of northern workers by the time of the Civil War and that continued to be invoked in the Gilded Age.¹⁶

Antebellum Northern Free Labor Ideology

By the 1850s “free labor” clearly became the basis of a sectional ideology, as the newly formed Republican Party enlisted northern citizens under its banner. The ideal of free labor drew together disparate antislavery elements: abolitionists morally opposed to slavery because it violated fundamental principles of freedom, equality, and justice; Republicans opposed to slavery because it threatened free labor and the

wage labor system of the North; and Jacksonian Democrats antagonistic to slavery because its existence weakened the position of white workers.¹⁷

Northern free labor ideology drew on both major strains of American political thought, republicanism and liberalism. The republican strain, inherited from the Revolutionary era, held that freedom required ownership of productive property. This strain can be traced through Jefferson's ideal of the United States as a nation of yeomen farmers; Jackson's championing of the "producing classes"; and Lincoln's depiction of the average northern "workingman" as an artisan, farmer, or small entrepreneur who worked for himself, "taking the whole product to [himself]." The second strain, derived from classical liberal political economy, defined workers' freedom as residing in their ownership of their labor. Adam Smith had described "the property that everyman has in his own labor" as "the original foundation of all property." In this formula workers were "free" to the extent that they were not tied by any legal bonds to particular tasks or masters. This strain ran through the claims of journeymen in the 1790s asserting their right to negotiate the terms of their employment on the grounds that they were the owners and masters of their own labor. It can also be traced through nineteenth-century arguments of propertyless white men for the right to the franchise on the grounds that they were free, productive, and independent workers.¹⁸

Though seemingly contradictory, the two strains were often intertwined in the thinking of northern Republicans. Foner points out that for Lincoln and for Horace Greeley (the editor of the influential *New York Tribune*), the lifelong wage worker was in many ways as unfree as a slave in the South. However, their assumption was that wage labor was only a temporary condition for the northern worker. In the words of Lincoln, "the man who labored for another last year, this year labors for himself, and next year he will have others labor for him." Even as Lincoln spoke of wage work as a way station on the road to eventual independence, economic changes were under way that would mean that a large portion of the labor force could expect to remain lifelong employees. David Montgomery estimates that by 1870, 67 percent of productively engaged individuals were employed by others rather than being independent.¹⁹

The abolitionist critique of slavery was framed primarily in moral

terms, but it also included condemnation of slavery's violation of free labor principles. Convinced of the unique evils of slavery, abolitionists rejected the claim that the conditions of northern workers constituted "wage slavery." They etched a sharp line between the illegitimate coercion of slavery and the freedom of wage labor. According to Eric Foner, by drawing this dichotomy abolitionists helped popularize the notion that autonomy derived not from owning productive property but from property in one's self and the ability to sell one's labor. In William Forbath's words, the abolitionist critique affirmed that "a free society was compatible with a dependent class of workers. Put baldly, abolitionism implied that only chattel slavery created unfreedom while the harsh new dependencies and disciplines of proletarianization did not." Still, abolitionists went beyond advocating labor freedom: many supported economic independence for workers and called for equality before the law, universal citizenship, and color-blind treatment.²⁰

Most northern Republicans, including Lincoln, opposed slavery on narrower grounds. Contrasting northern economic progress with southern stagnation, Republican proponents of free labor held that the free labor system was the source of dynamism in the North, while the system of slavery had stunted development in the South. Not only was slave labor less productive and less efficient; reliance on slave labor promoted laziness, undermined democracy, and corrupted the morals of slaveowners. Living on the "unrewarded work of others," the aristocracy of the South "ruled tyrannically over a subject population." Slavery, in the words of one critic, bred "pride, indolence, luxury, and licentiousness" among white southerners.²¹

In the 1850s antislavery forces coalesced around opposition to the extension of slavery into western territories. Touting economic development in the West as necessary to advance the nation's prosperity, northern Republicans began emphasizing the deleterious effects of slavery not only on economic growth but also on the status of white labor. If slavery expanded into the West, they argued, northern white workers would effectively be barred from entry because of the stigma attached to labor. Conversely, banning slavery would secure the western territories for white labor. This appeal harnessed antiblack sentiments to the antislavery cause and elicited support even from those who were not principled abolitionists. Free Soilers and Jacksonian Democrats joined in opposing the extension of slavery on the grounds

that slavery brought labor into contempt. One speaker declared, “Because bondage degrades, cramps and degenerates man, labor shares the same disgrace because it is part of the slave.” Antislavery convictions of white workers, small businessmen, and small farmers were thus fueled by self-interest and hostility to blacks rather than by sympathy toward slaves or concern with their plight.²²

Thus by the 1850s Republican free labor ideology viewed work as a market relation, not a political one, and this represented a shift from Revolutionary-era republicanism that had portrayed work as the production by free citizens of useful goods for the benefit of the community. The new framework viewed work as the sale of labor power at a price determined by impersonal laws of supply and demand. In this framework, as the legal historian Arthur McEvoy notes, “the political aspects of the employment relation—control over the work itself, duties of care and obedience between workers and employers, and so on—were subordinated to the contractual relation and thus disappeared from view.”²³

As in the case of suffrage, those excluded from earning in the labor market were the most ardent in expressing its value. Frederick Douglass rejoiced at his first paying job in New Bedford, Massachusetts, after escaping from the South: “The thought, ‘I can work! I can work for living: I am not afraid of work; I have no Master Hugh to rob me of my earnings’—placed me in a state of Independence.” Nineteenth-century feminists also recognized the problem of women being forced to be economically dependent. Some activists understood women’s unpaid labor for the family as real work that contributed to family resources and called for joint property laws on that basis. Other feminists saw earning in the labor market as the way for women to achieve independence and called for recognition of women’s right to earn on their own.²⁴

Republican free labor ideology did not go unchallenged. According to some labor leaders, the terms that workers accepted were not freely chosen. Northern labor spokesmen drew on the language of slavery to describe the plight of wage workers. In doing so, they sometimes claimed not just that the workers’ situation was akin to that of slaves in the South but that it was actually worse. Northern workers, they said, were more productive and worked longer hours, so more profit was extracted from them. Some leaders even alleged that because slaves

were valuable as property, owners at least took care not to overwork them, whereas white workers enjoyed no such protection and could be worked to death.²⁵

Exclusions

Mid-nineteenth-century free labor doctrine, though stated in universalistic terms, applied only to those considered “sui juris,” that is, legally entitled to participate in the market. Race was one basis for exclusion from contract. While black slavery was the main point of contrast with “free white labor” in the North, other nonwhite racial groups were associated with unfree labor in the newer (and therefore peripheral) regions of the West. Forms of servitude considered unacceptable for white manhood were considered fitting for Native Americans, Asians, Mexicans, and other racialized minorities.

In the Southwest and the West, Indians could be legally bound to indentured servitude amounting to slavery long after indenture had been eliminated for whites in the East and the Midwest. Despite the dominance of free labor ideology in California, the state legislature passed an Indenture Act in 1850, which allowed any citizen to take custody of an Indian child and place him or her under apprenticeship in exchange for providing clothing and other modest necessities. The vagrancy portion of the law let law enforcement officers arrest Indians for a wide variety of offenses, from loitering to drunkenness, and hire them out to the highest bidder. The act was amended in 1860 to make it easier for white petitioners to take custody and bind Indian minors and to regularize periods of indenture, extending “apprenticeships” up to age thirty for Indian men and twenty-five for Indian women. Although the law also specified monetary fines for failure to clothe or feed indentured Indians or for subjecting them to inhumane treatment, conviction was virtually ruled out by another section that stated that “in no case shall a white man be convicted on the testimony of an Indian or Indians.” One scholar estimates that upward of 10,000 children and adults, or 10 percent of the California Native American population, may have been enslaved under the terms of the act, which was not repealed until 1863.²⁶

The territorial legislatures in Utah and New Mexico also adopted measures regulating contracts between masters and servants that were

used to bind Indians. In 1851 the New Mexico legislature passed a bill reviving Mexican decrees authorizing peonage. Under the law servants could not leave their masters' service while in debt to them. In 1859 the legislature amended the law to prevent any interference with masters' rights to correct their servants. Legalized peonage continued in New Mexico until 1867 when the U.S. Congress passed a federal antipeonage act barring voluntary and involuntary servitude in all U.S. states and territories.²⁷

In California, railroads, mining, and other industries imported thousands of indentured Chinese workers in the 1850s. Still, free labor ideology and antislavery sentiment were sufficiently strong that, despite lobbying by employers, California courts refused to enforce contracts in cases of workers who escaped. Employers then turned to the credit ticket system, in which labor importers advanced money to pay for transportation. Although bound by debt, Chinese laborers could repay the loans by working on jobs of their own choice. The construction of Chinese as unfree labor remained firmly fixed, however. Anti-Chinese labor leaders continually railed against "coolie labor" as undercutting the position of "free white labor."²⁸

THE OTHER MAJOR EXEMPTION from antebellum free labor principles was women of all classes. Though industrialization was starting to remove manufacturing from the household, a great deal of production still took place at the household level. Family-owned small businesses, farms, and shops relied on unpaid labor from all family members, including wives and children under the control of the male head. The specific work activities of men and women differed by class, urban-rural residence, and race/ethnicity, but, generally speaking, both men and women were involved in production.

Men were responsible for field work, artisanal production, and, increasingly, outside wage work, and women were in charge of manufacturing many goods used by the household and assisted husbands in workshops or businesses. Wives of skilled and semiskilled urban workers contributed to family income by taking in boarders and performing "outwork" such as hand loom weaving, hat making, shoe binding, and sewing, which employers distributed to married women to do as piecework in their homes. Outside of industrial centers, married women still did spinning, weaving, milking, foraging, and gardening, and made

butter and cheese. Among freed blacks, men were less likely to find steady employment, and wives more frequently worked outside the homes, but black women too earned much of their income at home by taking in boarders or doing washing, ironing, and sewing.²⁹

Women in all classes had primary responsibility for social reproduction—cooking, cleaning, childcare, shopping, and other labor that maintained people on a daily basis and intergenerationally. Middle-class women might have household servants to assist them, but in some ways their maintenance work was more complex because of the rising standards of domestic comfort. In any case, women performed reproductive labor alongside their productive activities, and men had some responsibility for reproductive labor, such as disciplining and training sons. Thus there was a clear gender division of labor, but men and women were economically interdependent: the labor of both was needed to provide for the family.³⁰

The decision to marry was increasingly recognized as a freely chosen contractual action, but after marriage the old common law doctrine of coverture came into play. The wife's legal identity was subsumed under the husband's, and both parties had to abide by terms of the marriage "bargain." These terms included wives' duty to provide labor and husbands' ownership of the fruits of that labor. Under the doctrine of marital service, courts throughout the nineteenth century refused to recognize income-earning work wives did in family businesses, in keeping boarders, or in industrial homework as entitling them to payment or a share of family property. The principle of men's ownership of women's and children's labor also can be seen in the practice of contracting with male heads for the whole family's labor, still common up to the 1840s in New England shoe mills.³¹

In some ways women's labor became less visible with the advance of capitalist industrialization. The growing capitalist sector was characterized by separation between workplace and place of residence and between the activities of producing goods and those of social reproduction. Reproductive activities remained lodged in the home and were assigned to women and thus became "women's work." "Men's work" in the meantime, increasingly took place in the public labor market. The ideological split between the public world of the market and politics and the private world of the household became more sharply delineated. The market and politics came to be viewed as ruled by com-

petition and desire for individual gain, while the household and the family were viewed as realms where altruism and mutual care reigned. Historians have suggested that men thrown into this new harsh world needed the idea of a domestic haven where they could find succor and support. Women, as maintainers of the home, were cast into the idealized role of domestic angels who provided respite and comfort to wage workers.³²

The reality was that daily maintenance required a great deal of difficult and often physically taxing labor. In an evolving economic system in which value and independence were measured by earning, unpaid productive and reproductive labor did not count as real work. Courts would not even recognize private agreements in which a wife gained a share of a husband's estate on the basis of her services. Reva Siegel has documented the efforts of some antebellum feminists to win joint property rights for married women in recognition of the contribution women made to the accumulation of assets through their labor. Such recognition would have undermined men's property rights in women's labor, and male legislators and judges rejected this reform out of hand. Nonetheless, other social forces, including growing numbers of single women and deserted wives of men moving west, led to reforms that advanced married women's capacity to act independently. Many states passed acts that gave women rights to property they brought into a marriage; several states passed earnings statutes that recognized employed women's separate earnings as belonging to them.³³

Capitalist Industrialization and Stratified Labor

Post-Civil War constitutional amendments and other federal legislation ended not only chattel slavery but also all forms of indenture. As noted previously, the U.S. Congress passed an antipeonage act in 1867 banning voluntary as well as involuntary servitude in all states and territories. Thenceforth all Americans, regardless of race or prior condition of servitude, were legally "free labor." Simultaneously, however, the rise of a new capitalist industrial order meant that "free labor" would be subjected to novel forms of control and discipline.

The Civil War was followed by a period of unprecedented economic growth, a manufacturing boom fueled by coal, iron, and steam. The building of the transcontinental railroad and the spread of branch rail-

road lines tied the nation together, opened up new areas for commercial farming, and made possible a national market for manufactured goods. The voracious appetite for capital by the great trunk railroads facilitated the consolidation of the nation's financial market in Wall Street. The process of economic concentration saw the rise of giant corporations in major industries such as steel, oil, agricultural machinery, sugar refining, and meatpacking.³⁴ Although artisanal production continued in major cities, the factory system was coming to dominate much of industrial production. With mechanization and the breakdown of work processes into separate steps, industrialists could substitute semiskilled for skilled labor. More and more jobs thus required only minimal skills. Many semiskilled jobs were filled by displaced artisans and laborers from rural areas and from Europe.³⁵ Corporations introduced new management strategies (rational planning and bureaucratic hierarchy) and new forms of organization (vertical integration to encompass supply of materials, production, and marketing) to escape the uncertainties of market forces and to break the power of worker associations.³⁶

In a sense, capitalist industrialization and the abolition of slavery transformed both northern independent producers and chattel slaves into "hirelings." Theoretically, impersonal capital should not have cared about the race or gender of the hireling: on the grounds of maximum efficiency, all individuals having the capacity to do a job should have been considered interchangeable units of labor. Yet the capitalist labor market that emerged was fundamentally organized by race and gender. Alexander Saxton stated this puzzle with respect to race: "As labor power assumed its characteristically capitalist form of commodity, economic theory might have predicted that racial characteristics would lose their relevance in the labor market. On the contrary, they dominated the labor market. From what socioeconomic nutrients, in the era of modernization, did the ideological component, racism, draw its sustenance?"³⁷ We can expand Saxton's framing of the issue to ask why both race and gender were central organizing principles in the capitalist labor market.

This framing of the issue is useful but still incomplete. It implies that racism was exogenous to the capitalist labor system, rather than being integral to it. Saxton's own study of race and labor in the antebellum period demonstrates that while white supremacy was a consistent prin-

ciple, racial ideology was being reworked and rearticulated in conjunction with political, social, and economic developments. In line with the approach of viewing race and gender as fluid and decentered complexes, my interest is in how race-gender relations and meanings were rearticulated, contested, and transformed in the course of capitalist reorganization of the economy. Thus it is crucial to examine not only the ways in which prior race-gender hierarchies were incorporated into the capitalist labor system but also the ways in which capitalist industrialization helped create new structures and relations of race and gender. That is, just as the slave system created and maintained particular configurations of “black” and “white” manhood and womanhood,³⁸ so the capitalist labor regime led to new configurations of white and nonwhite manhood and womanhood.

I would argue that there were two general dynamics of capitalism that led to reconfigurations of race and gender relations and meanings. First, by transforming both production and reproduction, capitalism created a new dialectical relationship between the household and the labor market and between men’s and women’s work. Second, the processes of capitalist production and accumulation generated new class formations and new conflicts between them: between employers and workers, between capitalists in different sectors, and between different segments of labor—men and women, whites and nonwhites, skilled and unskilled.

Production and Reproduction

Capitalist industrialization changed the relationship between production (the creation of goods) and social reproduction (the maintenance of people), as more and more production was moved from the household to larger centralized shops, factories, and industrial establishments. This shift was quite visible by the end of the nineteenth century and almost complete by the mid-twentieth century. Thus capitalist industrialization widened the structural and conceptual separation between the “private” realm of the family and the “public” realm of industry. Households became less self-contained economic units and became more dependent on outside wages.

In capitalist production the relevant labor unit is not the household but the individual. The individual worker is employed in producing

commodities (goods and services) for the market. The worker receives wages, which can then be used in the market to purchase necessities (goods and services). The household becomes an income-pooling unit rather than a production unit. What was left behind was *reproduction*, which remained organized at the household level.

A new prescribed division of labor by gender arose to carry out production and reproduction. Men were to follow production out of the household, while women were to remain responsible for reproduction at home. Some feminist theorists have argued that the capitalist labor system in fact “needed” women’s labor in the home to maintain male workers, stabilize the workforce, and care for the next generation of workers.³⁹ This did not rule out women’s participation in the labor force, for capitalists could simultaneously use women as a source of cheap labor in expanding industries. When the New England textile industry began in the first decade of the nineteenth century, the economy was still mostly agrarian and men were fully engaged in farming and independent artisanry. Mill owners actively recruited the only readily available labor force, single young white women from farm families. Similarly, the expansion of public education (a development related to political and economic changes accompanying industrialization) would not have been possible without the recruiting of women for teaching, which became feminized in the 1840s. By 1870 women made up one-fifth of the nonagricultural labor force, a percentage that rose to one-fourth by 1900 even as the number of men drawn into wage labor mushroomed.⁴⁰

Yet, despite the large number of women working for wages, the model of male as breadwinner, female as homemaker, which arose first in the middle class, became the prevailing ideal. According to this model, the primary responsibility of male heads of households was to earn enough to support their wives and children, while the primary mission of married women was to care for the home and family members. Ideally, married women were to devote full-time to domesticity and were not to be employed outside the home. If for whatever reason they were employed, their work in the labor market was deemed to be secondary and their earnings supplementary.⁴¹

This model helped reconcile the conflicting demands for women’s reproductive labor in the home and their productive labor in industry. It legitimated the unequal division of labor in the home and women’s

subordinate place in the labor market. Since women “belonged in the home” and were working only for supplementary income, it made sense that they be kept in part-time, seasonal, or irregular jobs and paid little. The ideology also gave employers great flexibility. They could use women as a “reserve army of labor,” calling them up in times of shortage, such as during economic booms or wars, and letting them go during recessions or when men returned from war so that they could return to their “proper place” in the home.⁴²

The male-as-breadwinner model also served as a “disciplinary” discourse that helped create masculine subjects consonant with capitalist industrialization. Being “good breadwinners” required men to be “good workers”: reliable, steady, and willing to work long hours, conform to rules, and put up with dangerous conditions. Breadwinning also became a source of masculine pride and identity, the basis for claiming political equality, a decent standard of living, and the right to a family life in which wives were available to “keep house” and take care of children.⁴³

The dominant culture calculated the relative value of productive versus reproductive labor differently for different groups. Motherhood and domesticity were elevated as virtues for white women. White men were seen as requiring and deserving a wife’s services, and white children were viewed as valued future citizens to be nurtured and protected. In contrast, the caring that black women performed for their families was not deemed worthy of protection. Men of color were denied the kind of honorable manhood that included being served by women, and black children were not valued as future citizens. Black women were considered “useful” only for work performed outside the family, whether in production or reproduction. The older belief that people of color’s labor was owed to the community, and the emerging capitalist calculation that each individual constituted an individual unit of labor, came together in the treatment of women of color. Poor black and Latina mothers were deemed to be “employable,” and not requiring or deserving of charity. Women of color who were not employed were even deemed “vagrants” and put to work forcibly.⁴⁴

Working-class families, both white and nonwhite, defended the male breadwinner/female homemaker ideal by withdrawing married women’s labor from the market whenever possible. Workingmen’s demands for a family wage, which began in the 1830s and 1840s, invoked

republican principles of the right of workers to the fruits of their labor and traditions of workers' autonomy to determine the pace and organization of their work. These workingmen were also asserting the dignity of the (male) worker, which necessitated some independence outside of work. In opposing a purely economic or market calculation, they were asserting that not all human labor should be commodified, but rather that some—particularly women's—labor ought to be retained for the benefit of family members. The stakes were similar for ex-slaves, but there were additional complications. Freed households sought autonomy from white planters' control. They tried whenever possible to support themselves by having men engage in subsistence farming, hunting, fishing, and seasonal or occasional work and withdrawing women from field work and domestic service. The removal of black women's reproductive labor was a form of double resistance to the incorporation of the whole family into capitalist regimes of labor and to white control of family life.⁴⁵

Class Formation and Conflict

Economic growth and concentration brought immense wealth, most of which was accumulated by the owners of industry and finance. By 1890 the richest 1 percent of Americans owned more property than the remaining 99 percent and earned more than half of the total income. Although real wages rose during this time, the gap between the incomes of skilled workmen and those of semiskilled workers grew. While the former might support their families unaided, the semiskilled household required multiple earners.⁴⁶

Capitalist industrialization also brought about frequent and severe cycles of booms and busts. Between 1870 and 1921 the United States experienced six major economic downturns and a comparable number of less pronounced ones. With fewer opportunities for self-employment and with an influx of Irish and other immigrants, there was a larger "reserve army of labor." Unemployment emerged as a serious social problem for the first time in American history. In Massachusetts, one of the most highly industrialized states during this period, well over 30 percent of workers were unemployed at some time during the year in the depressions of the mid-1870s and the 1890s. Simultaneously, the closing of the frontier (announced by the U.S. Census Bu-

reau in 1890) cut off a major route to self-sufficiency. For increasing numbers of Americans, wage work would be a permanent condition, not a temporary way station.⁴⁷

Faced with these conditions, workers organized into associations and unions and engaged in mass protests and strikes. Waves of strikes occurred in 1873–74 (when railroad workers took charge of shops, uncoupled cars, tore up track, and cut telegraph wires), 1886 (when 1,433 work stoppages were recorded), and 1890–91 (when there were 1,833 and 1,717 stoppages). Labor's activism won some reforms in some states in the 1880s and 1890s with the passage of laws abolishing prison labor systems, reducing child labor, establishing factory inspection commissions, and creating bureaus of labor statistics.⁴⁸

Capital enlisted the power of the state—the military and the courts—to put down worker protest. Corporations employed private police to beat up workers and used their political clout to have state militias and troops brought in to quell protests. A government study showed that state troopers were called out 500 times to put down labor unrest between 1875 and 1910. Employers also used legal injunctions to stop workers from striking and protesting. Courts invoked the hoary doctrine of “criminal conspiracy” in ruling that such actions interfered with the right of employers to negotiate individually with workers for the terms of contract.⁴⁹

As northern workers organized, they sometimes succeeded in getting state legislatures to pass laws regulating hours and wages in certain industries. However, these laws were regularly struck down by state and federal courts, which invoked an extreme version of liberty of contract. For example, in 1885 a New York Superior Court issued what has been dubbed the “Freedom of Sweatshop” ruling. The court concluded that a state law prohibiting cigar making in tenements was an unreasonable abridgment of property rights. In 1886 and 1893 the Supreme Courts of Pennsylvania and Missouri invoked freedom of contract to nullify statutes prohibiting wage payment in anything except legal tender. In 1887 the U.S. Supreme Court voided a Pennsylvania statute requiring that the state's iron mill workers be paid wages at regular intervals and in cash, rather than in scrip that could only be redeemed in company stores. In a frequently cited case, *Lockner v. New York* (1905), the Court invalidated a New York state law setting maximum hours for bakers. Laws regulating labor conditions were held to

be unconstitutional on the grounds that they violated the contractual freedom of workers to sell their labor for whatever periods and under whatever conditions they wished. This perverse interpretation of freedom of contract bespoke a blindness to the actual economic and material circumstances under which employers and workers “bargained.” Economic coercion made possible by the greater power and resources of corporations was not deemed to compromise the freedom of choice of the workers.⁵⁰

Organized workers, who had successfully fought for passage of reform laws, viewed freedom of contract as a sham. George McNeill, a spokesman for the Eight Hour League, testified before the Massachusetts Legislature’s labor committee in 1874: “The laborer’s commodity perishes every day beyond possibility of recovery. He must sell to-day’s labor to-day, or never.” The terms of the sale were set by employers: “An empty stomach can make no contracts.” The workers “*assent* but they do not *consent*, they submit but they do not agree.”⁵¹

Union membership grew even in the face of implacable opposition by employers. The National Labor Union of the 1860s and 1870s and the Knights of Labor of the 1870s and 1880s expressed the aspirations of workers as citizens and producers, harking back to earlier understandings of the master-worker relationship in which workers had some say about the pace and organization of work. The Knights of Labor, the largest and most prominent Gilded Age labor organization, was made up of both trade assemblies (in which the plurality of workers were from a single trade) and mixed assemblies. Membership was open to manual workers and artisans, and to small producers and wage workers. It even included blacks and women, who were formed into their own locals. Joining politics and economics in a vision of a “cooperative commonwealth,” the Knights of Labor called for the nationalization of industry, the abolition of private banking, and factory reforms. Peaking in the late 1880s with a membership of three-quarters of a million, the Knights then rapidly declined in the aftermath of the failure of the mass eight-hour strikes of 1886, internal conflicts over the organization of cigar makers, the bitter clashes between police and workers in the Haymarket riot of 1886, and intensified state and police repression of strikes and union activity. The combined power of capital and the state proved too great for the Knights to overcome.⁵²

The Knights were succeeded by another labor organization that emerged in the Gilded Age, the American Federation of Labor. Its

founders were trade union leaders like Samuel Gompers, president of the Cigar Makers Union, who shunned the wide-ranging reforms advocated by the Knights of Labor. By the 1890s, disillusioned by dim prospects for legislative reform and by state violence against labor radicalism, the AFL turned to a pragmatic approach that abjured reform and government regulation in favor of “strong unionism”—unionized craftsmen looking to their own organizations to further their interests. This strategy effectively excluded unskilled and semiskilled workers, whose vulnerability made them prone to engage in mass strikes, which then invited government intervention. Because women and black workers were concentrated in unskilled and semiskilled jobs, they were among those excluded. Under Gompers the AFL railed against laws regulating labor as well as social and industrial reform laws, advocating instead their own version of *laissez-faire* labor relations. Insisting on labor’s right to engage in “responsible” collective actions, including strikes and boycotts, as integral to freedom of contract, the AFL focused on campaigns to get states and courts to stop using injunctions against unions.⁵³

The AFL ideal of the “manly worker” standing up to the boss, suggests Bruce Laurie, was the cousin of the republican yeoman and accorded well with Gilded Age courts’ gendered understanding of free labor doctrine. Having rejected the notion that authority and control in the workplace were integral to men’s independence, the courts nonetheless affirmed the principle that authority over the domestic sphere and control of the labor of wives and children were the essence of manhood. Thus the courts helped create a fictional equality among men based on their authority over women. Women’s subordination to men’s authority in turn meant that women lacked the capacity to direct their own labor and thus had no right to contract their own labor. On this basis courts found that state laws barring women from entering certain occupations did not violate the constitutional right to labor at one’s chosen vocation.⁵⁴

Male workers generally subscribed to the dominant ideology of female dependence, leaving it to working women themselves to challenge the idea that their gender should limit their economic freedom. As early as the 1830s a group of striking women shoe binders had declared: “Equal rights should be extended to all, . . . to the weaker sex as well as the stronger.” Equal opportunity to enter the labor market was a recurring demand of nineteenth-century feminists. They understood

the importance of earning to emancipating women from economic dependence and paternalistic bonds. They also recognized that many women had no choice but to support themselves and sometimes their families. The Civil War had increased the urgency of women's economic self-sufficiency by thrusting many women into the workforce and leaving many without a male provider. Most women continued to accept the domestic realm as their primary responsibility, but many did not feel that paid employment compromised their dignity. Faced with unyielding hostility to their efforts to get women's unpaid family labor recognized as "real work" that entitled them to a share of family property, late-nineteenth-century feminists were forced to change tactics by concentrating on measures that would enable women to work as equals to men in the wage-labor market.⁵⁵

Owners of industry sought to maximize profits by paying the lowest possible wages and exerting maximum control over production processes. They were able to take advantage of existing inequalities by using groups (racialized minorities, immigrants, women, the less skilled or less educated) that could be hired more cheaply or that were less able to resist control and coercion. Yet employers sometimes had to compete with one another for certain kinds of workers. Competition with other employers for skilled workers might drive up the price of their labor. One strategy to reduce costs was to reduce reliance on human skills. Capitalists instituted mechanization and "detailed division of labor"—breaking down work processes into discrete smaller tasks that could be performed by unskilled or semiskilled workers. In addition to increasing employers' control over the work process and achieving standardized outcomes, deskilling allowed employers to save on labor costs by substituting lower-priced workers for higher-priced workers, women for men, and immigrants and workers of color for native white workers.⁵⁶

Capitalists were not working with a passive medium, of course. Workers fought displacement, although often their hostility was directed against the groups who displaced them. Workers sought to maximize wages and to retain autonomy and control over the work process. They resisted being proletarianized in individual and collective ways, ranging from slowing down their pace to sabotage, and from making rhetorical appeals to engaging in strikes and protests. They also sought to maintain their advantage vis-à-vis other workers. Native white men, who were already in the strongest position, sought to monopolize

better jobs and reduce competition by setting up barriers against other workers. Formal and informal mechanisms of exclusion were rife in the skilled trades. White workingmen and their organizations deployed cultural constructs—such as white manhood, the responsibilities of breadwinning, and citizenship—to claim their “right” to the best jobs. They used their political capital to lobby for restrictive agreements and legislation to exclude women, immigrants, and workers of color from certain jobs or industries or to prevent some groups, such as the Chinese, from entering the country at all. In turn employers used competition between groups to play off workers against one another, granting some groups symbolic and material wages to undercut collective organization.⁵⁷

One outcome of these conflicts was segmentation in the labor market along race and gender lines. Workers with the greatest leverage—native white men—were disproportionately employed in capital-intensive and more monopolistic sectors and industries where higher labor costs could be borne. They also were overrepresented in higher-skill jobs and in supervisory positions where employers were motivated to invest in training and retention. Minorities, immigrants, and women, lacking political or other means to advance their position, were more often relegated to sectors, industries, and jobs that were labor intensive, unstable, and highly competitive (where downward pressure on wages was greatest). Since labor markets were necessarily local, the race and gender stratification of labor varied by locale, depending on the mixture of industries and the available labor pool.

Workers did at times come together across race and gender lines and across the divide between skilled and unskilled. As noted earlier, the Knights of Labor included artisans and manual workers as members and also incorporated women and blacks, albeit in separate organizations. A few early unions, such as the dockworkers, were interracial. Such efforts tended to occur in isolated pockets. Interracial coordinated strikes and protests sparked particularly virulent reactions from employers and were met by maximum force and violence.⁵⁸

Ideology and Identity

Some theories of labor market allocation that assume that in a rational market people are assigned jobs on the basis of their human capital and are paid according to their productivity (that is, their contribution to

profit). A rational market model cannot account for stratification of labor and differentials in earnings by race and gender. Alice Kessler-Harris has found that wage determination has been heavily shaped by subjective notions of what constituted an adequate wage for specific groups. A “man’s wage” was sufficient to support a worker and his family at a decent standard (a so-called American standard of living) and was a badge of honor. A “woman’s wage,” in contrast, was calculated even by reformers at a very low level and was a mark of dishonor. Women were simply paid less for doing the same kind of work or for a given level of productivity than men were.

A “man’s wage” did not apply to men of color, who were not accorded respect as heads of households. Thus, for example, black men’s earnings were not assumed to cover support for a non-employed wife and children. Black women, after all, were viewed as laboring bodies. Additionally, the standard of living of blacks and other people of color was assumed to be lower than that of whites. The racial rhetoric—whether justifying lower wages for people of color or blaming people of color for driving down wages—was that blacks, Chinese, Mexicans, and other less evolved peoples could survive on next to nothing.⁵⁹

Because the labor market was so segregated, jobs themselves took on race-gender meanings. Work associated with racialized minorities was viewed as “dirty” or “servile,” and that associated with women as “unskilled” and “feminine.” Epithets such as “nigger work” were attached to servantry, field labor, and cleaning. Such jobs were viewed as inappropriate for white men and shunned by them. The race-gender segmentation of jobs was in turn made to seem natural by assumptions about certain groups’ affinities and capabilities that suited them for the kinds of work they did—for example, (white) women’s purer morals and love of children made them ideal teachers, or Japanese men’s servile attitudes made them excellent servants.⁶⁰

Change and continuity in the idea of free labor from the antebellum period to the Progressive era can be seen in white workingmen’s campaign for the family wage. The notion that the earnings of workingmen should be sufficient to support a dependent family emerged in the first half of the nineteenth century as a response to social and economic changes brought about by industrial development. In the face of eroding status and wages and increasing instability and insecurity, workingmen’s demands for a family wage represented a claim both for ade-

quate subsistence and for social justice. Workers claimed the right to live according to the dominant ideal of family based on male authority and female domesticity. Martha May notes: "One purpose of the family wage demand was to spare the workingman's wife and children the degradation of factory labor. And, equally important, it was to insure that the workingman would retain his status within the family, and his right to a family structure resembling that of the more advantaged classes."⁶¹ During this period, advocacy for or opposition to the family wage was clearly linked to class interests. Workers saw the family wage as a means to diminish capitalist control over family life. In claiming their right to a family wage, they were challenging a purely economic calculation by raising considerations of dignity and independence. Employers and laissez-faire economists strenuously opposed the very idea, arguing that providing for nonworkers would ruin American industry and violate the spirit of free enterprise.

Except for skilled craftsmen, the family wage proved elusive. Few working-class male heads earned enough to support a household. In most cases the household economy relied on the combined efforts of husbands' wage-earning and wives' and children's subsistence and income-earning activity. Common activities for wives ranged from growing vegetables and keeping chickens and small livestock, to doing piecework at home, taking in boarders, and selling homemade or homegrown products. Children helped with industrial homework and ran errands.⁶²

Nonetheless, the family wage for men remained firmly rooted as an ideal. But by the end of the nineteenth century its emphasis had shifted from a critique of capitalist ideology and a defense of family and class autonomy to the maximizing of union power and the assertion of male privilege. The campaign for a family wage—now recast as a "living wage"—was taken up by Progressive social scientists and reformers who sought to uplift the moral and physical quality of the working class. The living wage was even supported by some paternalistic industrialists, such as Henry Ford, who wanted to promote social stability. When the Progressives gained political power, they helped establish state and federal agencies to regulate and monitor public health and safety, child welfare, and labor conditions. They undertook studies to establish base living standards and household budgets in order to calculate the minimum earnings necessary to maintain a household.⁶³

The ideal of a living wage assumed female dependence as a condition for men to be real men. Thus, according to May, the ideal became more closely linked to notions of gender privilege than to class autonomy. In 1907 the AFL called for a wage “sufficient to maintain (workers) and those dependent upon them in a manner consistent with their responsibilities as *husbands, fathers, men, and citizens.*” The focus on manhood remained the same in a 1919 statement: “The living wage is the right to be a man and to exercise freely and fully the rights of a free man.” While not systematically supporting restrictions on women, the AFL did not oppose exclusion of women from its locals. Regardless of intent, the living wage and breadwinner ideals buttressed male privilege in the labor market. Men’s responsibility for breadwinning (irrespective of the actual family status of particular men) was used to claim priority in access to higher-paid jobs. The corollary belief that women workers were only supplementing family income (irrespective of the actual situation of specific women) legitimated unequal wages and sex segregation of jobs.⁶⁴

The other major direction of efforts to shore up the position of wage-earning men was to restrict women’s employment through “protective legislation.” Some early laws limiting hours for women workers were passed in the 1850s, but efforts to get state laws limiting the hours of working women and children accelerated in the 1880s and 1890s. Middle-class women harnessed maternalist ideology to establish their moral authority to clean up the public realm and bring relief and protection to the less fortunate. Women reformers, settlement house workers, and journalists began to focus attention on the dire situation of women workers and their families and on the dangers to their physical and moral well-being posed by working long hours under unhealthy conditions. They exposed the wretched living and working conditions of women and children engaged in sweated labor in homes, factories, and sweatshops. Female reformers and activists called for legislation to regulate the conditions of work for women and children. They were joined by male Progressives and labor leaders, some of whom hoped that protective legislation for women and children would provide an opening wedge for broader regulations covering all workers. In the decades leading up to World War I, most state legislatures passed laws that set minimum wages, limited night work, and regulated health and safety standards for women, or that barred them from certain jobs that exposed them to hazards.⁶⁵

Protective legislation was premised on women's physical and psychological weakness rather than on their rights as workers. The same courts that had overturned broader-gauged laws protecting all workers ruled that protective legislation for women (and children) passed constitutional muster. Three years after the *Lockner* decision that had invalidated a New York law setting maximum hours for bakers, the U.S. Supreme Court in the landmark *Muller v. Oregon* case (1908) upheld an Oregon law limiting hours for women in certain occupations. In addition to agreeing with counsel Louis Brandeis's brief referring to women's physical weakness and possible harm to the health of their future children, the majority decision referred to women's lack of self-reliance and thus their inability to bargain and compete in the marketplace.⁶⁶

The new protections were also racially selective. White women were deemed in need of protection to ensure the future of the white race. The laws were not stated in racial terms, but industries and occupations in which women of color were concentrated were exempted from coverage, usually on the grounds of economic necessity. Agricultural and domestic workers were routinely excluded. For example, in California, where many Mexican women were employed in harvesting and other agricultural activities, a protective law specifically excluded female harvesters. In 1915, in *Miller v. Wilson*, the Supreme Court upheld this law on the grounds that such laws might help "check the rapid decline in reproduction of the older American stocks."⁶⁷

White workingmen's efforts to shore up their position also aimed to exclude men of color as competitors. In the West the focus was on Asian immigrant workers. From their earliest appearance in the United States, the Chinese had been likened to blacks as an inferior race, and one central element of white imagery of the Chinese was their "slave-like" nature. An 1878 report of the California State Senate Committee on Chinese Immigration warned of the danger posed to "American civilization" by Chinese labor: "[The Chinese] can be hired in masses; they can be managed and controlled like unthinking slaves. But our [white] laborer has an individual life, cannot be controlled as a slave by brutal masters." White workingmen's hostility to the Chinese peaked after the completion of the railroads in 1877 when a general economic recession threw thousands out of work. Labor strikes erupted in major industrial cities in the East and the Midwest. In San Francisco a demonstration against the railroads erupted into anti-Chinese mob vio-

lence. Three years later in Denver, after an extensive anti-Chinese campaign by a local newspaper, a Democratic election day parade turned into a citywide riot that ended with the gutting of Denver's Chinatown. Finally, in response to pressures from white workingmen's organizations and California political leaders, in 1882 the U.S. Congress passed the Chinese Exclusion Act, which prohibited immigration of Chinese laborers. It was the first U.S. federal law prohibiting entry by a named nationality. The Chinese Exclusion Act, as later amended, remained in force until 1943.⁶⁸

Labor and Citizenship

Coercion continued to structure the work of men and women of color long after it became technically illegal to subject a citizen to voluntary or involuntary servitude. This was closely correlated with two factors: the character of regional economies where large numbers of workers of color were concentrated (and to which they had often been recruited), and segregation of the labor market that confined people of color to certain industries. The division between free and coercive labor regimes correlated to a significant extent with the division between more advanced capitalist industries and the less advanced preindustrial sector. Coercive labor regimes were common in large-scale commodity agriculture (sugar, cotton), extractive industries (mining), and infrastructure building and maintenance (railroad, levee, and road construction). These were labor-intensive sectors that relied on masses of laborers doing heavy physical work, where workers of color were concentrated because of sectoral and job segregation. Coercive labor regimes were more common in "backward" regions that relied on commodity agriculture and extractive industries: the South, the Southwest, and the Far West.⁶⁹

In these sectors, land and capital were heavily concentrated in the hands of a few corporations or a few individuals who exerted almost total economic and political control over the lives of workers. In coal mining, for example, corporations not only owned and controlled the mines, they also owned the adjacent land and built camps to their own specification, including housing and facilities for workers. And they ran company stores where workers had to get their supplies. In the coal industry it was common practice to pay workers in scrip that could only

be redeemed for full value at the company store. Workers were paid at the end of the month and were forced to charge fuel, food, tools, and other necessities to get by until payday. Often the whole month's pay was eaten up servicing the previous months' debts.⁷⁰

In southern agriculture, landowners leased plots to sharecroppers who received payment only after the crop had been harvested and sold. In the meantime they received advances from the landowners to purchase necessities. Payment was based on the weight of the crop, as calculated by the landowner, a situation rife with outright cheating. By the time they settled their debts, sharecroppers were typically either barely breaking even or further in debt than when they started.⁷¹

Southwestern and western railroads and growers frequently employed labor contractors to recruit, transport, and oversee Chinese and Mexican labor crews. In this case it was the contractor or boss who bound the workers through debt. Impoverished workers might be induced or tricked into signing a note of debenture to pay the contractor for securing the job, transportation, and daily provisions. They would have to pay the debt over time by working on the job. Discipline and control of workers were left to the gang boss, inviting abuse.⁷²

A common element of debt peonage was disruption of traditional household economies. In southwestern villages women and children had contributed to subsistence by growing food and keeping animals, but when workers and their families moved to mining camps they did not have access to land and so had to purchase food, often on credit. Cutting off workers' access to subsistence was often a deliberately calculated move. Southern landowners often stipulated that all land rented to croppers had to be devoted to cash crops (cotton). This not only reduced women and children's ability to produce food, it also led to their being forced into field work to ensure maximum yield of the cash crop. Whites employed in mining or sharecropping also were subject to debt bondage, but they were accorded some racial privileges, such as receiving the more skilled or supervisory jobs in mining or somewhat more favorable contracts in sharecropping. Coercive labor systems also affected family formation and the labor of women. Women's labor was intensified by men's employment in industries such as mining which required working in remote camps. Women who were left behind had to engage in subsistence activity, such as growing food, and had to care for children alone. In other cases, such as sharecrop-

ping, debt bondage forced women and children to do field work, or to work as domestic servants for the families of white supervisors or as laundresses or boardinghouse keepers for single male workers.⁷³

These coercive labor practices can be seen as violating the intent and spirit of the Thirteenth Amendment and antipeonage laws, and therefore as deviating from the supposed American commitment to freedom. Such an interpretation might imply that these practices were inconsistent with traditional liberal ideology. However, when such practices were challenged in courts, the liberal theory of contract actually helped legitimate debt bondage. It did so by positing a theoretical equality between employer and worker that ignored the employer's economic power to affect the worker's ability to give voluntary consent. U.S. court decisions in the Gilded Age often enunciated an extreme version of liberty of contract which protected employers' rights to impose economic constraints that had the effect of preventing workers from leaving their jobs and from exercising autonomy in their "private" lives. In essence, the courts did not recognize debt bondage as a form of peonage. Ironically, the theoretical freedom of workers served to sanction practices that kept them effectively bound.

Moreover, once a worker had entered into a contract, relations were presumed to be governed by relationships prescribed by older common law and master-servant acts. These traditions assumed considerable rights on the part of employers to organize the work process and command obedience from the worker. According to Karen Orren, a "belated feudalism" continued well into the New Deal era. Up until that period, labor relations were regulated almost exclusively by the courts, which referred to common law and master-servant doctrines to determine employers' and employees' rights and obligations. Only in the 1930s did the efforts of organized labor succeed in bringing about a shift to "modern" labor relations based on collective bargaining and legislative regulation.⁷⁴

The Obligation to Work

It was not just liberal law and belated feudalism that reinforced coercion in the labor system. Even more fundamentally, American concepts of citizenship supported the legitimacy of forced labor under certain circumstances. This is because of what some historians have identified as a central element of American citizenship, namely the obligation to

work and earn. Judith Shklar has argued that, along with the ballot, “the opportunity to work and be paid an earned reward for one’s labor” is the main source by which individuals gain public standing, by which she means respect and recognition as a full member of society. In her formulation, to be a citizen in good standing one must be economically independent, that is, an “earner”—a “free remunerated worker, one who is rewarded for the actual work he has done.”⁷⁵ Originally, this meant being neither a slave (who works but does not earn) nor an aristocrat (who does not work); implicitly, it also meant not being a woman (whose work is owed to and owned by the male head of her family).

Conversely, as Linda Kerber points out, the obligation to work has been framed legally in negative terms as an obligation not to be (or not appear to be) “idle.” Persons deemed to be able-bodied who are unemployed are seen as shirking their obligation and are vulnerable not just to social opprobrium but to societal punishment. For most of American history this obligation has been embodied in state and municipal vagrancy laws, which have defined a wide range of activities, including begging, loitering, sleeping in public, and simply having “no visible means of support,” as crimes for which one could be arrested and put to forced work.⁷⁶ The continuation of vagrancy laws into the period of capitalist industrialization revealed the current of coercion running beneath the surface of labor “freedom.” As with other dimensions of labor, the obligation to work has been differentially defined and enforced for men and women, whites and nonwhites.

The obligation to work and earn is seen most starkly in vagrancy laws. These types of laws originated in Elizabethan England, at a time when the labor system was based on indenture and strict rules governing master-servant relationships. Compulsory labor for those convicted of vagrancy was consistent with the semi-coercive labor system. Not surprisingly, vagrancy laws were carried over into the American colonies, along with indenture and other traditional employment practices. What may be surprising is that such laws survived the phasing out of indenture for whites in the early nineteenth century and even the prohibition of slavery and voluntary servitude later in the century. Kerber notes that the Civil War resulted in the elimination of certain kinds of work such as slavery and involuntary servitude, but that “the elimination of slavery as a form of work did not automatically eliminate an *obligation* to work.”⁷⁷

Indeed, vagrancy laws that prescribed compulsory labor were ac-

tually strengthened and enforced more vigorously after the Civil War in both the South and the North. These laws became a central component of white efforts to regain control of black labor in the South and of conservative efforts in all regions to achieve what Eric Foner called a “compulsory system of free labor.”⁷⁸ As will be discussed in Chapters 4 and 5, vagrancy laws became a widely used means of compelling labor from newly emancipated blacks in the South and from Mexican immigrants in the Southwest. In the North, where a labor system based on voluntary contract between employer and employee was more advanced, imposition of vagrancy laws was a response to the increasing numbers of seasonally or temporarily unemployed wage workers visible in the streets of cities and towns. The spread of vagrancy arrests in the North raises the question of whether compulsory labor was inconsistent with a “free” wage labor system or was in fact integral to it.

In the West and the Southwest, vagrancy laws were used, as in the South, to discipline nonwhite workers. In the Southwest, these laws were part of the complex of threats that hung over Mexican workers in mining, agriculture, and cattle ranching. Neil Foley observes that in Texas, “lack of citizenship, fear of deportation or arrest for vagrancy kept Mexican immigrant workers more ‘pliable.’”⁷⁹

In the North, vagrancy laws were aimed at the growing numbers of “sturdy beggars” found in the streets of cities and towns. The increase in “beggars” reflected the precarious situation of workers, who were subject to sudden unemployment due to wildly fluctuating business cycles. Unlike the situation in the South and the Southwest, most of those charged with vagrancy in the North were white men. Amy Dru Stanley argues that northern reformers, most of whom had been firmly antislavery, were able to reconcile their simultaneous beliefs in free and compulsory labor by invoking the tenets of contract. They viewed most beggars as “idle by choice” and drew a clear distinction between working for wages and begging. The wage laborer was independent and self-supporting; he participated in the social exchange of the marketplace and obeyed its rules. The beggar was a dependent person; he “neither bought nor sold, but preyed on others.” Whereas “the wage earner abided by the obligations of contract, the beggar eluded them.” The reformers condemned charity and almsgiving precisely because they involved no contract: instead of *quid pro quo*, the receiver got something without having to reciprocate. In the view of reformers,

such a one-way relationship was paternalistic and destructive of the receiver's dignity and independence. Compulsory labor, in contrast, would force beggars to "obey the rules of the market and enter into voluntary exchange." Thus beggars would be induced to become independent waged workers.⁸⁰

Labor leaders disputed the reformers' explanation of the causes of poverty and unemployment and the contrast reformers drew between the independent wage worker and the dependent beggar. Samuel Gompers spoke for many laboring men when he contended that most beggars begged not by choice but because of circumstances beyond their control. Far from being the opposite of the wage worker, the beggar's situation embodied, in an extreme way, the dependency and compulsions implicit in the wage contract. As the labor reformer Ira Steward explained, the beggar reflected the condition of a large class, "the class of people without means to employ themselves who must either sell days work or live upon charity, or starve to death." Labor leaders also pointed out the compulsion that underlay so-called voluntary wage work. Workingmen understood too well the dire need that compelled workers to consent to work; if a requirement to work was backed up by the power of the state, then even the formal right of consent was rendered void. Holding the poor in "penal servitude" violated the principles of free labor and turned citizens into slaves. Vagrancy laws were thus unjust—a throwback to bondage.⁸¹

In the Progressive era, the obligation to work continued to be differentially defined and enforced by race and gender. The differences were reflected in allocation of poor relief and access to other social welfare programs. For example, the architects of Mothers' Pensions assumed that many women could not earn enough to be completely independent. However, this assumption only applied to white women. When Mothers' Pensions were introduced in forty states and the territories of Alaska and Hawaii in the 1920s, benefits were allocated according to racialized criteria. Black mothers were believed to be more able to find work and were routinely denied pensions. Local administrators of New Deal programs of the 1930s, such as the Federal Emergency Relief Program, also treated women differentially. Under the "employable mother" rule, black and Latina mothers were deemed "employable" as long as there was a demand for field pickers and domestics. During picking season particularly, program administrators were likely to re-

fuse support to women of color. Relief programs thus had the dual function of keeping white mothers at home and forcing Latinas and blacks into the low-wage labor market.⁸²

THE LATTER HALF of the nineteenth century saw fundamental shifts in the U.S. economy (from a small producer economy to capitalist industrialization) and expansion of civil and political citizenship (with the abolition of slavery and peonage and expanded suffrage). Ownership of one's labor and the ability to freely sell it, rather than ownership of productive property, became the basis for claiming independence. Within this definition, at least theoretically, free labor status was universalized. Despite this theoretical freedom, however, people of color and white women continued to be viewed as dependent and to find themselves subject to more intensive exploitation and restrictive controls than white men.

Why and how has the U.S. labor system maintained inequality and coercion despite a theoretically free labor system? The answers are complex. With regard to inequality and lack of mobility, one part of the answer in the case of white women was the continuing reliance on the household for reproduction and subsistence activity and women's responsibility for this labor. As a result, women continued to be defined as economically dependent on male breadwinners and their unpaid labor was considered an obligation rather than being voluntary. For men and women of color, the main structural mechanisms ensuring exploitability and lack of mobility in the labor market were occupational stratification and segregation. With regard to coercion, we have seen that it was not in fact an aberration from American principles and law. Rather, coercion was legitimated in several major ways. Contract theory as applied in the United States legitimated forms of economic coercion (such as payment in scrip) that restricted effective choice through the legal fiction of equality between employer and employee. Also, common law reflecting feudal elements gave employers almost complete authority and prescribed compliance on the part of workers. Finally, the obligation to be independent by working and earning was central to American concepts of citizenship. This obligation was codified to subject those deemed to be illegitimately idle into forced labor, with the interpretation of "illegitimate idleness" filtered through the lens of race and gender.