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978-1-107-01226-4 - Forging Rivals: Race, Class, Law, and the Collapse of Postwar Liberalism

Reuel Schiller

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Forging Rivals

The three decades after the end of World War II saw the rise and fall of a particular version of liberalism in which the state committed itself to promoting a modest form of economic egalitarianism while simultaneously embracing ethnic, racial, and religious pluralism. But by the mid-1970s, postwar liberalism was in a shambles. While its commitment to pluralism remained, its economic policies had been abandoned, and the Democratic Party, its primary political vehicle, was collapsing. Reuel Schiller attributes this demise to the legal architecture of postwar liberalism, arguing that postwar liberalism's goals of advancing economic egalitarianism and promoting pluralism ultimately conflicted with each other. Through the use of specific historical examples, Schiller demonstrates that postwar liberalism was riddled with legal and institutional contradictions that undermined progressive politics in the mid-twentieth-century United States.

Reuel Schiller is a professor of law at the University of California, Hastings College of the Law, where he teaches American legal history, labor law, and administrative law.

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*Race, Class, Law, and the Collapse of
Postwar Liberalism*

REUEL SCHILLER

University of California, Hastings College of the Law



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For Jane

“You take away the breath I was keeping for sunrise.”

–Pete Townshend

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There was something mysterious and smug in the way he spoke, as though he had everything figured out – whatever he was talking about. Look at this very most certain white man, I thought. He didn't even realize that I was afraid and yet he speaks so confidently. I got to my feet, "I'm sorry," I said, "I have a job and I'm not interested in anyone's grievances but my own ... "

"But you were concerned with that old couple," he said with narrowed eyes. "Are they relatives of yours?"

"Sure, we're both black," I said, beginning to laugh.

He smiled, his eyes intense upon my face.

"Seriously, are they your relatives?"

"Sure, we were burned in the same oven," I said.

The effect was electric. "Why do you fellows always talk in terms of race!" he snapped, his eyes blazing.

"What other terms do you know?" I said, puzzled.

– Ralph Ellison, *Invisible Man* (1952)

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Acknowledgments

I've always liked reading acknowledgments. Not only do they provide an interesting window into the intellectual provenance of the author, but they are frequently the only part of a book where the author's voice projects clearly, unencumbered by the norms of professional, "academic" writing. Unfortunately, acknowledgments have developed norms of their own: a certain order in which people are thanked, the repetition of certain words of heartfelt gratitude. I'm sure I will fall into this pattern as well, but there is one rule of acknowledgments that I'd like to break. I am not going to thank my family last. I am going to thank them first.

Without the love and support of Jane Williams, and our children, Naomi and Asa, I doubt this book would have been written. My family is the nurturing medium in which I live my life, and whatever successes I've had stem from them. I have no doubt that the presence of Jane, Naomi, and Asa in my life slowed down the writing of *Forging Rivals*, and thank goodness it did. It's painful enough knowing how much time this project has taken away from time spent with the three of them. I wouldn't want to imagine a world in which it had taken away more.

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norm. I like to think that the true genesis of this book lies around my childhood dining room table.

I have received an enormous amount of advice, support, and encouragement as I've written *Forging Rivals*, and it is a pleasure to recognize the people who have been so helpful. Chris Tomlins heads this list. I shudder at the thought of trying to write *Forging Rivals* without his thoughtful reading of the manuscript, his incisive, tactful editing of it, and his confidence in the entire project. I could not have asked for more in an editor. My friends and colleagues Bill Dodge and Joan Williams both read the entire manuscript and provided me with penetrating comments. Similarly useful critiques have been provided by others who have read large chunks of the manuscript: R. B. Bernstein, Eileen Boris, Joe Grodin, Laura Kalman, Michael Klarman, Nelson Lichtenstein, Deborah Malamud, Bill Nelson, Karen Tani, and a pair of anonymous readers for Cambridge University Press. Dan Ernst not only read large parts of the manuscript, but encouraged me to write it in the first place. I owe him particular thanks.

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