

Introduction

In August 2008, the British government released its first ‘National Risk Register’, which contained an ‘assessment of the risks of civil emergencies facing people in the UK’. The Register has been updated every two years since ‘to ensure that changes to the assessment of risks in terms of impact, plausibility and likelihood are correctly captured’. By 2015, the most significant risks facing Britons were identified as pandemic flu and issues associated with weather, from coastal flooding to heatwaves and gales, alongside ‘catastrophic terrorist attacks’ and ‘widespread electricity failure’. ‘Major industrial accidents’ ranked just behind. Regardless of where each of these risks fell on the scale, it was clear that the state would be called upon to plan for and clean up after each of them.¹ Accordingly, a separate document on ‘Central Government’s Concept of Operations’ outlined how, in theory, the state, with government as its agent, would act as risk manager.²

This development seems, perhaps, unsurprising. Over a hundred years earlier, at the 1889 meeting of the International Congress on Accidents at Work, delegates from across the globe had already identified what they called ‘occupational risk’, agreeing that it was a fact of everyday life and would require legislative action. Participants ranged from a General Consul of Brazil to representatives from Norway, Portugal and Romania, and they flocked to Paris for this inaugural meeting of the organisation. All came in search of, as the conference organiser put it, the ‘true solution’ to the problem of workplace

¹ ‘National Risk Register’, Reports, Cabinet Office, 27 March 2015, www.gov.uk/government/publications/national-risk-register-for-civil-emergencies-2015-edition, last accessed 5 December 2015.

² ‘Central Government’s Concept of Operations’, Cabinet Office, 23 April 2013, www.gov.uk/government/publications/the-central-government-s-concept-of-operations, last accessed 10 November 2015.

accidents.³ The conference coincided with the opening of the Eiffel Tower the same year, which stood as a reminder of the wonders – as well as the perils – of modern life in an industrial, and still industrialising, world. It seemed that modernity, with its various risks, from the workplace to, in 2015, terrorism and extreme weather, carved out a special role for the state. How has the state come to be seen as the manager of ‘risks’? And how has social legislation contributed to this transformation?

It is tempting to describe this process as one of inevitable modernisation. One can point to changing socio-economic structures caused by industrialisation, urbanisation and democratisation and trace the parallel emergence of what have come to be known as ‘welfare states’.⁴ Others have highlighted the roles of policy learning and emulation that have been facilitated by the new technologies of modernity, such as the telegraph, daily newspaper and steamship.⁵ To some, social policy has simply followed the ‘logic of industrialisation’: it grew in lockstep with industrialisation and related processes of modernisation, and it also served the function of keeping industrialisation going by appeasing those it most harmed: workers. To be sure, many have explained the changing role of the modern state by tracing the connection between political power and resources,⁶ whether economic or cultural, and have pointed to ‘welfare capitalism’ as an outcome of this dynamic. As a consequence, we have come to learn a great deal about the role of interest groups in pushing for particular kinds of social programmes that aim to benefit middle-class voters or businesses,⁷ stifle working-class unrest⁸ or construct families based on male breadwinners and female housewives.⁹ However, interpretations that look so persuasive with hindsight echo past debates about specific policy proposals, and linked to specific political aims.

³ Édouard Gruner (ed.), *Exposition universelle internationale de 1889: Congrès international des accidents du travail*, vol. 11: *Comptes rendus des séances et visite du congrès* (Paris, 1890), pp. 1, 7, 11ff., 19ff.

⁴ Harold L. Wilensky and Charles N. Lebeaux, *Industrial society and social welfare* (New York, 1958); Gaston V. Rimlinger, *Welfare policy and industrialization in Europe, America and Russia* (1973; Aldershot, 1993).

⁵ On these issues, see: Colin J. Bennett, ‘What is policy convergence and what causes it?’, *British Journal of Political Science* 21 (1991), pp. 215–33; David Dolowitz and David Marsh, ‘Learning from abroad: the role of policy transfer in contemporary policy-making’, *Governance: An International Journal of Policy and Administration* 13 (2000), pp. 5–24.

⁶ Walter Korpi, *The democratic class struggle* (London, 1983).

⁷ Isabela Mares, *The politics of social risk: business and welfare state development* (Cambridge, 2003); Peter Baldwin, *The politics of social solidarity: class bases of the European welfare state, 1875–1975* (Cambridge, 1990).

⁸ Gøsta Esping-Andersen, *Politics against markets: the social democratic road to power* (Princeton, NJ, 1985).

⁹ Susan Pedersen, *Family, dependence, and the origins of the welfare state: Britain and France, 1914–1945* (Cambridge, 1993); Jane Lewis, ‘Gender and welfare in modern Europe’, *Past and Present*, Supplement (2006), pp. 39–54.

My book offers an alternative perspective that emphasises the historical role of government in identifying and managing social risks. I focus on the case of workplace accidents as a lens into these processes and cast a spotlight on the essential role of law and administrative practices in shaping what I call ‘social states’. In the early and mid nineteenth century, vastly different legal systems declared that accidents at work were a private matter with which workers and their families had to cope alone, even if the fortunate few could turn to contributory mutual funds or, for the less privileged, to the aid of local parish relief. As free agents in the labour market, workers could choose to take up dangerous jobs – and to live (or die) with the consequences. By the close of the century, however, the situation had altered considerably, as numerous countries and federal states across the world enacted social legislation that guaranteed workers compensation (Appendix, Table 2). These initiatives, although building on certain more specific laws and practices, addressed workplace accidents in a novel way. They assumed that accidents were an inherent occupational risk to which no one had consented. Since employers were seen as the main beneficiaries of the workplace, they were now required to compensate injured workers for occupational accidents regardless of the cause. Some countries, such as Germany in the 1880s, set up social insurance schemes to carry out the new policy, while others relied on market-based solutions such as commercial insurance. Despite these differences, and across national borders, these schemes were based upon a common assumption: accidents at work had become an issue for social legislation and were now to be governed, whether directly or indirectly, by law and through the state.¹⁰

In Europe, this thinking in terms of risk and the role of the state as an arbiter in social life seems to have continued from the late nineteenth century into the twenty-first, as the UK’s ‘Risk Register’ (or almost any daily newscast) indicates. Policies for the compensation of workplace accidents helped to create this set of assumptions. Accident compensation laws were generally the first pieces of modern social legislation that set out, through national policy, to redistribute individual risks – which were consciously understood and articulated as ‘risks’ – systematically to a wider community (Appendix, Table 1). Of course, earlier social legislation had targeted the poor, sometimes on a national scale, as was the case in England since the seventeenth century, and soldiers’ pensions were another early attempt to redistribute risk through the state.¹¹ However, to contemporaries in the late nineteenth century, accidents had seemed a

¹⁰ For a related observation, see Alain Supiot, ‘Grandeur and misery of the social state’, *New Left Review* 82 (July–August 2013), pp. 99–113.

¹¹ See for example: Jonathan Healy, *The first century of welfare: poverty and poor relief in Lancashire, 1620–1730* (Woodbridge, 2014); Theda Skocpol, *Protecting soldiers and mothers: the political origins of social policy in the United States* (Cambridge, MA, 1992).

shadowside of industrial modernity¹² that would require a thoroughly modern solution: national social policy managed by a modern bureaucracy. Attempts to address the ‘accident problem’ marked the sudden intervention of the state in the market, transforming understandings about liberalism and, in particular, the freedom of contract.¹³ In turn, they revolutionised thinking about both the obligations and the rights of individuals. Tort law, that ‘bastard child of technology’, provided an initial, and usually unsatisfactory, means to seek damages against employers for accidents at work in the wake of industrialisation.¹⁴ As a consequence, commercial liability insurance for accidents became more prevalent as the nineteenth century wore on.¹⁵ Nonetheless, tort law proved unable to address the core problem behind workplace accidents: no one could be held responsible for them. Accidents no longer seemed an interpersonal matter to be sorted out between workers and employers in court. Instead, they became a social problem and a target for social policy.¹⁶

Compensation for workplace accidents formed an essential, yet often neglected foundation for the subsequent history of European statehood, in which identifying and managing social problems has become a core mission.¹⁷ In attempting to manage the first modern risk, governments played a central role not only in defining a task for themselves. They also made states in modern Europe into ‘social states’. The ‘*État social*’, ‘*stato sociale*’, ‘*Sozialstaat*’ and their equivalents are terms widely used in other languages, while the (frequently pejorative) ‘welfare state’ has taken hold in English. This linguistic distinction reveals what can be seen as an anglophone reluctance to acknowledge the positive social function of the state alongside a preference

¹² Anson Rabinbach, ‘Social knowledge, social risk, and the politics of industrial accidents in Germany and France’, in Dietrich Rueschemeyer and Theda Skocpol, eds., *States, social knowledge, and the origins of modern social policies* (Princeton, NJ, 1996), pp. 48–89.

¹³ Peter Flora and Jens Alber, ‘Modernization, democratization, and the development of welfare states in western Europe’, in Peter Flora and Arnold J. Heidenheimer, eds., *The development of welfare states in Europe and America* (New Brunswick, NJ, 1981), pp. 37–80, at p. 38; Jose Harris, *Private lives, public spirit: Britain, 1870–1914* (London, 1993), p. 144. On the broader relationship between shifting concepts of liberalism and the origins of the welfare state in Britain, see Chris Renwick, *Bread for all: the origins of the welfare state* (London, 2017).

¹⁴ Lawrence M. Friedman, ‘Civil wrongs: personal injury law in the late 19th century’, *American Bar Foundation Research Journal* 12 (1987), pp. 351–78, at p. 375.

¹⁵ Peter Borscheid, ‘Europe: an overview’, in Peter Borscheid and Niels Viggo Haueter, eds., *World insurance: the evolution of a global risk network* (Oxford, 2012), pp. 37–66, at p. 38.

¹⁶ For a related analysis of the relationship between modern states, the law and risk that builds on and overlaps with my earlier published and unpublished work and arguments, see Peter Itzen, ‘Who is responsible in winter? Traffic accidents, the fight against hazardous weather and the role of law in a history of risks’, *Historical Social Research* 41 (2016), pp. 154–75, and associated publications by the same author.

¹⁷ Paradoxically, the *idea* of compensation, as a form of distributive justice, has been seen as the founding principle behind the welfare state. See, for example, John Finnis, *Natural law and natural rights* (1980; 2nd edn, Oxford, 2011), pp. 177ff.; Niklas Luhmann, *Political theory in the welfare state* (Berlin, 1990), pp. 22–3.

for market-based solutions to social problems.¹⁸ Nonetheless, following the identification of occupational accidents as the consequence of known ‘risks’, a pan-European transformation unfolded in the governance of social problems. It included Great Britain as much as its continental counterparts, even if specific emphases and policy details differed. Social statehood was predicated on the sharing of risks – and the identification of analogous responsibilities, both for individuals and the state.¹⁹ The 1870s marked a watershed for this kind of thinking, as earlier ideas about fate or the immorality of people who had fallen on ‘hard times’ began to wither away in favour of arguments based on probability. Social reformers across Europe and the emerging social sciences such as statistics, sociology and economics all seemed to prove that problems such as accidents, hunger and poverty were the consequences of specific risks that could be predicted,²⁰ whether those risks were related to one’s job, natural fluctuations of the market or the lifecycle.²¹ By 1911, the British sociologist Leonard Hobhouse could look back at the sea change within his own lifetime in coming to terms with hardship:

It was thought ...[that] by sternly withholding all external supports we should teach the working classes to stand alone, and if there were pain in the disciplinary process there was yet hope in the future. They would come by degrees to a position of economic independence in which they would be able to face the risks of life, not in reliance upon the State, but by the force of their own brains and the strength of their own right arms. These views no longer command the same measure of assent. On all sides we find the State making active provision for the poorer classes and not by any means for the destitute alone.²²

Of course, the idea of risk was nothing new by the time Hobhouse was writing. Marine insurance across the northern Italian city states had been covering what it identified as ‘risks’, ranging from piracy to wrecked ships, already in the fourteenth century. The risks of winning and losing associated with gambling went

¹⁸ A tension highlighted in Jose Harris’ work. See, for example: ‘Enterprise and welfare states: a comparative perspective’, *Transactions of the Royal Historical Society* (5th series) 40 (1990), pp. 175–95.

¹⁹ My reading of the ‘social state’ contrasts sharply in this regard with that put forward by Niklas Luhmann: *Political theory*, pp. 21–2.

²⁰ Thomas Osborne and Nikolas Rose, ‘Do the social sciences create phenomena? The example of public opinion research’, *British Journal of Sociology* 50 (1999), pp. 367–96. See, for example: Per Wisselgren, *The social scientific gaze: the social question and the rise of academic social science in Sweden* (London, 2015); Kerstin Brückweh et al., eds., *Engineering society: the role of the human and social sciences in modern societies* (Basingstoke, 2012); Michael J. Lacey and Mary O. Furner, eds., *The state and social investigation in Britain and the United States* (Cambridge, 1993).

²¹ See, for example: James Vernon, *Hunger: a modern history* (Cambridge, MA, 2008); Jose Harris, *Unemployment and politics: a study in English social policy, 1886–1914* (Oxford, 1972); Pat Thane, *Old age in English history: past experiences, present issues* (New York, 2002).

²² L. T. Hobhouse, *Liberalism* (1911; London, 1919), pp. 156–7.

back at least to ancient Egypt, and they would characterise attitudes towards buying shares in joint-stock companies in early modern Europe. By the mid eighteenth century, commercial insurance markets had taken off across much of Europe, covering risks to life and property.²³ Looking to the state as a guardian in times of risk was, however, a novelty of the late nineteenth century, as was the expectation that individuals owed something (beyond taxes or military service) in return. For Hobhouse, therefore, ‘this view of social obligation [lay] increased stress on public but by no means ignores private responsibility’.²⁴ As I show in the following chapters, this thinking had become so deeply rooted by the 1920s that, through a major war, a global economic crisis and the birth pangs of Europe’s early experiments in both democracy and social legislation, it seemed that social statehood was here to stay, and it was based on this web of mutual expectations about the sharing of risks and responsibilities.

By the late twentieth century, this consensus began to crack, leading to a chequered view of the social state’s past and contemporary legacies. The economic downturn of the 1970s led several observers across the political spectrum to agree that the social state was a failure and to look for neoliberal alternatives – even if many elements of the social state would remain in place, and, not least, proliferate within this new political climate.²⁵ Under the Conservative British Prime Minister Margaret Thatcher, it seemed that benefit claimants merely took advantage of the system and avoided taking responsibility for their own lives. Similar thinking informed policy adjustments throughout the 1980s and into the early 2000s, evidenced by Thatcher’s attempt to make tenants in public housing into home owners by selling off council estates; Conservative Prime Minister David Cameron’s ‘Big Society’ vision of communitarian social care; the privatisation and ‘Catholicisation’ of welfare through the voluntary sector in northern Italy; and in recently reunified Germany, by the Social Democratic Chancellor Gerhard Schröder’s aim to move long-term claimants off public assistance by requiring beneficiaries to take so-called ‘mini-jobs’, regardless of individuals’ qualifications, ambitions or abilities.²⁶ Meanwhile, across the pond, the Democratic US President Bill Clinton dissolved Aid to Families with

²³ Peter L. Bernstein, *Against the gods: the remarkable story of risk* (New York, 1996), pp. 12–13, 89–95. On the eighteenth century as a turning point: Emily C. Nacol, *An age of risk: politics and economy in early modern Britain* (Princeton, NJ, 2016). For example: Geoffrey W. Clark, *Betting on lives: the culture of life insurance in England, 1695–1775* (Manchester, 1999).

²⁴ Hobhouse, *Liberalism*, p. 164.

²⁵ On the broader context, see Paul Pierson, *Dismantling the welfare state? Reagan, Thatcher and the politics of retrenchment* (Cambridge, 1995).

²⁶ Edward Ashbee, ‘Neoliberalism, conservative politics and “social recapitalization”’, *Global Discourse* 5/1 (2015), pp. 96–113; Georg Menz, ‘Auf Wiedersehen, Rhineland model: embedding neoliberalism in Germany’, in Susanne Soederberg et al., eds., *Internalizing globalization: the rise of neoliberalism and the decline of national varieties of capitalism* (Basingstoke, 2005), pp. 33–49; Andrea Muehlebach, *The moral neoliberal: welfare and citizenship in Italy* (Chicago, 2012), pp. 60–5.

Dependent Children with a similar rationale, declaring ‘today we are taking a historic chance to make welfare what it was meant to be: a second chance, not a way of life’.²⁷ Behind these disparate initiatives was the consensus that individuals should take responsibility for their own lives, and should be free to choose whether and how to make provisions for potential risks.²⁸

Neoliberal critiques of the welfare state and calls for retrenchment permeated the centre and right as well as the left, leading not only to anxieties about the abuse of social assistance but also to analyses of the state as a social disciplinarian.²⁹ Some began arguing that new forms of knowledge about risk resulted in the growth of governmental power and legal regulation, with a resultant loss of individual liberties. For example, in his pathbreaking study of the origins and growth of the ‘providential state’ in nineteenth- and twentieth-century France, François Ewald claims that a ‘decisive rupture’ took place when workplace accidents came to be seen as the natural outcome of known risks (that could be predicted and therefore provided for), rather than as the consequences of individual responsibility. Subsequently, attempts to manage social risks through ‘solidarity’ gradually proliferated in the form of insurance and related measures. Ewald’s argument was both a conscious critique of the French ‘providential state’, which had come under widespread attack during the 1980s, and a manifestation of his disappointment about the failure of radical social revolution in 1968.³⁰ For Ewald, the ‘socialisation’ of risk was a unidirectional – and gradually authoritarian – process that moved away from protecting individual ‘liberty’ towards promoting ‘life’, in the form of ‘biopower’. From this perspective, the providential state was potentially totalitarian, akin to James C. Scott’s high modernist states like the Soviet Union, whose grand ‘schemes to improve the human condition’ were bound to fail (and harm subjects in the process).³¹ In parallel to these critiques, others proposed an alternative reading of the relationship between risk, modernity and the state. From the 1970s, scholarship on ‘risk societies’ led by the sociologists Ulrich Beck, Anthony Giddens and Niklas Luhmann posited that attempts to govern risk, especially through scientific and social knowledge, have become

²⁷ Quoted in Francis X. Clines, ‘Clinton signs bill cutting welfare; States in new role’, *New York Times* (23 August 1996), <http://nyti.ms/194fPhs>, last accessed 10 December 2015.

²⁸ An outline of this transition in the USA: Jacob S. Hacker, *The great risk shift: the new economic insecurity and the decline of the American dream* (Oxford, 2008). See also Yascha Mounk, *The age of responsibility: luck, choice, and the welfare state* (Cambridge, MA, 2017).

²⁹ For example: Larry Frohman, *Poor relief and welfare in Germany from the Reformation to World War I* (Cambridge, 2008).

³⁰ François Ewald, *L’État providence* (Paris, 1986), pp. 10–11. Michael C. Behrent, ‘Accidents happen: François Ewald, the “antirevolutionary” Foucault, and the intellectual politics of the French welfare state’, *Journal of Modern History* 82/3 (2010), pp. 585–624.

³¹ Ewald, *L’État providence*, pp. 16, 25–7, 143, 275, 349–51, 374–5, 529–30, at pp. 10 and 401; James C. Scott, *Seeing like a state: how certain schemes to improve the human condition have failed* (New Haven, 1998).

the ubiquitous hallmarks of a new, postindustrial era. These exercises in risk management have been characterised by regulations on ‘health and safety’ at work, school and elsewhere, as well as by policies directed at new ‘risks’ such as ecological disasters, nuclear accidents and terrorist attacks. Postindustrial risk societies have been marked by their neutrality: on the surface, it seems that everyone suffers from global warming or the meltdown of a nuclear reactor in the same way.³² Due to the ostensibly universal nature of postindustrial risks, the question of individual responsibility becomes irrelevant. Following this line of reasoning, modern states are not necessarily totalitarian, but they are predicated on risk management for society at large.

Contrary to received wisdom, I suggest that the state has not become unrelentingly interventionist over the last two centuries in attempting to manage ‘risks’. Nor must questions of individual responsibility – to hold a job, return to work, maintain a home – stand either at the centre of our understanding of social legislation, as in critiques inspired by neoliberalism, or out of view entirely, as in the accounts of ‘risk societies’. Instead, by studying how workplace accidents were made into the object of social policy, we can see how governments at the dawn of the twentieth century worked together with a wide range of actors to determine what counted as a ‘risk’ and what were deemed the obligations of both individuals *and* the state in dealing with that risk. In doing so, officials, from career bureaucrats to consulting attorneys, helped create the idea that modern states were the guardians of their citizens: whether acting as benevolent caretaker or stern warden, the state took on a mystical, almost spiritual quality.³³ In order to understand this process, we need to return our attention to government as the motor of social policy, and to adopt a comparative and historical analysis. Following Pierre Bourdieu, I emphasise the role of bureaucracy in taking up a range of practices, from collecting statistics to enacting laws or producing official memoranda, that created a sense of ‘stateness’ when attempting to deal with workplace accidents and their repercussions.³⁴ Officials contributed to this sense not only through their actions, but also through their beliefs about the specific nature of their own state *as*

³² Ulrich Beck, *Risk society: towards a new modernity*, trans. Mark Ritter (Thousand Oaks, CA, 1992). An adumbrated version of this view distinguishes between earlier understandings of ‘danger’ and modern notions of ‘risk’: Niklas Luhmann, *Risk: a sociological theory* (New York, 1993), pp. 23–7; Anthony Giddens, ‘Risk and responsibility’, *Modern Law Review* 62 (1999), pp. 1–10, at p. 3.

³³ Following Max Weber, some have gone as far as suggesting that the state has replaced religion as the modern form of faith, a view to which I do not subscribe. See Pierre Legendre, *Leçons VI: Les enfants du texte. Étude sur la fonction parentale des états* (Paris, 1992).

³⁴ Pierre Bourdieu, *Sur l’État: cours au Collège de France, 1989–1992* (Paris, 2012), pp. 580–1. On ‘stateness’, see Peter Nettl, ‘The state as a conceptual variable’, *World Politics* 20 (1968), pp. 559–92. See also Philip Abrams, whose ‘myth of the state’ was a crucial analytical link between earlier theory and Bourdieu’s work: ‘Notes on the difficulty of studying the state (1977)’, *Journal of Historical Sociology* 1 (1988), pp. 58–89.

a nation state.³⁵ The creation of Europe's social states paralleled the birth of many of its nation states, alongside a more widespread phenomenon: modern nationalism.³⁶ Official views about national specificity filtered into the details of policy proposals and the tone of government publications about social legislation. As Tim Mitchell has argued, the state 'occurs not merely as a subjective belief', but it is also 'represented and reproduced in visible, everyday forms, such as the language of legal practice, the architecture of public buildings, the wearing of military uniforms, or the marking out and policing of frontiers'.³⁷

My concept of the 'social state' calls for this kind of cultural sensitivity to processes of policy making. This perspective enables us to tease out the meaning behind official wording and the symbolism inherent in official actions as well, of course, as inaction.³⁸ It also allows us to depart from viewing the state as an autonomous actor that is both rational and above the frays of civil society,³⁹ meaning that governments create and subscribe to closed rationalities with the result that policy is the self-propelling progeny of Max Weber's 'iron cage'.⁴⁰ At the same time, thinking in terms of 'social states' enables us to move beyond placing social policy into that murky quagmire of the 'social' which neo-Foucauldian scholars have located between civil society and the state.⁴¹ The paradox of the 'social' as a category of analysis is that it assumes that the state continues to dole out social discipline, even if its (neo)liberal policies mean that individuals unknowingly choose to discipline themselves.⁴²

³⁵ From a Marxist perspective, Philip Corrigan and Derek Sayer have made a similar argument about the creation of 'Englishness' that ran parallel to state formation in England: *The great arch: English state formation as cultural revolution* (Oxford, 1985).

³⁶ For a related argument that focuses on Germany, see Sandrine Kott, *Sozialstaat und Gesellschaft: das deutsche Kaiserreich in Europa* (Göttingen, 2014), especially ch. 6.

³⁷ Timothy Mitchell, 'The limits of the state: beyond statist approaches and their critics', *American Political Science Review* 85/1 (1991), pp. 77–96, at p. 81. These aspects of the 'state as effect', in Mitchell's words, have been highlighted for Britain in some recent important works. See, for example, Patrick Joyce, *The state of freedom: a social history of the British state since 1800* (Cambridge, 2013); Tom Crook, *Governing systems: modernity and the making of public health in England, c. 1830–1910* (Berkeley, 2016).

³⁸ And the emotions or lack thereof associated with those actions. See Michael Herzfeld, *The social production of indifference: exploring the symbolic roots of western bureaucracy* (Chicago, 1992).

³⁹ George Steinmetz, 'Introduction', in George Steinmetz, ed., *State/culture: state-formation after the cultural turn* (Ithaca, NY, 1999), pp. 1–50, at pp. 23–4.

⁴⁰ A possible reading of Oliver MacDonagh's landmark study of governmental problematising: *The pattern of government growth: the Passenger Acts 1800–1860* (London, 1961). This line of analysis can also be detected in some of the neo-institutionalist literature on the state, such as Peter Evans et al., eds., *Bringing the state back in* (Cambridge, 1985).

⁴¹ Pace George Steinmetz for his otherwise brilliant *Regulating the social: the welfare state and local politics in imperial Germany* (Princeton, NJ, 1993), p. 1.

⁴² Michel Foucault, 'Governmentality', in Graham Burchell et al., eds., *The Foucault effect: studies in governmentality, with two lectures by and an interview with Michel Foucault* (Chicago,

By contrast, an understanding of social states necessitates illuminating the interactive bureaucratic-societal dynamics that drove the evolution of social policy. It requires moving beyond seeing the state either as a kind of *deus ex machina* disciplinarian (or, from a Whiggish perspective, as a benefactor) or as the punching bag of interest groups hashing out their own visions of social justice.⁴³

Britain, Germany and Italy offer ideal case studies to understand these dynamics. While Germany and Italy had recently unified as new nation states, in 1871 and 1859, respectively, Britain had existed, in various forms, as a sovereign country for centuries before the concept of social states began to take root at the end of the nineteenth century. These differences mattered for the nature of the social state in each country and make a comparison of their experiences with the evolving relationship between risk, responsibility and statehood especially meaningful. Of course, other countries could easily have been selected for such a comparison. France and Britain have often been compared in terms of their histories of industrialisation,⁴⁴ and the Nordic countries, due to their expansive late twentieth-century welfare states, are often the subject of comparisons of European social policy. Beyond Europe, a number of other countries, from the United States to Chile and Japan, might have convincingly been selected for such an analysis. However, in terms of the making of nation states in the nineteenth and early twentieth centuries, and its relationship to social provision, Germany and Italy offer perhaps the most analogous – and, by extension, telling – objects of study. Meanwhile, Germany and Britain, in many ways, offer a particularly important contrast in terms of historical development, due to the differing nature of their legal systems, bureaucracies and political structures. At the same time, contemporaries in Britain, Germany and Italy consistently looked to developments across each other's borders – and especially to the contrasting models of social legislation put forward in Britain and Germany – when reflecting on the nature of workplace risk and possible ways to manage it. For these reasons, France – which has also been the subject of considerable research in terms of accidents, risk and welfare, including important comparative work⁴⁵ – does not form a central part of the story presented here.

Of course, Britain, Germany and Italy shared the common problem of workplace accidents and similar solutions to that problem. Germany and Italy introduced accident insurance legislation in 1884 and 1898 respectively. By

1991), pp. 87–104. On the elision between neo-Foucauldian work and older studies of social control: Peter Mandler, 'After the welfare state', *Journal of British Studies* 39 (2000), pp. 382–8.

⁴³ A downside of Supiot's otherwise persuasive analysis: 'Grandeur and misery'.

⁴⁴ For example: Patrick O'Brien, 'Path dependency, or why Britain became an industrialized and urbanized economy long before France', *Economic History Review* 49 (1996), pp. 213–49.

⁴⁵ In particular, in Ewald, *État providence*, but also in a spate of subsequent work such as Rabinbach's *Human motor* and recent important research by Soraya Boudia, Nathalie Jas, Thomas LeRoux and Jean-Baptiste Fressenoiz.