Index

AAIPS, 224, 229. See American Association of Industrial Physicians and Surgeons
ability/disability, 46
actuarial self-awareness, 108
Addams, Jane, 244
Aetna, as under-compensating company, 213
age discrimination, 182–183
aggregation
  of injuries, 62, 81
  in injury law, 66
agricultural work, exclusion in compensation law, 177
Alexander, E. D., 195
Allen, Newton, 54
Allen, Ora, 55
Althusser, Louis, 211
ambulance chasers, 69
American Association of Industrial Physicians and Surgeons (AAIPS), 224, 229
American Association for Labor Legislation, 56
American Economics Association, 263
American Federation of Labor appeals of, 263
  compensation laws supported by, 263
  court-based injury law as preference, 105
  on discrimination against married men, 181
  on discrimination by self-insurers, 198
  opposition to medical exams, 257
  support for state monopoly insurance, 260
American Mining Congress, on compensation legislation, 123
American Red Cross
  Cherry mine relief as template, 125
  injury outlook on, 88
American Steel and Wire Company, lawsuits against, 95
Anderson, Elizabeth, 7
anti-tuberculosis efforts, 242
Asher, Robert, 103
assumption of risk rule, 20
Atherton, Charles, 132
attorneys. See lawyers at-will employment, 203
Badger, Walter, 214
Bagehot, Walter
  Economic Studies, 91
Bailiff, Mrs. Thomas, 131
Baker, Ella, 9, 12
Baker, Tom, 201, 204, 206, 217, 259
Barker, A. P., 43
battle fatalities, comparison with, 77
Beck, Ulrich, 204
Belick, Estella, 29
Bellamy, Paul
  on actuarial self-awareness, 108
  on compensation laws, 95
  on lawsuit outcomes, 79, 95
  benefit-sharing dependents, 202
Benjamin, Walter, 2, 17, 118, 132, 277
Berman, David, 67
Between the World and Me (Coates), 3
Index

Bickle, Ernest, 126
biopolitics, 16
capitalist needs reflected in, 87
Foucault on, 65
recognition vs., 74, 78
reformers’ views on, 235
state’s well-being and, 85
Bisbee strike (1917), 262
Blaine, John, 69
Blake, William, 133
Blom, Nettie
indignity suffered by, 35
injury of, 1
lawsuit of, 4, 8, 25
Blumenthal, Susanna
body parts, dollar value of, 5
body retrieval/funerals, 126
boundary struggles, 9
Bouvier, John, 40
Bowen, Mrs. Joseph T., 244
Bowen, Louise de Koven, 244
Boyd, James Harrington
on employer negligence, 79
on “human conservation”, 87
on industrial hazard exposure, 64
on injury/fatality statistics, 76
on uncompensated injuries, 80
Boydston, Jeanne
Home and Work, 92
Branconnier, Eugene
compensation granted to, 152
distributive justice for, 156
Travelers response to, 214
Brand, James, 60
Bureau of Labor Statistics
on employee fatalities in 2001, 132
on goggles at Pullman, 163
Burhop, W. H., 195
Burke, Thomas, 122
Burnstein, Daniel, 241
business-protection perspective, 84, 93
Buswell, Henry, 37
California Supreme Court, Liptak decision, 162
Callahan, F. R., 164
Callender, Harold, 262
Capital: A Critique of Political Economy (Marx), 275
capitalism, 7, 275
at-will employment in, 203
on class conflict, 7
compensation as minimal impact on, 175
on human relationships as economic, 266
human roles in, 274
self-interest in, 200
capitalists
risk avoidance by, 103
trade associations of, 109
Care and Education of Crippled Children in the United States (Reeves), 139
Carlin, Kathryn
award for injuries, 4, 28
lawsuit of, 8
Carr, E. F., 162–163, 247
Central Railroad, 31
Central Railroad v. Richards, 32
Cherry Mine fire, 119
administrative matter vs. murder?, 132
diary of deceased miner(s), 127–128
family members of, 119
names of deceased, 129
surviving miners, 128
Cherry Relief Commission
control over women/families, 125
relief provided by, 120, 124
Chicago Daily News, on ironworker accidents, 63, 78
Chicago packinghouse workers, 25
Chicago Tuberculosis Institute
“A Plan of Examination of Employees for Tuberculosis”, 241–242
watchwords for, 252
Chicago, Milwaukee and St. Paul Railroad, 127, 133
Chicago, Rock Island and Pacific Railroad, 26
children, wage-earning employment at age fourteen, 126
Church, R. W., 121
civic obligation, 76
Clark, Irving
on formation of industrial medicine, 242
on medical exam speed, 238
Clark, John Bates, 102
class conflict, 103
class relationships, 7
Coates, Ta-Nehisi, 3
Cole, Thomas R., 182
collective thought, 55
collectivity, 65
commensurability, 114
commodification, 16, 33–34
artificial/genuine, 50
as core of employee injury law, 20
facets of, 114
incomplete, 149
of people, 92
Radin on, 36
risk as factor in, 205
universal, 173
in worker’s compensation, 113
commodities, Marx on, 6
Commons, John R.
as academic, 56
on safety incentives, 189
compensable injury risk, 230
compensation laws. See worker’s compensation
compensation policy formation, 68
Conference Board of Physicians in Industry, 240
Conlon, P. J., 257
Connor, Jeremiah, 213
consciousness, 9
contingency, 12, 272
contracts
implicit in employment, 23
insurance in, 66
as outcome of protracted struggle, 37
contributory negligence rule, 20
Conyngton, Mary, 179
Cook, Eli, 219
Cooley, Thomas, 37
Corne, Thomas, 37
Corporate restructuring/merging
employee injury/fatality exposure from, 102
as risk avoidance, 100, 108
court-based system, 36, 78
Cover, Robert, 276
Crane Company, medical screening as, 213
Insurance as competitive requirement, 206–207
Crawford, David, 165
Cronon, William, 269
Crowder, Grace Meigs, 251, 269
Crowder, Thomas
awareness of actions, 249, 251, 257
background of, 251–257
on economics of medical exams, 227
on job needs of handicapped workers, 249, 264
market imperatives as driver for, 275
rejection criteria of, 232
roles in AIPS, 229
on sleeping car ventilation, 243
storytelling of, 269
survey of Pullman physicians, 231
Dawley, Alan, 110, 265
Dawson, Miles
business-protection perspective of, 93
on economics of injury, 85
as legal counsel to striking garment workers, 69, 86
on liability insurance costs, 96
on waste in court-based injury law, 69, 95
“Deal in Wheat” (Norris), 271
DeArmand, J. A., 42, 44
dearth benefits, 181
“Death Calendar in Industry for Allegheny County”, 61
defects/imperfections. See also disability/impairments.
defects screened for, 228, 231, 236
definition of, 176
exclusion criteria, 231
Department of Labor, 107
depression of 1893, corporate restructuring/merging as response to, 100
diary of Samuel Howard, 127–128
disability/disabilities, 138. See also disabled workers; impairment, definition of
contemporary view of, 138
gender differences in connotations, 46
as social and political condition, 47
as socially constructed marginalization, 47
ubiquity in Progressive Era, 138–139
disabled workers;
impairment, definition of
marginalization/exclusion of, 107, 149–151
social Security exclusion of, 265
starvation of, 264
as surplus population, 256
waiving rights to compensation, 170, 172
discrimination. See also under insurance against disabled workers. See under
disabled workers
discrimination. (cont.)
   against married men, 179, 182
   age, 182–183
   family size as factor in, 181, 188
   legitimating, 209
   wage. See wage discrimination
   disfigurement, masculine/feminine, 49
   distributive injustice, 34
   domestic work, exclusion in compensation
   law, 177–178
   Dowling, Robert E., 258
   Downey, E. H.
      on compensable injuries, 25
   History of Labor Legislation in Iowa, 76
      on no-fault accidents, 79
   on uncompensated injuries, 80
   Doyle, Louis, 214
   Duffy, T. J., 198
   Dujay, Frank, 199, 258, 260
   Earling, Albert J., 120
   Eastman, Crystal
      biopolitical policies advocated by, 255
      on compensable injuries, 25
      condescension of, 58
      on cost of workplace injuries, 72
      “Death Calendar in Industry for
      Allegheny County”, 61
      on justice as recognition, 74
      on no-fault accidents, 79
      on statistics, 67
      “Temper of the Workers under Trial”, 53
      on uncompensated injuries, 80
      work of, 57–60
   Work-Accidents and the Law, 53, 60
      working-class treatment by, 115
   Economic Studies (Bagehot), 91
   economic/moral facets, 19
   economy, non-lethal, 271
   Eisner, Marc, 101
   Electrical Alliance (union), 199
   Elliott, Sarah Barnwell, 121
   Ely, Richard, 91
   Empire Companies, 170
   employees
      coercion of, 7
      as commodities, 226
      as financial risk, 180
      instrumentalization of, 12
      protection from retaliation, 270
      role of, 10
   employer–employee cooperation, 103
   employers
      accountability requirements for, 271
      as gatekeepers of risk pools, 175, 215
      lawsuit outcomes, 95
      legal defenses of, 20, 25, 81, 98
      liability insurance costs, 96
      employing class, working class vs., 106
      employment, 51
      at-will, 203
      commodification. See commodification
      as contractual, 37
      damages from
         non-pecuniary, 26, 39
         pecuniary, 25
      distributive injustice, 34–36
      legal assumptions about, 19–24
      moral logic, 36
      as political, 209
      as voluntary, 21–22
      regulating, 110
   employment law, 107
   English Compensation Act, 124
   equality, 156
   equivalency, in human losses, 50
   Estis, Matt, 42
   eugenics, 88
   European compensation laws, 125
   Evans, William D., 144
   experience rating, 203
   Fair Labor Standards Act, 107
   Fall, Charles, 24
      on contracts, 23
      on employer responsibility, 37
   families
      dislocation of, 73
      dissolution of, 70
      injury impact on, 72
      as source of future workers, 91
   Farrington, F., 261
   Farwell, Nicholas, 20, 23
   Farwell v. Boston and Worcester R.R. Corp, 20
   fathers, damages for loss of a virtuous
   daughter, 49
   Faulkner, William, 254
   fault negligence, 79
   fees vs. fines, 38
   fellow servant rule, 19, 37
   Felton, J. S., 250
financial liability, one-eyed employees as, 160
Fishback, Price, 96–97, 215
fixed-capital-intensive firms, 100
food handlers, 246
Ford, C. E., 225, 227, 236, 252
Ford, Henry, 167
Ford Motor Company, exceptional treatment of disabled workers, 167
Fors, Clarence, 171
Foucault, Michel
on biopolitics, 16, 32, 65
on surplus populations, 256
on veridiction, 27
Frankel, Lee, 70
Fraser, Peter, 277
Fraser, Nancy
on boundary struggles, 9
on compensability, 12
on just deserts/recognition, 31
on social reproduction crisis, 90
French, Nathaniel, 89
Friedman, Lawrence, 93
full redress, 39
fungibility, 114
Furuseth, Andrew, 260
future speculation, in compensation determination, 29
Gagliardo, Domenico, 215
Garland-Thompson, Rosemary, 150
Garst, Warren, 124
on age/disabilities discrimination, 183
discrimination as concern, 212
on impaired risks, 176
insurance company responses to, 187
on non-discriminatory compensation laws, 201
on pre-employment medical examinations, 221
on self-insurance, 186
on waiving the right to workmen’s compensation, 172
Garwin, John, 146, 156
Geertz, Clifford, 33
gender differences in compensation income, 28
in court testimony, 43
in pay scales, 178
in power relationships, 49
in risk taking, 36
INDEX 283
General Contractors Association, 205, 209
General Electric discrimination at, 168
employee terminations, 199
medical exams by, 258
Genovese, Eugene, 212
Georgia Circuit Court, 40
Georgia Supreme Court ruling, 31
German compensation laws, 67, 104
Gettysburg battle fatalities, comparison with, 77
Gillette, George, 69, 86
Gilson, Ronald, 215
Given, Welker, 221
Glaberman, Martin, 9
Glackin, Edward J.
business-protection perspective of, 93, 98
on court-based injury law, 84
on financial effects of injury, 74
on ironworker accidents, 78
on liability insurance costs, 96
“Life and Limb Too Cheap”, 112, 267
Gompers, Samuel, 111
Goodhart v. Pennsylvania R.R. Co., 41
Gordon, Avery, 17, 241, 254
Grapes of Wrath (Steinbeck), 272
Gray, Fred, 87, 118
Great Steel Strike, 262
Guglielmi, Maria, 125
Guilbert, Harry
on one-eyed employees, 160, 162–163, 230
on syphilis, 230
Hamilton, Alice
on industrial medicine doctors, 222
on lead paint exposure, 244
on non-fungible losses, 268
Hard, William
biopolitical policies advocated by, 235
estimates of, 74–78
Injured in the Course of Duty, 53
on justice as recognition, 74
on litigation-based injury law, 81
no-fault accident estimates, 79
on non-fungible losses, 269
on uncompensated injuries, 80
work of, 57–60
working class treatment by, 115
Harrar, James, 210
Haywood, William D., 105
© in this web service Cambridge University Press
www.cambridge.org
Index

hazard pay, 23
hegemony, 212
Henderson, Charles
biopolitical policies advocated by, 255
as compensation law proponent, 99
on court-based injury compensation, 80
on segregating injured “degenerates”, 88
as social investigator, 56
on work hazards, 77
Hine, Lewis,
History of Labor Legislation in Iowa
(Downey), 76
Hobbs, R. A. Mansfield, on self-insurance, 195–196, 200
Holman, Dudley, 231
Home and Work (Boydston), 92
Hookstadt, Carl, 198
on accident prevention as self-insurance benefit, 200
on discrimination against disabled workers, 168
on fear of retaliation, 198
on goggles at Pullman, 163
Horan, Caley, 204
Horner, William H., 119
Howard, Alfred, 119
Howard, Salina, 119, 126
Howard, Samuel
in Cherry mine fire, 119
diary of, 127–128, 271
Robinson’s relationship with, 126
Huiber, I. K., 169
Hull House, 244
human worth in dollar amounts, 36
Hungerford, L. S., 160
husbands, damages for loss of wife’s “consortium”, 49
Huysssen, David, 57
Idaho governor’s murder, 105
ideology, 83, 200, 211, 239, 256
Illinois Bureau of Labor Statistics, 119, 123
Illinois Employers’ Liability Commission, 72–73
Illinois Manufacturers Association, 110
Illinois Occupational Health Commission, on lead paint exposure, 243
Illinois occupational health legislation, 243
Illinois Steel Company, 54, 75, 77
Illinois Supreme Court, eye loss decision, 162
impaired risks, 176
imprisonment, 176, 230. See defects/impairments
industrial medicine, 218, 252. See also industrial physicians; pre-employment medical examinations before compensation laws, 241–248
formation of, 242
Industrial Medicine and Surgery (Mock), 224
industrial physicians
as cost-management technicians, 222–227
as non-monsters, 251–252
industrial violence, 1
Industrial Workers of the World
on Cherry mine deaths as wanton slaughter, 132
Haywood as leader in, 105
opposition to medical exams, 262
on working class and employing class, 106
inegalitarian wages, 133
inflation adjustments, 181
infrapolitics, 214
Ingalls, Wallace, 71
Injured in the Course of Duty (Hard), 53
injured workers. See also work-related injuries
advocates for, 53
biopolitics, 64–68
documentation of, 55
injury frequency, 64, 73
pain and suffering for increased awards, 97
physical appearance of injuries, 42, 46
singularity/individuality of, 58, 61
definition of, 58
as distancing from, 63
weekly payments to, 111
injuries, compounded, 137
court decisions
on partial disability, 140–149
on total disability, 152–158
disabilities discrimination, 149–152
employment of disabled workers, 138–140
Pullman risk avoidance, 138–166
risk-averse employers, 167
injuries, ubiquity in Progressive Era, 138–139
Index

injury law, 4
court-based system of, 15
distributive injustice of, 78
injuries and loss depicted in, 59
shortcomings of, 78, 93
social meaning of, 38
strife/militancy created by, 103
as wasteful, 68–74
workmen’s compensation vs., 265
growth of, 57
insurance in, 66
lawsuit frequency, 95
mutual moral obligations in, 37
state reforms, 98
uncertainties in, 95
unemployment risk as factor in, 157
instrumental-reform perspective, 84, 87, 93
insurance, 175–177, 217
behavior changes from, 204
cherry picking by, 191
as cold-blooded business, 207–208
as communities of privilege, 204
cost management with lawyers, 215
discrimination
marital status/age as basis for, 179
reasons for, 185–191
legitimating inequality, 209–211
low settlements from, 69
pooled risks in, 201
as risk-control measure, 71, 102
as risk-pooling, 66, 110, 176
selection practiced by, 201
self-insurance. See self-insurance
as state monopoly. See state monopoly insurance
as transfer of wealth, 205
types of, 185
underpayment of claims, 213
as a worldview, 66, 108, 177
insurance company statistics, in compensation payments, 31, 34
Insurance Federation of Iowa, 187–188
International Association of Industrial Accident Boards and Commission, 231, 248
International Association of Machinists, 262
International Harvester, 101, 103, 121, 244
investmentality, 219
involuntary retirement, 183
Iowa Employers’ Liability Commission, 89, 191
Iowa Industrial Commission, 221
Iowa Supreme Court
on assumption of unimpaired workers, 141
Jennings decision, 156
partial disability ruling of, 146
ironworker accidents, 60, 61, 77
IWW. See Industrial Workers of the World
Jackson, Justice, 31–32
Jaeggi, Rahel, 9, 90
Jennings, I. B., 146, 156
Jennings v. Mason City Sewer Pipe Co., 147
Jevons, William, 91
Jones, Marian Moser, 88
Joyce, Howard, 39
Joyce, Joseph, 39
judicial morality plays, 52
Jungle, The (Sinclair), 25
justice as recognition, 35, 74, 76
Kantor, Shawn, 96–97, 215
Karsten, Peter, 97
Kennedy, P. H., on medical exams as lowering costs, 227
with mass production methods, 237, 263
speed of, 238
Kopitar, Gisalle, 163
Kudlick, Catherine, 149
Kurana, Rakesh, 200
Labatt, Charles, 20–21
labor history, Thompsonian, 117
labor law, employment law vs., 107
labor pricing, as compensation determinant, 112
labor relations, 103
laissez-faire school of sociologists, 21
lawsuits. See injury law
lawyers
as cost-management technicians, 215
in injury cases, 69
lead paint exposure, 243, 245
Lears, Jackson, 67
legal history, 11
Legge, Robert, 224
legitimation via insurance, 209, 211
Lente, Antonio, 157
Lerner, Abba, 209, 214
Levy, Jonathan, 20, 23, 36, 176
liability, shifting line of, 234
liability, at Pullman
employee termination, 163, 165
one-eyed employees as, 159–160
for sleeping car ventilation, 243, 245
workers with illnesses as, 165
liability insurance
compensation laws as preferable to, 102
cost of, 96, 123
Liachowitz, Claire, 255
Liberatore, Matteo
on living wage, 91
Principles of Political Economy, 90
life insurance statistics, in compensation
payments, 31, 34
“Life and Limb Too Cheap” (Glackin), 112, 267
Lipincott, Henry, 205
Liptak, John, 162, living wage, 91
Livingston, James, 101
London, Jack, 26
Longmore, Paul, 149
Lopez, Ian Haney, 173
Lord and Taylor, 210
Los Angeles Times, on age discrimination, 184
Low, Maurice
on age/disabilities discrimination, 183
on employer selection, 184
Lubove, Roy, 265
Lucci, Frank, 137
Ludwig, Martha, 45
Lusk, F. T., 31
Lynch, Charles, 1
MacIntyre, Alasdair, 296
mangle injuries (laundry facilities)
Nettie Blom, 1
Kathryn Carlin, 4, 28
Marguerite Murray, 26, 28–29
in Richardson’s fiction, 28, 139
maritime rules of risk management, 20, 176
market imperatives, 101
restructuring/merging as response to, 101
uncertainties from, 101
workmen’s compensation as intervention
in, 8–9
market price of injuries, 27
marketless losses, 39
Marks, Rachel, 221
marriageability, impact on, 49
Marshall, Alfred, 91
Marx, Karl
Capital: A Critique of Political Economy, 275
on class, 7
on commodification, 33
on commodities, 6
on individuals as character-masks, 273
on surplus population, 26
on workers used up in production, 242
Mason, Fred, 181
Massachusetts Industrial Board, on age/
disability discrimination, 183–184
Massachusetts Industrial Commission, total
disability decision, 153
Maxwell Motor Company, 142–144, 214
McInerny, Mary, 42, 47
McKean, Robert, 200
McKinley, William, murder of, 106
medical examinations, 220. See also
pre-employment medical examinations
of food handlers, 247
industry use of, 228
information management systems for,
234
mass production methods for, 237–241, 263
at Pullman Corporation, 229–237
speed of, 238
standardization of, 239–240
union pushback, 237
Meiksins-Wood, Ellen, 12
mental suffering, 43
Mercer, Hugh, 71, 94
merger wave, 100–101, 108
Michigan compensation, 141
Michigan Supreme Court, partial disability
ruling of, 145
military deaths, comparison with, 77
mining accidents, fatalities from, 1. See also
Cherry mine fire
Minnesota Employees’ Compensation
Commission, 68
Minnesota Supreme Court
decisions in favor of employees, 95
Garve decision, 136
partial disability ruling of, 146
Missouri Division of Mine Inspections,
compensation law supported by, 124
Mitchell, John, 197, 209, 258
Index

Mock, Harry
  on cost savings from medical exams, 226
  *Industrial Medicine and Surgery*, 224
role in AAIPS, 224
monetary equivalence, 114
Moorhead, John, 240
moral/economic facets, 19
moral imagination, 7
moral logic, 36
moral thinning
  with compensation laws, 247
  with eye injuries valued in dollars, 164
of injury law, 16, 173, 265
loss of recognition as, 116
under tyranny of the table, 116
in workmen's compensation, 116
moral worth of the injured, 58
mortality tables, 32
Murray, Florence
  on dollar value of care, 30
  injury description by, 42
  on mental suffering, 43
  on pain and suffering, 41
  testimony of, 30, 47
Murray, Marguerite
  award for injuries
    amount of, 26, 35, 94
    calculation of, 28–29
    court instructions on, 43
    injuries of, 41
  mutual insurance programs, 186
National Association of Manufacturers (NAM), 110
National Civic Federation, 110
National Conference on Workmen’s Compensation for Industrial Accidents, 75
National Industrial Conference Board on applicant rejection rates, 228
  on medical examination speed, 238
  medical examination survey by, 222
National Labor Relations Board, 107
National Metal Trades Association, 110
National Safety Council, on cost of industrial accidents, 164
Nease, W. A., 169
Nease *v. Hughes Stone*, 169
Neill, Charles, 69
New England Conference of Industrial Physicians, on medical examination speed, 238
New York Court of Appeals, total disability decision, 155, 158
New York Employers’ Liability Commission, 56
New York Self-Insurers’ Association, 192, 195
New York State Federation of Labor, on discrimination against married men, 181
New York State Industrial Commission, 238
New York Workmen’s Compensation Commission
  on discrimination, 181
  as powerless on discrimination, 199
  on private insurers, 187
  on self-insurance, 197
Nielsen, Kim, 150
no-fault accidents, 79
non-pecuniary damages, 18, 49
normate, 150, 152
Norris, Frank
  “A Deal in Wheat”, 271
objectification, 114
occupational health legislation, 245
Ohio Employers Liability Commission, 64, 77
Ohio Industrial Commission, 198
defects screened for, 228
  on pre-employment medical examinations, 221, 232
  on rejection rates, 228
Oklahoma Supreme Court, Nease decision, 169
one-eyed applicants/employees, Pullman policy on, 159–166
*Open Court*, on Cherry mine settlement, 121, 125
Osgood, William, 28
owning hazard, 50
pain and suffering, 40, 97
Panzieri, Raniero, 101
Parks, Joseph, 74
Passon, Justice, 32
pecuniary/non-pecuniary damages. See under employment
Pedley, Frank, 172, 248, 264
Pennsylvania self-insurers, 193
Pennsylvania Supreme Court
Goodhart decision, 41
Lente decision, 157
Steinbrunner decision, 31
Perkins, George, 101, 103
Phelps, Edward Bunnell
on employment discrimination, 176–177, 202
on insurance as cold-blooded business, 207
on medicine as cold-blooded business, 219
physical appearance of injuries, 42, 46
Pietruska, Jamie, 66, 100
Pinch, J. W., 45
Plan of Examination of Employees for Tuberculosis (Chicago Tuberculosis Institute), 241–242
Polanyi, Karl, 50, 99
police/judiciary, as defending employers, 106
political economy, 90
political radicalism, 103
Postone, Moishe, 12
Poulantzas, Nicos, 266
poverty, as generated by capitalism, 26
pre-employment medical examinations,
220–222, 227–229, 239. See also medical examinations at Pullman, 229–237
mass production methods for, 237–241
standardization of, 240
pre-injury wages
as compensation determinant, 4, 29, 132–113, 141, 155, 179
gender differences in, 28
gender/racial differences in, 179
price vs. recompense, 40
Priestley v. Foeber, 22
Principles of Political Economy (Liberatore), 90
private economy, 91
private government, 7, 207, 257
probability, predictability and, 66
prostitution, 72–73
public wealth, 91
Pullman Corporation. See also liability, at Pullman
occupational health steps at, 245
risk avoidance (discrimination) at, 158
risk management
lead paint exposure, 245
as racist, 247
sleeping car ventilation, 243, 245
screening at, 235
Purnell, Frank, 225
Quinby, R. S., 237
racialized compensation exclusion, 178
racialized pay scales, 178–179
Radin, Margaret, on commodification, 36,
114, 149, 173
railroad employees, eye loss risk, 163
Ransom, Roger L., 182
recognition
decline of, 60–64
eclipsed by tyranny of the table, 15
instrumental-reform perspective vs., 87
limitations of, 55
of losses, 271
recompense vs. price, 40
Rector, Frank, 227
Redfern, J. H., 225
Rediker, Marcus, 12
Reeves, Edith
“Care and Education of Crippled Children in the United States,” 139
retaliation, 3
Richardson, Dorothy, 139
risk
avoidance of, 101–102
boundaries around, 204
company cherry picking, 191
definition of, 176
experience rating in, 203
minimum standard of, 202
risk management
corporate mergers as, 108
insurance as, 71
maritime rules of, 20, 176
at Pullman
as racist, 247
lead paint exposure, 245
Rittenhouse, J. A., 158, 160, 166–167
Robinson, Mamie, 126
Roosevelt, Theodore, 110
Rorty, Richard, 269
Rose, Sarah, 150–151, 170
Rubinow, Isaac, 64, 196
Russell Sage Foundation, 53, 56
Ryan, Harwood E., 196–197
Index

- safety improvements
  - goggles as, 160, 162, 164
  - insurance as incentive for, 189, 200
- Sampson, Henry, 146
- Sandel, Michael, 38
- Sartre, Jean-Paul, 9
- Sayer, Henry D., on self-insurance, 193, 195, 200
- Schmidt, James
  - on industrial violence, 1 on legal proceedings as judicial morality plays, 52, 117
- Schmitt, Carl, 106
- Schwab, Jacob
  - distributive justice for, 156
  - New York Court of Appeals decision for, 259
- Schenck, Susan, 150
- Scott, James C., 214
- Scott, Thomas, 162
- Sears, Roebuck and Company, anti-tuberculosis efforts of, 242
- security, in the face of uncertainty, 64–68
- Sedgwick, Theodore, 27, 46
  - self-evident facts, 211
  - self-insurance, 191–201
  - compensation adoption dates and, 194
  - cost savings from, 195
  - de-pooling effect of, 201, 216
  - requirements for, 186
  - as risk-averse, 201
  - self-insuring companies, 191
  - states with, 190, 193–194
- Shaw, Lemuel, 20, 23, 36
- Sherman, William O’Neill, 226
- Simon, Jonathan, 259
- Sinclair, Upton
  - Jungle, The, 25
- slavery, Coates on, 3
- sleeping car ventilation, 243, 245
- Smallwood, Stephanie, 33
- social context, 8
- Social Creed of the Churches (Ward), 124
- social disrespect, financial considerations, 180
- social imagination, 7, 19
- social insurance, 216
- social reform-oriented magazines, 56
- social reproduction crisis, 90
- Social Security, 264
- social totality, 274
- social viewpoint, 71
- socialism, risk avoidance as step toward, 102
- Socialist Party, on Cherry Mine deaths as murder, 132
- social-justice reform perspective, 84, 87, 93
- St. Paul Coal Company, 119, 123
- Starr, Paul, 223, 241
- state legislation, 111
- state monopoly insurance
  - Garst on, 187
  - opposition to, 189–190
  - states with, 190, 215
  - union support for, 259
- state’s well-being, 93
- state-employer retaliatory violence, 105
- statistical reasoning, 32
- statistics
  - as dehumanizing injuries, 61
  - in determining compensation payments, 31, 34
  - in injury law, 67
  - on fatalities in 2001, 132
  - for work-related injuries, 77, 164, 253
  - steel strike in Pennsylvania (1919), 262
  - steelworker accidents, 54, 57
- Steinbeck, John
  - Grapes of Wrath, 272
- Steinbrunner, Mrs., 31
- Steinbrunner v. Railway Co., 32
- Steinfield, Robert, 10, 22
- Stone, Deborah, 204, 209
- storytelling, as justice, 270
- strikes
  - business support of Phelps Dodge Company, 262
  - of Iron Molders’ Union, 105
  - in Pennsylvania, 262
  - over physical examinations, 260, 262
  - subsumption, 208
- surplus population
  - disabled as, 208, 256
  - excluded workers as, 216
- Foucault on, 256
- Marx on, 26
- older workers as, 183
- Sutch, Richard, 182
- Sutherland, J. G., 38–39, 46
- syphilis, workplace injuries complicated by, 230
tables of value, of body parts, 5
“Temper of the Workers under Trial”, 53
Therborn, Goran, 83
Thomas D. Scott v. Killisnoo Packing Company of Alaska, 162
Thompson, E. P., 12, 24, 58, 266
Tomlins, Christopher, 61, 173, 272, 276
Travelers Insurance Company on discrimination, 188–189
on exclusionary hiring, 198
on self-insurance, 191, 196
on state monopoly insurance, 190
as under-compensating company, 213
Tripp, Joseph, 103
tuberculosis awareness, 241
tyranny of the table, 5. See also
discrimination; medical examinations; pre-employment medical examinations
beginnings of, 82
body parts and monetary equivalence, 114
context of, 10
disabled workers worth under, 158
industrial medicine use under, 237, 247
injury values standardized by, 115
injustices under, 136–137, 175
moral thinning under, 116
recognition eclipsed by, 15
shift to, 111, 135
tyrrany of the trial, 6
courtroom stories under, 270
disabled workers worth under, 148, 172
injustice from, 25, 51
shift from, 111, 135
termination of, 52, 82
uncompensated injuries from, 94
use concurrent with compensation laws, 173
Umansky, Lauri, 149
uncompensated injuries, 265
Bellamy on, 79
estimates of, 25
fatalities, 80
reformers’ findings, 79
Ward on, 124
underpayment of claims, 213
underwriting as boundary setting, 209
unions on discrimination against married men, 181
as illegitimate market interference, 256
on one-eyed applicants/employees, 167
opposition from, 105, 257
on private insurers, 186
state repressive power against, 106
United Mine Workers of America monument, 131
opposition to medical exams, 259, 261
strike threats, 263
US Circuit Court of Appeals, San Francisco, eye loss decision, 162
US Industrial Commission, on employers’ legal defenses, 81
U.S. Steel, 101, 103, 244
value, according to income, as social rank continuation, 29
Vandeven, Fred, 214
venereal disease, as exclusion criterion, 230, 247
verdict, 27, 50, 67
Vicksburg and Meridian Railroad Company v. Putnam, 40
victim impact panels, public airing of, 268
violence, 105
voluntary accident relief plans, 104
Voorhies, George, 40
wage discrimination by age, 182
disabled workers, 152, 153
by race/gender, 28, 178
as reflected in Social Security, 265
wage premium for hazards, 23
war comparisons, 77
Ward, Harry Frederick
Social Creed of the Churches, 124
Watson, Archibald, 43
Watson, C. H., on medical exams, 226, 239
wealth accumulation, 275
Weaver, Charles
claim contested by Travelers, 214
compensation received by, 141–142, 145, 147
court-based injury law impact on, 137
employment of, 138
injuries, compounded, 137
legal proceedings of, 142–146
Lente decision implications, 157
Index

Weber, Max, 207
Weeks, Edward, 38
Welch, Kimberly, 116
Welfare Federation of Cleveland, 140, 167
Welke, ... of, 88
fatalities, 1–2, 253–254
Holdren’s experience with, 4–6, 54, 254, 271
insuring and budgeting for, 99

Department of Labor oversight, 107
differences of state, 189
evolution of, 84
employer risk exposure, 93
impact on children/future labor, 89
Pullman’s concern about, 161
state legislation for/role in, 111–115, 122
state’s well-being factored in, 85–89, 93
US vs. other countries, 123
exclusions in, 177
features of
assumption of unimpaired workers, 140
as conflict avoidance, 103
deritualization, 117
as meeting capitalists’ needs, 106
as predictable expense, 98
value of injury as payment
determination, 111
as gendered terminology, 9
impaired and “poor” risk exclusion, 205
injuries, compounded. See injuries, compounded
insurance costs as motivation for, 97
moral thinning in, 116, 265
non-fungible losses from, 268
pre-injury wages as determinant. See pre-injury wages
safety incentivized by, 164
shortcomings of, 16, 264–267
states with, 194
union pushback, 105
Workmen’s Compensation Service Bureau, 187
work-related injuries, 253–257. See also defects/imPAIRMENTS; injured workers; injuries; injury law awards for
amount of, 24, 26, 141–142
calculation of, 28–29, 141, 155
in Michigan, 141
proposed improvements for, 270
social meaning of, 38
two-tier system for, 148
compensable, 25
economics of, 86
estimates of, 1–2
eugenics of, 88
fatalities, 1–2, 253–254
Holdren’s experience with, 4–6, 54, 254, 271
insuring and budgeting for, 99
<table>
<thead>
<tr>
<th>Page</th>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>292</td>
<td>work-related injuries (cont.)</td>
</tr>
<tr>
<td></td>
<td>living wage impact of, 92</td>
</tr>
<tr>
<td></td>
<td>market price of, 27</td>
</tr>
<tr>
<td></td>
<td>parsed by multiple events, 141, 144</td>
</tr>
<tr>
<td></td>
<td>pecuniary/non-pecuniary damages. See under employment</td>
</tr>
<tr>
<td></td>
<td>physical appearance of, 42, 46</td>
</tr>
<tr>
<td></td>
<td>poverty from, 81</td>
</tr>
<tr>
<td></td>
<td>statistical data for, 253</td>
</tr>
<tr>
<td></td>
<td>uncompensated. See uncompensated injuries</td>
</tr>
<tr>
<td></td>
<td>under-reporting of, 3, 5, 54</td>
</tr>
<tr>
<td></td>
<td>Wright, Edwin, 75</td>
</tr>
<tr>
<td></td>
<td>Youngstown Sheet and Tube Company, 220, 236</td>
</tr>
</tbody>
</table>