

SOCIAL SCIENCE IN EUROPE, JAPAN, AND THE UNITED STATES

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Frank Dobbin, Carola Frege, and Michio Nitta have given us a set of intriguing and learned essays, each focusing on how the social sciences are embedded in disparate cultural and legal matrixes in Europe, Japan, and the United States. While they focus on different topics and different kinds of explanations, their conclusions—that there is a universal social science tradition as well as distinctive national variants of it—are similar.

We begin with Dobbin's paper, which is an original and fascinating discussion of the evolution of employment discrimination remedies in France and the United States. In the United States since the early 1960s, there has been a steady expansion of the scope of employment discrimination law. The original race-neutral, individualistic orientation of the Civil Rights Act developed into a race-conscious system permitting group-based claims. In this system, social scientists—academics, consultants, and personnel professionals—played a key role in helping employers avoid legal liability, thereby introducing social-scientific concepts to the workplace. France, on the other hand, passed an anti-discrimination law in 1972, which has been followed by relatively little litigation, few new rights, and minimal involvement of social scientists in the courts or workplace.

To explain these differences, Dobbin turns to institutional differences in the structure of the law and legal systems. What is distinctive about the United States as compared to France are the American traditions of federalism, separation of powers, and an innovative common-law tradition. These structures shaped the original 1964 Civil Rights Act into a complex set of laws, executive orders, and court decisions. Employers relied not only on lawyers to help them navigate the system but also on social scientists to help

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them design workplace structures that would minimize their liability. In France, on the other hand, state centralization and a civil law system inhibited the elaboration of anti-discrimination law, leaving social scientists out of the “game,” such as it was.

To prove his structural argument, Dobbin first has to get rid of the standard explanation for Franco-American differences: the purported existence of different national traditions regarding race. According to the standard view, France is a country where “citizenship trumps race in legal and cognitive categories” whereas in the United States race is a fundamental social and demographic category. If the standard view were true, then the different paths followed in the 1970s and 1980s could be attributed to long-standing social traditions. To get rid of this historical-cultural claim, Dobbin makes the point that each country had multiple traditions; there was no consensus on race and how to consider it. France had a less publicized but no less powerful tradition of racial categorization in its colonies, where slavery persisted long after the Revolution and where colonial rights were tied, in part, to race. Conversely, the United States has its own counter-tradition of race neutrality—the doctrine that all men are created equal and that racial categorization is obnoxious.

But here I think Dobbin goes too far in clearing out space for his state-structural argument. After all, a complex phenomenon like the evolution of an anti-discrimination regime need not have a single explanation. And in his own prize-winning book, *Forging Industrial Policy*, Dobbin made heavy use of the idea that historical and cultural traditions affect what corporations and governments do.¹

Whatever may have happened in the French colonies, there nevertheless were important differences between France and the United States regarding their ideologies of race and race consciousness. Slavery and racial disenfranchisement were long-lived in the United States and the percentage of non-whites in the population was much higher than in France. These differences made it easier for metropolitan France to maintain its official tradition of race neutrality. It's why France was the place where American Creoles went in the mid-nineteenth century to seek freedom from the discrimination they suffered in New Orleans, just as black artists and

1. FRANK DOBBIN, *FORGING INDUSTRIAL POLICY: THE UNITED STATES, BRITAIN, AND FRANCE IN THE RAILWAY AGE* (1994).

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musicians went to Paris a century later in search of privileges and acceptance they could not find in Chicago or New York.²

Not only do these differences matter, they interact with Dobbin's structural argument in interesting ways. The race-blind tradition dominated France because it had the imprimatur of a system that was both legally and culturally centralized. Social norms and cultural patterns were established and maintained in Paris; they helped give France a better image—to itself and others—than perhaps it deserved. The United States, on the other hand, had a more complex system of race relations—free states and slave states, mostly white Northern states and Northern states with a high proportion of nonwhites—and this complexity—facilitated by federalism—was reflected in the variety of the laws intended to erode or preserve racial discrimination.

What's compelling about the French situation are the changes occurring today as the proportion of non-white citizens rises to unprecedented levels. On the one hand, France is experiencing the emergence of race consciousness and prejudice that the French previously associated with the United States. Jean-Marie Le Pen is an atavism, a throwback to the likes of Theodore Bilbo or George Wallace. Recently this *Journal* organized a symposium on Daniel Rodgers' *Atlantic Crossings*, a book that documents the amazing trans-Atlantic network of social reformers and social scientists that existed in the early twentieth century.³ In those years, ideas typically flowed West, from a socially progressive Europe to a laggard America. But when it comes to employment discrimination and its remedies, we may likely see a future flow in the opposite direction, as France—and the rest of Europe—responds to the slights suffered by its growing minority population.

Be that as it may, Dobbin is surely correct that, at the federal level, the Civil Rights Act of 1964 was transformed into a race-conscious regime accompanied by corporate bureaucratic systems for measuring compliance and reducing liability. Legal standards—and rights—in the 1970s went far beyond those in the original act, which was partly due to the creation of administrative agencies like the EEOC which, after 1972, had the power to bring class-action suits against employers. (Dobbin doesn't dwell on the Office of Federal Contract Compliance Programs, an executive agency that mandated

2. CREOLE: THE HISTORY AND LEGACY OF LOUISIANA'S FREE PEOPLE OF COLOR (Sybil Klein ed., 2000). Of course, the social reality that Creole and black expatriates encountered in France was sometimes a great disappointment.

3. DANIEL RODGERS, *ATLANTIC CROSSINGS: SOCIAL POLITICS IN A PROGRESSIVE AGE* (1998).

that employers adopt affirmative action plans and monitored compliance.) It was also due to the expansion of rights to new groups—women, Asians, Hispanics, the disabled—who had not been in the minds of most legislators at the time of the original Act. This raises an important question: When does the U.S. system—of federalism, separation of powers, and common law—create an expansion of rights on the foundation of federal legislation, and when does it fail to prevent the erosion of federally established rights? In the case of employment discrimination, the period from the early 1960s to the early 1980s witnessed a steady expansion of civil rights. But in other realms, different results obtained. The 15th amendment, which in 1870 gave all citizens—regardless of race or color—the right of suffrage, was steadily eroded in subsequent years, both in the North and the South.⁴ One can tell a similar story about the right-to-work laws that proliferated after passage of the Wagner Act in 1935, laws by which states took away a right—to union security—that existed in federal law. What was different about the Civil Rights Act?

One answer is that the expansion of civil rights, unlike suffrage rights, was facilitated by the existence of administrative agencies—EEOC, OFCCP—that took it as their mission to press precisely for more elaborate rights. No comparably powerful entity existed in the case of suffrage, at least not until recent times. However, when we turn to labor law, we do find the National Labor Relations Board, an administrative agency charged with applying the law to the evolving particularities of the workplace. Why did the NLRB fail to prevent the erosion of labor rights in the late 1940s and early 1950s? The question immediately suggests an answer. We are talking about agencies operating not only in a system of law but of politics. Against pressure from unions, there was mighty and countervailing pressure from employers. Against pressure from minorities and women, there were sporadic protests by white males, but these were mild compared to the organized and well-funded opposition of the employer community to the Wagner Act. Not until the 1980s, when the Reagan administration's "Southern strategy" led it to withdraw funding for federal anti-discrimination efforts, did the steady expansion of civil rights come to a halt (but it picked up again in the 1990s, at least with respect to age, pregnancy, and other characteristics).

This is relevant to France along several dimensions. First, in the early 1970s, French racial minorities lacked political clout and so for a

4. ALEXANDER KEYSSAR, *THE RIGHT TO VOTE: THE CONTESTED HISTORY OF DEMOCRACY IN THE UNITED STATES* (2000).

couple of decades—until now—the law was slow to develop. Second, French law is hostile to the participation of groups in its legal system, a problem for women’s rights organizations seeking to piggyback onto anti-discrimination law like their American sisters. Finally, consider the old credo: money talks. In the United States, the damages for violating the law can be considerable—loss of Federal contracts, loss of millions of dollars in class action suits. Contrast that to the French situation, where, as Dobbin points out, the number of annual convictions for employment discrimination can be counted by the dozens and the financial penalties are light. No wonder American employers have hired experts to help them, just as they hired engineers, industrial hygienists, and physicians to help reduce their liability in occupational safety and health cases under OSHA.

And what about the relationship in France between the social sciences, on the one hand, and government and employers, on the other? This is a question deserving attention, and Dobbin is to be credited for alerting us to it. In the United States, at least, there is a long-standing tradition of the social sciences selling their services to employers, going all the way back to Hugo Munsterberg, Walter Bingham, and the occupational testing movement of the 1910s, or, to take another strand, to the employment stabilization movement of the same era.⁵ One wonders whether there was a similar tradition in France, and if so, was it as strong as in neighboring countries like England and Germany?⁶

That takes us to Carola Frege’s paper, which, like Dobbin’s, highlights how the social sciences are different between Europe and the United States. With Frege, however, the focus is on one specific social science—industrial relations—and the comparison is with Germany. Her essay is a compelling analysis of why industrial relations (IR) has come to assume distinct approaches—with respect to methodology, epistemology, and disciplinary orientation—in the United States and Germany.

The core of Frege’s essay is a comparison of articles published in leading German and U.S. IR journals. She finds that German IR is

5. SANFORD M. JACOBY, *EMPLOYING BUREAUCRACY: MANAGERS, UNIONS, AND THE TRANSFORMATION OF AMERICAN INDUSTRY, 1900-1945* (1985).

6. For an argument that French traditions in this area borrowed heavily from Germany, see ALLAN MITCHELL, *THE DIVIDED PATH: THE GERMAN INFLUENCE ON SOCIAL REFORM IN FRANCE AFTER 1870* (1991).

more focused on the workplace; more inclined to interpret IR phenomena as related to macro-social and macro-political processes; more critical; and broader—in its theoretical ambit—than IR in the United States. Methodologically, IR in the United States is less interpretive, less historical, and more quantified.

As an academic field, industrial relations in the United States was dominated in its early years—from the 1920s through the 1960s—by institutional labor economists who were deeply critical of the laissez-faire orthodoxy prevailing in neoclassical economics. In fact, a group of institutional economists bolted from the American Economic Association in 1947 to form a rump professional association—the Industrial Relations Research Association, which to this day meets at the same time as the AEA. The intellectual roots of institutional economics lay in Germany, where young American economists went to do graduate work in the late nineteenth and early twentieth centuries. In German historical economics they found an ideology that was sympathetic to market regulation and to social reform. Its methodology was inductive, realistic, historicist, empirical, holistic and interdisciplinary.⁷ By the late 1940s, the direct German influence had faded somewhat. Yet, if one analyzes the first five volumes of the *Industrial & Labor Relations Review* (1947-1952), there is considerable overlap with the kind of approach taken to IR in Germany today.

So the question is, what caused IR in the United States to drift away from its German roots? Actually, the separation started before 1947. One step in the process was the failure of American IR to attract large numbers of non-economists. From its beginning, the field was dominated by institutional labor economists. While they were joined by occasional scholars from other disciplines, the economists always considered themselves first among equals within the IR field. Non-economists were repelled by this attitude. Another reason non-economists shied away from the institutional economists was because of institutionalism's questionable reputation among the mandarins of mainstream economics, especially at elite universities like Harvard. As Charles Camic has pointed out, when Talcott Parsons wrote *The Structure of Social Action* in 1937, he was careful not to disclose its institutionalist pedigree, even though Parsons's undergraduate mentors had included prominent institutionalists like Clarence Ayres

7. Sanford M. Jacoby, *The New Institutionalism: What Can It Learn from the Old?*, 29 *INDUS. REL.* 316-340 (1990).

and even though his ideas resonated with Ayres' neo-Kantianism.⁸ As the years went on, fewer and fewer sociologists had anything to do with industrial relations as a field, except at public universities like Wisconsin, Illinois, and Berkeley, where distinguished sociologists such as Reinhard Bendix, Seymour Lipset, and Harold Wilensky had affiliations with Berkeley's Institute of Industrial Relations. Another consequence of the institutionalists' poor reputation was that they perpetually suffered from status anxiety that gradually drew younger economists—those trained in the 1960s and later—back to the economics mainstream, a point I will return to.

An entirely different situation existed in Germany, where sociology and economics were relatively close and the line between them less sharp, thanks in part to early German antipathy to Anglo-Saxon neoclassicism and thanks also to the influence of Max Weber, who held a chair in economics at Freiburg but also was regarded as the founder of modern sociology. The legacy of these early developments is that mainstream German economics remains less aggressively neoclassical than in the United States or England. Also, German economists doing applied IR research do not have pariah status in the academy.

Today, IR in the United States has drifted even further from historicism and the renegade impulse to construct an alternative to neoclassicism.⁹ The generation of heterodox economists who founded the IRRA and helped build the American IR system have been replaced by specialists content to do something akin to normal science: quantitative, empirical studies of unions, management, arbitration, and collective bargaining. Although some received their training in economics, their attraction to IR is more professional than ideological: IR provides an outlet for the publication of empirical research on unions. Neither the topic of unions nor empirical research are considered prestigious areas of economic scholarship. The younger IR generation tends to be more narrowly trained—but with stronger statistical skills—than the generation or two that preceded them. In this regard they conform to tendencies that dominate mainstream economics, including its intellectual autarky.

But this raises a difficult question: What is IR? Is it the core group that publishes in IR journals and attends meetings of the IRRA? Or does it comprise the wider circle of scholars who do

8. Charles Camic, *The Making of a Method: A Historical Reinterpretation of the Early Parsons*, 52 AM. SOC. REV. 421-39 (1987).

9. BRUCE E. KAUFMAN, *THE ORIGINS & EVOLUTION OF INDUSTRIAL RELATIONS IN THE UNITED STATES* (1992).

research on IR-related issues? In the United States, the size of the core group has been shrinking while—or because?—there has been a proliferation of IR scholarship across the social sciences: in sociology, political science, history, urban planning, even in anthropology.¹⁰ Expanding IR's ambit beyond the core group, one can find numerous examples of IR scholarship that is structural, critical, and interpretive. There even are scholars trying to relate high-performance work practices to broader socio-political systems, as in the comparative studies done by Berkeley sociologist Robert E. Cole.¹¹ Although Cole's graduate-school mentors included Bernard Karsh and others affiliated with the Institute of Labor & Industrial Relations at the University of Illinois, he has never published in IR journals or participated in IR activities. There are other, more radical, sociologists who work on IR topics—such as Michael Burawoy, Larry Griffin, and Maurice Zeitlin—but who choose not to professionally identify with IR as Frege defines it. The same is true of political scientists studying corporatism and collective bargaining, such as Peter Lange, Michael Wallerstein, Peter Swenson, and Kathy Thelen. These names are merely a few of many that could be cited. But if one groups all of these individuals under the IR umbrella, American IR begins to look rather similar to its contemporary German counterpart.

This raises another difficult question: Why do so many American IR scholars stay away from the IR journals, the IRRA, and other manifestations of the scholarly IR community? Part of the answer is the same as it was for Talcott Parsons: IR is still a low-status field of questionable repute; careers are better served by avoiding it. Another answer has to do with generational change. The founders of the IRRA—among the best and brightest of their generation—have been replaced by smaller minds. The policy agenda has shifted from system building to system maintenance, and the system today exists on a smaller and less exciting scale than sixty years ago. The intellectual agenda, too, has changed from creating an alternative to neoclassicism to pursuing a less ambitious project of policy-related research in the mode of normal science. Normal science may be a more sustainable research strategy for the long term, but it fails to create the kind of cross-disciplinary ferment that attracts the best and the brightest from across the social sciences.

10. KAREN BRODKIN SACKS, *CARING BY THE HOUR: WOMEN, WORK, & ORGANIZING AT DUKE MEDICAL CENTER* (1988).

11. ROBERT E. COLE, *STRATEGIES FOR LEARNING: SMALL GROUP ACTIVITIES IN AMERICAN, JAPANESE, AND SWEDISH INDUSTRY* (1989).

Finally, a word about Professor Nitta's astute observations. The influence of German ideas on Japanese industrial relations—and other spheres of social organization—has been profound.¹² In Japan, as in Germany, there is a close relationship between economics, history, and sociology. Not only Max Weber, but the whole *Sozialpolitik* tradition had a lasting effect on Japanese social science, as did Marxism. One can see this in the prevalence of case-study methodology, the attention to history, and in the influence of stage theory, which also was popular with the German historical economists. Despite recent neoclassical inroads, Japanese economics retains a policy orientation reminiscent of the German cameralist and historical traditions. Until recently, economics and law departments at elite Japanese universities trained future public leaders by exposing them to practical institutional facts rather than the applied philosophy of *Smithianism*, which is how nineteenth-century Germans snidely referred to classical economics. Today, however, this is changing.

Thus, in the four countries under discussion—France, Germany, Japan, and the United States—we see a connection between the academic study of labor and characteristics of the society in which scholarship is embedded. Some of these societal characteristics are structural, to do with the configuration of institutions at the macro-social level. France, Germany, and Japan have strong centralized states and social accords with labor. This generates a different—more critical—research orientation than in the United States, where government and labor are weaker, industrial relations is more decentralized, and business has relatively closer ties to the social sciences than elsewhere. There also are disparate cultural traditions: the pragmatic strand in American social science versus the stronger pull exerted by Marxism in Europe and Japan. While it's tempting to reduce these differences to another instance of American exceptionalism,¹³ keep in mind that within American IR, there were and still are intellectual dispositions that resonate with those found overseas. In fact, we may be entering a period in which evolutionary and institutional approaches are becoming more popular in American

12. CAROL GLUCK, *JAPAN'S MODERN MYTHS: IDEOLOGY IN THE LATE MEIJI PERIOD* (1987).

13. DOROTHY ROSS, *THE ORIGINS OF AMERICAN SOCIAL SCIENCE* (1991); Sanford M. Jacoby, *American Exceptionalism Revisited: The Importance of Management, in MASTERS TO MANAGERS: HISTORICAL AND COMPARATIVE PERSPECTIVES ON AMERICAN EMPLOYERS* (Jacoby ed., 1991).

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social science, although perhaps not yet in contemporary American IR, narrowly defined.