

6-1-2009

Obama and the New Age of Reform

Aziz Rana

Cornell Law School, ar643@cornell.edu

Follow this and additional works at: <http://scholarship.law.cornell.edu/facpub>



Part of the [Politics Commons](#)

Recommended Citation

Rana, Aziz, "Obama and the New Age of Reform" (2009). *Cornell Law Faculty Publications*. Paper 32.
<http://scholarship.law.cornell.edu/facpub/32>

This Article is brought to you for free and open access by the Faculty Scholarship at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in Cornell Law Faculty Publications by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

Obama and the New Age of Reform

Aziz Rana

Barack Obama's election as President, at a moment in which the U.S. finds itself mired in multiple wars abroad and facing its worst economic crisis in decades, has been a joyous occasion for Democrats – many of whom had grown unaccustomed to victory. It has also produced a tremendous wave of popular excitement and optimism about the future of American politics, a fact underscored by the staggering number of people who trekked out to the Washington Mall for the Inauguration festivities. Such excitement is tied in part to the belief that Obama the individual possesses a special set of qualities capable of solving seemingly intractable problems, from finding peace in the Middle East to creating a workable system of universal health care. And, in presenting himself as a modern day Lincoln or FDR, Obama has stoked these expectations and fed into presumptions that he is no less than a “once-in-a-lifetime leader,”¹ committed to dramatic political and economic reform.

Yet, the question persists: what in fact is Obama's vision of reform? When pressed by conflicting agendas and constituents, which interests will he champion and whose goals will be given greater weight? This essay is an initial effort at assessing Obama's basic account of politics, and its likely implications for policy efforts during his Administration. It begins from an insight that initially may be counterintuitive. Rather than a new brand of politician, Obama actually represents an historical throwback. In particular, his belief in the capacity of competence and expertise to help people achieve social consensus and to transcend the petty differences of ordinary politics touch upon essential elements of Progressive Era reformism. And, like many Progressives from the early 20th century – such as Teddy Roosevelt and Woodrow Wilson – Obama structured his campaign around a message deeply tied to the ideal of professionalism and its distinctive vision of the American dream. His personal story suggests the possibilities of success through meritocracy, educational achievement, and high status employment. In today's climate, it is a story especially compelling to upper status voters, students, and African Americans, and has allowed him to create a powerful political coalition. Each group sees Obama's election as fulfilling the promise of the civil rights movement and as proof of the continued vitality of equal opportunity.

Nonetheless, one wonders whether or not an Obama Administration can transcend the limitations that plagued earlier Progressives. Such reformers were deeply wary of viewing social problems as the product of fundamental differences between haves and have-nots and therefore structural in nature. Instead, many argued that professional elites with the right training and know-how could rule both efficiently and wisely. This progressive vision failed to appreciate the extent to which American life remained subject to real political disagreements – disagreements that could not be papered over by talk of consensus. It also dramatically elevated the role of professionals in collective decision-making, and, in the process, diminished non-professional and blue-collar accounts of respectability and middle class achievement.

To the extent that Obama is a return to a previous reformist era, he may well carry both the strengths and the drawbacks of the progressive approach to professionalism. For the time being, the sheer optimism over the end of Republican rule has led competing elements of the Democratic coalition to put aside their differences and to participate in a moment

of national unity. In particular, hard times have pulled working class whites – the party’s historic base – back into the Democratic fold. Such unity undoubtedly presents Obama with a unique opportunity for systemic change, but what remains uncertain is his willingness properly to seize the opportunity. This would require taking actual political risks, risks that may well address the basic needs of core constituents, but would also lay bare persistent social conflicts.

I. Obama as Messiah and Professional

At first glance, the idea that Barack Obama’s messianic, once-in-a-lifetime campaign captures the aspirations and ideals of today’s professional middle classes may appear surprising to say the least. We often associate professionalism with bureaucracy and bland competence, a far cry from the politics of collective hope and charismatic leadership. The quintessential salaried employee, civil servant, or lawyer follows the formal rules established by institutional procedures. He or she possess technical expertise, and is defined by efficiency rather than a commitment to higher ends or a willingness to question the objectives set by bosses and social elites.

In his seminal book *White Collar* (1951), C. Wright Mills reached decidedly pessimistic conclusions about the political agency and moral independence of these “new middle classes.”² Rather than shapers of history and social events, such individuals asserted no will of their own and simply followed the tide of more powerful forces.³ According to Mills, the junior law partner or middle manager “is always somebody’s man, the corporation’s, the government’s, the army’s. . . [He is] the small creature who is acted upon but who does not act, who works along unnoticed in somebody’s office or store, never talking loud, never talking back, never taking a stand.”⁴ Subject to economic fragmentation and ideological inertia, employees and professionals could not be expected to defend hard-won liberties or to construct new social visions. Instead, the American white collar consisted of “rearguarders,” who followed “the panicky ways of prestige” and “the ways of power, for, in the end, prestige is determined by power.”⁵

Given this image of professionalism, in the recent presidential election Obama may not have been the first candidate that jumped to mind as a spokesperson for the goals and political instincts of the new middle classes. Mitt Romney referred to himself as a CEO President and emphasized cutting government waste and making Washington more efficient. Both Hillary Clinton and her husband graduated from Yale Law School, and Hillary was a long-time corporate lawyer. Her campaign focused on experience, and she repeatedly described herself as “ready on day one.” Her candidacy sought to elevate the importance of competency and effective management and to deemphasize visionary politics. Yet, despite speaking the language of bureaucratic efficiency, her support base largely included blue collar workers, the less educated, and the elderly – precisely those groups we do not associate with the urban elite. As a result, Clinton moved late in the primaries to refashion herself as a champion of the working poor, proof that talk of competence has been less than successful with supposedly efficiency-minded professionals. More importantly, it also underscored the continuing inability of both labor and low-income constituencies to direct the agenda of the Democratic Party. Blue collar votes may have been up for grabs, but the winners – third way candidates like Clinton – hardly embodied the New Deal’s historic vision of social democracy.

Ultimately, bureaucratic expertise only constitutes one element of the professional imagination. Alongside this account has always existed a deep reformist strain, one that sustained

early 20th century Progressivism and which is witnessing a clear revival. A century ago, Americans found themselves confronting a series of transformations, none more central than the rise of a new industrial economy. This new economy produced deep social cleavages between corporate powers and increasing numbers of wage earners, which often devolved into open conflict and massive labor strife. At the same time, it also helped to generate increasing categories of salaried workers as well as the economic and social need for professional groups like lawyers, doctors, social workers, and teachers. This process of professionalization progressed rapidly in the late 19th century: the American Bar Association was formed in 1878; the American Medical Association founded the *Journal of the American Medical Association* in 1883; the first professional social work classes were offered in 1898. For these new middle classes the labor question embodied a serious threat to the sustainability of American institutions. Both workers and corporations were viewed as single-mindedly devoted to their own partial interests, unable to conceive of the public good, and liable to reduce collective life to conflict and disorder. Professionalism, on the other hand, offered a way forward which could replace class antagonism with a politics of consensus and social improvement. Indeed, this was the explicit idea behind the professionalization of social work, as it sought to cast off any association with private charity and instead organize itself around publicly minded universities and state-led public health programs.

II. Progressive Reform and the Professional Ethic

Louis Brandeis, in his 1905 Harvard lecture, “The Opportunity in the Law,” crystallized the reformist impulse of the new middle classes. Brandeis argued that professionals such as lawyers were specially situated to rise above discord and to think in terms of right policy rather than divisive politics. This was due to two factors: the nature of both professional education and professional work itself. He argued that the essence of legal training was “the development of judgment,”⁶ in which lawyers learned the value of “patient research and develop[ed] both the memory and the reasoning faculties.”⁷ Moreover, legal practice, like all professional work, was marked by a high degree of everyday autonomy and creativity. The lawyer defined his or her own tasks, ideally served a diverse and broad community, and over time became skilled at testing moral and political logic against empirical reality.

According to Brandeis, the ideal professional was thus “an observer of men even more than things. He not only sees men of all kinds, but knows their deepest secrets; sees them in situations which ‘try men’s souls.’ He is apt to become a good judge of men.”⁸ Given these attributes, Brandeis hoped that the professional stratum would struggle to reconcile competing interests in defense of a broader non-partisan public good. This would necessarily require protecting the weak against the powerful, but only in ways that reduced conflict and allowed for the smooth functioning of collective institutions. Speaking to his fellow lawyers, Brandeis concluded, “The people’s thought will take shape in action and it lies with us, with you to whom in part the future belongs, to say on what lines the action is to be expressed; whether it is to be expressed wisely and temperately, or wildly and intemperately; whether it is to be expressed on lines of evolution or on lines of revolution.”⁹

For many early 20th century Progressives, professional leadership and social reform went hand in hand. They imagined a government staffed by trained civil servants, who would be armed with flexible mandates to pursue collective ends and would work with community advocates such as social workers and teachers. At the heart of the vision of professional leadership was a desire to escape politics – particularly the notion that different constituencies had fundamentally divergent interests. Rather than social stratification

being a structural feature of economic and political institutions, groups as distinct as wage laborers and corporate elites could be made to find common ground. For this to occur, middle class reformers believed more would be required than expert administration. The professional stratum had to produce individuals of unique capacity, whose background and skill could break the social impasse and compel competing forces to rise above politics.

In his seminal book, *The Search for Order* (1969), historian Robert Wiebe calls this professional view of extraordinary leadership the ideal of the “public man:”

Above them all stood the public man, a unique and indispensable leader. Although learned enough to comprehend the details of a modern, specialized government, he was much more than an expert among experts. His vision encompassed the entire nation, his impartiality freed him from prejudices, and his detached wisdom enabled him to devise an equitable and progressive policy for the whole society.¹⁰

The quintessential early 20th century example of the public man was Teddy Roosevelt. For Roosevelt, government at its best was non-partisan; it was a site for reform carried out by dedicated civil servants and overseen by a democratically elected leader. Such a leader – whether a mayor, governor, or president – had to be armed with broad discretionary power to coordinate social policy and to improve institutional rationality and efficiency. Yet, for Roosevelt, perhaps the central role played by the public man was in educating ordinary Americans in the greater good, and creating a cultural climate in which consensus and social cooperation replaced bitter conflict. As Wiebe notes, “As the nation’s leader, the public man would be an educator-extraordinary. He bore the greatest responsibility for raising mass intelligence to the level of true public opinion.”¹¹

Obama and his supporters often refer to the success of his campaign as heralding a new movement. While such talk may be effective during a political election and in justifying new policy initiatives, there are nonetheless important distinctions between Obama’s legions of voters and the movements of the past century. Those movements were grounded in broad social experiences of inequality and oppression. For women, industrial workers, tenant farmers, or blacks, these experiences fostered group solidarity and led to grassroots campaigns of protest and at times even outright rebellion. Obamamania is far more analogous to the vision of Progressive reform led by a public man – a fact reinforced by the messianic language associated with his presidential run. Like Teddy Roosevelt before him, Obama’s message focuses on a desire to strip government decision-making of the messiness associated with competing political interests and emphasizes his distinctive capacity to do so. In *The Audacity of Hope* (2005), Obama concludes with a call for cooperation and an image of the U.S. united around common public values. He writes:

The audacity of hope. That was the best of the American spirit, I thought – having the audacity to believe despite all the evidence to the contrary that we could restore a sense of community to a nation torn by conflict; the gall to believe that despite personal setbacks, the loss of a job or an illness in the family or a childhood mired in poverty, we had some control – and therefore responsibility – over our own fate.¹²

In substance, there is remarkably little to separate this call for unity from longstanding reformist arguments. As with Brandeis, Obama’s language of consensus presupposes that divergent interests are reconcilable, and that our problems are a matter of empty partisanship rather than social structure.

Yet, the heart of Obama's appeal as a reformer is not simply the desire to overcome conflict. The professional ethic also carries with it a commitment to the rule of law, efficient administration, a healthy respect for scientific progress, and a belief that reason can be the basis for social decision-making. Unifying all these commitments is a specific account of the American dream. According to the professional ideal, the promise of American life rests on a doctrine of equal opportunity. There must be no permanent hindrances to economic improvement and social inclusion. All those who work hard should have the chance to succeed and to enjoy the benefits of social mobility. For professional reformers from Jane Addams at Hull-House to Barack Obama today, the essence of equal opportunity is higher education in a meritocratic system – one which rewards individuals based on talent rather than birth. If a person develops his or her skills through study, that person has the potential to enjoy a career as a lawyer, doctor, or engineer. Such work brings with it social respectability, an assured income, and extensive control over the substance and structure of one's everyday employment.

Obama's life story embodies the possibility of this professional dream, and in doing so expresses the political hopes of an entire social stratum. He suggests that with the right leadership, government can make this vision of equal opportunity a lived reality. In his now famous speech on race in March 2008, Obama described himself as proof of American greatness: the potential for any individual, no matter what racial or class background, to achieve the rewards of professional status. He also highlighted that it is precisely this background, his diverse connections and vast array of social experiences (from life in Indonesia to Harvard Law School) that made him indispensably situated to protect the promise of equal opportunity:

I am the son of a black man from Kenya and a white woman from Kansas. I was raised with the help of a white grandfather who survived a Depression to serve in Patton's Army during World War II and a white grandmother who worked on a bomber assembly line at Fort Leavenworth while he was overseas. I've gone to some of the best schools in America and lived in one of the world's poorest nations. I am married to a black American who carries within her the blood of slaves and slaveowners – an inheritance we pass on to our two precious daughters. I have brothers, sisters, nieces, nephews, uncles and cousins, of every race and every hue, scattered across three continents, and for as long as I live, I will never forget that in no other country on Earth is my story even possible.¹³

In employing the language of hope and change to defend the professional account of social mobility, Obama has created a formidable support base, buttressed by sky-high approval ratings. He has done so in large part by tying the professional ethic to the aspirations of the civil rights movement – and thus unifying two disconnected voting constituencies. In terms of policy and rhetoric, Obama is most reminiscent of Bill Bradley's Democratic presidential run in 2000 – a run based on government reform and a rejection of Clinton-era partisanship. Like Obama, Bradley also polled strongly with upper stratum voters and professional demographics. Yet, unlike Obama, he was never able to gain an actual majority in the primaries, because he could not appeal outside these social groups.

It would be simplistic to view Obama's support within the black community as merely a matter of ethnic solidarity; in fact, there has always been an element within the civil rights movement that devoted itself expressly to opening the professional world to blacks and other minorities. The best-known civil rights litigation of the 1950s involved segregated primary schools, but the earliest NAACP test cases focused on postgraduate professional study – especially law school. One of the first serious victories in the NAACP legal strategy

was 1938's *Missouri ex rel Gaines v. Canada*, which held that Missouri violated equal protection guarantees by failing to provide in-state law school education for black students. A decade later, *Sweatt v. Painter* (1950) went further, holding that individuals could in no way be denied access to law school on the basis of race. For NAACP lawyers, equality was crucially about including blacks in the American project of social mobility – about winning for blacks the opportunity to achieve professional status through meaningful education and hard work. Obama's personal story and political vision combine the hopes of both the professional elite and many in the black community, carrying on the aspirations of those early civil rights lawyers: that to aspire to become a lawyer would become a civil right.

III. The Many American Dreams

While Obama's campaign as today's public man has brought him to the Presidency, his continuity with the long tradition of Progressive reformism also carries with it a serious potential limitation. This is because the American dream has never been a singular concept, and throughout our history there have always been multiple versions of it. These accounts held in common the hope that hard work, discipline, and self-reliance would allow Americans not only to improve their economic lot and achieve personal happiness, but to participate fully in political life. But, at present, only one version of the dream continues to make sense as a sustainable personal project. This is the dream exemplified by Barack and Michelle Obama – as well as by their former rivals Hillary and Bill Clinton – a dream of success through higher education and a life in professional work.

In 1905, when Brandeis described the promise of professionalism, three earlier accounts of the American dream not only survived but were real competitors for social preeminence. In Thomas Jefferson's founding republican vision, yeoman farmers were "the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interest by the most lasting bonds."¹⁴ To this Jeffersonian vision of "the cultivators of the earth," a rapidly urbanizing 19th century added the small-business owner and the unionized industrial worker. The former aspired to the same freedom as the farmer by cultivating a shop instead of an acreage; the latter strove (with mixed results) to achieve economic independence through collective political activity. In Brandeis's time, at least, pursuit of each of these three versions of the American dream still constituted a viable promise of meaningful political and social life.

Today, by contrast, such dreams are all essentially foreclosed. Populations in rural towns have collapsed, with the young moving elsewhere for jobs and opportunities. The rise of agribusiness has consolidated agricultural production within a narrow range of corporate firms, and transformed farming into a large-scale and ever-more concentrated economic machine. The independent farmer lives on in the national imagination, but is increasingly marginal both politically and socially. The quantity of small businesses begun each year suggests that the aspiration of having one's own shop persists. Yet the last half-century indicates that bankruptcy is more likely than success. Statistics cited by George Bush's own Small Business Administration (SBA) show that more than half of small businesses close within four years and more than 60 percent within six. The title of the SBA article, "Redefining Business Success: Distinguishing between Failure and Closure," perfectly captures the difficulty of sustaining optimism, even for propaganda purposes, about the vitality of small-scale entrepreneurship.¹⁵ As Mills prophetically wrote in 1951, "Small businesses become smaller, big businesses become bigger."¹⁶ With respect to blue-collar workers, deindustrialization and

the weakening of the labor movement have made the wage earner's dream of middle class respectability more and more untenable. Real incomes for working class families have been declining for three decades,¹⁷ and highly skilled jobs once available to high school graduates are now remnants of a previous era.¹⁸

Abraham Lincoln, in his 1859 speech at the Wisconsin State Fair, concluded that the ideal of the small businessman or farmer was meant to be accessible to everyone:

The prudent, penniless beginner in the world, labors for awhile, saves a surplus with which to buy tools or land, for himself; then labors on his own account another while, and at length hires another new beginner to help him. This, says its advocates, is *free* labor – the just and generous, and prosperous system, which opens the way for all – gives hope to all, and energy, and progress, and improvement of condition to all.¹⁹

This classless universality – the hope that every American, through free labor, could enjoy middle class respectability, economic freedom, and the intellectual benefits of education – lay at the core of the dreams championed by farmers, small-business owners, and factory workers. In the 19th century, such universal rhetoric coexisted with the practical exclusion of blacks and women, who were considered to be beneath formal citizenship. Crucially, however, there was nothing intrinsic to farming, wage earning, or entrepreneurship that required the permanent separation of these groups from the promise of social respectability. Today, one can and should hope for an American dream that truly includes all Americans, and which recognizes and respects all the different types of labor the country needs. This would fulfill the promise of 19th century aspirations.

Instead we have been left with the professional ideal, which values only certain types of work and thus implicitly disdains the rest. It is an inherently exclusive ideal, structured around a divide between those engaged in high status work and those confined to task execution. The political theorist Iris Marion Young writes, “Today equal opportunity has come to mean only that no one is barred from entering competition for a relatively few privileged positions.”²⁰ The idea of exclusivity is a necessary structural feature of professionalization. As a model for society, however, it validates an economic and cultural divide between those with real access to social respectability and the vast majority of Americans, who remain consigned to low status and low-income employment.

As a result, the professional and educational meritocracy justifies a basic hierarchy in which only those with professional status wield political and economic power. Individuals at the top enjoy the privilege of deciding the fate of key institutions – what goals will be accomplished, what goods produced, and how basic problems will be addressed. Most people, by contrast, play little role in developing these plans and are often called upon only to engage in routine activities or in work dismissed as “menial.” A central consequence is that without collective participation and control, there is hardly any guarantee that decisions will actually represent the interests and goals of individuals at the bottom rung of the social ladder. Increasing numbers of immigrants, in particular, face the prospect of becoming a permanent dependent community, disproportionately relegated to low skilled jobs with limited mobility, living under the fear of potential deportation, and denied many of the basic political and economic rights provided formal citizens. In essence, this meritocratic vision of equal opportunity and economic success rejects the idea that every American – including immigrants and regardless of social position – should gain the benefits of meaningful self-rule. Precisely because all three alternative versions of the American dream were universal, all imagined work – whether industrial, agricultural, or entrepreneurial – as a training ground

for popular voice and political control. Farmers and entrepreneurs developed the personal virtues necessary for practical decision-making. As for the industrial worker, the union was considered a continuous education in the habits of civic participation, and one's role in its management and success were embodiments of democratic inclusion.

IV. The Long Civil Rights Movement

Barack Obama's political ascent reiterates the current dominance of the professional ethic and one side of the civil rights movement. But there was always another side, which presented the movement as our most recent attempt to create a political community in which all individuals, including those truly marginalized, could assert power and achieve the American dream. Malcolm X and Martin Luther King Jr. argued that our social problems were structural, the result of fundamental differences between the haves and the have-nots. As King maintained, real and lasting social consensus would require straightforwardly addressing these differences, because the interests of the culturally privileged rested on continuing a politics of exclusion. At the end of King's life, he repeatedly proclaimed that the civil rights movement would only be complete if it became a poor people's movement, one that brought together blacks, working class whites, and immigrants – communities historically pitted against each other. By this he meant that the ultimate goal of civil rights was the elimination of basic inequalities, which consigned some to a life in poverty or systematically denied them the opportunity to control either their work or their political community. He was centrally concerned with how to restore social respectability to most Americans, an experience increasingly the province of a dominant few. This required more than integrating liberal society; it entailed taking apart the key economic and political hierarchies on which postwar liberalism rested. Today's professional creed – while undoubtedly better than the Bush Administration's culture of cronyism, corporate profiteering, and rejection of expertise – remains a long way from these aspirations.

With the Republican Party reeling, Obama and the Democrats look to have a workable political majority for the foreseeable future. Pressed by severe economic conditions, they also have a clear opportunity to pursue a substantial reform agenda – covering issues of housing, joblessness, and health care. Many are comparing the present moment to the New Deal, in which an activist government greatly expanded the economic safety-net and created a permanent Democratic majority for decades. Given these comparisons, it is critical to note that the New Deal coalition was built on more than simply a social welfare agenda. While Social Security, unemployment insurance, and Medicare have been essential to providing millions of Americans with economic stability, the heart of the New Deal lay elsewhere. From 1932 until 1968, the Democratic Party rested on two descriptions of American life – the American dream as embodied by the rural farmer and the industrial worker. It gained sustenance from a respect for these accounts of middle class achievement, economic independence, and democratic inclusion. In other words, it offered a vision of solidarity and social equality, which incorporated working class and poor citizens into a real experience of membership.

For the new Administration to produce a similarly powerful political legacy, this means combining far-reaching social initiatives – like universal health care – with forms of solidarity and community that include, as equals, nonprofessionals and those at the cultural margins. It necessitates going beyond Obama's personal narrative of meritocratic success, one which primarily offers a seemingly lose-lose proposition to most Americans: join the competition for professional status and cultural privilege at a severe disadvantage, or do not join it at all.

It also requires rejecting the rhetoric of superficial consensus, and coming to grips with the basic divisions and internal tensions that mark American society. As Obama starts his term in office, the sense of national expectancy presents his Administration with remarkable possibilities – chief among them the chance to forge a durable social compact out of diverse group interests. But in order to fulfill this promise, he will have to move beyond Progressive reformism and thus challenge the hegemony of the professional ideal. Especially when the prevailing economic crisis abates, the question will be whether he and those around him are committed to this task or to taking the political risks associated with it.

NOTES

1. Quoted in Julianna Goldman, “Richardson Endorsing Obama Today as ‘Once-in-a-Lifetime Leader.’” *Bloomberg*, March 21, 2008.
2. C. Wright Mills, *White Collar: The American Middle Classes* (Oxford: Oxford University Press, 1951).
3. “Whatever history they have had is a history without events; whatever common interests they have do not lead to unity; whatever future they have will not be of their own making. . . As a group they do not threaten anyone; as individuals, they do not practice an independent way of life,” *Ibid.*, ix.
4. *Ibid.*, xii.
5. *Ibid.*, 354.
6. Louis Brandeis, “The Opportunity in the Law,” *Business – A Profession* (Boston: Small, Maynard and Company, 1914), 331.
7. *Ibid.*
8. *Ibid.*, 332.
9. *Ibid.*, 343.
10. Robert Wiebe, *The Search for Order: 1877-1920* (New York: Hill & Wang, 1969), 160.
11. *Ibid.*
12. Barack Obama, *The Audacity of Hope: Thoughts on Reclaiming the American Dream* (New York: Vintage, 2005), 356.
13. Barack Obama, Speech, March 18, 2008, <http://www.cnn.com/2008/POLITICS/03/18/obama.transcript/index.html>
14. Thomas Jefferson, “Letter to John Jay,” August 23, 1785, *Writings* (New York: Library of America, 1984).
15. Brian Headd, “Redefining Business Success: Distinguishing between Closure and Failure,” U.S. Small Business Administration, 2003, http://www.sba.gov/advo/stats/bh_sbe03.pdf.
16. Mills, *White Collar*, 24.
17. According to Congressional Budget Office (CBO) data, the after-tax household income of the bottom 20% of families dropped 7% between 1977 and 1999 despite extensive increases in workplace productivity. As Jared Bernstein and his coauthors wrote in 2000 of the CBO findings, “incomes of the bottom 40% have been flat or falling over the last 20 years, while incomes for the upper 1% grew 78.9% on a pre-tax and 89.4% on an after-tax basis.” Jared Bernstein et al., “Any way you cut it: Income inequality on the rise regardless of how it’s measured,” *Economic Policy Institute*, September 2000.
18. Michael J. Handel, “Worker Skills and Job Requirements: Is There a MisMatch,” *Economic Policy Institute*, October 2005. Handel argues that workers are facing increased difficulties in finding employment which matches their actual skill level and offers appropriate pay. These findings go against a common claim by business that the difficulty many working class Americans have in gaining higher paying jobs has to do with a decline in the quality of the labor force.
19. Abraham Lincoln, “Address before the Wisconsin State Agricultural Society, Sept. 30, 1859,” <http://showcase.netins.net/web/creative/lincoln/speeches/fair.htm>.
20. Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 214-215.

Aziz Rana is currently an Oscar M. Ruebhausen Fellow in Law at Yale and will begin an appointment as Assistant Professor at Cornell Law School in Fall 2009. His research focuses on democratic theory and American constitutional history. His book, tentatively titled *Settler empire and the Promise of American Freedom* is forthcoming from Harvard University Press.