

questions about directions for future research. Offenburger has written a compelling account of frontiers in the Gilded Age that deepens our understanding of the relationship between capitalism and dispossession during a period of global economic transformation.

Beyond Imagination: Injustice and Employee Injury Law During the Progressive Era

Holdren, Nate. *Injury Impoverished: Workplace Accidents, Capitalism, and Law in the Progressive Era*. New York: Cambridge University Press, 2020. xvii + 292 pp. \$59.99 (cloth), ISBN 9781108488709.

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Industrialization brought great opportunity and great peril. One was often easier to see than the other, however, and progressive reformers, comprehending the distance between them as a source of injustice, sought to help all Americans understand what it meant to be part of a population that bore more costs and reaped fewer benefits. Workplace accidents were one key target. Upton Sinclair introduced America to the trials and tribulations of the Rudkus family. Lewis Hine captured the countenances of child laborers. Crystal Eastman studied the bustling manufactures of Allegheny County, Pennsylvania, which caused so many deaths she created a calendar to track them all. The human suffering they all saw cried out for some sort of representation, some way to force a broader American public to reckon with the human costs of workplace accidents and the injustices they signified. Historian Nate Holdren examines ideas of justice in employee injury law across two periods—the court-based era that preceded the first compensation laws in 1911 and the first two decades of the compensation era that followed. He argues that the legal system and employers' responses perpetuated injustices rather than solved them, and that one unintended consequence of workers' compensation reform was to further diminish popular understanding of on-the-job injuries and deaths. The result pushed a true recognition of the human costs of the industrial economy beyond reach, leaving injuries to impoverish workers and diminish Americans' understanding of the human costs of production.

Holdren divides his study into two chronological parts. Part I examines employee injury law from the 1842 ruling in *Farwell v. Boston and Worcester R.R. Corp* to the passage of workmen's compensation laws in 1911. Using trial records, legal treatises, and liability reform conference proceedings, Holdren shows how the era of court-based injury law created what he terms the tyranny of the trial. The odds were stacked in employers' favor. Injured workers and their families could seek a justice of recognition through the courts, but they often failed to achieve justice of distribution in the form of adequate compensation for their losses. As workers faced lives of poverty after injuries and

employers worried about the random high-dollar jury awards that could bankrupt them, pressure mounted for reform. Holdren devotes a chapter each to arguments from middle-class reformers such as Eastman and William Hard, who represented a social-justice perspective, and from employers who represented a business-protection perspective. The compensation laws that resulted brought more predictability to employee injury law, as both workers and employers could consult tables to learn the financial amounts associated with different types of accidents.

The transition from court-based injury law to workmen's compensation created a new tyranny, according to Holdren: the tyranny of the table. Compensation laws foreclosed options for discussing whether an injury was a wrong or how it impacted the lives of the people affected. Workers were now doubly commodified—first in the form of their wage and second as a value in a compensation table. Holdren persuasively suggests that the table exercised its tyranny by reducing workers to columns of data rather than providing a mechanism to recognize them as individual human beings with singular experiences. Even while some injustices of distribution continued in the era of workmen's compensation, especially when employers challenged compensation awards in court or underpaid claims, the tyranny of the table eradicated almost all hope for justice of recognition after a workplace injury. The reforms, in effect, accepted accidents, even fatal ones, as simply a cost of doing business and limited public comprehension of how workplace accidents impacted individuals, families, and communities.

Holdren tracks some of the consequences of compensation reform from 1911 to the 1930s in Part II. He shows how the courtroom became less a venue for workers to achieve justice and more a tool for employers to reduce their liability. Part II is less about the courtroom and more about the ways employers adapted to the new laws to minimize risk. Using labor relations files from company archives such as the Pullman Corporation, Holdren shows how the laws created incentives for companies to make the screening of applicants more elaborate to minimize the risk of expensive liabilities. Doctors on the corporate payroll became gatekeepers to determine who was physically fit and who might represent too much of a risk for injury. These strategies created more space than existed previously to discriminate against certain types of workers, especially those who were disabled or who had been previously injured in a workplace accident. While compensation reforms may have ensured the distribution of payments, employers responded by denying some workers access to paychecks in the first place, exacerbating a dynamic of industrial capitalism in which costs are distributed downward and profits flow upward.

This book offers rich intellectual rewards for anyone interested in the Long Gilded Age. Holdren's study is a legal history that complements the work particularly of Christopher Tomlins and John Fabian Witt by adding nuance and depth to popular and legal understandings of injury law. It is also, especially in Part II, a history of capitalism with a side of disability history. Holdren adds his voice to a chorus of others who have called for a critical examination of reformers' accomplishments and failures by suggesting that, sometimes, reform victories often didn't just solve problems, they introduced new problems or exacerbated existing ones. The fact that workplace accidents continue to injure and kill tens of thousands of Americans each year, and that working for wages has remained more dangerous than serving in the military, may be one of the legacies of the Progressive Era hardest to accept. Holdren, for his part, helps us see why.