MODERN REPUBLICAN: 
ARTHUR LARSON AND THE EISENHOWER YEARS
by David L. Stebenne

Arthur Larson (1910-93) is well known to all in the workers’ compensation community as the author of the seminal treatise on workers’ compensation laws, Larson’s Workers’ Compensation (Matthew Bender/Lexis).¹ That text, first published as a two-volume work in 1952, is now to be found in eleven thick volumes that take up considerable – but much deserved – space at most law libraries. Although Larson died in 1993, his son, Lex K. Larson, keeps the treatise up to date.

So authoritative and comprehensive is the treatise that it would be reckless to declare that a particular issue has been unaddressed under state workers’ compensation laws, without first examining this masterful work.

In this new biography, Ohio State history/law professor David L. Stebenne has provided an edifying account of Larson’s life with an initial focus on the family, social, and educational environment that gave rise to Larson’s political philosophy; and a subsequent recounting of his career as a lawyer, scholar, and Eisenhower Administration official.

Steabenne takes the reader through Larson’s early life as the grandson of Norwegian immigrants who had settled in South Dakota and his upbringing in a deeply religious Lutheran family. Larson abandoned the idea of being a minister, and instead went to law school at the University of South Dakota. A brilliant student, he also studied law as a Rhodes Scholar at Oxford. There he excelled not only in academics, but as a debater and oarsman.

He began the practice of law during the Depression at a law firm in Milwaukee, and in that environment he was introduced to litigating workers’ compensation cases. After a lay-off generated by economic downturn, Larson secured a job teaching law at the University of Tennessee, where he first published an academic article in the workers’ compensation field.

Though a loyal Republican, Larson thereafter secured work during World War II in the Roosevelt Administration’s Office of Price Administration (OPA). In 1945 he joined the Cornell Law faculty, and during this period wrote the first edition of his book, as well as several law review articles. In 1953 he became Dean of Pitt Law School but, having been offered a job as Assistant Secretary of Labor in the Eisenhower

Administration, performed actively in that position for only one year. (One wonders whether the law school’s institutional memory still holds a grudge at this brief tenure and the circumstances under which Larson for years kept the law school guessing with regard to his status.)

He later headed the Agency for International Development (USAID) and was a speechwriter for President Eisenhower. In the 1960’s he joined the faculty at Duke Law School, where he was to teach until the end of his career.

As suggested by the book’s title, the critical focus is Larson’s role as an official in the Eisenhower Administration, and as a close personal adviser to Eisenhower. This is a history that is perhaps not known to many in the present day.

The phrase “Modern Republican” is another conceptualization of the still-popular idea of the “Eisenhower Republican.” In its time, a “Modern Republican” (as outlined definitely in Eisenhower’s 1956 Republican Convention address, which Larson drafted), was one suspicious of taxes and the power of the central government, but who still possessed progressive values. Perhaps more importantly, a Modern Republican disfavored repudiation of the type of social reforms introduced by Roosevelt’s New Deal. Larson was a champion of this type of Republicanism, and his 1956 book *A Republican Looks at his Party* was at one time a bestseller, a favorite of Eisenhower, and the movement’s manifesto.

As it turns out, the movement was to struggle, as Nixon distanced himself from Larson and progressive policies. And, of course, Goldwater repudiated such ideas, criticizing Larson as a “Big Government Republican” in his book *The Conscience of a Conservative*.

The latter two-thirds of Stebenne’s book deals with this remarkable historical phenomenon, which remains of interest because of the persistence of the idea of the “Eisenhower Republican,” and the apparent revival of moderate Republicanism.

The first third of the book, meanwhile, will likely be the most interesting to the workers’ compensation specialist. Chapter Four in particular is a must-read, as Stebenne explains precisely how Larson came to write his treatise, which he correctly posits as “one of the most influential and successful legal treatises in American history.”

As the author explains, Larson was convinced that, “to make one’s mark in academic life, or other fields for that matter, one needed to do something truly significant by age 40.” He determined that his effort would be a comprehensive workers’ compensation treatise. Such a project had not, he observed, to date been undertaken. The only other similar text, one by Horovitz, was unpopular with judges, given its “sharp and persistent criticism of the judiciary’s tendency to take a backward-looking approach when interpreting workers’ compensation acts.”
Larson actually joined in this critique, but composed his text in such a way as to use gentle persuasion and scholarship to try to convince judges, and the wider legal community, that workers’ compensation laws (by then over 30 years old) were really revolutionary and in their own class – establishing no-fault liability – and not statutes that could or should be interpreted through the prism of common law tort principles. The success of this mission is what Stebenne identifies as the crowning achievement of Larson’s treatise project:

To Larson’s pleasure, his great work met with immediate success, and judges began quoting it to support their rulings. Some judges explicitly followed interpretive suggestions Larson had made and even used his phraseology, which became part of the everyday legal vocabulary of workers’ compensation rulings.

Also of interest is Stebenne’s account of Larson’s less successful effort, undertaken while Assistant Secretary of Labor, to propose a Model Workmen’s Compensation Law. This attempt was opposed by business interests, where “reactions ranged from unenthusiastic to outright hostile.” The National Association of Manufacturers, for example, “argued that the federal government had no business telling states what to do about workers’ compensation or even making suggestions on that topic. Similar responses came from interested trade associations and some businesses, most notably insurance companies, that belonged to them.”

Entrenched state administrators, meanwhile, raised “the same basic objection…. Fiercely protective of the states’ prerogatives in this area, [state administrators] argued in effect that a model act would have been acceptable had it come from some body created by the states instead of from the federal government…. ” Ultimately, business and states interests “used their influence in Congress to cut off funds for any more work on this project, in effect compelling Larson to give up.”

This new biography, interesting, accessible, and flawlessly edited, is highly recommended for the member of the workers’ compensation community who wants to gain a more muscular understanding of the background of the Larson scholarship and the evolution of the law in general. The reader will learn of a devoted lawyer and public servant – and Renaissance man as well – whose contribution to the evolution of the field has no equal.