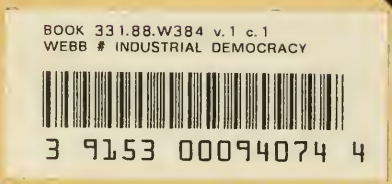

INDUSTRIAL DEMOCRACY

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INDUSTRIAL DEMOCRACY BY SIDNEY & BEATRICE WEBB. VOLUME ONE

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PREFACE

We have attempted in these volumes to give a scientific analysis of Trade Unionism in the United Kingdom. To this task we have devoted six years' investigation, in the course of which we have examined, inside and out, the constitution of practically every Trade Union organisation, together with the methods and regulations which it uses to attain its ends. In the *History of Trade Unionism*, published in 1894, we traced the origin and growth of the Trade Union movement as a whole, industrially and politically, concluding with a statistical account of the distribution of Trade Unionism according to trades and localities; and a sketch from nature of Trade Union life and character. The student has, therefore, already had before him a picture of those external characteristics of Trade Unionism, past and present, which—borrowing a term from the study of animal life—we may call its natural history. These external characteristics—the outward form and habit of the creature—are obviously insufficient for any scientific generalisation as to its purpose and its effects. Nor can any useful conclusions, theoretic or practical, be arrived at by arguing from "common notions" about Trade Unionism; nor even by refining these into a definition of some imaginary form of combination in the abstract. Sociology, like all other sciences, can advance only upon the basis of a precise observation of actual facts.

The first part of our work deals with Trade Union Structure. In the Anglo-Saxon world of to-day we find that Trade Unions are democracies: that is to say, their internal constitu-

tions are all based on the principle of "government of the people by the people for the people." How far they are marked off from political governments by their membership being voluntary will be dealt with in the course of the analysis. They are, however, scientifically distinguished from other democracies in that they are composed exclusively of manual-working wage-earners, associated according to occupations. We shall show how the different Trade Unions reveal this species of democracy at many different stages of development. This part of the book will be of little interest to those who want simply to know whether Trade Unionism is a good or a bad influence in the State. To employers and Trade Union officials on active service in the campaign between Capital and Labor, or to politicians hesitating which side to take in a labor struggle, our detailed discussions of the relations between elector, representative, and civil servant; between central and local government; and between taxation and representation—not to speak of the difficulties connected with federation, the grant of "Home Rule" to minorities, or the use of the Referendum and the Initiative—will seem tedious and irrelevant. On the other hand, the student of democracy, not specially interested in the commercial aspect of Trade Unionism, will probably find this the most interesting part of the book. Those who regard the participation of the manual-working wage-earners in the machinery of government as the distinctive, if not the dangerous, element in modern politics, will here find the phenomenon isolated. These thousands of working-class democracies, spontaneously growing up at different times and places, untrammelled by the traditions or interests of other classes, perpetually recasting their constitutions to meet new and varying conditions, present an unrivalled field of observation as to the manner in which the working man copes with the problem of combining administrative efficiency with popular control.

The second part of the book, forming more than half its total bulk, consists of a descriptive analysis of Trade Union Function: that is to say, of the methods used, the regulations

imposed, and the policy followed by Trade Unions. We have done our best to make this analysis both scientifically accurate and, as regards the United Kingdom at the present day, completely exhaustive. We have, of course, not enumerated every individual regulation of every individual union; but we have pushed our investigations into every trade in every part of the kingdom; and our analysis includes, we believe, every existing type and variety of Trade Union action. And we have sought to make our description quantitative. We have given statistics wherever these could be obtained; and we have, in all cases, tried to form and convey to the reader an impression of the relative proportion, statical and dynamic, which each type of regulation bears to the whole body of Trade Union activity. In digesting the almost innumerable technical regulations of every trade, our first need was a scientific classification. After many experiments we discovered the principle of this to lie in the psychological origin of the several regulations: that is to say, the direct intention with which they were adopted, or the immediate grievance they were designed to remedy. Our consequent observations threw light on many apparent contradictions and inconsistencies. Thus, to mention only two among many instances, the student will find, in our chapter on "The Standard Rate," an explanation of the reason why some Trade Unions strike against Piecework and others against Timework; and, in our chapter on "The Normal Day," why some Trade Unions make the regulation of the hours of labor one of their foremost objects, whilst others, equally strong and aggressive, are indifferent, if not hostile to it. The same principle of classification enables the student to comprehend and place in appropriate categories the seemingly arbitrary and meaningless regulations, such as those against "Smooting" or "Partnering," which bewilder the superficial observer of working-class life. It assists us to unravel the intricate changes of Trade Union policy with regard to such matters as machinery, apprenticeship, and the admission of women. It serves also for the deeper analysis

of the division of the whole action of Trade Unionism into three separate and sometimes mutually exclusive policies, based on different views of what can economically be effected, and what state of society is ultimately desirable. It is through the psychology of its assumptions that we discover how significantly the cleavages of opinion and action in the Trade Union world correspond with those in the larger world outside.

It is only in the third part of our work—the last four chapters of the second volume—that we have ventured into the domain of theory. We first trace the remarkable change of opinion among English economists as to the effect of Trade Unionism on the production and distribution of wealth. Some readers may stop at this point, contented with the authoritative, though vague, deliverances favorable to combination among wage-earners now given by the Professors of Political Economy in the universities of the United Kingdom. But this verdict, based in the main upon an ideal conception of competition and combination, seems to us unsubstantial. We have, therefore, laid before the student a new analysis of the working of competition in the industrial field—our vision of the organisation and working of the business world as it actually exists. It is in this analysis of the long series of bargainings, extending from the private customer in the retail shop, back to the manual laborer in the factory or the mine, that we discover the need for Trade Unionism. We then analyse the economic characteristics, not of combination in the abstract in a world of ideal competition, but of the actual Trade Unionism of the present day in the business world as we know it. Here, therefore, we give our own theory of Trade Unionism—our own interpretation of the way in which the methods and regulations that we have described actually affect the production and distribution of wealth and the development of personal character. This theory, in conjunction with our particular view of social expediency, leads us to sum up emphatically in favor of Trade Unionism of one type, and equally emphatically

against Trade Unionism of another type. In our final chapter we even venture upon precept and prophecy ; and we consider the exact scope of Trade Unionism in the fully developed democratic state—the industrial democracy of the future.

A book made up of descriptions of fact, generalisations into theory, and moral judgments must, in the best case, necessarily include parts of different degrees of use. The description of structure and function in Parts I. and II. will, we hope, have its own permanent value in sociology as an analytic record of Trade Unionism in a particular country at a particular date. The economic generalisations contained in Part III., if they prove sound on verification by other investigators, can be no more than stepping-stones for the generalisations of reasoners who will begin where we leave off. Like all scientific theories, they will be quickly broken up, part to be rejected as fallacious or distorted, and part to be absorbed in later and larger views. Finally, even those who regard our facts as accurate, and accept our economic theory as scientific, will only agree in our judgment of Trade Unionism, and in our conception of its permanent but limited function in the Industrial Democracy of the future, in so far as they happen to be at one with us in the view of what state of society is desirable.

Those who contemplate scientific work in any department of Sociology may find some practical help in a brief account of the methods of investigation which we have found useful in this and other studies.

To begin with, the student must resolutely set himself to find out, not the ultimate answer to the practical problem that may have tempted him to the work, but what is the actual structure and function of the organisation about which he is interested. Thus, his primary task is to observe and dissect facts, comparing as many specimens

as possible, and precisely recording all their resemblances and differences whether or not they seem significant. This does not mean that the scientific observer ought to start with a mind free from preconceived ideas as to classification and sequences. If such a person existed, he would be able to make no observations at all. The student ought, on the contrary, to cherish all the hypotheses he can lay his hands on, however far-fetched they may seem. Indeed, he must be on his guard against being biassed by authority. As an instrument for the discovery of new truth, the wildest suggestion of a crank or a fanatic, or the most casual conclusion of the practical man may well prove more fertile than verified generalisations which have already yielded their full fruit. Almost any preconceived idea as to the connection between phenomena will help the observer, if it is only sufficiently limited in its scope and definite in its expression to be capable of comparison with facts. What is dangerous is to have only a single hypothesis, for this inevitably biasses the selection of facts; or nothing but far-reaching theories as to ultimate causes and general results, for these cannot be tested by any facts that a single student can unravel.

From the outset, the student must adopt a definite principle in his note-taking. We have found it convenient to use separate sheets of paper, uniform in shape and size, each of which is devoted to a single observation, with exact particulars of authority, locality, and date. To these, as the inquiry proceeds, we add other headings under which the recorded fact might possibly be grouped, such, for instance, as the industry, the particular section of the craft, the organisation, the sex, age, or status of the persons concerned, the psychological intention, or the grievance to be remedied. These sheets can be shuffled and reshuffled into various orders, according as it is desired to consider the recorded facts in their distribution in time or space, or their coincidence with other circumstances. The student would be well-advised to put a great deal of work into the completeness and mechanical perfection of his note-taking, even if this

involves, for the first few weeks of the inquiry, copying and recopying his material.

Before actually beginning the investigation it is well to read what has been previously written about the subject. This will lead to some tentative ideas as to how to break up the material into definite parts for separate dissection. It will serve also to collect hypotheses as to the connections between the facts. It is here that the voluminous proceedings of Royal Commissions and Select Committees find their real use. Their innumerable questions and answers seldom end in any theoretic judgment or practical conclusion of scientific value. To the investigator, however, they often prove a mine of unintentional suggestion and hypothesis, just because they are collections of samples without order and often without selection.

In proceeding to actual investigation into facts, there are three good instruments of discovery: the Document, Personal Observation, and the Interview. All three are useful in obtaining preliminary suggestions and hypotheses; but as methods of qualitative and quantitative analysis, or of verification, they are altogether different in character and unequal in value.

The most indispensable of these instruments is the Document. It is a peculiarity of human, and especially of social action, that it secretes records of facts, not with any view to affording material for the investigator, but as data for the future guidance of the organisms themselves. The essence of the Document as distinguished from the mere literature of the subject is the unintentional and automatic character of its testimony. It is, in short, a kind of mechanical memory, registering facts with the minimum of personal bias. Hence the cash accounts, minutes of private meetings, internal statistics, rules, and reports of societies of all kinds furnish invaluable material from which the investigator discovers not only the constitution and policy of the organisation, but also many of its motives and intentions. Even documents intended solely to influence other people,

such as public manifestoes or fictitious reports, have their documentary value if only as showing by comparison with the confidential records, what it was that their authors desired to conceal. The investigator must, therefore, collect every document, however unimportant, that he can acquire. When acquisition is impossible, he should copy the actual words, making his extracts as copious as time permits ; for he can never know what will afterwards prove significant to him. In this use of the Document, sociology possesses a method of investigation which to some extent compensates it for inability to use the method of deliberate experiment. We venture to think that collections of documents will be to the sociologist of the future, what collections of fossils or skeletons are to the zoologist ; and libraries will be his museums.

Next in importance comes the method of Personal Observation. By this we mean neither the Interview nor yet any examination of the outward effects of an organisation, but a continued watching, from inside the machine, of the actual decisions of the human agents concerned, and the play of motives from which these spring. The difficulty for the investigator is to get into such a post of observation without his presence altering the normal course of events. It is here, and here only, that personal participation in the work of any social organisation is of advantage to scientific inquiry. The railway manager, the member of a municipality, or the officer of a Trade Union would, if he were a trained investigator, enjoy unrivalled opportunities for precisely describing the real constitution and actual working of his own organisation. Unfortunately, it is extremely rare to find in an active practical administrator, either the desire, the capacity, or the training for successful investigation. The outsider wishing to use this method is practically confined to one of two alternatives. He may adopt the social class, join the organisation, or practise the occupation that he wishes to study. Thus, one of the authors has found it useful, at different stages of investigation, to become a rent collector, a tailoress, and a working-class lodger in working-class

families; whilst the other has gained much from active membership of democratic organisations and personal participation in administration in more than one department. Participation of this active kind may be supplemented by gaining the intimacy and confidence of persons and organisations, so as to obtain the privilege of admission to their establishments, offices, and private meetings. In this passive observation the woman, we think, is specially well-adapted for sociological inquiry; not merely because she is accustomed silently to watch motives, but also because she gains access and confidence which are instinctively refused to possible commercial competitors or political opponents. The worst of this method of Personal Observation is that the observer can seldom resist giving undue importance to the particular facts and connections between facts that he happens to have seen. He must, therefore, record what he has observed as a set of separate, and not necessarily connected facts, to be used merely as hypotheses of classification and sequence, for verification by an exhaustive scrutiny of documents or by the wider-reaching method of the Interview.

By the Interview as an instrument of sociological inquiry we mean something more than the preliminary talks and social friendliness which form, so to speak, the antechamber to obtaining documents and opportunities for personal observation of processes. The Interview in the scientific sense is the skilled interrogation of a competent witness as to facts within his personal experience. As the witness is under no compulsion, the interviewer will have to listen sympathetically to much that is not evidence, namely to personal opinions, current tradition, and hearsay reports of facts, all of which may be useful in suggesting new sources of inquiry and revealing bias. But the real business of the Interview is to ascertain facts actually seen by the person interviewed. Thus, the expert interviewer, like the bedside physician, agrees straightway with all the assumptions and generalisations of his patient, and uses his detective skill to sift, by tactful cross-examination, the grain of fact from the

bushel of sentiment, self-interest, and theory. Hence, though it is of the utmost importance to make friends with the head of any organisation, we have generally got much more actual information from his subordinates who are personally occupied with the facts in detail. But in no case can any Interview be taken as conclusive evidence, even in matters of fact. It must never be forgotten that every man is biassed by his creed or his self-interest, his class or his views of what is socially expedient. If the investigator fails to detect this bias, it may be assumed that it coincides with his own! Consequently, the fullest advantage of the Interview can be obtained only at the later stages of an inquiry, when the student has so far progressed in his analysis that he knows exactly what to ask for. It then enables him to verify his provisional conclusions as to the existence of certain specified facts, and their relations to others. And there is a wider use of the Interview by which a quantitative value may be given to a qualitative analysis. Once the investigator has himself dissected a few type specimens, and discovered which among their obviously recognisable attributes possess significance for him, he may often be able to gain an exhaustive knowledge of the distribution of these attributes by what we may call the method of wholesale interviewing. One of the most brilliant and successful applications of this method was Mr. Charles Booth's use of all the School Board visitors of the East End of London. Having, by personal observation, discovered certain obvious marks which coincided with a scientific classification of the East End population, he was able, by interviewing a few hundred people, to obtain definite particulars with regard to the status of a million. And when results so obtained are checked by other investigations—say, for instance, by the Census, itself only a gigantic and somewhat unscientific system of wholesale interviewing—a high degree of verified quantitative value may sometimes be given to sociological inquiry.

Finally, we would suggest that it is a peculiar advantage, in all sociological work, if a single inquiry can be conducted

by more than one person. A closely-knit group, dealing contemporaneously with one subject, will achieve far more than the same persons working individually. In our inquiry into Trade Unionism we have found exceptionally useful, not only our own collaboration in all departments of the work, but also the co-operation, throughout the whole six years, of our colleague and friend, Mr. F. W. Galton. When the members of a group "pool" their stocks of preconceived ideas or provisional hypotheses; their personal experience of the facts in question, or of analogous facts; their knowledge of possible sources of information; their opportunities for interviewing, and access to documents, they are better able than any individual to cope with the vastness and complexity of even a limited subject of sociological investigation. They can do much by constant criticism to save each other from bias, crudities of observation, mistaken inferences, and confusion of thought. But group-work of this kind has difficulties and dangers of its own. Unless all the members are in intimate personal communication with each other, moving with a common will and purpose, and at least so far equal in training and capacity that they can understand each other's distinctions and qualifications, the result of their common labors will present blurred outlines, and be of little real value. Without unity, equality, and discipline, different members of the group will always be recording identical facts under different names, and using the same term to denote different facts.

By the pursuit of these methods of observation and verification, any intelligent, hard-working, and conscientious students, or group of students, applying themselves to definitely limited pieces of social organisation, will certainly produce monographs of scientific value. Whether they will be able to extract from their facts a new generalisation, applicable to other facts—whether, that is to say, they will discover any new scientific law—will depend on the possession of a somewhat rare combination of insight and inventiveness, with the capacity for prolonged and intense reasoning. When

such a generalisation is arrived at, it provides a new field of work for the ensuing generation, whose task it is, by an incessant testing of this "order of thought" by comparison with the "order of things," to extend, limit, and qualify the first imperfect statement of the law. By these means alone, whether in sociology or any other sphere of human inquiry, does mankind enter into possession of that body of organised knowledge which is termed science.

We venture to add a few words as to the practical value of sociological investigation. Quite apart from the interest of the man of science, eager to satisfy his curiosity about every part of the universe, a knowledge of social facts and laws is indispensable for any intelligent and deliberate human action. The whole of social life, the entire structure and functioning of society, consists of human intervention. The essential characteristic of civilised, as distinguished from savage society, is that these interventions are not impulsive but deliberate; for, though some sort of human society may get along upon instinct, civilisation depends upon organised knowledge of sociological facts and of the connections between them. And this knowledge must be sufficiently generalised to be capable of being diffused. We can all avoid being practical engineers or chemists; but no consumer, producer, or citizen can avoid being a practical sociologist. Whether he pursues only his own pecuniary self-interest, or follows some idea of class or social expediency, his action or inaction will promote his ends only in so far as it corresponds with the real order of the universe. A workman may join his Trade Union, or abstain from joining; but if his decision is to be rational, it must be based on knowledge of what the Trade Union is, how far it is a sound benefit society, whether its methods will increase or decrease his liberty, and to what extent its regulations are likely to improve or deteriorate the conditions of employment for himself and his class. The employer who desires to enjoy the maximum freedom of enterprise, or to gain the utmost profit, had better, before either fighting his workmen or yielding to their demands, find out the cause and

meaning of Trade Unionism, what exactly it is likely to give up or insist on, its financial strength and weakness, and its hold on public opinion. Common hearsay, or the gossip of a club, whether this be the public-house or a palace in Pall Mall, will no more enable a man intelligently to "manage his own business," than it will enable the engineer to build a bridge. And when we pass from private actions to the participation of men and women as electors, representatives, or officials, in public companies, local governing bodies, or the State itself, the inarticulate apprehension of facts which often contents the individual business man, will no longer suffice. Deliberate corporate action involves some definite policy, communicable to others. The town councillor or the cabinet minister has perpetually to be making up his mind what is to be done in particular cases. Whether his action or abstention from action is likely to be practicable, popular, and permanently successful in attaining his ends, depends on whether it is or is not adapted to the facts. This does not mean that every workman and every employer, or even every philanthropist and every statesman, is called upon to make his own investigation into social questions any more than to make for himself the physiological investigations upon which his health depends. But whether they like it or not, their success or failure to attain their ends depends on their scientific knowledge, original or borrowed, of the facts of the problem, and of their causal connections. Perfect wisdom we can never attain, in sociology or in any other science; but this does not absolve us from using, in our action, the most authoritative exposition, for the time being, of what is known. That nation will achieve the greatest success in the world-struggle, whose investigators discover the greatest body of scientific truth, and whose practical men are the most prompt in their application of it.

What is not generally recognised is that scientific investigation, in the field of sociology as in other departments of knowledge, requires, not only competent investigators, but a considerable expenditure. Practically no provision exists in

this country for the endowment or support from public funds of any kind of sociological investigation. It is, accordingly, impossible at present to make any considerable progress even with inquiries of pressing urgency. Social reformers are always feeling themselves at a standstill, for sheer lack of knowledge, and of that invention which can only proceed from knowledge. There is, we believe, no purpose to which the rich man could devote his surplus with greater utility to the community than the setting on foot, in the hands of competent investigators, of definite inquiries into such questions as the administrative control of the liquor traffic, the relation between local and central government, the population question, the conditions of women's industrial employment, the real incidence of taxation, the working of municipal administration, or many other unsolved problems that could be named. It may be assumed that to deal adequately with any of these subjects would involve an out-of-pocket expenditure for travelling, materials, and incidental outlays of all kinds, of something like £1000, irrespective of the maintenance of the investigators themselves, or the possible expense of publication. To make any permanent provision for discovery in any one department—to endow a chair—requires the investment of, say, £10,000. At present, in London, the wealthiest city in the world, and the best of all fields for sociological investigation, the sum total of the endowments for this purpose does not reach £100 a year.

It remains only to express our grateful acknowledgments to the many friends, employers as well as workmen, who have helped us with information as to their respective trades. Some portions of our work have been read in manuscript or proof by Professor Edgeworth, Professor Hewins, Mr. Leonard Hobhouse, and other friends, to whom we are indebted for many useful suggestions and criticisms. Early drafts of some chapters have appeared in the *Economic Journal*, *Economic Review*, *Nineteenth Century*, and *Progressive Review* in this country; the *Political Science Quarterly* in New York;

and Dr. Braun's *Archiv fur Sociale Gesetzgebung und Statistik* in Berlin. They are reproduced here by permission of the editors. A large portion of the book was given in the form of lectures at the London School of Economics and Political Science during 1896 and 1897.

SIDNEY AND BEATRICE WEBB.

41 GROSVENOR ROAD, WESTMINSTER,
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CHAPTER I

PRIMITIVE DEMOCRACY[1]

In the local trade clubs of the eighteenth century, democracy appeared in its simplest form. Like the citizens of Uri or Appenzell[2] the workmen were slow to recognise any other authority than "the voices" of all concerned. The members of each trade, in general meeting assembled, themselves made the regulations, applied them to particular cases, voted the expenditure of funds, and decided on such action by individual members as seemed necessary for the common weal. The early rules were accordingly occupied with securing the maintenance of order and decorum at these general meetings of "the trade" or "the body." With this view the president, often chosen only for the particular meeting, was treated with great respect and invested with special, though temporary,

[1] Copyright in the United States of America, 1896, by Sidney and Beatrice Webb.

[2] The early Trade Union general meetings have, indeed, many interesting resemblances, both in spirit and in form, to the "Landesgemeinden," or general meetings of all citizens, of the old Swiss Cantons. The best description of these archaic Swiss democracies, as they exist to-day, is given by Eugène Rambert in his work *Les Alpes Suisses: Études Historiques et Nationales* (Lausanne, 1889). J. M. Vincent's *State and Federal Government in Switzerland* (Baltimore, 1891) is more precise and accurate than any other account in the English language. Freeman's picturesque reference to them in *The Growth of the English Constitution* (London, 1872) is well known.

authority. Thus the constitution of the London Society of Woolstaplers, established 1785, declares "that at every meeting of this society a president shall be chosen to preserve the rules of decorum and good order; and if any member should not be silent on due notice given by the president, which shall be by giving three distinct knocks on the table, he shall fine threepence; and if any one shall interrupt another in any debate while addressing the president, he shall fine sixpence; and if the person so fined shall return any indecent language, he shall fine sixpence more; and should any president misconduct himself, so as to cause uproar and confusion in the society, or shall neglect to enforce a strict observance of this and the following article, he shall be superseded, and another president shall be chosen in his stead. The president shall be accommodated with his own choice of liquors, wine only excepted."[1] And the Articles of the Society of Journeymen Brushmakers, to which no person was to be admitted as a member "who is not well-affected to his present Majesty and the Protestant succession, and in good health, and of a respectable character," provide "that on each evening the society meets there shall be a president chosen from the members present to keep order; to be allowed a shilling for his trouble; any member refusing to serve the office to be fined sixpence. If any member dispute on politics, swear, lay wagers, promote gambling, or behave otherwise disorderly, and will not be silent when ordered by the chairman, he shall pay a fine of a shilling."[2]

The rules of every old society consist mainly of safeguards of the efficiency of this general meeting. Whilst political or religious wrangling, seditious sentiments or songs, cursing, swearing, or obscene language, betting, wagering, gaming, or refusing to keep silence were penalised by fines, elaborate and detailed provision was made for the entertain-

[1] *The Articles of the London Society of Woolstaplers* (London, 1813).

[2] *Articles of the Society of Journeymen Brushmakers*, held at the sign of the Craven Head, Drury Lane (London, 1806).

ment of the members. Meeting, as all clubs did, at a public-house in a room lent free by the landlord, it was taken as a matter of course that each man should do his share of drinking. The rules often prescribe the sum to be spent at each meeting: in the case of the Friendly Society of Iron-founders, for instance, the member's monthly contribution in 1809 was a shilling "to the box," and threepence for liquor, "to be spent whether present or not." The Brushmakers provided "that on every meeting night each member shall receive a pot ticket at eight o'clock, a pint at ten, and no more."[1] And the Manchester Compositors resolved in 1826 "that tobacco be allowed to such members of this society as require it during the hours of business at any meeting of the society."[2]

After the president, the most important officers were, accordingly, the stewards or marshalmen, two or four members usually chosen by rotation. Their duty was, to use the words of the Cotton-spinners, "at every meeting to fetch all the liquor into the committee room, and serve it regularly round";[3] and the members were, in some cases, "forbidden to drink out of turn, except the officers at the table or a member on his first coming into the town."[4] Treasurer

[1] The account book of the little Preston Society of Carpenters, whose membership in 1807 averaged about forty-five, shows an expenditure at each meeting of 6s. to 7s. 6d. As late as 1837 the rules of the Steam-Engine Makers' Society provided that one-third of the income—fourpence out of the monthly contribution of a shilling—"shall be spent in refreshments. . . . To prevent disorder no person shall help himself to any drink in the club-room during club hours, but what is served him by the waiters or marshalmen who shall be appointed by the president every club night." Some particulars as to the dying away of this custom are given in our *History of Trade Unionism*, pp. 185, 186; see also the article by Prof. W. J. Ashley on "Journeymen's clubs," in *Political Science Quarterly*, March 1897.

[2] MS. Minutes of the Manchester Typographical Society, 7th March 1826.

[3] *Articles, Rules, Orders, and Regulations made and to be observed by and between the Friendly Associated Cotton-spinners within the township of Oldham* (Oldham, 1797: reprinted 1829).

[4] Friendly Society of Ironfounders, Rules, 1809. The Rules of the Liverpool Shipwrights' Society of 1784 provided also "that each member that shall call for drink without leave of the stewards shall forfeit and pay for the drink they call for to the stewards for the use of the box. . . . That the marshalmen shall pay the overplus of drink that comes in at every monthly meeting more than allowed by the

there was often none, the scanty funds, if not consumed as quickly as collected, being usually deposited with the publican who acted as host. Sometimes, however, we have the archaic box with three locks, so frequent among the gilds; and in such cases members served in rotation as "keymasters," or, as we should now say, trustees. Thus the Edinburgh Shoemakers provided that "the keymasters shall be chosen by the roll, beginning at the top for the first keymaster, and at the middle of the roll for the youngest keymaster, and so on until the roll be finished. If any refuse the keymaster, he shall pay one shilling and sixpence sterling."[1] The ancient box of the Glasgow Ropemakers' Friendly Society (established 1824), elaborately decorated with the society's "coat of arms," was kept in the custody of the president, who was elected annually.[2] Down to within the last thirty years the custom was maintained on the "deacons' choosing," or annual election day, of solemnly transporting this box through the streets of Glasgow to the house of the new president, with a procession of ropespinners headed by a piper, the ceremony terminating with a feast. The keeping of accounts and the writing of letters was a later development, and when a clerk or secretary was needed, he had perforce to be chosen from the small number qualified for the work. But there is evidence that the early secretaries served, like their colleagues, only for short periods,

society; and no member of this society is allowed to call for or smoak tobacco during club hours in the club room; for every such offence he is to forfeit and pay fourpence to the stewards for the use of the box."—*Articles to be observed by a Society of Shipwrights, or the True British Society, all Freemen* (Liverpool, 1784), Articles 8 and 9.

[1] *Articles of the Journeymen Shoemakers of the City of Edinburgh* (Edinburgh, 1778)—a society established in 1727.

[2] *Articles and Regulations of the Associated Ropemakers' Friendly Society* (Glasgow, 1836), repeated in the *General Laws and Regulations of the Glasgow Ropemakers' Trade Protective and Friendly Society* (Glasgow, 1884). The members of the Glasgow Typographical Society resolved, in 1823, "that a man be provided on election nights to carry the box from the residence of the president to the place of meeting, and after the meeting to the new president's house."—MS. Minutes of general meeting, Glasgow Typographical Society, 4th October 1823.

and occupied, moreover, a position very subordinate to the president.

Even when it was necessary to supplement the officers by some kind of committee, so far were these infant democracies from any superstitious worship of the ballot-box, that, although we know of no case of actual choice by lot,[1] the committee-men were usually taken, as in the case of the Steam-Engine Makers' Society, "in rotation as their names appear on the books."[2] "A fine of one shilling," say the rules of the Southern Amicable Union Society of Woolstaplers, "shall be levied on any one who shall refuse to serve on the committee or neglect to attend its stated meetings, . . . and the next in rotation shall be called in his stead."[3] The rules of the Liverpool Shipwrights declared "that the committee shall be chosen by rotation as they stand in the books; and any member refusing to serve the office shall forfeit ten shillings and sixpence."[4] As late as 1843 we find the very old Society of Curriers resolving that for this purpose "a list with three columns be drawn up of the whole of the members, dividing their ages as near as possible in the following manner: the elder, the middle-aged and the young; so that the experience of the elder and the sound

[1] The selection of officers by lot was, it need hardly be said, frequent in primitive times. It is interesting to find the practice in the Swiss "Landesgemeinden." In 1640 the "Landesgemeinde" of Glarus began to choose eight candidates for each office, who then drew lots among themselves. Fifty years later Schwyz followed this example. By 1793 the "Landesgemeinde" of Glarus was casting lots for all offices, including the cantonal secretaryship, the stewardships of dependent territories, etc. The winner often sold his office to the highest bidder. The practice was not totally abolished until 1837, and old men still remember the passing round of the eight balls, each wrapped in black cloth, seven being silvern and the eighth gilt.—*Les Alpes Suisses: Études Historiques et Nationales*, by Eugène Rambert (Lausanne, 1889), pp. 226, 276.

[2] *Rules of the Steam-Engine Makers' Society*, edition of 1837.

[3] *Rules of the Southern Amicable Union of Woolstaplers* (London, 1837).

[4] *Articles to be observed by the Association of the Friendly Union of Shipwrights, instituted in Liverpool on Tuesday, 11th November* 1800 (Liverpool, 1800), Rule 19. The London Sailmakers resolved, in 1836, "that from this evening the calling for stewards shall begin from the last man on the committee, and that from and after the last steward the twelve men who stand in rotation on the book do form the committee."—MS. Minutes of general meeting, 26th September 1836.

judgment of the middle-aged will make up for any deficiency on the part of the young."[1] In some cases, indeed, the members of the committee were actually chosen by the officers. Thus in the ancient society of Journeymen Papermakers, where each "Grand Division" had its committee of eight members, it was provided that "to prevent imposition part of the committee shall be changed every three months, by four old members going out and four new ones coming in; also a chairman shall be chosen to keep good order, which chairman, with the clerk, shall nominate the four new members which shall succeed the four old ones."[2]

The early trade club was thus a democracy of the most rudimentary type, free alike from permanently differentiated officials, executive council, or representative assembly. The general meeting strove itself to transact all the business, and grudgingly delegated any of its functions either to officers or to committees. When this delegation could no longer be avoided, the expedients of rotation and short periods of service were used "to prevent imposition" or any undue influence by particular members. In this earliest type of Trade Union democracy we find, in fact, the most childlike faith not only that "all men are equal," but also that "what concerns all should be decided by all."

It is obvious that this form of democracy was compatible only with the smallest possible amount of business. But it was, in our opinion, not so much the growth of the financial and secretarial transactions of the unions, as the exigencies of

[1] MS. Minutes of the London Society of Journeymen Curriers, January 1843.

[2] *Rules and Articles to be observed by the Journeymen Papermakers throughout England* (1823), Appendix 18 to Report on Combination Laws, 1825, p. 56. The only Trade Union in which this example still prevails is that of the Flint Glass Makers, where the rules until lately gave the secretary "the power to nominate a central committee (open to the objection of the trade), in whose hands the executive power of the society shall be vested from year to year."—*Rules and Regulations of the National Flint Glass Makers' Sick and Friendly Society* (Manchester, 1890). This has lately been modified, in so far that seven members are now elected, the central secretary nominating four "from the district in which he resides, but open to the objection of the trade."—Rule 67 (Rules, reprinted with additions, Manchester, 1893).

their warfare with the employers, that first led to a departure from this simple ideal. The legal and social persecutions to which Trade Unionists were subject, at any rate up to 1824, made secrecy and promptitude absolutely necessary for successful operations; and accordingly at all critical times we find the direction of affairs passing out of the hands of the general meeting into those of a responsible, if not a representative, committee. Thus the London Tailors, whose militant combinations between 1720 and 1834 repeatedly attracted the attention of Parliament,[1] had practically two constitutions, one for peace and one for war. In quiet times, the society was made up of little autonomous general meetings of the kind described above at the thirty "houses of call" in London and Westminster. The organisation for war, as set forth in 1818 by Francis Place, was very different: "Each house of call has a deputy, who on particular occasions is chosen by a kind of tacit consent, frequently without its being known to a very large majority who is chosen. The deputies form a committee, and they again choose, in a somewhat similar way, a very small committee, in whom, on very particular occasions, all power resides, from whom all orders proceed, and whose commands are implicitly obeyed; and on no occasion has it ever been known that their commands have exceeded the necessity of the occasion, or that they have wandered in the least from the purpose for which it was understood they were appointed. So perfect indeed is the organisation, and so well has it been carried into effect, that no complaint has ever been heard; with so much simplicity and with so great certainty does the whole business appear to be conducted that the great body of journeymen rather acquiesce than assist in any way in it."[2] Again, the protracted legal proceedings of the Scottish Hand-

[1] See the interesting *Select Documents illustrating the History of Trade Unionism: I. The Tailoring Trade*, edited by F. W. Galton (London, 1896), being one of the "Studies" published by the London School of Economics and Political Science.

[2] *The Gorgon*, No. 20, 3rd October 1818, reprinted in *The Tailoring Trade* by F. W. Galton, pp. 153, 154.

loom Weavers, ending in the great struggle when 30,000 looms from Carlisle to Aberdeen struck on a single day (10th November 1812), were conducted by an autocratic committee of five, sitting in Glasgow, and periodically summoning from all the districts delegates who carried back to their constituents orders which were implicitly obeyed.[1] Before the repeal of the Combination Laws in 1824, the employers in all the organised trades complained bitterly of these "self-appointed" committees, and made repeated attempts to scatter them by prosecutions for combination or conspiracy. To this constant danger of prosecution may be ascribed some of the mystery which surrounds the actual constitution of these tribunals; but their appearance on the scene whenever an emergency called for strong action was a necessary consequence of the failure of the clubs to provide any constitutional authority of a representative character.

So far we have dealt principally with trade clubs confined to particular towns or districts. When, in any trade, these local clubs united to form a federal union, or when one of them enrolled members in other towns, government by a general meeting of "the trade," or of all the members, became impracticable.[2] Nowadays some kind of representa-

[1] Evidence before the House of Commons Committee on Artisans and Machinery, 1824, especially that of Richmond.

[2] A branch of a national union is still governed by the members in general meeting assembled; and for this and other reasons, it is customary for several separate branches to be established in large towns where the number of members becomes greater than can easily be accommodated in a single branch meeting-place. Such branches usually send delegates to a district committee, which thus becomes the real governing authority of the town or district. But in certain unions the idea of direct government by an aggregate meeting of the trade still so far prevails that, even in so large a centre as London, resort is had to huge mass meetings. Thus the London Society of Compositors will occasionally summon its ten thousand members to meet in council to decide, in an excited mass meeting, the question of peace or war with their employers. And the National Union of Boot and Shoe Operatives, which in its federal constitution adopts a large measure of representative institutions, still retains in its local organisation the aggregate meeting of the trade as the supreme governing body for the district. The Shoemakers of London or Leicester frequently hold meetings at which the attendance is numbered by thousands, with results that are occasionally calamitous to the union. Thus, when in 1891 the men of a certain London firm had impetuously left their work contrary to the agreement made by the union with

tive institutions would seem to have been inevitable at this stage. But it is significant to notice how slowly, reluctantly and incompletely the Trade Unionists have incorporated in their constitutions what is often regarded as the specifically Anglo-Saxon form of democracy—the elected representative assembly, appointing and controlling a standing executive. Until the present generation, no Trade Union had ever formed its constitution on this model. It is true that in the early days we hear of[1] meetings of delegates from local

the employers, their branch called a mass meeting of the whole body of the London members (seven thousand attending), which, after refusing even to hear the union officials, decided to support the recalcitrant strikers, with the result that the employers "locked out" the whole trade. (*Monthly Report of the National Union of Boot and Shoe Operatives*, November 1891.) In 1893 the union executive found it necessary to summon at Leicester a special delegate meeting of the whole society to sit in judgment on the London members who had decided, at a mass meeting, to withdraw from the national agreement to submit to arbitration. The circular calling the delegate meeting contains a vivid description of the scene at this mass meeting: "The hall was well filled, and Mr. Judge, president of the union, took the chair. From the outset it was soon found that the rowdy element intended to again prevent a hearing, and thus make it impossible for our views to be laid before the bulk of the more intelligent and reasonable members. . . . If democratic unions such as ours are to have the meetings stopped by such proceedings, . . . if the members refuse to hear, and insult by cock-crowing and cat-calls their own accredited and elected executive, then it is time that other steps be taken." The delegate meeting, by 74 votes to 9, severely censured the London members, and reversed their decision (Circular of Executive Committee, 14th March 1893: Special Report of the Delegate Meeting at Leicester, 17th April 1893). In most unions, however, experience has shown that in truth "aggregate meetings" are "aggravated meetings," and has led to their abandonment in favor of district committees or delegate meetings.

[1] In the *History of Trade Unionism*, p. 46, we described the Hatters as holding in 1772, 1775, and 1777, "congresses" of delegates from all parts of the country. Further examination of the evidence (House of Commons Journals, vol. xxxvi.; Place MS. 27,799-68; Committee on Artisans and Machinery) inclines us to believe that these "congresses," like another in 1816, comprised only delegates from the various workshops in London. We can discover no instance during the eighteenth century of a Trade Union gathering made up of delegates from the local clubs throughout the country. But though the congresses of the Hatters probably represented only the London workmen, their "bye-laws" were apparently adopted by the clubs elsewhere, and came thus to be of national scope. Similar instances of national regulation by the principal centre of a trade may be seen in the "resolutions" addressed "to the Woolstaplers of England" by the London Society of Woolstaplers, and in the "articles to be observed by the Journeymen Papermakers throughout England," formulated at a meeting of the trade at large held at Maidstone. In the loose alliances of the local clubs in each trade, the chief trade centre often acted, in fact, as the "governing branch."

clubs to adopt or amend the "articles" of their association. A "deputation" from nine local societies of Carpenters met thus in London in 1827 to form the Friendly Society of Operative House Carpenters and Joiners, and similar meetings were annually held to revise the rules and adjust the finances of this federation. It would have been a natural development for such a representative congress to appoint a standing committee and executive officers to act on behalf of the whole trade. But when between 1824 and 1840 the great national societies of that generation settled down into their constitutions, the congress of elected representatives either found no place at all, or else was called together only at long intervals and for strictly limited purposes. In no case do we see it acting as a permanent supreme assembly. The Trade Union met the needs of expanding democracy by some remarkable experiments in constitution-making.

The first step in the transition from the loose alliance of separate local clubs into a national organisation was the appointment of a seat of government or "governing branch." The members residing in one town were charged with the responsibility of conducting the current business of the whole society, as well as that of their own branch. The branch officers and the branch committee of this town accordingly became the central authority.[1] Here again the leading idea was not so much to get a government that was repre-

[1] In some of the more elaborate Trade Union constitutions formulated between 1820 and 1834 we find a hierarchy of authorities, none of them elected by the society as a whole, but each responsible for a definite part of the common administration. Thus *The Rules and Articles to be observed by the Journeymen Papermakers* in 1823 provide "that there shall be five Grand Divisions throughout England where all money shall be lodged, that when wanted may be sent to any part where emergency may require." These "Grand Divisions" were the branches in the five principal centres of the trade, each being given jurisdiction over all the mills in the counties round about it. Above them all stood "No. 1 Grand Division" (Maidstone), which was empowered to determine business of too serious a nature to be left to any other Grand Division. This geographical hierarchy is interesting as having apparently furnished the model for most of the constitutions of the period, notably of the Owenite societies of 1833-1834, including the Builders' Union and the Grand National Consolidated Trades Union itself.

sentative of the society as to make each section take its turn at the privileges and burdens of administration. The seat of government was accordingly always changed at short intervals, often by rotation. Thus the Steam-Engine Makers' rules of 1826 provide that "the central branch of the society shall be held alternately at the different branches of this society, according as they stand on the books, commencing with Branch No. 1, and the secretary of the central branch shall, after the accounts of the former year have been balanced, send the books to the next central branch of the society."[1] In other cases the seat of government was periodically determined by vote of the whole body of members, who appear usually to have been strongly biassed in favor of shifting it from town to town. The reason appears in this statement by one of the lodges of the Ironfounders: "What, we ask, has been the history of nearly every trade society in this respect? Why, that when any branch or section of it has possessed the governing power too long, it has become careless of the society's interests, tried to assume irresponsible powers, and invariably by its remissness opened wide the doors of peculation, jobbery, and fraud."[2]

The institution of a "governing branch" had the advantage of being the cheapest machinery of central administration that could be devised. By it the national union secured its executive committee, at no greater expense than a small local society.[3] And so long as the function of the national

The same geographical hierarchy was a feature of the constitution of the Southern Amicable Society of Woolstaplers until the last revision of rules in 1892. In only one case has a similar hierarchy survived. The United Society of Brushmakers, established in the eighteenth century, is still divided into geographical divisions governed by the six head towns, with London as the centre of communication. The branches in the West Riding, for instance, are governed by the Leeds committee, and when in 1892 the Sheffield branch had a strike, this was managed by the secretary of the Leeds branch.

[1] Rule 19; rules of 1826 as reprinted in the Annual Report for 1837.

[2] Address of the Bristol branch of the Friendly Society of Ironfounders to the members at large (in Annual Report for 1849).

[3] Both the idea of rotation of office, and that of a local governing branch, can be traced to the network of village sick-clubs which existed all over England in the eighteenth century. In 1824 these clubs were described by a hostile critic as "under the management of the ordinary members *who succeed to the several offices*

executive was confined to that of a centre of communication between practically autonomous local branches, no alteration in the machinery was necessary. The duties of the secretary, like those of his committee, were not beyond the competence of ordinary artisans working at their trade and devoting only their evenings to their official business. But with the multiplication of branches and the formation of a central fund, the secretarial work of a national union presently absorbed the whole time of a single officer, to whom, therefore, a salary had to be assigned. As the salary came from the common fund, the right of appointment passed, without question, from the branch meeting to "the voices" of the whole body of members. Thus the general secretary was singled out for a unique position: alone among the officers of the union he was elected by the whole body of members. Meanwhile the supreme authority continued to be "the voices." Every proposition not covered by the original "articles," together with all questions of peace and war, was submitted to the votes of the members.[1] But this was not all. Each branch, in

in rotation; frequently without being qualified either by ability, independence, or impartiality for the due discharge of their respective offices; or under the control of a standing committee, composed of the most active and often the least eligible members *residing near the place of meeting.*"—*The Constitution of Friendly Societies upon Legal and Scientific Principles*, by Rev. John Thomas Becher (2nd edition, London, 1824), p. 50.

Comparing small things with great, we may say that the British Empire is administered by a "governing branch." The business common to the Empire as a whole is transacted, not by imperial or federal officers, but by those of one part of the Empire, the United Kingdom of Great Britain and Ireland; and they are supervised, not by an Imperial Diet or Federal Assembly, but by the domestic legislature at Westminster.

[1] The very ancient United Society of Brushmakers, which dates from the early part of the eighteenth century, retains to this day its archaic method of collecting "the voices." In London, said to be the most conservative of all the districts, no alteration of rule is made without "sending round the box" as of yore. In the society's ancient iron box are put all the papers relating to the subject under discussion, and a member out of employment is deputed to carry the box from shop to shop until it has travelled "all round the trade." When it arrives at a shop, all the men cease work and gather round; the box is opened, its contents are read and discussed, and the shop delegates are then and there instructed how to vote at the next delegate meeting. The box is then refilled and sent on to the next shop. Old minutes of 1829 show that this custom has remained unchanged, down to the smallest detail, for, at any rate, a couple of generations. It is probably nearly two centuries old.

general meeting assembled, claimed the right to have any proposition whatsoever submitted to the vote of the society as a whole. And thus we find, in almost every Trade Union which has a history at all, a most instructive series of experiments in the use, misuse, and limitations of the Referendum.

Such was the typical Trade Union constitution of the last generation. In a few cases it has survived, almost unchanged, down to the present day, just as its predecessor, the archaic local club governed by the general meeting, still finds representatives in the Trade Union world. But wherever an old Trade Union has maintained its vitality, its constitution has been progressively modified, whilst the most powerful of the modern unions have been formed on a different pattern. An examination of this evolutionary process will bring home to us the transitional character of the existing constitutional forms, and give us valuable hints towards the solution, in a larger field, of the problem of uniting efficient administration with popular control.

We have already noted that, in passing from a local to a national organisation, the Trade Union unwittingly left behind the ideal of primitive democracy. The setting apart of one man to do the clerical work destroyed the possibility of equal and identical service by all the members, and laid the foundation of a separate governing class. The practice of requiring members to act in rotation was silently abandoned. Once chosen for his post, the general secretary could rely with confidence, unless he proved himself obviously unfit or grossly incompetent, on being annually re-elected. Spending all day at office work, he soon acquired a professional expertness quite out of the reach of his fellow-members at the bench or the forge. And even if some other member possessed natural gifts equal or superior to the acquired skill of the existing officer, there was, in a national organisation, no opportunity of making these qualities known. The general secretary, on the other hand, was always advertising his name and his personality to the thousands of

members by the printed circulars and financial reports, which became the only link between the scattered branches, and afforded positive evidence of his competency to perform the regular work of the office. With every increase in the society's membership, with every extension or elaboration of its financial system or trade policy, the position of the salaried official became, accordingly, more and more secure. The general secretaries themselves changed with the development of their office. The work could no longer be efficiently performed by an ordinary artisan, and some preliminary office training became almost indispensable. The Coalminers, for instance, as we have shown in our description of the Trade Union world, have picked their secretaries to a large extent from a specially trained section, the checkweigh-men.[1] The Cotton Operatives have even adopted a system of competitive examination among the candidates for their staff appointments.[2] In other unions any candidate who has not proved his capacity for office work and trade negotiations would stand at a serious disadvantage in the election, where the choice is coming every day to be confined more clearly to the small class of minor officials. The paramount necessity of efficient administration has co-operated with this permanence in producing a progressive differentiation of an official governing class, more and more marked off by character, training, and duties from the bulk of the members. The annual election of the general secretary by a popular vote, far from leading to frequent rotation of office and equal service by all the members, has, in fact, invariably resulted in permanence of tenure exceeding even that of the English civil servant. It is accordingly interesting to notice that, in the later rules of some of the most influential of existing unions, the practical permanence of the official staff is tacitly recognised by the omission of all provision for re-election. Indeed, the

[1] *History of Trade Unionism*, p. 291.

[2] *Ibid.* p. 294; see also the subsequent chapter on "The Method of Collective Bargaining," where a specimen examination paper is reprinted.

Amalgamated Association of Operative Cotton-spinners goes so far as expressly to provide in its rules that the general secretary "shall continue in office so long as he gives satisfaction."[1]

While everything was thus tending to exalt the position of the salaried official, the executive committee, under whose direction he was placed, being composed of men working at their trade, retained its essential weakness. Though modified in unimportant particulars, it continued in nearly all the old societies to be chosen only by one geographical section of the members. At first each branch served in rotation as the seat of government. This quickly gave way to a system of selecting the governing branch from among the more important centres of the trade. Moreover, though the desire periodically to shift the seat of this authority long manifested itself and still lingers in some trades,[2] the growth of an official staff, and the necessity of securing accommodation on some durable tenancy, has practically made the headquarters stationary, even if the change has not been expressly recorded in the rules. Thus the Friendly Society of Ironfounders has retained its head office in London since 1846, and the Friendly Society of Operative Stonemasons since 1883. The United Society of Boilermakers, which long wandered from port to port, has remained in Newcastle since 1880; and finally settled the question in 1888 by building itself palatial offices on a freehold site.[3] Here again

[1] Rule 12 in the editions of Rules of 1891 and 1894.

[2] Notably the Plumbers and Irondressers. In 1877 a proposal at the general council of the Operative Bricklayers' Society to convert the executive into a shifting one, changing the headquarters every third year, was only defeated by a casting vote.—*Operative Bricklayers' Society Trade Circular*, September 1877.

[3] Along with this change has gone the differentiation of national business from that of the branch. The committee work of the larger societies became more than could be undertaken, in addition to the branch management, by men giving only their evenings. We find, therefore, the central executive committee becoming a body distinct from the branch committee, sometimes (as in the United Society of Operative Plumbers) elected by the same constituents, but more usually by the members of all the branches within a convenient radius of the central office. Thus the Amalgamated Society of Carpenters gives the election to the members within twelve miles of the head office—that is, to the thirty-five branches in and near Manchester—and the Friendly Society of Ironfounders to the six branches of the

the deeply-rooted desire on the part of Trade Union democrats to secure to each section an equal and identical share in the government of the society has had to give way before the necessity of obtaining efficient administration. In ceasing to be movable the executive committee lost even such moral influence over the general secretary as was conveyed by an express and recent delegation by the remainder of the society. The salaried official, elected by the votes of all the members, could in fact claim to possess more representative authority than a committee whose functions as an executive depended merely on the accident of the society's offices being built in the town in which the members of the committee happened to be working. In some societies, moreover, the idea of Rotation of Office so far survived that the committee men were elected for a short term and disqualified for re-election. Such inexperienced and casually selected committees of tired manual workers, meeting only in the evening, usually found themselves incompetent to resist, or even to criticise, any practical proposal that might be brought forward by the permanent trained professional whom they were supposed to direct and control.[1]

In face of so weak an executive committee the most obvious check upon the predominant power of the salaried officials was the elementary device of a written constitution. The ordinary workman, without either experience or imagination, fondly thought that the executive government of a great national organisation could be reduced to a mechanical obedience to printed rules. Hence the constant elaboration of the rules of the several societies, in the vain endeavor to leave nothing to the discretion of officers or committees. It was an essential part of the faith of these primitive democrats that the difficult and detailed work of drafting and amending

London district. In the United Society of Boilermakers, down to 1897, the twenty lodges in the Tyne district, each in rotation, nominated one of the seven members of which the executive committee is composed.

[1] The only organisation, outside the Trade Union world, in which the executive committee and the seat of government are changed annually, is, we believe, the Ancient Order of Foresters, the worldwide federal friendly society.

these rules should not be delegated to any particular person or persons, but should be undertaken by "the body" or "the trade" in general meeting assembled.[1]

When a society spread from town to town, and a meeting of all the members became impracticable, the "articles" were settled, as we have mentioned, by a meeting of delegates, and any revision was undertaken by the same body. Accordingly, we find, in the early history of such societies as the Iron-founders, Stonemasons, Carpenters, Coachmakers, and Steam-Engine Makers, frequent assemblies of delegates from the different branches, charged with supplementing or revising the somewhat tentative rules upon which the society had been based. But it would be a serious misconception to take these gatherings for "parliaments," with plenary power to determine the policy to be pursued by the society. The delegates came together only for specific and strictly limited purposes. Nor were even these purposes left to be dealt with at their discretion. In all cases that we know of the delegates were bound to decide according to the votes already taken in their respective branches. In many societies the delegate was merely the vehicle by which "the voices" of the members were mechanically conveyed. Thus the Friendly Society of Operative Stonemasons, at that time the largest and most powerful Trade

[1] This preference of Trade Unionists for making their own rules will remind the political student that "direct legislation by the people" has an older and wider history with regard to the framing and revising of constitutions than with regard to ordinary legislation. Thus, already in 1779 the citizens of Massachusetts insisted on asserting, by popular vote, that a constitution should be framed, and equally on deciding that the draft prepared should be adopted. In 1818 the Connecticut constitution included a provision that any particular amendment to it might be submitted to the popular vote. In Europe the first constitution to be submitted to the same ordeal was the French constitution of 1793, which, though adopted by the primary assemblies, never came into force. The practice became usual with regard to the Swiss cantonal constitutions after the French Revolution of 1830, St. Gall leading the way in July 1831. See the elaborate treatise of Charles Borgeaud on *The Adoption and Amendment of Constitutions* (London, 1895); Bryce's *The American Commonwealth* (London, 1891); and *Le Referendum en Suisse* by Simon Deploige (Brussels, 1892), of which an English translation by C. P. Trevelyan and Lilian Tomn, with additional notes and appendices, will shortly be published by the London School of Economics and Political Science.

Union, held annual delegate meetings between 1834 and 1839 for the sole purpose of revising its rules. How limited was the power of this assembly may be judged from the following extract from an address of the central executive: "As the delegates are about to meet, the Grand Committee submit to all lodges the following resolutions in reference to the conduct of delegates. It is evident that the duty of delegates is to vote according to the instructions of the majority of their constituents, therefore they ought not to propose any measure unless recommended by the Lodges or Districts they represent. To effect this we propose the following resolutions: that each Lodge shall furnish their delegates with written instructions how to vote on each question they have taken into their consideration, and that no delegate shall vote in opposition to his instructions, and when it appears by examining the instructions there is a majority for any measure, it shall be passed without discussion."[1] The delegate meeting of 1838 agreed with this view. All lodges were to send resolutions for alterations of rules two months before the delegate meeting; they were to be printed in the *Fortnightly Return*, and discussed by each lodge; the delegate was then to be instructed as to the sense of the members by a majority vote; and only if there was no decided majority on any point was the delegate to have discretion as to his vote. But even this restriction did not satisfy the Stonemasons' idea of democracy. In 1837 the Liverpool Lodge demanded that "all the alterations made in our laws at the grand delegate meeting" shall be communicated to all the lodges "for the consideration of our society before they are printed."[2] The central executive mildly deprecated such a course, on the ground that the amendment and passing of the laws would under those circumstances take up the whole time of the society until the next delegate meeting came round. The request, however, was taken up by other

[1] *Stonemasons' Fortnightly Return*, May 1836 (the circular issued fortnightly to all the branches by the executive committee).

[2] *Ibid.* May 1837.

branches, and by 1844 we find the practice established of making any necessary amendment in the rules by merely submitting the proposal in the *Fortnightly Return*, and adding together the votes taken in each lodge meeting. A similar change took place in such other great societies as the Iron-founders, Steam-Engine Makers, and Coachmakers. The great bulk of the members saw no advantage in incurring the very considerable expense of paying the coach fares of delegates to a central town and maintaining them there at the rate of six shillings a day,[1] when the introduction of penny postage made possible the circulation of a fortnightly or monthly circular, through the medium of which their votes on any particular proposition could be quickly and inexpensively collected. The delegate meeting became, in fact, superseded by the Referendum.[2]

By the term Referendum the modern student of political institutions understands the submission to the votes of the whole people of any measure deliberated on by the representative assembly. Another development of the same principle is what is called the Initiative, that is to say, the right of a section of the community to insist on its proposals being submitted to the vote of the whole electorate. As a representative assembly formed no part of the earlier Trade Union constitutions, both the Referendum and the Initiative took with them the crudest shape. Any new rule or amendment of a rule, any proposed line of policy or particular application of it, might be straightway submitted to the votes of all the

[1] In 1838 a large majority of the lodges of the Friendly Society of Operative Stonemasons voted "that on all measures submitted to the consideration of our Society, the number of members be taken in every Lodge for and against such a measure, and transmitted through the district Lodges to the Seat of Government, and in place of the number of Lodges, the majority of the aggregate members to sanction or reject any measures."—*Fortnightly Return*, 19th January 1838.

[2] It is interesting to find that in at least one Trade Union the introduction of the Referendum is directly ascribed to the circulation in England between 1850 and 1860 of translations of pamphlets by Rittinghausen and Victor Considérant. It is stated in the *Typographical Circular* for March 1889, that John Melson, a Liverpool printer, got the idea of "Direct Legislation by the People" from these pamphlets, and urged its adoption on the union, at first unsuccessfully, but at the 1861 delegate meeting with the result that the Referendum was adopted as the future method of legislation.

members. Nor was this practice of consulting the members confined to the central executive. Any branch might equally have any proposition put to the vote through the medium of the society's official circular. And however imperfectly the question was framed, however inconsistent the result might be with the society's rules and past practice, the answer returned by the members' votes was final and instantly operative. Those who believe that pure democracy implies the direct decision, by the mass of the people, of every question as it arises, will find this ideal realised without check or limit in the history of the larger Trade Unions between 1834 and 1870.

The result was significant and full of political instruction. Whenever the union was enjoying a vigorous life we find, to begin with, a wild rush of propositions. Every active branch had some new rule to suggest, and every issue of the official circular was filled with crude and often inconsistent projects of amendment. The executive committee of the United Kingdom Society of Coachmakers, for instance, had to put no fewer than forty-four propositions simultaneously to the vote in a single circular.[1] It is difficult to convey any adequate idea of the variety and, in some cases, the absurdity of these propositions. To take only those recorded in the annals of the Stonemasons between 1838 and 1839; we have one branch proposing that the whole society should go in for payment by the hour, and another that the post of general secretary should be put up to tender, "the cheapest to be considered the person elected to that important office."[2] We have a delegate meeting referring to a vote of the members the momentous question whether the central executive should be allowed "a cup of ale each per night," and the central executive taking a vote as to whether all the Irish branches should not have Home Rule forced upon them. The members, under fear of the coming Parliamentary

[1] *Quarterly Report*, June 1860.

[2] The sale of public offices by auction to the highest bidder was a frequent incident in the Swiss "Landesgemeinden" of the seventeenth century. See Eugène Rambert's *Les Alpes Suisses: Études Historiques et Nationales*, p. 225.

inquiry, vote the abolition of all "regalia, initiation, and pass-words," but reject the proposition of the Newcastle Lodge for reducing the hours of labor "as the only method of striking at the root of all our grievances." The central executive is driven to protest against "the continual state of agitation in which the society has been kept for the last ten months by the numerous resolutions and amendments to laws, the tendency of which can only be to bring the laws and the society into disrespect."[1] As other unions come to the same stage in development, we find a similar result. "It appears evident," complains the executive committee of the Friendly Society of Ironfounders, "that we have got into a regular proposition mania. One branch will make propositions simply because another does; hence the absurd and ridiculous propositions that are made."[2] The system worked most disastrously in connection with the rates of contributions and benefits. It is not surprising that the majority of workmen should have been unable to appreciate the need for expert advice on these points, or that they should have disregarded all actuarial considerations. Accordingly, we find the members always reluctant to believe that the rate of contribution must be raised, and generally prone to listen to any proposal for extending the benefits—a popular bias which led many societies into bankruptcy. Still more disintegrating in its tendency was the disposition to appeal to the votes of the members against the executive decision that particular individuals were ineligible for certain benefits. In the United Kingdom Society of Coachmakers, for instance, we find the executive bitterly complaining that it is of no use for them to obey the rules, and rigidly to refuse accident benefit to men who are suffering simply from illness; as in almost every case the claimant's appeal to the members, backed by eloquent circulars from his friends, has resulted in the decision being overruled.[3] The Friendly Society of

[1] *Fortnightly Return*, July 1838.
[2] *Ironfounders' Monthly Report*, April 1855.
[3] *United Kingdom Society of Coachmakers' Quarterly Report*, September 1859.

Ironfounders took no fewer than nineteen votes in a single year, nearly all on details of benefit administration.[1] And the executive of the Stonemasons had early occasion to protest against the growing practice under which branches, preparatory to taking a vote, sent circulars throughout the society in support of their claims to the redress of what they deemed to be personal grievances.[2]

The disadvantages of a free resort to the Referendum soon became obvious to thoughtful Trade Unionists. It stands to the credit of the majority of the members that wild and absurd propositions were almost uniformly rejected; and in many societies a similar fate became customary in case of any proposition that did not emanate from the responsible executive.[3] The practical abandonment of the Initiative ensued. Branches got tired of sending up proposals which uniformly met with defeat. But the right of the whole body of members themselves to decide every question as it arose was too much bound up with their idea of democracy to permit of its being directly abrogated, or even expressly criticised. Where the practice did not die out from sheer weariness, it was quietly got rid of in other ways. In one society after another the central executive and the general secretary—the men who were in actual contact with the problems of administration—silently threw their influence against the practice of appealing to the members' vote. Thus the executive committee of the United Kingdom Society of Coachmakers made a firm stand against the members' habit of overruling its decision in the grant of benefits under the rules. The executive claimed the sole right to decide who was eligible under the rules, and refused to allow discontented claimants to appeal through the official circular. This caused great and recurring discontent; but the executive committee

[1] Report for 1869.

[2] *Fortnightly Return*, 18th January 1849.

[3] The political student will be reminded of the very small number of cases in which the Initiative in Switzerland has led to actual legislation, even in cantons, such as Zürich, where it has been in operation for over twenty years. See Stüssi, *Referendum und Initiative im Canton Zurich*.

held firmly to their position and eventually maintained it. When thirteen branches of the Operative Bricklayers' Society proposed in 1868 that the age for superannuation should be lowered and the office expenses curtailed, the general secretary bluntly refused to submit such inexpedient proposals to the members' vote, on the excuse that the question could be dealt with at the next delegate meeting.[1] The next step was to restrict the number of opportunities for appeals on any questions whatsoever. The Coachmakers' executive announced that, in future, propositions would be put to the vote only in the annual report, instead of quarterly as heretofore, and this restriction was a few years later embodied in the rules.[2] Even more effectual was the enactment of a rule throwing the expense of taking a vote upon the branch which had initiated it, in case the verdict of the society proved to be against the proposition.[3] Another device was to seize the occasion of a systematic revision of rules to declare that no proposition for their alteration was to be entertained for a specified period: one year, said the General Union of Carpenters in 1863; three years, declared the Bookbinders' Consolidated Union in 1869, and the Friendly Society of Operative Stonemasons in 1878; ten years, ordained the Operative Bricklayers' Society in 1889.[4] Finally, we have the Referendum abolished altogether, as regards the making or alteration of rules. In 1866 the delegate meeting of the Amalgamated Society of Carpenters decided that the executive should "not take the votes of the members concerning any alteration or addition to rules, unless in cases of great emergency, and then only on the authority of the General Council."[5] In 1878 the Stonemasons themselves, who forty years previously had been enthusiastic in their passion for voting on every question whatsoever, accepted a rule

[1] *Monthly Circular*, April 1868.
[2] *Quarterly Report*, November 1854; Rules of 1857.
[3] *Rules of the Associated Blacksmiths' Society* (Glasgow, 1892), and many others.
[4] *Monthly Report*, October 1889.
[5] *Monthly Circular*, April 1866.

which confined the work of revision to a specially elected committee.

Thus we see that half a century of practical experience of the Initiative and the Referendum has led, not to its extension, but to an ever stricter limitation of its application. The attempt to secure the participation of every member in the management of his society was found to lead to instability in legislation, dangerous unsoundness of finance, and general weakness of administration. The result was the early abandonment of the Initiative, either by express rule or through the persistent influence of the executive. This produced a further shifting of the balance of power in Trade Union constitutions. When the right of putting questions to the vote came practically to be confined to the executive, the Referendum ceased to provide the members with any effective control. If the executive could choose the issues to be submitted, the occasion on which the question should be put, and the form in which it should be couched, the Referendum, far from supplying any counterpoise to the executive, was soon found to be an immense addition to its power. Any change which the executive desired could be stated in the most plausible terms and supported by convincing arguments, which almost invariably secured its adoption by a large majority. Any executive resolution could, when occasion required, thus be given the powerful moral backing of a plebiscitary vote.[1] The reliance of Trade Union democrats on the Referendum resulted, in fact, in the virtual exclusion of the general body of members from all real share in the government. And

[1] Mr. Lecky points out (*Democracy and Liberty*, vol. i. pp. 12, 31, 32) how, in France, "successive Governments soon learned how easily a plebiscite vote could be secured and directed by a strong executive, and how useful it might become to screen or justify usurpation. The Constitution of 1795, which founded the power of the Directors; the Constitution of 1799, which placed the executive power in the hands of three Consuls elected for ten years; the Constitution of 1802, which made Buonaparte Consul for life, and again remodelled the electoral system; the Empire, which was established in 1804, and the additional Act of the Constitution promulgated by Napoleon in 1815, were all submitted to a direct popular vote." The government of Napoleon III., from 1852 to 1870, was ratified by four separate plebiscites. See also Laferrière, *Constitutions de la France depuis 1789;* Jules Clère, *Histoire du Souffrage Universel.*

when we remember the practical subordination of the executive committee to its salaried permanent officer, we shall easily understand that the ultimate effect of such a Referendum as we have described was a further strengthening of the influence of the general secretary, who drafted the propositions, wrote the arguments in support of them, and edited the official circular which formed the only means of communication with the members.

We see, therefore, that almost every influence in the Trade Union organisation has tended to magnify and consolidate the power of the general secretary. If democracy could furnish no other expedient of popular control than the mass meeting, the annual election of public officers, the Initiative and the Referendum, Trade Union history makes it quite clear that the mere pressure of administrative needs would inevitably result in the general body of citizens losing all effective control over the government. It would not be difficult to point to influential Trade Unions at the present day which, possessing only a single permanent official, have not progressed beyond the stage of what is virtually a personal dictatorship. But it so happens that the very development of the union and its business which tends, as we have seen, to increase the influence of the general secretary, calls into existence a new check upon his personal authority. If we examine the constitution of a bank or joint stock company, or any other organisation not formed by the working class, we shall find it almost invariably the rule that the chief executive officers are appointed, not by the members at large, but by the governing committee, and that these officers are allowed a free hand, if not absolute power, in the choice and dismissal of their subordinates. Any other plan, it is contended, would seriously detract from the efficient working of the organisation. Had the Trade Unions adopted this course, the general secretary would have been absolutely supreme. But working-class organisations in England have, almost without exception, tenaciously clung to the direct election of all officers by the general

body of members. Whether the post to be filled be that of assistant secretary at the head office or district delegate to act for one part of the country, the members have jealously retained the appointment in their own hands. In the larger trade societies of the present day the general secretary finds himself, therefore, at the head, not of a staff of docile subordinates who owe office and promotion to himself, but of a number of separately elected functionaries, each holding his appointment directly from the members at large.[1] Any attempt at a personal dictatorship is thus quickly checked. There is more danger that friction and personal jealousies may unduly weaken the administration. But the usual outcome is the close union of all the salaried officials to conduct the business of the society in the way they think best. Instead of a personal dictatorship, we have, therefore, a closely combined and practically irresistible bureaucracy.

Under a constitution of this type the Trade Union may attain a high degree of efficiency. The United Society of Boilermakers and Ironshipbuilders (established 1832; membership in December 1896, 40,776) is, for instance, admittedly one of the most powerful and best conducted of English trade societies. For the last twenty years its career, alike in good times and bad, has been one of continuous prosperity. For many years past it has dominated all the shipbuilding ports, and it now includes practically every ironshipbuilder in the United Kingdom. As an insurance company it has succeeded in paying, even in the worst years of an industry subject to the most acute depressions, benefits of an unusually elaborate and generous character. Notwithstanding these liberal benefits, it has built up a reserve fund of no less than £175,560. Nor has this prosperity been

[1] Even the office staff has been, until quite recently, invariably recruited by the members from the members; and only in a few unions has it begun to be realised that a shorthand clerk or trained bookkeeper, chosen by the general secretary or the executive committee, can probably render better service at the desk than the most eligible workman trained to manual labor. The Operative Bricklayers' Society, however, lately allowed their executive committee to appoint a shorthand clerk.

attained by any neglect of the militant side of Trade Unionism. The society, on the contrary, has the reputation of exercising stricter control over the conditions of its members' work than any other union. In no trade, for instance, do we find a stricter and more universally enforced limitation of apprentices, or a more rigid refusal to work with non-unionists. And, as we have elsewhere described, no society has more successfully concluded and enforced elaborate national agreements applicable to every port in the kingdom. Moreover, this vigorous and successful trade policy has been consistent with a marked abstention from strikes—a fact due not only to the financial strength and perfect combination of the society, but also to the implicit obedience enforced upon its members, and the ample disciplinary power vested in and exercised by the central executive.[1]

The efficiency and influence of this remarkable union is, no doubt, largely due to the advantageous strategic position which has resulted from the extraordinary expansion of iron-shipbuilding. It is interesting, however, to notice what a perfect example it affords of a constitution retaining all the features of the crudest democracy, but becoming, in actual practice, a bureaucracy in which effective popular control has sunk to a minimum. The formal constitution of the Boilermakers' Society still includes all the typical features of the early Trade Union. The executive government of this great national society is vested in a constantly changing committee, the members of which, elected by a single district, serve only for twelve months, and are then ineligible for re-election during three years. All the salaried officials are separately elected by the whole body of members, and hold their posts only for a prescribed term of two to five years. Though provision is made for a delegate meeting in case the society desires it, all the rules, including the rates of contribution and

[1] See the enthusiastic description of this organisation in *Zum Socialen Frieden* (Leipzig, 1890), 2 vols., by Dr. G. von Schulze-Gaevernitz, translated as *Social Peace* (London, 1893), pp. 239-243.

benefit, can be altered by aggregate vote; and even if a delegate meeting assembles, its amendments have to be submitted to the votes of the branches in mass meeting. Any branch, moreover, may insist that any proposition whatsoever shall be submitted to this same aggregate vote. The society, in short, still retains the form of a Trade Union democracy of the crudest type.

But although the executive committee, the branch meeting and the Referendum occupy the main body of the society's rules, the whole policy has long been directed and the whole administration conducted exclusively by an informal cabinet of permanent officials which is unknown to the printed constitution. Twenty years ago the society had the good fortune to elect as general secretary, Mr. Robert Knight, a man of remarkable ability and strength of character, who has remained the permanent premier of this little kingdom. During his long reign, there has grown up around him a staff of younger officials, who, though severally elected on their individual merits, have been in no way able to compete with their chief for the members' allegiance. These district delegates are nominally elected only for a term of two years, just as the general secretary himself is elected only for a term of five years. But, for the reasons we have given elsewhere, all these officials enjoy a permanence of tenure practically equal to that of a judge. Mr. Knight's unquestioned superiority in Trade Union statesmanship, together with the invariable support of the executive committee, have enabled him to construct, out of the nominally independent district delegates, a virtual cabinet, alternately serving as councillors on high issues of policy and as ministers carrying out in their own spheres that which they have in council decided. From the written constitution of the society, we should suppose that it was from the evening meetings of the little Newcastle committee of working platers and rivetters that emanated all those national treaties and elaborate collective bargains with the associated employers that have excited the admiration of economic students. But its unrepresentative character, the

short term of service of its members and the practical rotation of office make it impossible for the constantly shifting executive committee to exercise any effective influence over even the ordinary routine business of so large a society. The complicated negotiations involved in national agreements are absolutely beyond its grasp. What actually happens is that, in any high issue of policy, Mr. Knight summons his district delegates to meet him in council at London or Manchester, to concert, and even to conduct, with him the weighty negotiations which the Newcastle executive formally endorses. And although the actual administration of the benefits is conducted by the branch committees, the absolute centralisation of funds and the supreme disciplinary power vested in the executive committee make that committee, or rather the general secretary, as dominant in matters of finance as in trade policy. The only real opportunity for an effective expression of the popular will comes to be the submission of questions to the aggregate vote of the branches in mass meeting assembled. It is needless to point out that a Referendum of this kind, submitted through the official circular in whatsoever terms the general secretary may choose, and backed by the influence of the permanent staff in every district, comes to be only a way of impressing the official view on the whole body of members. In effect the general secretary and his informal cabinet were, until the change of 1895, absolutely supreme.[1]

In the case of the Boilermakers, government by an informal cabinet of salaried officials has, up to the present time, been highly successful. It is, however, obvious that a less competent statesman than Mr. Knight would find great difficulty in welding into a united cabinet a body of district

[1] In 1895, after this chapter was written, the constitution was changed, owing to the growing feeling of the members in London and some other towns, that their bureaucracy was, under the old forms, completely beyond their control. By the new rules the government is vested in a representative executive of seven salaried members, elected by the seven electoral districts into which the whole society is divided, for a term of three years, one-third retiring annually.—*Rules of the United Society of Boilermakers*, etc. (Newcastle, 1895). It is as yet too soon to comment on the effect of this change, which only came into operation in 1897.

officers separately responsible to the whole society, and nominally subject only to their several district committees. Under these circumstances any personal friction or disloyalty might easily paralyse the whole trade policy, upon which the prosperity of the society depends. Moreover, though under Mr. Knight's upright and able government the lack of any supervising authority has not been felt, it cannot but be regarded as a defect that the constitution provides no practical control over a corrupt, negligent, or incompetent general secretary. The only persons in the position to criticise effectually the administration of the society are the salaried officials themselves, who would naturally be indisposed to risk their offices by appealing, against their official superior, to the uncertain arbitrament of an aggregate vote. Finally, this constitution, with all its parade of democratic form, secures in reality to the ordinary plater or rivetter little if any active participation in the central administration of his Trade Union; no real opportunity is given to him for expressing his opinion; and no call is made upon his intelligence for the formation of any opinion whatsoever. In short, the Boilermakers, so long as they remained content with this form of government, secured efficient administration at the expense of losing all the educative influences and political safeguards of democracy.

Among the well-organised Coalminers of the North of England the theory of "direct legislation by the people" is still in full force. Thus, the 19,000 members of the Northumberland Miners' Mutual Confident Association (established 1863) decide every question of policy, and even many merely administrative details, by the votes taken in the several lodge meetings;[1] and although a delegate meeting is held every quarter, and by a rule of 1894 is expressly declared to "meet for the purpose of deliberating free and untrammelled upon the whole of the programme," its function is strictly limited to expressing its opinion, the entire list of propositions

[1] See, for instance, the twenty-five separate propositions voted on in a single batch, 9th June 1894.—*Northumberland Miners' Minutes*, 1894, pp. 23-26.

being then "returned to the lodges to be voted on."[1] The executive committee is elected by the whole body; and the members, who retire after only six months' service, are ineligible for re-election. Finally, we have the fact that the salaried officials are themselves elected by the members at large. To this lack of organic connection between the different parts of the constitution, the student will perhaps attribute a certain instability of policy manifested in successive popular votes. In June 1894, a vote of all the members was taken on the question of joining the Miners' Federation, and an affirmative result was reached by 6730 to 5807. But in the very next month, when the lodges were asked whether they were prepared to give effect to the well-known policy of the Federation and claim the return of reductions in wages amounting to sixteen per cent, which they had accepted since 1892, they voted in the negative by more than two to one; and backed this up by an equally decisive refusal to contribute towards the resistance of other districts. "They had joined a Federation knowing its principles and its policy, and immediately after joining they rejected the principles they had just embraced," was the comment of one of the members

[1] Rule 15. We see here a curious instance of the express separation of the deliberative from the legislative function, arising out of the inconvenient results of the use of the Imperative Mandate. The committee charged with the revision of the rules in 1893-1894 reported that "the present mode of transacting business at delegate meetings has long been felt to be very unsatisfactory. Suggestions are sent in for programme which are printed and remitted to the lodges, and delegates are then sent with hard and fast instructions to vote for or against as the case may be. It not unfrequently happens that delegates are sent to support a vote against suggestions which are found to have an entirely different meaning, and may have a very different effect from those expected by the lodges when voting for them. To avoid the mischief that has frequently resulted from our members thus committing themselves to suggestions upon insufficient information, we suggest that after the programmes have been sent to the lodges, lodges send their delegates to a meeting to deliberate on the business, after which they shall return and report the results of the discussion and then forward their votes by proxy to the office. To carry out this principle, which we consider is of the greatest possible interest and importance to our members, no more meetings will be required or expense incurred than under the present system, while on the other hand lodges will have the opportunity of casting their votes on the various suggestions with full information before them, instead of in the absence of this information in most cases, as at present."—Report of 3rd February 1894, in *Northumberland Miners' Minutes*, 1894, pp. 87-88.

of their own executive committee.[1] This inconsistent action led to much controversy, and the refusal of the Northumberland men to obey the decision of the special conference, the supreme authority of the Federation, was declared to be inconsistent with their remaining members of the organisation. Nevertheless, in July 1894 they again voted, by 8445 to 5507, in favor of joining the Federation, despite the powerful adverse influence of their executive committee. The Federation officials not unnaturally asked whether the renewed application for membership might now be taken to imply a willingness to conform to the policy of the organisation which it was wished to join. On this a further vote was taken by lodges, when the proposition to join was negatived by a majority of over five to one.[2]

It may be objected that, in this instance of joining the Miners' Federation, the question at issue was one of great difficulty and of momentous import to the union, and that some hesitation on the part of the members was only to be expected. We could, however, cite many similar instances of contradictory votes by the Northumberland men, on both matters of policy and points of internal administration. We suggest that their experience is only another proof that, whatever advantages may be ascribed to government by the Referendum, it has the capital drawback of not providing the executive with any policy. In the case of the Northumberland Miners' Union, the result has been a serious weakening of its influence, and, on more than one occasion, the gravest

[1] Report of Conference, 23rd September 1893, in *Northumberland Miners' Minutes*, 1893.

[2] It should be explained that the Referendum among the Northumberland Miners takes two distinct forms, the "ballot," and the so-called "proxy voting." Questions relating to strikes, and any others expressly ordered by the delegate meeting, are decided by a ballot of the members individually. The ordinary business remitted from the delegate meeting to the lodges is discussed by the general meeting of each lodge, and the lodge vote, or "proxy," is cast as a whole according to the bare majority of those present. The lodge vote counts from one to thirty, in strict proportion to its membership. It is interesting to note (though we do not know whether any inference can be drawn from the fact) that the two votes in favor of the Federation were taken by ballot of the members, whilst those against it were taken by the "proxy" of the lodges.

danger of disintegration.[1] Fortunately, the union has enjoyed the services of executive officers of perfect integrity, and of exceptional ability and experience. These officers have throughout had their own clearly defined and consistent policy, which the uninformed and contradictory votes of the members have failed to control or modify.

It will not be necessary to give in detail the constitution of the Durham Miners' Association (established 1869), since this is, in essential features, similar to that of the Northumberland Miners.[2] But it is interesting to notice that the Durham experience of the result of government by the Referendum has been identical with that of Northumberland,[3] and even more detrimental to the organisation. The Durham Miners' Association, notwithstanding its closely concentrated 60,000 members, fails to exercise any important influence on the Trade Union world, and even excites complaints from the employers as to "its internal weakness." The Durham coal-owners declare that, with the council overruling the executive, and the ballot vote reversing the decision of the council, they never know when they have arrived at a settlement, or how long that settlement will be enforced on a recalcitrant lodge.

It is significant that the newer organisations which have sprung up in these same counties in direct imitation of the miners' unions give much less power to the members at large. Thus the Durham Cokemen's and Laborers' Association, which, springing out of the Durham Miners' Association in 1874, follows in its rules the actual phrases of the parent organisation, vests the election of its executive committee and officers, not in the members at large, but in a supreme "council."

[1] See, for instance, the report of the special conference of 23rd September 1893, expressly summoned to resist the "disintegration of our Association."—*Northumberland Miners' Minutes*, 1893.

[2] In the Durham Miners' Association the election of officers is nominally vested in the council, but express provision is made in the rules for each lodge to "empower" its delegate how to vote.

[3] This may be seen, for instance, from the incidental references to the Durham votes given in the Miners' Federation Minutes, 1893-1896; or, with calamitous results, in the history of the great Durham strike of 1892; or in that of the Silkstone strike of 1891. The Durham Miners' Minutes are not accessible to any non-member.

Much the same may be said of the Durham County Colliery Enginemen's Mutual Aid Association, established 1872; the Durham Colliery Mechanics' Association, established 1879; and (so far as regards the election of officers) the Northumberland Deputies' Mutual Aid Association, established 1887.

If, therefore, democracy means that everything which "concerns all should be decided by all," and that each citizen should enjoy an equal and identical share in the government, Trade Union history indicates clearly the inevitable result. Government by such contrivances as Rotation of Office, the Mass Meeting, the Referendum and Initiative, or the Delegate restricted by his Imperative Mandate, leads straight either to inefficiency and disintegration, or to the uncontrolled dominance of a personal dictator or an expert bureaucracy. Dimly and almost unconsciously this conclusion has, after a whole century of experiment, forced itself upon the more advanced trades. The old theory of democracy is still an article of faith, and constantly comes to the front when any organisation has to be formed for brand-new purposes;[1] but Trade Union constitutions have undergone a silent revolution. The old ideal of the Rotation of Office among all the members in succession has been practically abandoned. Resort to the aggregate meeting diminishes steadily in frequency and importance. The use of the Initiative and the Referendum has

[1] We may refer, by way of illustration, to the frequent discussions during 1894-1895 among the members of the political association styled the "Independent Labor Party." On the formation of the Hackney Branch, for instance, the members "decided that no president and no executive committee of the branch be appointed, its management devolving on the members attending the weekly conferences" (*Labour Leader*, 26th January 1895). Nor is this view confined to the rank and file. The editor of the *Clarion* himself, perhaps the most influential man in the party, expressly declared in his leading article of 3rd November 1894: "Democracy means that the people shall rule themselves; that the people shall manage their own affairs; and that their officials shall be public servants, or delegates, deputed to put the will of the people into execution. . . . At present there is too much sign of a disposition on the part of the rank and file to overvalue the talents and usefulness of their officials. . . . It is tolerably certain that in so far as the ordinary duties of officials and delegates, such as committee men or members of Parliament, are concerned, an average citizen, if he is thoroughly honest, will be found quite clever enough to do all that is needful. . . . Let all officials be retired after one year's services, and fresh ones elected in their place."

been tacitly given up in all complicated issues, and gradually limited to a few special questions on particular emergencies. The delegate finds himself every year dealing with more numerous and more complex questions, and tends therefore inevitably to exercise the larger freedom of a representative. Finally, we have the appearance in the Trade Union world of the typically modern form of democracy, the elected representative assembly, appointing and controlling an executive committee under whose direction the permanent official staff performs its work.

CHAPTER II

REPRESENTATIVE INSTITUTIONS

THE two organisations in the Trade Union world enjoying the greatest measure of representative institutions are those which are the most distinctly modern in their growth and pre-eminence. In numbers, political influence, and annual income the great federal associations of Coalminers and Cotton Operatives overshadow all others, and now comprise one-fifth of the total Trade Union membership. We have elsewhere pointed out that these two trades are both distinguished by their establishment of an expert civil service, exceeding in numbers and efficiency that possessed by any other trade.[1] They resemble each other also, as we shall now see, in the success with which they have solved the fundamental problem of democracy, the combination of administrative efficiency and popular control. In each case the solution has been found in the frank acceptance of representative institutions.

In the Amalgamated Association of Operative Cotton-spinners, which may be taken as typical of cotton organisations, the "legislative power" is expressly vested "in a meeting comprising representatives from the various provinces and districts included in the association."[2] This "Cotton-spinners' Parliament" is elected annually in strict proportion to

[1] *History of Trade Unionism*, p. 298; see also the subsequent chapter on "The Method of Collective Bargaining."

[2] *Rules of the Amalgamated Association of Operative Cotton-spinners* (Manchester, 1894), p. 4, Rule 7.

membership, and consists of about a hundred representatives. It meets in Manchester regularly every quarter, but can be called together by the executive council at any time. Once elected, this assembly is, like the British Parliament, absolutely supreme. Its powers and functions are subject to no express limitation, and from its decisions there is no appeal. The rules contain no provision for taking a vote of the members; and though the agenda of the quarterly meeting is circulated for information to the executives of the district associations, so little thought is there of any necessity for the representatives to receive a mandate from their constituents, that express arrangements are made for transacting any other business not included in the agenda.[1]

The actual "government" of the association is conducted by an executive council elected by the general representative meeting, and consisting of a president, treasurer, and secretary, with thirteen other members, of whom seven at least must be working spinners, whilst the other six are, by invariable custom, the permanent officials appointed and maintained by the principal district organisations. Here we have the "cabinet" of this interesting constitution—the body which practically directs the whole work of the association and exercises great weight in the counsels of the legislative body, preparing its agenda and guiding all its proceedings. For the daily work of administration this cabinet is authorised by the rules to appoint a committee, the "sub-council," which consists in practice of the six "gentlemen," as the district officials are commonly called. The actual executive work is performed by a general secretary, who himself engages such office assistance as may from time to time be necessary. In marked contrast with all the Trade Union constitutions which we have hitherto described, the Cotton-spinners' rules do not

[1] Rule 9, p. 5. The general representative meeting even resembles the British Parliament in being able itself to change the fundamental basis of the constitution, including the period of its own tenure of office. The rules upon which the Amalgamated Association depends can be altered by the general representative meeting in a session called by special notice, without any confirmation by the constituents.—Rule 45, pp. 27-28.

give the election of this chief executive officer to the general body of members, but declare expressly that "the sole right of electing a permanent general secretary shall be vested in the provincial and district representatives when in meeting assembled, by whom his salary shall be fixed and determined."[1] Moreover, as we have already mentioned, the candidates for this office pass a competitive examination, and when once elected the general secretary enjoys a permanence of tenure equal to that of the English civil service, the rules providing that he "shall be appointed and continue in office so long as he gives satisfaction."[2]

The Amalgamated Association of Operative Cotton-spinners is therefore free from all the early expedients for securing popular government. The general or aggregate meeting finds no place in its constitution, and the rules contain no provision for the Referendum or the Initiative. No countenance is given to the idea of Rotation of Office. No officers are elected by the members themselves. Finally, we have the complete abandonment of the delegate, and the substitution, both in fact and in name, of the representative. On the other hand, the association is a fully-equipped democratic state of the modern type. It has an elected parliament, exercising supreme and uncontrolled power. It has a cabinet appointed by and responsible only to that parliament. And its chief executive officer, appointed once for all on grounds of efficiency, enjoys the civil-service permanence of tenure.[3]

[1] Rule 12, p. 6. [2] *Ibid.*

[3] The other branches of the cotton trade, notably the federations of weavers and cardroom hands, are organised on the same principle of an elected representative assembly, itself appointing the officers and executive committee, though there are minor differences among them. The United Textile Factory Workers' Association, of which the spinners form a part, is framed on the same model, a "legislative council," really an executive committee, being elected by the "conference," or representative assembly. (This organisation temporarily suspended its functions in 1896.) Moreover, the rules of the several district associations of the Amalgamated Association of Operative Cotton-spinners exhibit the same formative influences. In the smaller societies, confined to single villages, we find the simple government by general meeting, electing a committee and officers. Permanence of tenure is, however, the rule, it being often expressly provided that the secretary and the treasurer shall each "retain office as long as he gives satisfaction." More than half the total membership, moreover, is

We have watched the working of this remarkable constitution during the last seven years, and we can testify to the success with which both efficiency and popular control are secured. The efficiency we attribute to the existence of the adequate, highly-trained, and relatively well-paid and permanent civil service.[1] But that this civil service is effectively under public control is shown by the accuracy with which the cotton officials adapt their political and industrial policy to the developing views of the members whom they serve. This sensitiveness to the popular desires is secured by the real supremacy of the elected representatives. For the "Cotton-spinners' Parliament" is no formal gathering of casual members to register the decrees of a dominant bureaucracy. It is, on the contrary, a highly-organised deliberative assembly, with active representatives from the different localities, each alive to the distinct, and sometimes divergent, interests of his own constituents. Their eager participation shows itself in constant "party meetings" of the different sections, at which the officers and workmen from each district consult together as to the line of policy to be pressed upon the assembly. Such consultation and deliberate joint action is, in the case of the Oldham representatives at any rate, carried even further. The constitution of the Oldham Operative Cotton-spinners' Provincial Association is, so far as we know, unique in all the annals of democracy in making express provision for the "caucus."[2]

included in two important "provinces," Oldham and Bolton, which possess elaborate federal constitutions of their own. These follow, in general outline, the federal constitution, but both retain some features of the older form. Thus in Oldham, where the officers enjoy permanence of tenure and are responsible only to the representative assembly, any vacancy is filled by general vote of the members. And though the representative assembly has supreme legislative and executive powers, it is required to take a ballot of all the members before deciding on a strike. On the other hand, Bolton, which leaves everything to its representative assembly, shows a lingering attachment to rotation of office by providing that the retiring members of its executive council shall not be eligible for re-election during twelve months.

[1] The nineteen thousand members of the Amalgamated Association of Operative Cotton-spinners command the services of ten permanent officials, besides numerous local officers still working at their trade.

[2] The "caucus," in this sense of the term, is supposed to have been first

The rules of 1891 ordain that "whenever the business to be transacted by the representatives attending the quarterly or special meetings of the Amalgamation is of such importance and to the interest of this association as to require unity of action in regard to voting by the representatives from this province, the secretary shall be required to summon a special meeting of the said representatives by announcing in the monthly circular containing the minutes the date and time of such meeting, which must be held in the council room at least seven days previous to the Amalgamation meeting taking place. The provincial representatives on the amalgamated council shall be required to attend such meeting, to give any information required, and all resolutions passed by a majority of those present shall be binding upon all the representatives from the Oldham province attending the amalgamated quarterly or special meetings, and any one acting contrary to his instructions shall cease to be a representative of the district he represents, and shall not be allowed to stand as a candidate for any office connected with the association for the space of twelve months. The allowance for attending these special meetings shall be in accordance with the scale allowed to the provincial executive council."[1] But even without so stringent a rule, there would be but little danger of the representatives failing to express the desires of the rank and file. Living the same life as their constituents, and subject to annual election, they can scarcely fail to be in touch with the general body of the members. The common practice of requiring each representative to report his action to the next meeting of his constituents, by whom it is discussed in his presence, and the wide circulation

introduced about the beginning of this century, in the United States Congress, by the Democratic Party. See the *Statesman's Manual*, vol. i. pp. 294, 338; Woodrow Wilson, *Congressional Government*, 12th edit. (New York, 1896), pp. 327-330; Lalor's *Cyclopedia of Political Science* (New York, 1891), vol. i. p. 357. The "caucus" in the sense of "primary assembly" is regulated by law in many American States, especially in Massachusetts. See *Nominations for Elective Office in the United States*, by F. W. Dallinger (London, 1897).

[1] Rule 64, pp. 41-42, of *Rules and Regulations for the Government of the Oldham Operative Cotton-spinners' Provincial Association* (Oldham, 1891).

of printed reports among all the members furnish efficient substitutes for the newspaper press. On the other hand, the facts that the representative assembly is a permanent institution wielding supreme power, and that in practice its membership changes little from year to year, give it a very real authority over the executive council which it elects every six months, and over the officers whom it has appointed. The typical member of the "Cotton-spinners' Parliament" is not only experienced in voicing the desires of his constituents, but also possesses in a comparatively large measure that knowledge of administrative detail and of current affairs which enables him to understand and control the proceedings of his officers.

The Coalminers are, as we have elsewhere mentioned, not so unanimous as the Cotton Operatives in their adoption of representative institutions. The two great counties of Northumberland and Durham have unions which preserve constitutions of the old-fashioned type. But when we pass to other counties, in which the Miners have come more thoroughly under the influence of the modern spirit, we find representative government the rule. The powerful associations of Yorkshire, Lancashire, and the Midlands are all governed by elected representative assemblies, which appoint the executive committees and the permanent officers. But the most striking example of the adoption of representative institutions among the Coalminers is presented by the Miners' Federation of Great Britain, established 1887. This great federal organisation, which now comprises two-thirds of the Coalminers in union, adopted from the outset a completely representative constitution. The supreme authority is vested in a "conference," summoned as often as required, consisting of representatives elected by each county or district association. This conference exercises uncontrolled power to determine policy, alter rules, and levy unlimited contributions.[1] From its decision there is no

[1] This was expressly pointed out, doubtless with reference to some of the old-fashioned county unions which still clung to the custom of the Referendum or the

appeal. No provision is made for taking the votes of the general body of members, and the conference itself appoints the executive committee and all the officers of the Federation. Between the sittings of the conference the executive committee is expressly given power to take action to promote the interests of the Federation, and no rule savoring of Rotation of Office deprives this executive of the services of its experienced members.

The "Miners' Parliament," as this conference may not improperly be termed, is in many respects the most important assembly in the Trade Union world. Its regular annual session, held in some midland town, lasts often for a whole week, whilst other meetings of a couple of days' duration are held as business requires. The fifty to seventy members, who represent the several constituent bodies, constitute an exceptionally efficient deliberative assembly. Among them are to be found the permanent officers of the county unions, some of the most experienced of the checkweigh-men and the influential leaders of opinion in the mining villages. The official element, as might be expected, plays a prominent part in suggesting, drafting, and amending the actual proposals, but the unofficial members frequently intervene with effect in the business-like debates. The public and the press are excluded, but the conference usually directs a brief and guarded statement of the conclusions arrived at to be supplied to the newspapers, and a full report of the proceedings—sometimes extending to over a hundred printed pages—is subsequently issued to the lodges. The subjects dealt with include the whole range of industrial and political policy, from the technical grievance of a particular district up to the "nationalisation of mines."[1] The actual carrying out of the

Imperative Mandate, in the circular summoning the important conference of July 1893: "Delegates must be appointed to attend Conference *with full power to deal with the wages question.*"

[1] Thus the agenda for the Annual Conference in 1894 comprised, besides formal business, certain revisions of rules and the executive committee's report, the Eight Hours Bill, the stacking of coal, the making of Saturday a regular whole holiday, the establishment of a public department to prevent unscrupulous competition in trade, the amendment of the Mines Regulation and Employers'

policy determined on by the conference is left unreservedly to the executive committee, but the conference expects to be called together whenever any new departure in policy is required. In times of stress the executive committee shows its real dependence on the popular assembly by calling it together every few weeks.[1] And the success with which the Miners' Federation wields its great industrial and political power over an area extending from Fife to Somerset and a

Liability Acts, international relations with foreign miners' organisations and the nationalisation of mines. It may here be observed that the representatives at the Federal Conference have votes in proportion to the numbers of the members in their respective associations. This practice, often called "proxy voting," or, more accurately, "the accumulative vote," has long been characteristic of the Coalminers' organisations, though unknown to any other section of the Trade Union World. Thus the rules of the Miners' Federation of Great Britain are silent as to the number of representatives to be sent to the supreme "Conference," but provide "that each county, federation or district vote upon all questions as follows, viz. : one vote for every 1000 financial members or fractional part of 1000, and that the vote in every case shall be taken by numbers" (Rule 10, *Rules of the Miners' Federation of Great Britain*, 1895). A similar principle has always been applied at the International Miners' Conferences, and the practice prevails also in the several county unions or federations. The Lancashire and Cheshire Federation fixes the number of representatives to be sent to its Conferences at one per 500 members, but expressly provides that the voting is to be "by proxy" in the same proportion. The Midland Federation adopts the same rule. The Yorkshire, Nottinghamshire, Durham, and West Cumberland associations allow each branch or lodge only a single representative, whose vote counts strictly in proportion to the membership he represents. This "accumulative vote" is invariably resorted to in the election of officers and in all important decisions of policy, but it is not uncommon for minor divisions to be taken, unchallenged, on the principle of "one man one vote." It is not easy to account for the exceptional preference of the Coalminers for this method of voting, especially as their assemblies are, as we have pointed out, in practice more "representative" in their character, and less trammelled by the idea of the imperative mandate, than those of any other trade but the Cotton Operatives. The practice facilitates, it is true, a diminution in the size of the meetings, but this appears to be its only advantage. In the absence of any system of "proportional representation" it affords no real guide to the relative distribution of opinion ; the representatives of Yorkshire, for instance, in casting the vote of the county, can at best express the views only of the majority of their constituents, and have therefore no real claim to outvote a smaller district, with whose views nearly half their own constituents may be in sympathy. If, on the other hand, the whole membership of the Miners' Federation were divided into fairly equal electoral districts, each electing a single member, there would be more chance of every variety of opinion being represented, whilst an exact balance between the large and the small districts would nevertheless be preserved.

[1] During the great strike in 1893 the Conference met eight times in six months.

membership numbering two hundred thousand, furnishes eloquent testimony to the manner in which it has known how to combine efficient administration with genuine popular assent.

The great federal organisations of Cotton Operatives and Coalminers stand out from among the other Trade Unions in respect of the completeness and success with which they have adopted representative institutions. But it is easy to trace a like tendency throughout the whole Trade Union world. We have already commented on the innovation, now almost universal, of entrusting the task of revising rules to a specially elected committee. It was at first taken for granted that the work of such a revising committee was limited to putting into proper form the amendments proposed by the branches themselves, and sometimes to choosing between them. Though it is still usual for the revised rules to be formally ratified by a vote of the members, the revising committees have been given an ever wider discretion, until in most unions they are nowadays in practice free to make changes according to their own judgment.[1] But it is in the constitution of the central executive that the trend towards representative institutions is most remarkable, the old expedient of the "governing branch" being superseded by an executive committee representative of the whole body of the members.[2]

[1] There is a similar tendency to disapprove of the Imperative Mandate in the principal Friendly Societies. The *Friendly Societies' Monthly Magazine* for April 1890 observes that "Lodges are advised . . . to instruct their delegates as to how they are to vote. With this we entirely disagree. A proposition till it is properly thrashed out and explained, remains in the husk, and its full import is lost. Delegates fettered with instructions simply become the mechanical mouthpiece of the necessarily unenlightened lodges which send them, and therefore the legislation of the Order might just as well be conducted by post."

[2] Thus the Amalgamated Society of Railway Servants (established 1872) administers the affairs of its forty-four thousand members by an executive committee of thirteen (with the three officers), elected annually by ballot in thirteen equal electoral districts. This committee meets in London at least quarterly, and can be summoned oftener if required. Above this is the supreme authority of the annual assembly of sixty delegates, elected by sixty equal electoral districts, and sitting for four days to hear appeals, alter rules, and determine the policy of the union. A similar constitution is enjoyed by the Associated Society of

This revolution has taken place in the National Union of Boot and Shoe Operatives (37,000 members) and the Amalgamated Society of Engineers (87,313 members), the two societies which, outside the worlds of cotton and coal, exceed nearly all others in membership. Down to 1890 the National Union of Boot and Shoe Operatives was governed by a local executive council belonging to a single town, controlled only by occasional votes of a delegate assembly, meeting, at first, every four years, and afterwards every two years. Seven years ago the constitution was entirely transformed. The society was divided into five equal electoral districts, each of which elected one member to serve for two years on an executive council consisting of only these five representatives, in addition to the three other officers elected by the whole body of members. To the representative executive thus formed was committed not only all the ordinary business of the society, but also the final decision in cases of appeals by individual members against the decision of a branch. The delegate meeting, or "National Conference," meets to determine policy and revise rules, and its decisions no longer require ratification by the members' vote. Although the Referendum and the Mass Meeting of the district are still formally included in the constitution, the complication and difficulty of the issues which have cropped up during the last few years have led the executive council to call together the national conference at frequent intervals, in preference to submitting questions to the popular vote.

Locomotive Enginemen and Firemen (established 1880). It is this model that has been followed, with unimportant variations in detail, by the more durable of the labor unions which sprang into existence in the great upheaval of 1889, among which the Gasworkers and the Dockers are the best known. The practice of electing the executive committee *by districts* is, as far as we know, almost unknown in the political world. The executive council of the State of Pennsylvania in the eighteenth century used to be elected by single-member districts (*Federalist*, No. LVII.), and a similar arrangement appears occasionally to have found a place in the ever-changing constitutions of one or two Swiss Cantons. (See *State and Federal Government in Switzerland*, by J. M. Vincent, Baltimore, 1891.) We know of no case where it prevails at present (Lowell's *Governments and Parties in Continental Europe*, London, 1896).

In the case of the Amalgamated Society of Engineers the constitutional revolution has been far more sweeping. In the various editions of the Engineers' rules from 1851 to 1891 we find the usual reliance on the Mass Meeting, the Referendum and the direct election of all officers by the members at large. We also see the executive control vested in a committee elected by a single district,—the chairman, moreover, being forbidden to serve for more than two years in succession. In the case of the United Society of Boilermakers we have already described how a constitution of essentially similar type has resulted in remarkable success and efficiency, but at the sacrifice of all real control by the members. In the history of the Boilermakers from 1872 onwards we watch the virtual abandonment in practice, for the sake of a strong and united central administration, of everything that tended to weaken the executive power. The Engineers, on the contrary, clung tenaciously to every institution or formality which protected the individual member against the central executive.[1] Meanwhile, although the very object of the amalgamation in 1851 was to secure uniformity of trade policy, the failure to provide any salaried official staff left the central executive with little practical control over the negotiations conducted or the decisions arrived at by the local branch or district committee. The result was not only failure to cope with the vital problems

[1] In financial matters, for instance, though every penny of the funds belonged to the whole society, each branch retained its own receipts, subject only to the cumbrous annual "equalisation." The branch accordingly had it in its power to make any disbursement it chose, subject only to subsequent disallowance by the central executive. Nor was the decision of the central executive in any way final. The branch aggrieved by any disallowance could, and habitually did, appeal—not to the members at large, who would usually have supported the executive—but to another body, the general council, which met every three years for the express purpose of deciding such appeals. There was even a further appeal from the general council to the periodical delegate meeting. In the meantime the payment objected to was not required to be refunded, and it will therefore easily be understood that the vast majority of executive decisions were instantly appealed against. And when we add that each of these several courts of appeal frequently reversed a large proportion of the decisions of its immediate inferior, the effect of these frequent appeals in destroying all authority can easily be imagined.

of trade policy involved in the changing conditions of the industry, but also an increasing paralysis of administration, against which officers and committee-men struggled in vain. When in 1892 the delegates met at Leeds to find a remedy for these evils, they brought from the branches two leading suggestions. One party urged the appointment, in aid of the central executive, of a salaried staff of district delegates, elected, in direct imitation of those of the Boilermakers, by the whole society. Another section favored the transformation of the executive committee into a representative body, and proposed the division of the country into eight equal electoral districts, each of which should elect a representative to a salaried executive council sitting continually in London, and thus giving its whole time to the society's work. Probably these remedies, aimed at different sides of the trouble, were intended as alternatives. It is significant of the deep impression made upon the delegate meeting that it eventually adopted both, thus at one blow increasing the number of salaried officers from three to seventeen.[1]

Time has yet to show how far this revolution in the constitution of the Amalgamated Society of Engineers will conduce either to efficient administration or to genuine popular control. It is easy to see that government by an executive committee of this character differs essentially from government by a representative assembly appointing its own cabinet, and that it possesses certain obvious disadvantages. The eight members, who are thus transferred by the vote of their fellows from the engineer's workshop to the Stamford Street office, become by this fundamental change of life completely severed from their constituents. Spending all their days in office routine, they necessarily lose the vivid appreciation of the feelings of the man

[1] It is interesting to observe that the United Society of Boilermakers, by adopting in 1895 a Representative Executive, has made its formal constitution almost identical with that of the Amalgamated Society of Engineers. The vital difference between these two societies now lies in the working relation between the central executive and the local branches and district committees; see the subsequent chapter on "The Unit of Government."

who works at the lathe or the forge. Living constantly in London, they are subject to new local influences, and tend unconsciously to get out of touch with the special grievances or new drifts of popular opinion on the Tyne or the Clyde, at Belfast or in Lancashire. It is true that the representatives hold office for only three years, at the expiration of which they must present themselves for re-election; but there would be the greatest possible reluctance amongst the members to relegate to manual labor a man who had once served them as a salaried official. Unless, therefore, a revulsion of feeling takes place among the Engineers against the institution itself, the present members of the representative executive committee may rely with some confidence on becoming practically permanent officials.

These objections do not apply with equal force to other examples of a representative executive. The tradition of the Stamford Street office—that the whole mass of friendly-society business should be dealt with in all its details by the members of the executive committee themselves—involves their daily attendance and their complete absorption in office work. In other Trade Unions which have adopted the same constitutional form, the members of the representative executive reside in their constituencies and, in some cases, even continue to work at their trade. They are called together, like the members of a representative assembly, at quarterly or other intervals to decide only the more important questions, the detailed executive routine being delegated to a local sub-committee or to the official staff. Thus the executive committee of the National Union of Boot and Shoe Operatives usually meets only for one day a month; the executive committee of the Associated Locomotive Engineers and Firemen is called together only when required, usually not more than once or twice a month; the executive council of the Amalgamated Society of Railway Servants comes to London once a quarter, and the same practice is followed by the executive committee of the National Union of Gasworkers and General Laborers. It is

evident that in all these cases the representative executive, whether formed of the salaried officials of the districts or of men working at their trade, has more chance of remaining in touch with its constituents than in the case of the Amalgamated Society of Engineers.

But there is, in our opinion, a fundamental drawback to government by a representative executive, even under the most favorable conditions. One of the chief duties of a representative governing body is to criticise, control, and direct the permanent official staff, by whom the policy of the organisation must actually be carried out. Its main function, in fact, is to exercise real and continuous authority over the civil service. Now all experience shows it to be an essential condition that the permanent officials should be dependent on and genuinely subordinate to the representative body. This condition is fulfilled in the constitutions such as those of the Amalgamated Association of Operative Cotton-spinners and the Miners' Federation, where the representative assembly itself appoints the officers, determines their duties, and fixes their salaries. But it is entirely absent in all Trade Union constitutions based on a representative executive. Under this arrangement the executive committee neither appoints the officers nor fixes their salaries. Though the representative executive, unlike the old governing branch, can in its corporate capacity claim to speak in the name of all the members, so can the general secretary himself, and often each assistant secretary. All alike hold their positions from the same supreme power—the votes of the members; and have their respective duties and emoluments defined by the same written constitution—the society's rules.

This absence of any co-ordination of the several parts of the constitution works out, in practice, in one of two ways. There may arise jealousies between the several officers, or between them and some of the members of the executive committee. We have known instances in which an incompetent and arbitrary general secretary has been pulled up by one or other of his colleagues who wanted to succeed to

his place. The suspicion engendered by the relation of competitors for popular suffrage checks, it may be, some positive malpractices, but results also in the obstruction of useful measures of policy, or even in their failure through disloyalty. More usually the executive committee, feeling itself powerless to control the officials, tends to make a tacit and half-unconscious compact with them, based on mutual support against the criticism of their common constituents. If the members of the committee are themselves salaried officials, they not only have a fellow-feeling for the weaknesses of their brother officials, but they also realise vividly the personal risk of appealing against them to the popular vote. If, on the other hand, the members continue to work at their trade, they feel themselves at a hopeless disadvantage in any such appeal. They have neither the business experience nor the acquaintance with details necessary for a successful indictment of an officer who is known from one end of the society to the other, and who enjoys the advantage of controlling its machinery. Thus we have in many unions governed by a Representative Executive the formation of a ruling clique, half officials, half representatives. This has all the disadvantages of such a bureaucracy as we have described in the case of the United Society of Boilermakers, without the efficiency made possible by its hierarchical organisation and the predominant authority of the head of the staff. To sum up, if there are among the salaried representatives or officials restless spirits, "conscientious critics," or disloyal comrades, the general body of members may rest assured that they will be kept informed of what is going on, but at the cost of seeing their machinery of government constantly clogged by angry recriminations and appeals. If, on the other hand, the men who meet at headquarters in one or another capacity are "good fellows," the machine will work smoothly with such efficiency as their industry and capacity happens to be equal to, but all popular control over this governing clique will disappear.

We see, then, that though government by a representa-

tive executive is a real advance on the old expedients, it is likely to prove inferior to government by a representative assembly, appointing its own cabinet and officers. But a great national Trade Union extending from one end of the kingdom to the other cannot easily adopt the superior form, even if the members desire it. The Cotton Operatives enjoy the special advantage of having practically all their membership within a radius of thirty miles from Manchester. The frequent gatherings of a hundred delegates held usually on a Saturday afternoon entail, therefore, no loss of working time and little expense to the organisation. The same consideration applies to the great bulk of the membership of the Miners' Federation, three-fourths of which is concentrated in Lancashire, West Yorkshire, and the industrial Midlands. Even the outlying coalfields elsewhere enjoy the advantage of close local concentration, so that a single delegate may effectively represent the hundreds of lodges in his own county. And it is no small consideration that the total membership of the Miners' Federation is so large that the cost of frequent meetings of fifty to seventy delegates bears only a trifling proportion to the resources of the union. Very different is the position of the great unions in the engineering and building trades. The 46,000 members of the Amalgamated Society of Carpenters in the United Kingdom, for instance, are divided into 623 branches, scattered over 400 separate towns or villages. Each town has its own Working Rules, its own Standard Rate and Normal Day, and lacks intimate connection with the towns right and left of it. The representative chosen by the Newcastle branch might easily be too much absorbed by the burning local question of demarcation against the Shipwrights to pay much attention to the simple grievances of the Hexham branch as to the Saturday half-holiday, or to the multiplication of apprentices in the joinery shops at Darlington. Similar considerations apply to the 497 branches of the Amalgamated Society of Engineers, whose 80,000 members in the United Kingdom are working in 300 different towns. In view of the increasing

uniformity of working conditions throughout the country, the concentration of industry in large towns, the growing facilities of travel and the steady multiplication of salaried local officials, we do not ourselves regard the geographical difficulty as insuperable. But it is easy to understand why, with so large a number of isolated branches, it has not yet seemed practicable to constitutional reformers in the building or the engineering trades, to have frequent meetings of representative assemblies.

The tardiness and incompleteness with which Trade Unions have adopted representative institutions is mainly due to a more general cause. The workman has been slow to recognise the special function of the representative in a democracy. In the early constitutional ideals of Trade Unionism the representative finds, as we have seen, absolutely no place. The committee-man elected by rotation of office or the delegate deputed to take part in a revision of rules was habitually regarded only as a vehicle by which "the voices" could be mechanically conveyed. His task required, therefore, no special qualification beyond intelligence to comprehend his instructions and a spirit of obedience in carrying them out. Very different is the duty cast upon the representative in such modern Trade Union constitutions as those of the Cotton Operatives and Coalminers. His main function is still to express the mind of the average man. But unlike the delegate, he is not a mechanical vehicle of votes on particular subjects. The ordinary Trade Unionist has but little facility in expressing his desires; unversed in the technicalities of administration, he is unable to judge by what particular expedient his grievances can best be remedied. In default of an expert representative he has to depend on the professional administrator. But for this particular task the professional administrator is no more competent than the ordinary man, though for a different reason. The very apartness of his life from that of the average workman deprives him of close acquaintance with the actual grievances of the mass of the people. Immersed

in office routine, he is apt to fail to understand from their inconsistent complaints and impracticable suggestions what it is they really desire. To act as an interpreter between the people and their servants is, therefore, the first function of the representative.

But this is only half of his duty. To him is entrusted also the difficult and delicate task of controlling the professional experts. Here, as we have seen, the ordinary man completely breaks down. The task, to begin with, requires a certain familiarity with the machinery of government, and a sacrifice of time and a concentration of thought out of the reach of the average man absorbed in gaining his daily bread. So much is this the case that when the administration is complicated, a further specialisation is found necessary, and the representative assembly itself chooses a cabinet, or executive committee of men specially qualified for this duty. A large measure of intuitive capacity to make a wise choice of men is, therefore, necessary even in the ordinary representative. Finally, there comes the important duty of deciding upon questions of policy or tactics. The ordinary citizen thinks of nothing but clear issues on broad lines. The representative, on the other hand, finds himself constantly called upon to choose between the nicely balanced expediencies of compromise necessitated by the complicated facts of practical life. On his shrewd judgment of actual circumstances will depend his success in obtaining, not all that his constituents desire—for that he will quickly recognise as Utopian,—but the largest instalment of those desires that may be then and there possible.

To construct a perfect representative assembly can, therefore, never be an easy task; and in a community exclusively composed of manual workers dependent on weekly wages, the task is one of exceptional difficulty. A community of bankers and business entrepreneurs finds it easy to secure a representative committee to direct and control the paid officials whom it engages to protect its interests. Constituents, representatives and officials are

living much the same life, are surrounded by the same intellectual atmosphere, have received approximately the same kind of education and mental training, and are constantly engaged in one variety or another of what is essentially the same work of direction and control. Moreover, there is no lack of persons able to give the necessary time and thought to expressing the desires of their class and to seeing that they are satisfied. It is, therefore, not surprising that representative institutions should be seen at their best in middle-class communities.[1] In all these respects the manual workers stand at a grave disadvantage. Whatever may be the natural endowment of the workman selected by his comrades to serve as a representative, he starts unequipped with that special training and that general familiarity with administration which will alone enable him to be a competent critic and director of the expert professional. Before he can place himself on a level with the trained official whom he has to control he must devote his whole time and thought to his new duties, and must therefore give up his old trade. This unfortunately tends to alter his manner of life, his habit of mind, and usually also his intellectual atmosphere to such an extent that he gradually loses that vivid appreciation of the feelings of the man at the bench or the forge, which it is his function to express. There is a certain cruel irony in the problem which accounts, we think, for some of the unconscious exasperation of the wage-earners all over the world against representative institutions. Directly the working-man representative becomes properly equipped for one-half of his duties, he ceases to be specially qualified for the other. If he remains essentially a manual worker, he fails to cope with the brain-working officials; if he takes on the character of the brain-worker, he is apt to get out of touch with the constituents whose desires he has to interpret. It will, therefore, be interesting to see how the shrewd workmen of

[1] In this connection see the interesting suggestions of Achille Loria, *Les Bases Economiques de la Constitution Sociale* (Paris, 1893), pp. 150-154.

Lancashire, Yorkshire, and the Midlands have surmounted this constitutional difficulty.

In the parliaments of the Cotton-spinners and Coalminers we find habitually two classes of members, salaried officials of the several districts, and representative wage-earners still working at the mule or in the mine. It would almost seem as if these modern organisations had consciously recognised the impossibility of combining in any individual representative both of the requirements that we have specified. As it is, the presence in their assemblies of a large proportion of men who are still following their trade imports into their deliberations the full flavor of working-class sentiment. And the association, with these picked men from each industrial village, of the salaried officers from each county, secures that combination of knowledge, ability, and practical experience in administration, which is, as we have suggested, absolutely indispensable for the exercise of control over the professional experts. If the constituencies elected none but their fellow-workers, it is more than doubtful whether the representative assembly so created would be competent for its task. If, on the other hand, the assembly consisted merely of a conference of salaried officials, appointing one or more of themselves to carry out the national work of the federation, it would inevitably fail to retain the confidence, even if it continued to express the desires of the members at large. The conjunction of the two elements in the same representative assembly has in practice resulted in a very efficient working body.

It is important to notice that in each of the trades the success of the experiment has depended on the fact that the organisation is formed on a federal basis. The constituent bodies of the Miners' Federation and the Amalgamated Association of Operative Cotton-spinners have their separate constitutions, their distinct funds, and their own official staffs. The salaried officers whom they elect to sit as representatives in the federal parliament have, therefore, quite other interests, obligations, and responsibilities than those of

the official staff of the Federation itself. The secretary of the Nottinghamshire Miners' Association, for instance, finds himself able, when sitting as a member of the Conference of the Miners' Federation, freely to criticise the action of the federal executive council or of the federal official staff, without in any way endangering his own position as a salaried officer. Similarly, when the secretary of the Rochdale Cotton-spinners goes to the quarterly meeting at Manchester, he need have no hesitation in opposing and, if possible, defeating any recommendation of the executive council of the Amalgamated Association of Operative Cotton-spinners which he considers injurious to the Rochdale spinners. In the form of the representative executive, this use of salaried officers in a representative capacity is likely to tend, as we have seen, to the formation of a virtually irresponsible governing clique. But in the form of a federal representative assembly, where the federal executive and official staff are dependent, not on the members at large but on the assembly itself, and where the representatives are responsible to quite other constituencies and include a large proportion of the non-official element, this danger is reduced to a minimum.

We have now set before the reader an analysis of the constitutional development of Trade Union democracy. The facts will be interpreted in different ways by students of different temperaments. To us they represent the long and inarticulate struggle of unlettered men to solve the problem of how to combine administrative efficiency with popular control. Assent was the first requirement. The very formation of a continuous combination, in face of legal persecution and public disapproval, depended on the active concurrence of all the members. And though it is conceivable that a strong Trade Union might coerce a few individual workmen to continue in its ranks against their will, no such coercive influence could permanently prevail over a discontented majority, or prevent the secession, either individually or in a body, of any considerable number who were seriously disaffected. It was accordingly assumed

without question that everything should be submitted to "the voices" of the whole body, and that each member should take an equal and identical share in the common project. As the union developed from an angry crowd unanimously demanding the redress of a particular grievance into an insurance company of national extent, obliged to follow some definite trade policy, the need for administrative efficiency more and more forced itself on the minds of the members. This efficiency involved an ever-increasing specialisation of function.[1] The growing mass of business and the difficulty and complication of the questions dealt with involved the growth of an official class, marked off by capacity, training, and habit of life from the rank and file. Failure to specialise the executive function quickly brought about extinction. On the other hand this very specialisation undermined the popular control, and thus risked the loss of the indispensable popular assent. The early expedients of Rotation of Office, the Mass Meeting, and the Referendum proved, in practice, utterly inadequate as a means of securing genuine popular control. At each particular crisis the individual member found himself overmatched by the official machinery which he had created. At this stage irresponsible bureaucracy seemed the inevitable outcome. But democracy found yet another expedient, which in some favored unions has gone far to solve the problem. The specialisation of the executive into a permanent expert civil service was balanced by the specialisation of the legislature, in the establishment of a supreme representative assembly, itself undertaking the work of direction and control for which the members at large had proved incompetent. We have seen how difficult it is for a community of manual workers to obtain such an assembly, and how large a part is

[1] "The progressive division of labour by which both science and government prosper."—Lord Acton, *The Unity of Modern History* (London, 1896), p. 3. "If there be one principle clearer than another, it is this: that in any business, whether of government or of mere merchandising, *somebody must be trusted.* . . . Power and strict accountability for its use, are the essential constituents of good government."—Woodrow Wilson, *Congressional Government* (New York, 1896), 12th edit.

inevitably played in it by the ever-growing number of salaried officers. But in the representative assembly these salaried officers sit in a new capacity. The work expected from them by their employers is not that of execution, but of criticism and direction. To balance the professional civil servant we have, in fact, the professional representative.

This detailed analysis of humble working-class organisations will to many readers be of interest only in so far as it furnishes material for political generalisations. It is therefore important to consider to what extent the constitutional problems of Trade Union democracy are analogous to those of national or municipal politics.

The fundamental requisites of government are the same in the democratic state as in the Trade Union. In both cases the problem is how to combine administrative efficiency with popular control. Both alike ultimately depend on a continuance of general assent. In a voluntary association, such as the Trade Union, this general assent is, as we have seen, the foremost requirement: in the democratic state relinquishment of citizenship is seldom a practicable alternative, whilst the operation of changing governors is not an easy one. Hence, even in the most democratic of states the continuous assent of the governed is not so imperative a necessity as in the Trade Union. On the other hand, the degree of administrative efficiency necessary for the healthy existence of the state is far greater than in the case of the Trade Union. But whilst admitting this transposition in relative importance, it still remains true that, in the democratic state as in the Trade Union, government cannot continue to exist without combining a certain degree of popular assent with adequate administrative efficiency.

More important is the fact that the popular assent is in both cases of the same nature. In the democratic state, as in the Trade Union, the eventual judgment of the people is pronounced not upon projects but upon results. It avails not that a particular proposal may have received the prior

authorisation of an express popular vote; if the results are not such as the people desire, the executive will not continue to receive their support. Nor does this, in the democratic state any more than in the Trade Union, imply that an all-wise government would necessarily secure this popular assent. If any particular stage in the march of civilisation happens to be momentarily distasteful to the bulk of the citizens, the executive which ventures to step in that direction will be no less ruthlessly dismissed than if its deeds had been evil. All that we have said as to the logical futility of the Referendum, and as to the necessity for the representative, therefore applies, we suggest, even more strongly to democratic states than to Trade Unions. For what is the lesson to be learned from Trade Union history? The Referendum, introduced for the express purpose of ensuring popular assent, has in almost all cases failed to accomplish its object. This failure is due, as the reader will have observed, to the constant inability of the ordinary man to estimate what will be the effect of a particular proposal. *What Democracy requires is assent to results; what the Referendum gives is assent to projects.* No Trade Union has, for instance, deliberately desired bankruptcy; but many Trade Unions have persistently voted for scales of contributions and benefits which have inevitably resulted in bankruptcy. If this is the case in the relatively simple issues of Trade Union administration, still more does it apply to the infinitely complicated questions of national politics.

But though in the case of the Referendum the analogy is sufficiently exact to warrant the transformation of the empirical conclusions of Trade Union history into a political generalisation, it is only fair to point out some minor differences between the two cases. We have had occasion to describe how, in Trade Union history, the use of the Referendum, far from promoting popular control, has sometimes resulted in increasing the dominant power of the permanent civil service, and in making its position practically impregnable against any uprising opinion among its con-

stituents. This particular danger would, we imagine, scarcely occur in a democratic state. In the Trade Union the executive committee occupies a unique position. It alone has access to official information ; it alone commands expert professional skill and experience ; and, most important of all, it monopolises in the society's official circular what corresponds to the newspaper press. The existence of political parties fairly equal in knowledge, ability, and electoral organisation, and each served by its own press, would always save the democratic state from this particular perversion of the Referendum to the advantage of the existing government. But any party or sect of opinion which, from lack of funds, education, or social influence, could not call to its aid the forces which we have named, would, we suggest, find itself as helpless in face of a Referendum as the discontented section of a strong Trade Union.

We have seen, moreover, that there is in Trade Union government a certain special class of questions in which the Referendum has a distinct use. Where a decision will involve at some future time the personal co-operation of the members in some positive act essentially optional in its nature—still more where that act involves a voluntary personal sacrifice, or where not a majority alone but practically the whole body of the members must on pain of failure join in it,—the Referendum may be useful, not as a legislative act, but as an index of the probability that the members will actually do what will be required of them. The decision to strike is obviously a case in point. Another instance may be found in the decisions of Trade Unions or other bodies that each member shall use his municipal or parliamentary franchise in a particular manner. Here the success or failure of the policy of the organisation depends not on the passive acquiescence of the rank and file in acts done by the executive committee or the officers, but upon each member's active performance of a personal task. We cannot think of any case of this kind within the sphere of the modern democratic state. If indeed, as Mr. Auberon Herbert

proposes, it were left to the option of each citizen to determine from time to time the amount and the application of his contributions to the treasury, the Chancellor of the Exchequer would probably find it convenient, prior to making up the estimates, to take a Referendum as a guide to how much would probably be paid. Or, to take an analogy very near to that of the Trade Union decision to strike, if each soldier in the army were at liberty to leave at a day's notice, it would probably be found expedient to take a vote of the rank and file before engaging in a foreign war. In the modern democratic state, however, as it actually exists, it is not left to the option of the individual citizen whether or not he will act in the manner decided on. The success or failure of the policy does not therefore depend on obtaining universal assent and personal participation in the act itself. Whether the citizen likes it or not, he is compelled to pay the taxes and obey the laws which have been decided on by the competent authority. Whether or not he will maintain that authority in power, will depend not on his original impulsive judgment as to the expediency of the tax or the law, but on his deliberate approval or disapproval of the subsequent results.

If Trade Union history throws doubt on the advantages of the Referendum, still less does it favor the institution of the delegate as distinguished from the representative. Even in the comparatively simple issues of Trade Union administration, it has been found, in practice, quite impossible to obtain definite instructions from the members on all the matters which come up for decision. When, for instance, the sixty delegates of the Amalgamated Society of Engineers met in 1892 to revise the constitution and trade policy of their society, they were supposed to confine themselves to such amendments as had previously received the sanction of one or other of the branches. But although the amendments so sanctioned filled over five hundred printed pages, it was found impossible to construct from this material alone any consistent constitution or line of policy. The delegates were

necessarily compelled to exercise larger freedom and to frame a set of rules not contemplated by any one of the branches. And this experience of the Engineers is only a type of what has been going on throughout the whole Trade Union world. The increased facilities for communication, on the one hand, and the growth of representative institutions, on the other, have made the delegate obsolete. Wherever a Trade Union has retained the old ideal of direct government by the people, it has naturally preferred to the Delegate Meeting the less expensive and more thoroughgoing device of the Referendum. For the most part the increasing complication and intricacy of modern industrial affairs has, as we have seen, compelled the substitution of representative institutions. These considerations apply with even greater force to the democratic state.

Trade Union history gives, therefore, little support to the Referendum or the Delegate Meeting, and points rather to government by a Representative Assembly as the last word of democracy.[1] It is therefore important to see whether these Trade Union parliaments have any lesson for the political student. The governing assemblies of even the most democratic states have, unlike Trade Union parliaments, hitherto been drawn almost exclusively from the middle or upper classes, and have therefore escaped the special difficulties of communities of wage-earners. If, however, we assume that the manual workers, who number four-fifths of the population, will gradually become the dominant influence in the electorate, and will contribute an important and increasing section of the representatives, the governing assemblies of the Coal-

[1] "There are two elements co-existent in the conduct of human affairs—policy and administration—but, though the confines of their respective jurisdictions overlap, the functions of each must of necessity be exercised within its own domain by its own hierarchy—the one consisting of trained specialists and experts, intimately conversant with the historical traditions of their own department and with the minutest details of the subjects with which they are concerned, the other qualified by their large converse with whatever is influential and intelligent in their own country or on the European Continent, and, above all, by their Parliamentary talents and their tactful appreciation of public opinion, to determine the general lines along which the destinies of their country should be led."—Speech by the Marquis of Dufferin, *Times*, 12th June 1897.

miners or Cotton Operatives to-day may be to a large extent prophetic of the future legislative assembly in any English-speaking community.

One inference seems to us clear. Any effective participation of the wage-earning class in the councils of the nation involves the establishment of a new calling, that of the professional representative. For the parish or town council it is possible to elect men who will continue to work at their trades, just as a Trade Union branch can be administered by committee-men and officers in full work. The adoption of the usual Co-operative and Trade Union practice of paying travelling expenses and an allowance for the actual time spent on the public business would suffice to enable workmen to attend the district or county council. But the governing assembly of any important state must always demand practically the whole time of its members. The working-man representative in the House of Commons is therefore most closely analogous, not to the working miner or spinner who attends the Coal or Cotton Parliament, but to the permanent and salaried official representatives, who, in both these assemblies, exercise the predominant influence and control the executive work. The analogy may therefore seem to point to the election to the House of Commons of the trained representative who has been successful in the parliament of his trade.

Such a suggestion misses the whole moral of Trade Union history. The cotton or coal-mining official representative succeeds in influencing his own trade assembly because he has mastered the technical details of all the business that comes before it; because his whole life has been one long training for the duties which he has to discharge; because, in short, he has become a professional expert in ascertaining and representing the desires of his constituents and in bringing about the conditions of their fulfilment. But transport this man to the House of Commons, and he finds himself confronted with facts and problems as foreign to his experience and training as his

own business would be to the banker or the country gentleman. What the working class will presently recognise is that the duties of a parliamentary representative constitute as much a new business to the Trade Union official as the duties of a general secretary are to the ordinary mechanic. When workmen desire to be as efficiently represented in the Parliament of the nation as they are in their own trade assemblies, they will find themselves compelled to establish a class of expert parliamentary representatives, just as they have had to establish a class of expert trade officials.

We need not consider in any detail what effect an influx of "labor members" of this new type would probably have upon the British House of Commons. Any one who has watched the deliberations of the Coal or the Cotton Parliament, or the periodical revising committees of the other great unions, will have been impressed by the disinclination of the professional representative to mere talk, his impatience of dilatory procedure, and his determination to "get the business through" within working hours. Short speeches, rigorous closure, and an almost extravagant substitution of printed matter for lengthy "front bench" explanations render these assemblies among the most efficient of democratic bodies.[1]

More important is it to consider in what respects, judging from Trade Union analogies, the expert professional representative will differ from the unpaid politician to whom the middle and upper classes have hitherto been accustomed. We have already described how in the Trade Union world the representative has a twofold function, neither part of which may be neglected with impunity. He makes it just as much his business to ascertain and express the real desires of his constituents as he does to control and direct the operations of the civil servants of his trade. With the

[1] These representative assemblies present a great contrast to the Trade Union Congress, as to which see the subsequent chapter on "The Method of Legal Enactment."

entrance into the House of Commons of men of this type, the work of ascertaining and expressing the wishes of the constituencies would be much more deliberately pursued than at present. The typical member of Parliament to-day attends to such actual expressions of opinion as reach him from his constituency in a clear and definite form, but regards it as no part of his work actively to discover what the silent or inarticulate electors are vaguely desiring. He visits his constituency at rare intervals, and then only to expound his own views in set speeches at public meetings, whilst his personal intercourse is almost entirely limited to persons of his own class or to political wire-pullers. Whatever may be his intentions, he is seldom in touch with any but the middle or upper class, together with that tiny section of all classes to whom "politics" is of constant interest. Of the actual grievances and "dim inarticulate" aspirations of the bulk of the people, the lower middle and the wage-earning class, he has practically no conception. When representation of working-class opinion becomes a profession, as in the Trade Union world, we see a complete revolution in the attitude of the representative towards his constituents. To find out what his constituents desire becomes an essential part of his work. It will not do to wait until they write to him, for the working-man is slow to put pen to paper. Hence the professional Trade Union representative takes active steps to learn what the silent members are thinking. He spends his whole time, when not actually in session, in his constituency. He makes few set speeches at public gatherings, but he is diligent in attending branch meetings, and becomes an attentive listener at local committees. At his office he is accessible to every one of his constituents. It is, moreover, part of the regular routine of such a functionary to be constantly communicating with every one of his constituents by means of frequent circulars on points which he believes to be of special interest to them. If, therefore, the professional representative, as we know him in the Trade Union world, becomes a feature of

the House of Commons, the future member of Parliament will feel himself not only the authoritative exponent of the votes of his constituents, but also their "London Correspondent," their parliamentary agent, and their expert adviser in all matters of legislation or general politics.[1]

It is impossible to forecast all the consequences that would follow from raising (or, as some would say, degrading) the parliamentary representative from an amateur to a professional. But among other things the whole etiquette of the situation would be changed. At present it is a point of honor in a member of Parliament not to express his constituents' desires when he conscientiously differs from them. To the "gentleman politician" the only alternative to voting as he himself thinks best is resigning his seat. This delicacy is unknown to any paid professional agent. The architect, solicitor, or permanent civil servant, after tendering his advice and supporting his views with all his expert authority, finally carries out whatever policy his employer commands. This is also the view which the professional representative of the Trade Union world takes of his own duties. It is his business not only to put before his constituents what he believes to be their best policy and to back up his opinion with all the argumentative power he can bring to bear, but also to put his entire energy into wrestling with what he conceives to be their ignorance, and to become for the time a vigorous propagandist of his own policy. But if, when he has done his best in this way, he fails to get a majority over to his view, he loyally accepts the decision and records his vote in accordance with his constituents' desires. We imagine that professional representatives of working-class opinion in the House of Commons would take the same course.[2]

[1] "Representatives ought to give light and leading to the people, just as the people give stimulus and momentum to their representatives."—J. Bryce, *The American Commonwealth* (London, 1891), vol. i. p. 297.

[2] It is interesting to notice that in the country in which the "sovereignty of

This may at first seem to indicate a return of the professional representative to the position of a delegate. Trade Union experience points, however, to the very reverse. In the great majority of cases a constituency cannot be said to have any clear and decided views on particular projects. What they ask from their representative is that he shall act in the manner which, in his opinion, will best serve to promote their general desires. It is only in particular instances, usually when some well-intentioned proposal entails immediately inconvenient results, that a wave of decided opinion spreads through a working-class constituency. It is exactly in cases of this kind that a propagandist campaign by a professional debater, equipped with all the facts, is of the greatest utility. Such a campaign would be the very last thing that a member of Parliament of the present type would venture upon if he thought that his constituents were against him. He would feel that the less the points of difference were made prominent, the better for his own safety. But once it came to be understood that the final command of the constituency would be obeyed, the representative would run no risk of losing his seat, merely because he did his best to convert his constituents. Judging from Trade Union experience he would, in nine cases out of ten, succeed in converting them to his own view, and thus perform a valuable piece of political education. In the tenth case the campaign would have been no less educational, though in another way; and, whichever was the right view, the issue would have been made clear, the facts brought out, and the way opened for the eventual conversion of one or other of the contending parties.

Trade Union experience indicates, therefore, a still further development in the evolution of the representative. Working-

the people" has been most whole-heartedly accepted, the Trade Union practice prevails. The members of the Swiss "Bundesrath" (Federal Cabinet) do not resign when any project is disapproved of by the legislature, nor do the members of the "Nationalrath" throw up their legislative functions when a measure is rejected by the electors on Referendum. Both cabinet ministers and legislators set themselves to carry out the popular will.

class democracy will expect him not only to be able to understand and interpret the desires of his electors, and effectively to direct and control the administrating executive: he must also count it as part of his duty to be the expert parliamentary adviser of his constituency, and at times an active propagandist of his own advice. Thus, if any inference from Trade Union history is valid in the larger sphere, the whole tendency of working-class democracy will unconsciously be to exalt the real power of the representative, and more and more to differentiate his functions from those of the ordinary citizen on the one hand, and of the expert administrator on the other. The typical representative assembly of the future will, it may be suggested, be as far removed from the House of Commons of to-day as the latter is from the mere Delegate Meeting. We have already travelled far from the one man taken by rotation from the roll, and changed mechanically to convey "the voices" of the whole body. We may in the future leave equally behind the member to whom wealth, position, or notoriety secures, almost by accident, a seat in Parliament, in which he can, in such intervals as his business or pleasure may leave him, decide what he thinks best for the nation. In his stead we may watch appearing in increasing numbers the professional representative,—a man selected for natural aptitude, deliberately trained for his new work as a special vocation, devoting his whole time to the discharge of his manifold duties, and actively maintaining an intimate and reciprocal intellectual relationship with his constituency.

How far such a development of the representative will fit in with the party system as we now know it; how far it will increase the permanence and continuity of parliamentary life; how far it will promote collective action and tend to increasing bureaucracy; how far, on the other hand, it will bring the ordinary man into active political citizenship, and rehabilitate the House of Commons in popular estimation; how far, therefore, it will increase the real authority of the people over the representative assembly, and of the repre-

sentative assembly over the permanent civil service; how far, in fine, it will give us that combination of administrative efficiency with popular control which is at once the requisite and the ideal of all democracy—all these are questions that make the future interesting.

CHAPTER III

THE UNIT OF GOVERNMENT

THE trade clubs of the eighteenth century inherited from the Middle Ages the tradition of strictly localised corporations, the unit of government necessarily coinciding, like that of the English craft gild, with the area of the particular city in which the members lived. And we can well imagine that a contemporary observer of the constitution and policy of these little democracies might confidently have predicted that they, like the craft gilds, must inevitably remain strictly localised bodies. The crude and primitive form of popular government to which, as we have seen, the workmen were obstinately devoted, could only serve the needs of a small and local society. Government by general meeting of all the members, administration by the forced service of individuals taken in rotation from the roll—in short, the ideal of each member taking an equal and identical share in the management of public affairs—was manifestly impracticable in any but a society of which the members met each other with the frequent intimacy of near neighbours. Yet in spite of all difficulties of constitutional machinery, the historian watches these local trade clubs, in marked contrast with the craft gilds, irresistibly expanding into associations of national extent. Thus, the little friendly club which twenty-three Bolton ironfounders established in 1809 spread steadily over the whole of England, Ireland, and Wales, until to-day it numbers over 16,000 members, dispersed among 122 separate

branches. The scores of little clubs of millwrights and steam-engine makers, fitters and blacksmiths, as if impelled by some overmastering impulse, drew together between 1840 and 1851 to form the great Amalgamated Society of Engineers. The Amalgamated Society of Carpenters and Joiners (established 1860) has, in the thirty-five years of its existence, absorbed several dozens of local carpenters' societies, and now counts within its ranks four-fifths of the organised carpenters in the kingdom. Finally, we see organisations established, like the Amalgamated Society of Railway Servants in 1872, with the deliberate intention of covering the whole trade from one end of the kingdom to the other. How slowly, painfully, and reluctantly the workmen have modified their crude ideas of democracy to meet the exigencies of a national organisation, we have already described.

But it was not merely the workman's simplicity in matters of government that hampered the growth of national organisation. The traditional policy of the craftsman of the English town—the restriction of the right to work to those who had acquired the "freedom" of the corporation, the determined exclusion of "interlopers," and the craving to keep trade from going out of the town—has left deep roots in English industrial life, alike among the shopkeepers and among the workmen. Trade Unionism has had constantly to struggle against this spirit of local monopoly, specially noticeable in the seaport towns.[1]

Down to the middle of the present century the shipwrights had an independent local club in every port, each of which strove with might and main to exclude from any chance of work in the port all but men who had learnt their trade within its bounds. These monopoly rules caused incessant friction between the men of the several ports. Shipwrights out of work in one town could not permanently be kept away from another in which more hands were

[1] It is interesting to note that the modern forms of the monopoly spirit are also specially characteristic of the industry of shipbuilding; see the chapter on "The Right to a Trade."

wanted. The newcomers, refused admission into the old port society, eventually formed a new local union among themselves, and naturally tended to ignore the trade regulations maintained by the monopolists. To remedy this disastrous state of things a loose federation was between 1850 and 1860 gradually formed among the local societies for the express purpose of discussing, at annual congresses, how to establish more satisfactory relations between the ports. In the records of these congresses we watch, for nearly thirty years, the struggle of the monopolist societies against the efforts of those, such as Glasgow and Newcastle, whose circumstances had converted them to a belief in complete mobility of labor within a trade. The open societies at last lost patience with the conservative spirit of the others, and in 1882 united to form a national amalgamated union, based on the principle of a common purse and complete mobility between port and port. This organisation, the Associated Shipwrights' Society, has, in fifteen years, succeeded in absorbing all but three of the local societies, and now extends to every port in the kingdom. "In these times of mammoth firms, with large capital," writes the general secretary, "the days of local societies' utility have gone by, and it is to be hoped the few still remaining outside the consolidated association of their trade will ere long lay aside all local animus and trivial objections, or personal feeling . . . for the paramount interest of their trade."[1]

The history of the Shipwrights' organisation is typical of that of other port unions. The numerous societies of Sailmakers, once rigidly monopolist, are now united in a federation, within which complete mobility prevails.[2] The Coopers' societies, which in the port towns had formerly much in common with the Shipwrights, now, with one exception, admit to membership any duly apprenticed cooper from

[1] *Twelfth Annual Report of Associated Shipwrights' Society* (Newcastle, 1894), p. xi.

[2] *Rules for the Guidance of the Federation of the Sailmakers of Great Britain and Ireland* (Hull, 1890).

another town. But the main citadels of local monopoly in the Trade Union world have always been the trade clubs of Dublin, Cork, and Limerick. The Dublin Coopers have, even at the present time, a rigidly closed society, which refuses all intercourse with other unions, and maintains, through an ingenious arrangement, a strict monopoly of this important coopering centre;[1] and the Cork Stonemasons, who are combined in an old local club, whilst insisting on working at Fermoy whenever they please, will not, as we learn, suffer any mason, from Fermoy or elsewhere, to obtain employment at Cork.

Even in Ireland, however, the development of Trade Unionism is hostile to local monopoly. Any growing industry is quickly invaded by members of the great English societies, who establish their own branches and force the local clubs to come to terms. One by one old Irish unions apply to be admitted as branches into the richer and more powerful English societies, and have in consequence to accept the principle of complete mobility of labor. The famous

[1] The arrangement is as follows: The Dublin Coopers do not prohibit strangers from working in Dublin when more coopers are wanted. On such occasions the secretary writes to coopers' societies in other towns, notably Burton, stating the number of men required. Upon all such outsiders a tax of a shilling a week is levied as "working fee," half of which benefits the Dublin society, the other half being accumulated to pay the immigrant's return fare. As soon as work shows signs of approaching slackness, the "foreigner" receives warning that he must instantly depart: it is said that his return ticket is presented to him, with any balance remaining out of his weekly sixpence. As many as 200 "strangers" will in this way sometimes be paid off, and sent away in a single week. By this means the Dublin Coopers (*a*) secure absolute regularity of employment for their own members, (*b*) provide the extra labor required in busy times, and (*c*) maintain their own control over the conditions under which the work is done. The employers appear to be satisfied with the arrangement, which, so far as we have been able to ascertain, is the only surviving instance of what was once a common rule of port unions. Thus, the rules of Queenstown Shipwrights' Society, right down to its absorption in the Associated Shipwrights' Society (in 1894), included a provision that "no strange shipwright" should be allowed to work in the town while a member was idle. And the Liverpool Sailmakers' Society (established 1817) has, among the MS. rules preserved in the old minute-book, one providing that "strangers" with indentures should be allowed to work at "legal sail-rooms," but should members be unable to obtain employment elsewhere, then "the stranger shall be discharged and the member be engaged."

"Dublin Regulars," a rigidly monopolist local carpenters' union, claiming descent from the gilds, and always striving to exclude from admission any but the sons of the members,[1] became, in 1890, at the instance of its younger members, one of the 629 branches of the Amalgamated Society of Carpenters and Joiners, bound to admit to work fellow-members from all parts of the world. Among the Irish Shipwrights, too, once the most rigidly monopolist of all, this tendency has progressed with exceptional rapidity. The annual report of the Associated Shipwrights' Society for 1893 records[2] the absorption in that year alone of no fewer than six old Irish port unions, each of which had hitherto striven to maintain for its members all the work of its own port.

But although the growth of national organisation has done much to break down this spirit of local monopoly, we do not wish to imply that it has been completely eradicated. The workman, whether a Trade Unionist or not, still shares with the shopkeeper and the small manufacturer, the old instinctive objection to work "going out of the town." The proceedings of local authorities often reveal to us the "small master," the retail tradesman, and the local artisan all insisting that "the ratepayers' money" should be spent so as directly to benefit the local trade. Trade Unionists are not backward in making use of this vulgar error when it suits their purpose, and the "labor members" of town or county councils can seldom refrain, whenever it is proposed "to send work into the country," from adopting an argument which they find so convincing to many of their middle-class colleagues.[3]

[1] See, for instance, the detailed account of it given in the *Report on Trade Societies and Strikes of the National Association for the Promotion of Social Science* (1860), pp. 418-423.

[2] *Twelfth Annual Report of the Associated Shipwrights' Society*, p. xi. (Newcastle, 1894).

[3] During the first eight years of the London County Council (1889-97) several attempts were made to confine contracts to London firms. It is interesting to note that these all emanated from middle-class members of the Moderate Party, and that they were opposed by John Burns and a large majority of the "Labor Members" and Progressives, as well as by the more responsible of the "Moderates."

But if we follow the Labor Member from the council chamber to his Trade Union branch meeting, we shall recognise that the grievance felt by his Trade Unionist constituents is not exclusively, or even mainly, based on the "local protectionism" of the shopkeeper and the small manufacturer. What the urban Trade Unionist actually resists is not any loss of work to a particular locality, but the incessant attempt of contractors to evade the Trade Union regulations, by getting the work done in districts in which the workmen are either not organised at all, or in which they are working at a low Standard Rate. Thus the Friendly Society of Operative Stonemasons incurs considerable odium because the branches in many large towns insert in their local rules a prohibition of the use of stone imported in a worked state from any outside district. But this general prohibition arises from the fact that the practical alternative to working the stone on the spot is getting it worked in the district in which it is quarried. Now, whatever mechanical or economic advantage may be claimed for the latter practice, it so happens that the quarry districts are those in which the Stonemasons are worst organised. In these districts for the most part, no Standard Rate exists, the hours of labor are long and variable, and competitive piecework, unregulated by any common agreement, usually prevails. Moreover, any transference of work from the Stonemasons of large cities where jobs dovetail with each other, to the Stonemasons of quarry villages, entirely dependent on the spasmodic orders for worked stone received by the quarry owner, necessarily involves an increase in the number of Stonemasons exposed to irregularity of work, and habitually "on tramp" from county to county.[1]

[1] For instance the "Working Rules to be observed by the Master Builders and Operative Stonemasons of Portsmouth," signed in 1893, by ten master builders and four workmen, on behalf of their respective associations, include the following provision, "That no piecework be allowed and no worked stone to come into the town except square steps, flags, curbs, and landings, and no bricklayers to fix worked stone." The London rules are not so explicit. As formally agreed to in 1892 by the associations of employers and employed, they provide

We may trace a similar feeling in the protests frequently made by the branches of the National Union of Boot and Shoe Operatives, against work being sent into the country villages, or even from a centre in which wages are high, to one working under a lower "statement." That this is not merely a disguised "local protectionism" may be seen from the fact that the Northampton Branch actually resolved in 1888 to strike, not against Northampton employers sending work out of the town, but against a London manufacturer sending his work to Northampton.[1] In 1889, the Executive Council of the same union found itself driven to take action against the systematic attempts of certain employers to evade the wages agreement which they had formally entered into, by sending their work away to have certain processes

that "piecework and subcontracting for labor only shall on no account be resorted to, excepting for granite kerb, York paving and turning." The London Stonemasons, however, claim, as for instance in their complaint in 1894 against the Works Department of the London County Council, that this rule must be interpreted so as to exclude the use in London of stone worked in a quarry district. This claim was successfully resisted by the Trade Union representatives who sat on the Works Committee. We subsequently investigated this case ourselves, tracing the stone (a long run of sandstone kerb for park railings) back to Derbyshire, where it was quarried and worked. We found the district totally unorganised, the stonemasons' work being done largely by boy-labor, at competitive piecework, without settled agreement, by non-unionists, working irregular and sometimes excessive hours. It was impossible not to feel that, although the London Stonemasons had expressed their objection in the wrong terms and therefore had failed to obtain redress, they were, according to the "Fair Wages" policy adopted by the County Council and the House of Commons, justified in their complaint. Unfortunately, instead of bringing to the notice of the Committee the actual conditions under which the stone was being worked, they relied on the argument that the London ratepayers' money should be spent on London workmen. This argument, as they afterwards explained to us, had been found the most effective with the shopkeepers and small manufacturers who dominate provincial Town Councils. The Trade Unionist members of the London County Council proved obdurate to this economic heresy.

[1] *Shoe and Leather Record*, 28th July 1888. In the same way a general meeting of the Manchester Stonemasons, in 1862, decided to support a strike against a Manchester employer who, carrying out a contract at Altrincham, eight miles off, had his stone worked at Manchester, instead of at Altrincham, as required by the working rules of the Altrincham branch. In this case, the Manchester Stonemasons struck against work coming to themselves at a higher rate per hour than was demanded by the Altrincham masons.—*Stonemasons' Fortnightly Return*, September 1862.

done in lower-paid districts. These employers were accordingly informed, not that the work must be kept in the town, but that, wherever it was executed, the "shop statement" which they had signed must be adhered to. It was at the same time expressly intimated that if these employers chose to set up works of their own in a new place, "they will be at perfect liberty to do so," without objection from the union, even if they chose a low-paid district, "provided that they pay the highest rate of wages of the district to which they go."[1]

We have quoted the strongest instances of Trade Union objection to "work going out of the town," in order to unravel, from the common stock of economic prejudice, the impulse which is distinctive of Trade Unionism itself. It is customary for persons interested in the prosperity of one establishment, one town or one district, to seek to obtain trade for that particular establishment, town or district. Had Trade Unions remained, like the mediæval craft gilds, organisations of strictly local membership, they must, almost inevitably, have been marked by a similar local favoritism. But the whole tendency of Trade Union history has been towards the solidarity of each trade as a whole. The natural selfishness of the local branches is accordingly always being combated by the central executives and national delegate meetings, in the wider interests of the whole body of the members wherever they may be working. Just in proportion as Trade Unionism is strong and well established we find the old customary favoritism of locality replaced by the impartial enforcement of uniform conditions upon all districts alike. When, for instance, the Amalgamated Association of Cotton Weavers, in delegate meeting assembled, finally decided to adopt a uniform list of piecework prices, the members then working at Great Harwood found no sympathy for their plea that such a measure would reduce

[1] The "National Conference" of the Union passed a similar resolution in 1886; *Monthly Report of the National Union of Boot and Shoe Operatives*, January 1887 and February 1889.

their own exceptionally high rates. And although it was foreseen and declared that uniformity would tend to the concentration of the manufacture in the most favorably situated districts, to the consequent loss of the more remote villages, the delegates from these villages almost unanimously supported what was believed to be good for the trade as a whole.[1]

In another industry, the contrast between the old "local protectionism" and the Trade Unionist view has resulted in an interesting change in electioneering tactics. The London Society of Compositors and the Typographical Association have, for the last ten years, used more electoral pressure with regard to the distribution of local work, than any other Trade Union. So long as parliamentary electors belonged mainly to the middle class, a parliamentary candidate was advised by his agent to distribute his large printing orders fairly among all parts of his constituency, and under no circumstances to employ a printer living beyond its boundary. Now the astute agent, eager to conciliate the whole body of organised workmen in the constituency, confines his printing strictly to the best Trade Union establishments, although this usually involves passing over most of the local establishments and sometimes even giving work to firms outside the district. The influence of the Trade Union leaders is used, not to maintain their respective trades in all the places in which they happen to exist, but to strengthen, at the expense of the rest, those establishments, those towns, and even those districts, in which the conditions of work are most advantageous.

We see, therefore, that in spite of the difficulties of government, in spite of the strong inherited tradition of local exclusiveness, and in spite, too, of the natural selfishness of each branch in desiring to preserve its own local monopoly, the unit of government in the workmen's organisations, in complete contrast to the gilds of the master-

[1] Special meeting of General Council of Amalgamated Association of Cotton Weavers, 30th April 1892, attended by one of the authors; see other instances cited in the chapter on "The Standard Rate."

craftsmen, has become the trade instead of the town.[1] Our description of this irresistible tendency to expansion has already to some extent revealed its cause, in the Trade Union desire to secure uniform minimum conditions throughout each industry. In our examination of the Methods and Regulations of Trade Unionism, and in our analysis of their economic working, we shall discover the means by which the wage-earners seek to attain this end, and the reasons which convince them of its importance. In the final part of our work we shall examine how far such an equality is economically possible or desirable. For the moment the reader must accept the fact that this uniformity of minimum is, whether wisely or not, the most permanent of Trade Union aspirations.

Meanwhile it is interesting to note that this conception of the solidarity of each trade as a whole is checked by racial differences. The great national unions of Engineers and Carpenters find no difficulty in extending their organisations beyond national boundaries, and easily open branches in the United States or the South African Republic, France or Spain, provided that these branches are composed of British workmen.[2] But it is needless to say that it has not yet appeared practicable to any British Trade Union even to suggest amalgamation with the Trade Union of any other country. Differences in legal position, in political status, in industrial methods, and in the economic situation between

[1] Where at the present day a widespread English industry is without a preponderating national Trade Union, it is simply a mark of imperfect organisation. Thus the numerous little Trade Unions of Painters, and Chippers and Drillers include only a small proportion of those at work in the trades.

[2] The Amalgamated Society of Engineers had, in 1896, 82 branches beyond the United Kingdom, and the Amalgamated Society of Carpenters and Joiners no fewer than 87. About half of these are in the United States or Canada, and most of the remainder in the Australian Colonies or South Africa. The Engineers had one branch in France, at Croix, and formerly one in Spain, at Bilbao, where the United Society of Boilermakers also had a branch until 1894. In the years 1880-82 the United Society of Boilermakers even had a branch at Constantinople. The only other English Trade Union having branches beyond sea is the Steam-Engine Makers' Society, which has opened lodges at New York, Montreal, and Brisbane.

French and English workers—not to mention the barrier of language—easily account for the indisposition on the part of practical British workmen to consider an international amalgamated union. And it is significant that, even within the British Isles, the progress towards national union has been much hampered by differences of racial sentiment and divergent views of social expediency. The English carpenter, plumber, or smith who finds himself working in a Scotch town, is apt to declare the Scotch union in his trade to be little better than a friendly society, and to complain that Scotch workmen are too eager for immediate gain and for personal advancement sufficiently to resist such dangerous innovations as competitive piecework, nibbling at the Standard Rate, or habitual overtime. The Scotchman retorts that the English Trade Union is extravagant in its expenditure, especially at the head office in London or Manchester, and unduly restrictive in its Regulations and Methods. In some cases the impulse towards amalgamation has prevailed over this divergence as to what is socially expedient. The United Society of Boilermakers, which extends without a rival from sea to sea, was able in 1889, through the loyalty of the bulk of its Scottish members, to stamp out an attempted secession, aiming at a national society on the banks of the Clyde, which evoked the support of Scottish national feeling, voiced by the Glasgow Trades Council. In other cases Scotch pertinacity has conquered England. The Associated Shipwrights' Society, the rise and national development of which we have already described, sprang out of the Glasgow Shipwrights' Union, which gave to the wider organisation its able and energetic secretary, Mr. Alexander Wilkie. The British Steel Smelters' Association (established 1886) has spread from Glasgow over the whole industry in the Northern and Midland districts of England. In both these cases the Scotch have "stooped to conquer," the Scottish secretary moving to an English town as the centre of membership shifted towards the south. But in other trades the prevailing tendency towards complete

national amalgamation is still baffled by the sturdy Scotch determination—due partly to differences of administration but mainly to racial sentiment—not to be "governed from England."[1] The powerful English national unions of Carpenters, Handworking Bootmakers, Plumbers, and Bricklayers have either never attempted or have failed to persuade their Scottish fellow-workmen to give up their separate Scottish societies. The rival national societies of Tailors are always at war, making periodical excursions across the Border, this establishment of branches in each other's territories giving rise to heated recriminations. In many important trades, such as the Compositors, Stonemasons, and Ironfounders, effective Trade Unionism is as old in Scotland as in England, and the two national societies in each trade, whilst retaining complete Home Rule, have settled down to a fraternal relationship, which amounts to tacit if not formal federation.

Ireland presents a similar case of racial differences, working in a somewhat different manner. Whereas the English Trade Unions have keenly desired union with Scottish local societies, they have, until lately, manifested a marked dislike to having anything to do with Ireland.[2] This has been, in some cases at least, the result of experience.

[1] Analogous tendencies may be traced in the Friendly Society movement, though to a lesser extent. The Scottish lodges of the Manchester Unity of Oddfellows have their own peculiar rules. The Scottish delegates to the Foresters' High Court at Edinburgh in 1894, were among the most strenuous opponents of the proposal to fix the headquarters (at present moving annually from town to town) in London or Birmingham. And though exclusively Scottish Orders have never yet succeeded in widely establishing themselves, it is not uncommon for Scottish lodges to threaten secession, as when, in 1889, five Scottish lodges of the Bolton Unity of the Ancient Noble Order of Oddfellows endeavoured to start a new "Scottish Unity" (*Oddfellows' Magazine*, March 1889, p. 70). Such a secession from the Manchester Unity resulted in the "Scottish Order of Oddfellows" which has, however, under 2000 members. There exist also the "St. Andrew's Order of Ancient Free Gardeners of Scotland," with 6000 members, and a "United Order of Scottish Mechanics," with 4000 members, which refuse to merge themselves in the larger Orders.

[2] Scottish branches are declared by Trade Union secretaries to be profitable recruits from a financial point of view, because they are habitually frugal and cautious in dispensing friendly benefits.

From 1832 down to 1840, Irish lodges were admitted to the Friendly Society of Operative Stonemasons, on the same footing as English, whilst the Scotch masons had already their independent organisation. The fortnightly reports during these years reveal constant friction between the central executive and the Irish branches, who would not agree among themselves, and who persisted in striking against members from other Irish towns. At the Delegate Meeting in 1839 the Irish branches had to be specially deprived of the right to strike without prior permission, even in those cases in which the rules allowed to English branches the instantaneous cessation of work to resist encroachments on established customs.[1] But even with this precaution the drain of the Irish lodges upon the English members became unendurable. At length in 1840, the general secretary was sent on a special mission of investigation, which revealed every kind of financial irregularity. The Irish lodges were found to have an incurable propensity to dispense benefits to all and sundry irrespective of the rules, and an invincible objection to English methods of account-keeping. The Dublin lodge had to be dissolved as a punishment for retaining to itself monies remitted by the Central Committee for other Irish lodges. The central executive who, in 1837, had successfully resisted a proposition emanating from a Warwickshire district in favor of Home Rule for Ireland, "as such separation would injure the stability of the society,"[2] now reported in its favor. "We are convinced," says the report, "that a very great amount of money had been sent to Ireland for the relief of tramps, etc. . . . to which they had no legal right. . . . However much a separation may be regretted, we feel convinced that until they are thrown more on their own resources, they will not sufficiently estimate the benefits derivable from such an institution to exert themselves on its behalf."[3] The receipts

[1] *Rules of the Friendly Society of Operative Stonemasons* (edition of 1839).
[2] Resolutions of the Delegate Meeting 1837.
[3] *Stonemasons' Fortnightly Return*, 2nd January 1840.

from Ireland for the year had been £47 : 10s., whilst the remittances to Ireland had amounted to no less than £545. It is not surprising that the society promptly voted the exclusion of all the Irish branches.

In 1850 the Executive Committee of the Provincial Typographical Association were "reluctantly compelled to declare their conviction that no English executive can successfully manage an Association embracing branches so geographically distant and so materially different in their regulations and their mode of remuneration as those of the sister kingdom." The union thereupon gave up the one Irish branch (Waterford) which had not already insisted on its independence, and refused to entertain any proposals for new ones.[1] Other societies which, in more recent years, have had Irish branches appear to have found them equally unprofitable, and a source of constant trouble. The records of the Amalgamated Society of Tailors are full of references to the extravagance and financial mismanagement of its Irish branches. During the year 1892 no less than four of the principal Irish branches of the society were rebuked by the Executive Council upon this account. One of these had subsequently to be closed, the Executive stating that its "report is altogether wrong, and does not balance. The contributions do not average 10d. per member, and the rent of the club-room is more than the whole income from the branch. If a satisfactory explanation is not sent at once the branch must be closed."[2] Finally, in 1896, the Executive of the Associated

[1] *Half-Yearly Report of the Provincial Typographical Association*, 31st December 1850.

[2] *Quarterly Report of the Amalgamated Society of Tailors*, April 1892. Report on the Ennis branch. In this connection the following extract from the proceedings of the High Court of the Ancient Order of Foresters in 1894 will be interesting. The executive had found it necessary to hold a special investigation into the affairs of the Dublin District; and they recommended the grant of certain advantages upon condition of reform. This proposal led to a lively debate. "Were they going," said one prominent Forester, "to encourage extravagant, reckless, and fraudulent mismanagement? The report presented to them showed distinctly that there had been extravagant, reckless, and fraudulent mismanagement. . . . Not less than £997 had been voted by previous High Courts towards the relief of Dublin Courts. . . . The Order's

Shipwrights' Society reported that it had been compelled "to close the Dublin branch, notwithstanding that the E. C. had instructed both the general secretary and the Humber Delegate to visit them. We have not been able to receive any correct reports from them for some time, and the only word we could get from them was that there was no work and no money, yet when your representatives visited them the officers were so busy working they had not time to convene a meeting of members. . . . Your E. C. offered to have all the idle men sent to ports where employment could be found them, but we are informed where this has been done some of these men, notwithstanding all that has been done for them, refused to pay up their arrears, and rather than pay left their employment and went home. . . . When the branch books were examined it was found they were paying both sick and unemployed benefit to members who were not entitled to it, and the branch officers were receiving salary for work they failed or refused to do. Seeing the Dublin branch entirely ignored the registered rules, your E. C. had no other option but to close the branch. The different branches must deal with these men should they come to their ports."[1]

So strong, however, is the dominant impulse towards the complete union of a trade from one end of the United Kingdom to the other, that it seems, during the last few years, to be slowly overcoming the reluctance of both English and Irish organisations. From 1889 onward, we find such great national unions as the Carpenters, Railway Servants, Engineers, Tailors, and Shipwrights freely opening branches in Irish towns and absorbing the surviving trade clubs of

Chief Official Valuer said 'the members have never done their duty.' That officer thereupon interposed with the remark, 'It was believed that in connection with sickness there was a good deal of malingering.' Another prominent Forester said he would attach the (Dublin) Courts to the Glasgow District. . . . There was only one element of danger, and it was of putting too many Irishmen together."—*Foresters' Miscellany* (September 1894), p. 180.

[1] *The Fifty-eighth Quarterly Report*, July to September 1896, of the Associated Society of Shipwrights, p. 8.

local artisans.[1] The Provincial Typographical Association, now become the Typographical Association, has, since 1878, opened sixteen branches in Ireland, and now employs a salaried organiser for that island, whose efforts have brought in many recruits. This tendency has been greatly assisted, especially in the engineering and shipbuilding trades, by the remarkable industrial development of Belfast. Since 1860 a constant stream of skilled artisans from England and Scotland have settled in that town, with the result that it now possesses strong branches of all the national unions of both countries. With the shifting of the effective centre of Irish Trade Unionism from Dublin to Belfast has come an almost irresistible tendency to accept an English or Scottish government. On the other hand, attempts to unite the separate local societies of Irish towns in national Trade Unions for Ireland have almost invariably failed, the Irish clubs displaying far more willingness to become branches of British unions than to amalgamate among themselves.[2]

Past experience of British Trade Unionism seems, therefore, to point to the whole extent of each trade within the British Isles as forming the proper unit of government for any combination of the wage-earners in that trade. Any unit of smaller area produces an organisation of unstable equilibrium, either tending constantly to expansion, or liable to supersession by the growth of a rival society. But there is a marked contrast between the union of Scotland with England, and that effected between either of them and Ireland. The English and Scottish Trade Unions federate or combine with each other on equal terms. If complete amalgamation is decided on, it is frequently the Scotchman, bringing with him Scotch procedure and Scotch traditions,

[1] The Amalgamated Society of Railway Servants now (1897) possesses no fewer than 56 Irish branches, the Amalgamated Society of Carpenters and Joiners 56, the Amalgamated Society of Tailors 35, the Amalgamated Society of Engineers 19, and the Associated Shipwrights' Society 9.

[2] Almost the only Irish national trade society is the Operative Bakers of Ireland National Federal Union, formed in November 1889. An Irish Trade Union Congress has been held annually since 1894.

who is chosen to reign in England, the centre of government being shifted almost automatically to the main centre of the industry. Union with Ireland invariably means the simple absorption of the Irish branch, and the unconditional acceptance of the English or Scottish rules and organisation. This is usually brought about by the English or Scottish immigrants into Ireland, aided by sections of Irish members who desire to escape from the weakness of internal dissensions, and to secure the benefits of efficient administration, with the support of a comparatively wealthy and powerful organisation.[1]

Passing now from the boundaries of the autonomous state to the relation between central and local authorities within it, we watch the Trade Unionists breaking away from the traditions of British Democracy. In the political expansion of the Anglo-Saxon race, the development of local institutions has at least kept pace with the extension of empire. In the other great organisations of the British working class, which have, equally with Trade Unionism, grown from small local beginnings to powerful corporations of national, or even international extent, the workmen have successfully maintained the complete independence of each local unit. The Co-operative Movement includes within the British Isles a nominal membership as great as that of Trade Unionism, with financial transactions many times larger in amount. The 1700 separate Co-operative Societies have united in the colossal business federations of the English and Scottish Wholesale Societies, and in the educational and political federation called the Co-operative Union. But though the Co-operative Movement has gone through many developments since its re-birth in 1844, and has built up a "State within the State," the great federal bodies have

[1] It may not be improper to observe, for English political readers, that the authors are divided in opinion as to the policy of granting Home Rule to Ireland, and are therefore protected against bias in drawing political inferences from Trade Union experience in this respect. If it is thought that the facts adduced in this chapter tell against Irish self-government, the considerations brought forward in the next chapter may be regarded as making against the policy of complete union with Great Britain.

remained in all cases nothing but the agents and servants of the local societies.[1] And if we turn to a movement still more closely analogous to Trade Unionism, we may watch in the marvellous expansion of the "Affiliated Orders" among the friendly societies, the growth of a world-wide working-class organisation, based on an almost complete autonomy of the separate "lodges" within each "Order."[2] To the members of an Oddfellows' Court or a Foresters' Lodge any proposal to submit an issue of policy to the federal executive would seem an unheard-of innovation. But it is in their financial system that this insistence on complete local autonomy shows itself most decisively. However strongly the qualities of benevolence or charity may prevail among the Foresters or the Oddfellows, it has never occurred to their rich Courts or Lodges to regard their surplus funds as being freely at the disposal of those which were unable to meet their engagements. Each retains and controls its own funds for its own purposes, and its surplus balances are considered as being as much the private property of its own particular members as their individual investments.

To outward seeming the scattered members of a national Trade Union enjoy no less local self-government than those of the Ancient Order of Foresters or the Manchester Unity of Oddfellows. If the reader were to seek out, in some tavern of an industrial centre, the local meeting-place of the Foresters or the Carpenters, the Oddfellows or the Boilermakers, he might easily fail, on a first visit, to detect any important difference between the Trade Union branch and the court or lodge of the friendly society. The Oddfellows who use the club-room on a Monday, the Carpenters who meet there on a Tuesday, the Foresters who assemble on a Thursday, and the Stonemasons or Boilermakers who come

[1] *The Co-operative Movement in Great Britain*, by Beatrice Potter (Mrs. Sidney Webb).

[2] See *The Friendly Societies' Movement* (London, 1885) and *Mutual Thrift* (London, 1892), by the Rev. J. Frome Wilkinson, and *English Associations of Working Men*, by Dr. J. Baernreither (London, 1892).

on successive Fridays, all seem "clubs" managing their own affairs. Every night sees the same interminable procession of men, women, and children bringing the contribution money. When the deliberations begin, they all affect the same traditional mystery about "keeping the door," and retain the long pause outside before admitting the nervous aspirant for "initiation"; they all "open the lodge" with the same kind of cautious solemnity, and dignify with strange titles and formal methods of address the officers whom they are perpetually electing and re-electing. But if the visitor listens carefully he will notice, in the Trade Union business, constant references to mysterious outside authorities. The whole branch may show itself in favor of the grant of benefit to a particular applicant, but the secretary will observe that any such payment would have to come out of his own pocket, as the central executive has intimated that the case is not within its interpretation of the rules. The branch treasurer may announce that the balance in hand has suddenly sunk to a few pounds, as he has been ordered by the central office to remit £100 to a branch at the other end of the kingdom. And when a question arises as to some dispute with an employer, the visitor will be surprised to find that this characteristic Trade Union business is not in the hands of the branch at all, but is being dealt with by another outside authority, the "district," on instructions from the general secretary. [1]

Trade Unionism has, in fact, been based from the outset on the principle of the solidarity of the trade. Even the eighteenth-century clubs of handicraftsmen, without national organisation of any kind, habitually contributed their surplus

[1] Branch meetings of Trade Unions are private, but it is not impossible for a bona-fide student of Trade Unionism to gain admission as the friend of one of the officials. The authors have attended branch meetings of almost every trade in various industrial centres, and have found their proceedings of great interest, not only as revealing the inner working of Trade Unionism, but also as displaying the marked differences of physique, intellect, and character between the different sections of the wage-earning class, often erroneously regarded as homogeneous. Some of these differences are referred to in the chapter on "The Assumptions of Trade Unionism."

balances in support of each other's temporary needs. When the clubs drew together in a national union, it was assumed, as a matter of course, that any cash in possession of any branch was available for the needs of any other branch. Thus we learn from the resolution of the Stonemasons' Delegate Meeting of 1833, that the several lodges were expected spontaneously to send their surplus monies to the aid of any district engaged in a strike.[1] This archaic trustfulness in the brotherhood of man still contents such a conservative-minded trade as the Coopers, whose "Mutual Association" remains only a loose alliance of local clubs, aiding each other's disputes by voluntary grants.[2] But in the large industries the same spirit soon embodied itself in formal machinery. Among the Stonemasons the primitive arrangement was, it is not surprising to learn, in the opinion of the "Grand Central Committee," "wholly inefficient," each district sending only such funds as it chose, and selecting which out of several districts on strike it would support. The next step, which appears in the first manuscript rules (probably of 1834), was to make each branch "immediately contribute a proportionate share" of the cost of maintaining each strike, fixed by the Grand Committee. Finally, in 1837, we have what has become the typical Trade Union arrangement of a fund belonging, not to the branch, but to the society; available only for the purposes prescribed by the rules, but within those purposes common to the whole organisation.

It is easy to understand why the Stonemasons, dispersed over the country in relatively small groups, each conscious of its own isolation and weakness in face of the great capitalist contractor, should quickly seize the idea of a common "war-chest." The Carpenters, working under much

[1] Circular of "Grand Central Committee," held in Manchester, 28th November 1833, preserved in the records of the Friendly Society of Operative Stonemasons.

[2] See the various "monthly reports" of the Mutual Association of Coopers. A proposal is under discussion to form a central fund, fed by regular contributions for the aid of any branch under attack.

the same circumstances, express this feeling in the following terms: "Although oceans may separate us from each other, our interests are identical; and if we become united under one constitution, governed by one code of rules, having one common fund available wherever it may be required, we thus acquire a power which, if judiciously exercised, will protect our interests more effectually and will confer greater advantages than can possibly be derived from any partial union."[1] But we may see the same process of financial centralisation at work in trades densely concentrated in a small area. The Cotton-spinners of Oldham and the surrounding towns were, down to 1879, organised as a federation of ten financially autonomous societies, each collecting, expending, and investing its own funds. The great trade struggle of 1877-78 revealed the weakness of this form of organisation. To quote the words of an official of the trade,[2] "The result was that when a strike occurred, some of the branches were on the point of bankruptcy, whilst others were in a good position as regards funds for maintaining the struggle. They soon found out their real fighting strength was gauged, not by the worth of their richest branch, but by the poorest. It was another exemplification of the old law of mechanics that the strength of the chain is represented by its weakest link. After the struggle they remedied the defect by enacting that all surplus funds should be deposited in one common account." Since that time each division of the Lancashire Cotton-spinners has adopted the principle of centralised funds. "We hold," says the General Secretary of the Bolton Spinners, "that where the labour of any number of men is subject to the same fluctuations of trade, when the product of their labour goes into the same market, and when the prices and conditions which regulate their wages are identical, it is imperative upon such men, if they wish to protect their

[1] Preface to the *Rules of the Amalgamated Society of Carpenters and Joiners* (Manchester, 1891).

[2] The late John Fielding, secretary of the Bolton Provincial Operative Cotton-spinners' Association, one of the ablest leaders of the Cotton-spinners.

labour, to combine together in one association. It is not sufficient that they shall join separate district societies which in time may boast of possessing a respectable reserve fund entirely under their own control. We have no hesitation in saying that any such accumulated funds are of little use in promoting their purely trade interests." [1]

The paramount necessity of a central fund, available for the defence of any branch that might be involved in industrial war, has become so plain to every Trade Unionist that society after society has adopted the principle of a common purse. But a common purse, as one or two striking instances among successful friendly societies prove, does not, in itself, necessarily involve the establishment of a dominant central executive wielding all administrative power. Where business can be reduced to precise rules, into the carrying out of which no question of policy enters, and no discretion is allowed, experience shows, as we shall presently see, that local branch administration may be as efficient and economical as that of a central authority. But the expenditure of the Trade Union funds is determined, not exclusively by the legislation of its members, but largely by the judgment of its administrators. In all matters of trade protection, whether it be the elaboration of a complicated list of piecework prices, the promotion of a new factory bill, the negotiation of a national agreement with the associated employers, or the conduct of a strike, it passes the wit of man to prescribe by any written rule the exact method or amount of the expenditure to be incurred. It follows that the larger and most distinctive part of Trade Union administration, unlike the award of friendly benefits, cannot be predetermined by any law or scale, but must be left to the discretion of the executive authority. To vest this discretion absolutely and exclusively in the central executive representing the whole body of members is, it is plain, the only way by which those who have contributed the income can retain

[1] *Annual Report of the Bolton Provincial Operative Cotton-spinners' Association*, 1882.

any control over its expenditure. But this development necessarily entails the withdrawal from the branches of all real autonomy in issues of policy and in the expenditure of their part of the common income. It follows necessarily from the merging of the branch monies into a fund common to the whole society, and from the replenishment of this fund by levies upon all the members alike, that no local branch can safely be permitted to involve the whole organisation in war. Centralisation of finance implies, in a militant organisation, centralisation of administration. Those Trade Unions which have most completely recognised this fact have proved most efficient, and therefore most stable. Where funds have been centralised, and power nevertheless left, through the inadvertence or lack of skill of the framers of the rules, to local authorities, the result has been weakness, divided counsels, and financial disaster.

This cardinal principle of democratic finance has been only slowly and imperfectly learnt by Trade Unionists, and a lack of clear insight into the matter still produces calamitous results in large and powerful organisations. To take, for instance, the Amalgamated Society of Engineers, which was formed for the express purpose of bringing about a uniform trade policy under the control of a central executive. It was intended to secure this result by providing that strike pay should be awarded only by the central executive, leaving the branches to dispense the other benefits prescribed by the rules. But unfortunately this strike pay amounts only to five shillings a week, it being assumed that the member leaving his work will also be receiving the Out of Work donation of ten shillings a week, awarded by his branch. This confusion of trade with friendly benefits has resulted in a serious weakening of the authority of the central executive in matters of trade policy. Whenever the men working in any engineering establishment are dissatisfied with any decision of their employer, they can appeal to their own branch, and, on obtaining its permission, may drop their tools, with the certainty that they will receive at the cost of the whole

society the Out of Work benefit of ten shillings a week.[1] The matter will be reported, in due course, by the district committee to the central executive, even if the branch itself does not trouble to apply for permission to pay the additional five shillings a week contingent benefit. But meanwhile, war has been declared, and has actually begun; the local employers may have retaliated with a lock-out, the whole district may even have "come out" in support of their fellow-workmen; and the society may find its prestige and honor involved in maintaining a great industrial conflict without its central executive ever having decided that the point at issue was one which should be fought at all. This, indeed, is precisely what happened in the most disastrous and discreditable of recent trade disputes, the prolonged strike of the Engineers and Plumbers in the Tyneside shipbuilding yards in 1892, when thousands of men were idle for over three months, not in order to raise the Standard of Life of themselves or any other section of the workers, but because the local Engineers and Plumbers could not agree as to which of them should fit up two-and-a-half inch iron piping. It would be easy for any student of the records of the Amalgamated Society of Engineers to pick out many other cases in which branches have, by paying the Out of Work donation to members refusing work, initiated important trade movements on their own account, without the prior knowledge or consent of the central executive.

This unfortunate confusion between Out of Work benefit and strike pay is not the only ambiguity that perplexes the administrators of the Amalgamated Society of Engineers. Although any authorised dispute is supported

[1] This injurious practice has been greatly strengthened by the fact that the "contingent fund," out of which alone the strike pay could formerly be granted, has often been abolished and subsequently re-established, by votes of the members. During the periods in which the contingent fund did not exist, the society had no other means of resisting encroachments than the award of Out of Work benefit to members who refused to submit to them. But this left the decision to the branch, though the funds which it dispensed were levied equally on the whole society.

from the funds of the society as a whole, it is left to the local members through their district committee to begin the quarrel. This would seem to mean complete local autonomy, and it is cherished as such by the more active branches. But the rule also provides that the resolutions of district committees shall be "subject to the approval" of the central executive, the ultimate veto, though not the direction of the policy, being thus vested in headquarters. The incapacity of the Engineers to make up their minds whether or not they desire local autonomy in trade policy, has more than once placed the society in an invidious and even ludicrous position. Thus, in the autumn of 1895 the Belfast branches, with the confirmation of the central executive, struck for an advance. The federated employers thereupon locked out, not only all the Belfast engineers, but also those on the Clyde. In the negotiations which ensued the central executive naturally represented the society, and eventually arranged a compromise, which was approved by the Clyde branches. The Belfast branches, on the other hand, refused to accept the agreement or to consider the strike at an end, and went on issuing full strike pay, from the funds of the whole society, to all their members. The central executive found itself bitterly reproached by the federated employers for what seemed a breach of faith, and public opinion was scandalised by the lack of loyalty and discipline. Eventually the deadlock was ended by the central executive taking upon itself peremptorily to order the Belfast members to resume work, without waiting for the resolution of the district committee. Whether the central executive had any right to intervene at all, otherwise than by confirming or disallowing a resolution of the district committee, became a matter of heated controversy; and the Delegate Meeting of 1896 not only passed a resolution censuring this action, but also framed a new rule which expressly deprives both the central executive and the district committee of the power of closing a dispute, by making the consent of a two-thirds majority of the local members—some or all of whom must be the very persons

concerned — necessary to the closing of a strike.[1] This fanatical attachment of the Engineers to an extreme local autonomy—their persistent assumption that any one section, however small and unimportant, ought to be allowed to draw on the funds of the whole society in support of a policy of which the majority of the members may disapprove—has done incalculable harm to the Amalgamated Society of Engineers. It has been the source of a continuous and needless drain on the society's resources. It has more than once involved thousands of members in a lock-out, when they had no quarrel of their own. It deprives the federated employers of all confidence in those who meet them on the workmen's behalf. And, most important of all, it effectually prevents the society from maintaining any genuine defence of the conditions of its members' employment. National agreements such as are concluded by the United Society of Boilermakers, the Amalgamated Association of Operative Cotton-spinners, and the National Union of Boot and Shoe Operatives, by which a general levelling-up of conditions is secured, must necessarily be out of the power of an organisation which cannot give its negotiators the mandate of a common will.

The same conflict between centralisation of finance and the surviving local autonomy of the branches may be traced in the rules of most of the unions in the building trade. Here the tradition has been to require the assent of the whole society, or of the central executive as its representative, before any branch may strike, or even negotiate, for an increase of wages or new trade privileges. But it has been no less firmly rooted in the practice of the building trades, for any branch, or even any individual workman, instantly to cease work, without consulting the central executive, whenever an employer makes an encroachment on the existing Working Rules of that town. In such cases, by the rules of most of the national unions in these trades, strike pay is granted by the branch as a matter of course.

[1] *Rules of the Amalgamated Society of Engineers* (London, 1896), p. 54.

A branch is accordingly expressly authorised to involve the whole society in war, whenever its own interpretation of existing customs is challenged by an employer, even in the minutest particular. We may easily imagine how greatly international hostilities would be increased, if the governor of every colony or out-lying dependency were authorised instantly to declare war, in the name and on the resources of the whole empire, whenever, in his own private judgment, any infringement of national rights had taken place. And although, in the Trade Union instance, each particular branch dispute is usually neither momentous nor prolonged, the result is a captious and spasmodic trade policy, sometimes even ridiculous in its inconsistency, which the central executive has no effective power to check. The Friendly Society of Operative Stonemasons and the Operative Bricklayers' Society have, until recent years, specially suffered from a constant succession of petty quarrels with particular employers, most of which would have been avoided if the point at issue had been made the subject of quiet negotiation by an officer acting on behalf of the whole society.[1] This has been dimly perceived by the leaders of the building trades. Among the Bricklayers and Stonemasons, the traditional right of the branch to strike against encroachments, without authorisation from the central executive, has hitherto been too firmly held to be abolished; but the newer editions of the rules expressly limit this right to certain kinds of encroachment, and require the branch to obtain the

[1] Sometimes the interpretation placed by two branches on the Working Rules of one or both of them may seriously differ. The Kendal branch of the Friendly Society of Operative Stonemasons had, in 1873, in its Working Rules, a provision requiring employers to provide dinner for men sent to work beyond a certain distance from their homes in the town. A Kendal employer sent members of the Kendal branch to a place twenty miles away which was within the district of another branch having no such rule. The Kendal masons insisted on their employer complying with the Kendal rules, whereupon he replaced them by men belonging to the local branch, who contended that the Kendal rules did not apply to work done in their district. This fine point in interpretation led to endless recrimination between the two branches, and much local friction. Finally the issue was referred to a vote of the whole society, which went against the Kendal branch.—*Fortnightly Return*, October 1873.

authority of the whole society before resisting any other kind of attack. The Amalgamated Society of Carpenters and Joiners has advanced a step further in centralisation of policy. For the last twenty years its rules have expressly forbidden any branch to strike "without first obtaining the sanction of the executive council . . . whether it be for a new privilege or against an encroachment on existing ones."[1] It is no mere coincidence that the Amalgamated Society of Carpenters and Joiners, though younger than many other societies in the building trades, is now the largest and most wealthy of them all.

The difficulties that beset the Amalgamated Society of Engineers and the Operative Bricklayers' Society have been overcome by the United Society of Boilermakers, a union which has found a way to combine efficient administration of friendly benefits with a strong and uniform trade policy. Here the problem has been solved by an absolute separation, both in name and in application, between the trade and friendly benefits. The "donation benefit" for the support of the unemployed is restricted to "a man thrown out of employment through depression of trade or other causes," testified by "a note signed by the foreman or by three full members that are working in the shop or yard he has left," and proved to the satisfaction of the officers of the branch. This benefit cannot be given to a man leaving his employment on a dispute of any kind whatsoever. Strike pay is an entirely separate benefit, awarded, even in the case of a single workman, only by the central executive, and payable only upon its express and particular direction.[2] It follows that, although the branches administer the friendly benefits, they are not allowed to deal in any way with trade matters. If any dispute arises between an employer and his workmen, or even between him and one of his workmen, the case is at once taken up by the district delegate, an officer appointed by and acting for the whole

[1] Rule 28, sec. 10 of edition of 1893, p. 66.
[2] *Rules of the United Society of Boilermakers* (Newcastle, 1895).

society, in constant communication with the general secretary at headquarters. No workman may drop his tools, or even give notice to his employer, over any question of trade privileges, except with the prior authorisation of the district delegate; and to make doubly sure that this law shall be implicitly obeyed, not a penny of benefit may be paid by the branch in any such case, except on the express direction of the central executive.

Nevertheless, the Trade Union branch, even in the most centralised society, continues to fulfil an indispensable function in Trade Union administration. As an association for mutual insurance, for the provision of sick pay, funeral expenses, and superannuation allowance, the Trade Union, like the friendly society, governs its action by definite rules and fixed scales of benefit, which are nowadays settled as an act of legislation by the society as a whole. Even the Out of Work benefit—the "Donation" or "Idle Money," which none but trade societies have found it possible to undertake, is dealt with in the same manner. The printed constitution of the typical modern union prescribes in minute detail what sums are to be paid for sickness or out of work benefit, and attempts to provide by elaborate rules for every possible contingency. The central executive rigidly insists on the rules being obeyed to the letter, and it might at first seem as if nothing had been left for the branch to do. This is very far from being the case. To protect the funds from imposition, local and even personal knowledge is indispensable. Is a man sick or malingering? Has an unemployed member lost his situation through slackness of his employer's business or slackness of his own energy? These are questions that can best be answered by men who have worked with him in the factory, know the foreman who has dismissed him, and the employer who has refused to take him on, and are acquainted with the whole circumstances of his life. Here we find the practical utility which has kept the Trade Union branch alive as a vital part of Trade Union organisation.

It serves as a jury for determining, not questions of policy, but issues of fact.[1]

And if for a moment we leave the question of local self-government, and consider all the functions of the branch, we shall recognise the practical convenience of this institution even in the most highly centralised society. It is no small gain in a democratic organisation to have insured the regular meeting together of the great bulk of the members, under conditions which lead directly to the discussion of their common needs. Nor is the educational value of the branch meeting its only justification. In every Trade Union, whether governed by the Referendum or by a Representative Assembly,

[1] The utility of this jury system, if we may so describe the branch function, may be gathered from the experience of other benefit organisations. It is, to begin with, significant that the great industrial insurance companies and collecting societies, with their millions of working-class customers, and their ubiquitous network of paid officials, but without a jury system, find it financially impossible to undertake to give even sick pay, let alone out of work benefit. The Prudential Assurance Company, the largest and best managed of them all, began to do so, but had to abandon it because, as the secretary told the Royal Commission on Friendly Societies in 1873, "after five years' experience we found we were unable to cope with the fraud that was practised." Among friendly societies proper, in which sick benefit is the main feature, it is instructive to find that it is among the Foresters and Oddfellows, where each court or lodge is financially autonomous, that the rate of sickness is lowest. One interesting society, the Rational Sick and Burial Association (established in 1837 by Robert Owen and his "Rational Religionists"), is organised exactly like a national amalgamated Trade Union, with branches administering benefits payable from a common fund. In this society, as we gather, the rate of sickness is slightly greater than in the Affiliated Orders, where each lodge not only decides on whether benefit shall be given, but also has itself to find the money. Finally, when we come to the Hearts of Oak Benefit Society, the largest and most efficient of the centralised friendly societies having no branches at all, and dispensing all benefits from the head office, we find the rate of sickness habitually far in excess of the experience of the Foresters or the Oddfellows, or even of the Rationals, an excess due, according to the repeated declarations of the actuary, to nothing but inadequate provision against fraud and malingering. During the eight years 1884-91, for instance, the "expected sickness," according to the 1866-70 experience of the Manchester Unity of Oddfellows (all districts), was 1,111,553 weeks; the actual weeks for which benefit was drawn numbered no fewer than 1,452,106, an excess of over 30 per cent (*An Enquiry into the Methods, etc., of a Friendly Society*, by R. P. Hardy, 1894, p. 36). "Centralised societies," says the Rev. Frome Wilkinson, "will never be able to avoid being imposed upon; not so, however, a well-regulated branch of an affiliated society with its machinery in good working order" (*The Friendly Societies Movement*, p. 193). See also "Fifty Years of Friendly Society Progress," by the same author, in the *Oddfellows' Magazine* for 1888.

the branch forms an integral part of the legislative machinery. If the laws are made by the votes of the members, it is the branch meeting which is the deliberative assembly, and usually also the polling place. When the society enjoys fully developed representative institutions, the branch becomes at once a natural and convenient electoral division, and supplies, what is so sorely needed in political democracy, a means by which the representative must regularly meet every section of his constituents. In other trades it is common to require that no important alteration of the society's rules shall be put before the Representative Assembly until it has been first discussed, and sometimes voted on, by one or more of the branches. In attending branch meetings we have found most interesting that part of the evening which is taken up with the reports made by the branch representatives on the local Trades Council, on a district or joint committee of the trade, or in the Representative Assembly of the society itself. It has often occurred to us how much it would enliven and invigorate political democracy if the member of Parliament or the Town Councillor had habitually to report to, and discuss with, every section of his constituents, supporters and opponents alike, all the public business in which they were interested. Quite apart, therefore, from any administrative functions, organisation by branches has manifold uses, even in the most centralised society. But these uses have little connection with the problem of centralisation and local autonomy. In all these respects the branches are not separate units of government, but constitute, in effect, a single mass meeting of members, geographically sliced up into aggregates of convenient size.

Thus, in the vexed problem of how to divide administration between central and local authorities, Trade Union experience affords no guide, either to other voluntary associations or to political democracy. The extreme centralisation of finance and policy, which the Trade Union has found to be a condition of efficiency, has been forced upon it by the unique character of its functions. The lavish

generosity with which the early trade clubs granted their surplus funds right and left to the clubs in other towns that needed assistance, was not simply an outburst of brotherly unselfishness. Each club had a keen appreciation that a reduction of wages in one centre was likely soon to spread to other towns, as a result either of the competition among the employers, or of the migration among the workmen. And when the various local clubs drew together into a national combination and appointed one salaried officer after another to execute the commands of a central executive, this was not due to any indifference to local self-government or liking for bureaucracy, nor even to any philanthropic impulse to be kind to their weaker brethren, but to a dim recognition of their own dependence upon securing a trade policy uniform from one end of the kingdom to the other. This aspiration has crystallised in the minds of all experienced Trade Unionists into a fixed conviction, which has long since spread to the rank and file. It is obvious that a uniform policy can only be arrived at and maintained by a central body acting for the whole trade. And thus it comes about that the constant tendency to a centralised and bureaucratic administration is, in the Trade Union world, accepted, and even welcomed, by men who, in all the other organisations to which they belong, are sturdy defenders of local autonomy.[1]

[1] This generalisation applies, in its entirety, only to the trade funds and trade policy of the unions. In so far as the friendly society side of Trade Unionism is used only as an adventitious attraction in obtaining members, there is no inherent difficulty in each local branch, in its capacity of "benefit club," fixing its own rates of contribution, retaining its own funds, and administering its own affairs, whilst at the same time forming part, for all trade protection purposes, of a strictly centralised national combination. More usually, however, the friendly society side of Trade Unionism is valued also for the adventitious aid which its accumulating funds bring to the war chest. Thus we find that the national Trade Unions, with very few exceptions, have now centralised not only their trade but also their friendly society resources, the whole of each member's contribution being paid into a common fund available for all the purposes of the society. The result is, accordingly, to concentrate still more authority in the hands of the central executive.

CHAPTER IV

INTERUNION RELATIONS

THROUGHOUT the foregoing chapters we have accepted the current assumption that there is such a thing as a "trade," as to the boundaries of which no question can arise. In the preface to nearly every Trade Union book of rules we find some passage to the following effect: "Every artisan following a given occupation has an interest, in common with all those similarly engaged, in forming rules by which *that particular trade* shall be regulated." But what is a "trade," and how are its limits to be defined? By the journalist or professional man, every mechanic employed at Armstrong's or Whitworth's would naturally be classed as an engineer; would be expected to belong to the "Engineers' Trade Union"; and would at any rate be clearly distinguished from a plumber, a joiner, or a shipwright. Yet the grouping of these mechanics into their several organisations, and the relations of these organisations to each other, are responsible for some of the most serious difficulties of British Trade Unionism.

We had better first state the problem as it appears in some of the principal trades. A single industry will often include sections of workers differing widely from each other in their standard earnings, in the kind and amount of protection called for by their circumstances, and in the strategic strength of their respective positions against the employer, upon which, in the end, their trade policy will depend. Thus

a cotton-spinning mill, with 40 pairs of mules, will employ about 90 cardroom operatives, mostly women, the men earning from 18s. to 30s. per week and the women 12s. 6d. to 19s. 6d.; 40 adult male mule-spinners, earning, by piecework, from 30s. to 50s. per week; 80 boys and men as piecers, engaged and paid by the mule-spinners at 6s. 6d. to 20s. per week; and 2 overlookers with weekly salaries of 42s. and upwards. The adjacent cotton-weaving shed, with 800 looms, will employ about 260 male and female weavers, paid by the piece and earning from 14s. to 20s. per week; 8 overlookers (men), paid by a percentage on the weavers' earnings, and getting 32s. to 42s. per week; 10 twisters and drawers, earning at piecework 25s. to 32s. per week; 5 warpers and beamers working by the piece and making from 20s. to 30s. per week; 3 or 4 tapesizers with a fixed weekly wage of 42s. per week; a number of children varying from 1 to 50, employed by the weavers as tenters, and paid small sums; and a manager over the whole with a salary of £200 or £300 per annum.[1]

All these operatives may be engaged by a single employer, work upon the same raw material, and produce for the same market. They have obviously many interests in common. But for all that they do not form a simple unit of government. It is impossible to devise any constitution which would enable these six or more classes of cotton operatives to form an amalgamated union, having a common policy, a common purse, a common executive, and a common staff of officials, without sacrificing the financial and trade interest of one, or even all of the different sections. It suits the well-paid sections, such as the Spinners, Tapesizers, Beamers, Twisters, Drawers, and Overlookers, to pay a high weekly contribution, which would be beyond the means of the Cardroom Operatives and the Weavers. But the manner in which each section desires to apply its funds varies even

[1] Compare the still more detailed classification of workers incidentally given in the Board of Trade *Report by Miss Collet on the Statistics of Employment of Women and Girls*, C. 7564, 1894.

more than their amount. The Tapesizers, deriving their strategic strength from their highly specialised skill, the impossibility of replacing them, and the small proportion which their wages bear to the total cost of production, can afford to spend their funds on ample sick and funeral benefits. With a uniform time rate in each district, and few occasions for dispute with their employers, they need no offices or salaried officials whatsoever. It pays the Spinners and Weavers, on the other hand, to maintain a highly skilled professional staff for the purpose of computing and maintaining their earnings under the complicated lists of piecework prices. But the Weavers stand at the disadvantage of needing also a large staff of paid collectors to secure the regular payment of contributions from the girls and married women, who are indisposed to bring their weekly pence to the public-house in which the branch meeting is still frequently held. This applies also to the Cardroom Operatives, but these, working usually at time rates, do not need the weavers' skilled calculator. The Beamers, Twisters, and Drawers, on the one hand, and the Overlookers on the other, have again their own peculiarities. To unite, in any common scheme of contributions and benefits, classes so diverse in their means and requirements, appears absolutely impossible. Still more difficult would it be to provide for the effective representation upon a common executive of sections so different in numerical strength. Not to mention the Tapesizers and Overlookers, who must be completely submerged by the rest, it would be difficult to induce the 19,000 well-paid, well-officered, and well-disciplined Spinners to submit their trade policy to the decision of the 22,000 ill-paid Cardroom Operatives or the 85,000 Weavers, of whom two-thirds are women. On the other hand, the Weavers would not permanently forego the advantage of their overwhelming superiority in numbers, nor would the Spinners allow the Tapesizers an equal voice with themselves. But even if a representative executive could, by some device, be got together, it would not form a fit body to decide the technical questions peculiar to each class.

On each point as it arose, the experts would be in a minority, and the decisions, whatever their justice, would invariably cause dissatisfaction to one section or another. Moreover, quite apart from technical details, the moments of strategic advantage differ from section to section. It may suit the Spinners to move for an advance, at a time when the weaving trade is depressed, and both will be more ready to move than the Overlookers. The Tapesizers, on the other hand, will prefer, to any overt strike, the silent withdrawal of one man after another from a recalcitrant employer, until he is ready to offer the Trade Union terms. It is obvious that a council representing such diverse elements would find it extremely difficult to maintain an active and consistent course. On the other hand, all the sections of Cotton Operatives have manifold interests in common. Every factory act regulating the sanitation, hours of labor, machinery, age of children, and inspection of factories, directly or indirectly concerns every worker in the mill. Such industrial dislocations as Liverpool "cotton corners," or the employers' mutual agreement to reduce stocks by working short time, affect all alike. The policy of the Indian Secretary, the Minister of Education, or the Chancellor of the Exchequer, may, any moment, touch them all on a vital point. If, therefore, the Cotton Operatives are to have any effective voice in regulating these essentially trade matters, their organisation must in some form be co-extensive with the whole cotton industry.

Another instance of these difficulties is presented by the great industry of engineering. A century ago the small skilled class of millwrights executed every kind of engineering operation, from making the wooden patterns to erecting in the mill the machines which had been constructed by their own hands. The enormous expansion of the engineering industry has long since brought about a division of labor, and the mechanics in a great engineering establishment to-day are divided into numerous distinct classes of workers, who are rarely able to do each other's work. The

pattern-makers, working in wood, have become sharply marked off from the boilermakers and the ironfounders. The smiths, again, are distinguished from the fitters, turners, and erectors. Another form of specialisation has arisen with the increased use of other metals than iron and steel, and we have brass-founders, brass-finishers, and coppersmiths. Each generation sees a great development in the use of machines to make machines, so that a modern engineering shop, in addition to the time-honored lathe, includes a bewildering variety of drilling, shaping, boring, planing, slotting, milling, and other machines, attended by wholly new classes of machine-minders and tool-makers, displaying every grade of skill. Finally, we have such new kinds of work, with new classes of specialists, as are involved in the innumerable applications of iron and steel in modern civilisation, such as iron ships and bridges, ordnance and armour-plating, hydraulic apparatus and electric-lighting, sewing-machines and bicycles. To discover the exact limits of a "trade" in these closely related but varied occupations is a task of supreme difficulty. All are working in the same industry, and in the large establishments of to-day, all may be engaged by a single employer. The same recurring waves of expansion and contraction sooner or later affect all alike. On the other hand, there exist between the separate occupations great varieties of methods of remuneration, standard earnings, and strategic position. The strictly-apprenticed boilermakers (shipyard platers) working in compact groups, at co-operative piecework, earning sometimes as much as a pound a day, find it advantageous in good times to roll up, by large subscriptions, a huge reserve fund, to maintain a staff of special trade officers to arrange their piecework prices at every port, and to provide handsomely for their recurring periods of trade depression. At the other end of the scale we have the intelligent laborer become an automatic machine-minder, securing relative continuity of low-paid employment by working any simple machine in any kind of engineering establishment, and interested mainly in the opening of every

operation to the quickwitted outsider. The pattern-maker again, working in wood, at a high time rate, has little in common with the piece-working smith at the forge. When trade begins to improve, the pattern-makers, followed by the ironfounders, will be busy long before the smiths, fitters, and turners, and, if they wish to recover the wages lost in the previous depression, must move for an advance whilst all the rest of the engineering industry is still on short time. Finally, there is the difficulty of the method and basis of representation. Shall the government be centred in an iron shipbuilding port, where the boilermakers would be supreme, or in an inland engineering centre, when the fitters and turners would have an equally great preponderance? How can the tiny groups of pattern-makers, dispersed over the whole kingdom, get their separate interests attended to amid the overwhelming majorities of the other classes? Any attempt to represent, upon an executive council, each distinct occupation, let alone each great centre, must either ignore all proportional considerations, or involve the formation of a body of impossible dimensions and costliness.

We see, therefore, that within the circle of what is usually called a trade, there are often smaller circles of specialised classes of workmen, each sufficiently distinctive in character to claim separate consideration. The first idea is always to cut the Gordian knot by ignoring these differences, and making the larger circle the unit of government. So fascinating is this idea of "amalgamation" that it has been tried in almost every industry. The reader of the *History of Trade Unionism* will remember the remarkable attempt in 1833-34 to form a national "Builders' Union," to comprise the seven different branches of building operatives. The same years saw a succession of general unions in the cloth-making industry. In 1844, and again in 1863, the coalminers sought to combine in one amalgamated union every person employed in or about the mines, from one end of the kingdom to the other. The "Iron Trades" again were, between 1840 and 1850, the subject of innumerable

local projects of amalgamation, in which not only the "Five Trades of Mechanism," but also the Boilermakers and the Ironfounders were all to be included. We need not describe the failure of all these attempts. More can, perhaps, be learnt from the experience of the great modern instance, the Amalgamated Society of Engineers.

It does not seem to have occurred to William Newton, when he launched this famous amalgamation, that any difficulty could arise as to the classes of workers to be included. What he was primarily concerned about was to merge in one national organisation all the various local societies of engineering mechanics, whether pattern-makers, smiths, turners, fitters, or erectors, working either in iron or brass. But "sectionalism" stood, from the very first, in the way. The various local clubs of Smiths and Pattern-makers objected strongly to sink their individuality in a general engineers' union. In the same way, the more exclusive Steam-Engine Makers' Society, in which millwrights, fitters, and turners predominated, refused to merge itself in the wider organisation. To Newton and Allan all these objections seemed to arise from the natural reluctance of local clubs to lose their individuality in a national union. This dislike, as they rightly felt, was destined to give way before the superior advantages of national combination. But subsequent experience has shown that the resistance to the amalgamation was due to more permanent causes. The merely local societies dropped in, one by one, to their greater rival. But this only revealed a more serious cleavage. The present rivals of the Amalgamated Society of Engineers are, not any local engineers' clubs, but national societies each claiming the exclusive allegiance of different sections of the trade. The pattern-makers, for instance, came to the conclusion in 1872 that their interests were neglected in the Amalgamated Society of Engineers, and formed the United Pattern-makers' Association, which now includes a large and increasing majority of this highly skilled class. The Associated Society of Blacksmiths, originally a Glasgow local club, now dominates

its particular section of the trade on the Clyde and in Belfast, and has branches in the North of England. The Brass-workers, the Coppersmiths, and the Machine-minders have now all their own societies of national extent. The result has been that the Amalgamated Society of Engineers does not realise Newton's idea as regards any section whatever. The Boilermakers, who refused to have anything to do with amalgamation, and who have persistently put their energy into organising their own special craft, have succeeded, as we have mentioned, in forming one undivided, consolidated, and centralised society for the entire kingdom. Very different is the condition of the engineers. Neither the fitters nor the smiths, the pattern-makers nor the machine-minders, the brass-workers nor the coppersmiths, are united in any one society, or able to maintain a uniform trade policy, even for their own section of the industry. For all this confusion, the enthusiastic adherents of the Amalgamated Society have gone on preaching the one remedy of an ever-wider amalgamation. "The future basis of the Amalgamated Society," urged Mr. Tom Mann in 1891, "must be one that will admit every workman engaged in connection with the engineering trades, and who is called upon to exhibit mechanical skill in the performance of his labor. This would include men on milling and drilling machines, tool-makers, die-sinkers, and electrical engineers, and it would make it necessary to have the requisite staff at the general office to cater for so large a constituency, as there are at least 250,000 men engaged in the engineering and machine trades of the United Kingdom, and the work of organising this body must be undertaken by the A. S. E."[1] Somewhat against the advice of the more experienced officials, successive delegate meetings have included within the society one section of workmen after another. At the delegate meeting of 1892, which opened the society to practically every competent workman in the most miscellaneous engineering establishment, it was even

[1] Address to the East End Institute of the Amalgamated Society of Engineers, London, in *Trade Unionist*, 10th October 1891.

urged by some branches that the boundaries should be still further enlarged, so as to permit the absorption of plumbers and ironfounders. This proposal was with some reluctance rejected, but only on the ground that it would have brought the Amalgamation into immediate collision with the 16,278 members of the Friendly Society of Ironfounders (established 1809); and with the compact and militant United Operative Plumbers' Society (established 1848, membership 8758), rivals too powerful to be lightly encountered. Each successive widening of the amalgamation brings it, in fact, into conflict with a larger number of other unions, who become its embittered enemies. The very competition between rival societies which Newton's amalgamation was intended to supersede, has, through this all-inclusive policy itself, been rendered more intense and intractable.

And here it is imperative that the reader should fully appreciate the disastrous effect of this competition and rivalry between separate Trade Unions. The evil will be equally apparent whether we regard the Trade Union merely as a friendly society for insuring the weekly wage-earner against loss of livelihood through sickness, old age, and depression of trade, or as a militant organisation for enabling the manual worker to obtain better conditions from the capitalist employer.

Let us consider first the side of Trade Unionism which has, from the outset, been universally praised and admired, the "ancient and most laudable custom for divers artists within the United Kingdom to meet and form themselves into societies for the sole purpose of assisting each other in cases of sickness, old age, and other infirmities, and for the burial of their dead."[1] Now, whatever weight may be given, in matters of commerce, to the maxim *caveat emptor*—however thoroughly we may rely, as regards articles of personal consumption, on the buyer's watchfulness over his own

[1] Preamble to *Rules of the Friendly Society of Ironmoulders* (Manchester, 1809), and to those of many other unions of this epoch.

interests—it is indisputable that, in the whole realm of insurance, competition does practically nothing to promote efficiency. The assumption which underlies the faith in unrestricted competition is that the consumer is competent to judge of the quality of what he pays for, or that he will at any rate become so in the act of consumption. In matters of financial insurance no such assumption can reasonably be maintained. Apart from the dangers of irregularities and defalcations, the whole question of efficiency or inefficiency in friendly society administration is bound up with the selection of proper actuarial data, the collection and verification of the society's own actuarial experience, and the consequent fixing of the due rates of contribution and benefits. When rival societies bid against each other for members, competition inevitably takes the form, either of offering the common benefits at a lower rate, or of promising extravagant benefits at the common rate of subscription. The ordinary man, innocent of actuarial science, is totally unable to appreciate the merits of the rival scales put before him. To the raw recruit the smallness of the weekly levy offers an almost irresistible attraction. Nor does such illegitimate competition between societies work, as might be supposed, its own cure. The club charging rates insufficient to meet its liabilities will, it is true, in the end bring about its own destruction. But the actuarial nemesis is slow to arrive, as many years must elapse before the full measure of the liability for death claims and superannuation allowances can be tested. And when the inevitable collapse comes, the prudent society gains little by the dissolution of its unsound rival. A club which has failed to meet its engagements, and has been broken up, leaves those who have been its members suspicious of all forms of organisation and indisposed to renew their contributions. The payment for some time of high benefits in return for low subscriptions will have falsified the standard of expectation. Those who have lost their money ascribe the failure to the dishonesty or incapacity of the officers, to the workmen's lack of loyalty,

to any cause, indeed, rather than to their own unreasonableness in expecting a shilling's worth of benefits for a sixpenny contribution.

In the case of Friendly Societies proper, and in that of Insurance Companies, the untrustworthiness of competition as a guarantee of financial efficiency has been fully recognised by the community, and dealt with by the legislature.[1] Trade Unions, however, have, for good and sufficient reasons, been left outside the scope of these provisions.[2] But, as a matter of fact, competition between Trade Unions on their benefit club side is even more injurious to their soundness than it is to Friendly Societies proper. Dealing as they do, not with a specially selected class of thrifty citizens, but with the whole body of men in their trade; unable, owing to their other functions, to concentrate their members' attention upon the actuarial side of their affairs; and destitute of any authoritative data or scientific calculation for such benefits as Out of Work pay, Trade Unions must always find it specially difficult to resist a demand for increase of benefits, or lowering of contribution. If two unions are competing for the same class of members, the pressure becomes irresistible.

The history of Trade Unionism is one long illustration of this argument. In one trade after another we watch the cropping up of "mushroom unions," their heated rivalry

[1] It is unnecessary for us to do more than refer to the long series of statutes, beginning in 1786, which provide for the registration, publication of accounts, public audit, and even compulsory valuation of Friendly Societies and Industrial Insurance Companies. By every means, short of direct prohibition, the State now seeks to put obstacles in the way of "under-cutting," and, to use the words of Mr. Reuben Watson before the Select Committee on National Provident Insurance in 1885 (Question 893), discourages "the formation of new societies on the unsound principles of former times." Within the two great "affiliated orders" of Oddfellows and Foresters, which together comprise at least half the friendly society world, the legal requirements are backed by an absolute prohibition to open any new lodge or court without adopting, as a minimum, the definitely approved scale of contributions and benefits. Even with regard to middle-class life assurance companies, Parliament has not only insisted on a specific account-keeping and publication of financial position, but has, since 1872, practically stopped the uprising of additional competitors, by requiring a deposit of £20,000 from any new company before business can be begun.

[2] See the chapter on "The Method of Mutual Insurance."

with the older organisations, and consequent mad race for members ; and finally, after a few years of unstable existence, their ignoble bankruptcy and dissolution. Meanwhile the responsible officials of the older societies will have been struggling with their own " Delegate Meetings " and " Revising Committees," to maintain a relatively sound scale of contributions and benefits. Any attempt at financial improvement will have been checked by the representations of the branch officers that the only result would be to divert all the recruits to their rasher and more open-handed competitors. The records of every important union contain bitter complaints of this injurious competition. The Friendly Society of Ironfounders, for instance, which dates from 1809, is one of the oldest and most firmly established Trade Unions. Its 16,000 members include an overwhelming majority of the competent ironmoulders in England, Ireland, and Wales. For over sixty years it has collected and preserved admirable statistical data of the cost of its various benefits, to provide for which it maintains a relatively high rate of contribution and levies. In August 1891, a leading member called attention to the touting for membership that was going on among his trade in certain districts. " I have now noticed," he concludes, " three distinct societies that enter moulders (ironfounders) who are eligible to join us. They offer, more or less, a high rate of benefit at a low rate of contribution. Whether they are likely to fulfil their promises I leave to the judgment of any thoughtful man who will sit down and compare their rates of contribution and benefits with the statistical figures of our society, as shown continually in the annual reports. Those figures have been arrived at by experience, which is the truest basis of calculation for the future, and I would commend them to the notice of all who set themselves the task of computing the maximum rate of benefit to be obtained at the minimum rate of subscription."[1] Nor was

[1] Letter from H. G. Percival in the *Monthly Report of the Friendly Society of Ironfounders* (August 1891), pp. 18-21.

this warning unneeded. When, in the very next month, the Ironfounders met in delegate meeting to revise their rules, branch after branch suggested, in order to outstrip the attractions of their extravagant rivals, an increase of benefits, without any addition to the contribution. Thus Gateshead, Keighley, and Greenwich urged that the Out of Work benefit should be increased by more than ten per cent; Huddersfield and Oldham sought to raise the maximum sum receivable in any one year; Barrow, Halifax, and Liverpool asked that travellers should be allowed sixpence per night instead of fourpence; Oldham tried largely to increase the scale of superannuation allowances, and to raise the Accident Grant from £50 to £100; St. Helens and many other branches demanded a ten per cent increase of the sick benefit; whilst Brighton, Keighley, and Wakefield proposed to raise the funeral money from £10 to £12. On the other hand, Chelsea proposed a reduction of the entrance fee by 33 per cent, whilst Gloucester sought to lower it by one-half; Liverpool would take in men up to the age of 45, instead of stopping at 40; and Wakefield suggested the abandonment of any medical examination at entrance.[1] Fortunately for the Ironfounders, their officers, with the statistical tables at their back, were able to stave off most of these proposals. But even responsible officials are forced to pay heed to this reckless competition. Thus in 1885, when certain branches of the Steam-Engine Makers' Society, getting anxious about their old age, suggested that the provision for the superannuation benefit should be increased, the central executive demurred to raising the contribution, pointing out "the keen competition" for membership which they had to meet, "just as though we were engaged in commerce. In every workshop," they continue, "we have numerous societies to contend with, some of whose members

[1] *Suggestions from Branches of the Friendly Society of Ironfounders . . . for consideration at the Delegate Meeting to be held in September* 1891 (London, 1891).

think that taking a man from another society and squeezing him into theirs is a valiant act. Many cases will occur to all, but we give one instance. We learned of the Pattern-makers' Association taking members of ours for an entrance fee of 5s., placing them in benefit at once, and even giving them credit for ten years' membership, should they apply for superannuation in the future."[1] These examples enable us to understand why it is that the Trade Unions accumulating the largest reserve funds to meet their prospective liabilities are to be found in the trades in which a single union is co-extensive with the industry. Thus, among the larger organisations, the United Society of Boilermakers with a balance in 1896 of £175,000, or £4 : 7 : 6 per head of its 41,000 members, towers above all other societies in the engineering and shipbuilding trades.

We have dwelt in some detail upon the evils of competition between Trade Unions considered merely as benefit clubs, because this part of their function has secured universal approval. But assuming that the workmen are right in believing trade combination to be economically useful to them—assuming, that is to say, that the institution of Trade Unionism has any justification at all—the case against competition among unions becomes overwhelming in strength. If a trade is split up among two or more rival societies, especially if these are unequal in numbers, scope, or the character of their members, there is practically no possibility of arriving at any common policy to be pursued by all the branches, or of consistently maintaining any course of action whatsoever. "The general position of our society in Liverpool," reports the District Delegate of the Amalgamated Society of Engineers in 1893, "is far from satisfactory, the work of organising the trade being rendered exceptionally difficult, not only by the existence of a large non-union element, but by the existence of a number of sectional societies. Here, as elsewhere, these small and unnecessary organisations

[1] *Steam-Engine Makers' Society; Executive Council Report on Revision of Rules*, 25th July 1885.

are the causes of endless complications and inconvenience. How many of these absurd and irritating institutions actually exist here I am not yet in a position to say, but the following are those with which I am at present acquainted: Smiths and Strikers (Amalgamated), Mersey Shipsmiths, Steam-Engine Makers, United Pattern-makers, Liverpool Coppersmiths, Brass-finishers (Liverpool), Brass-finishers (Birmingham), United Machine Workers, Metal Planers, National Engineers. All these societies are naturally inimical to our own, yet how long shall we be able to tolerate their existence is another question. . . . The Boilermakers would never permit any section of their trade to organise apart from them; why we should do so is a question which will assuredly have to be settled definitely sooner or later."[1] The "small and unnecessary organisations" naturally take a different view. The general secretary of the United Pattern-makers' Association, in a circular full of bitter complaints against the Amalgamated Society of Engineers, thus describes the situation: "For the information of those who may not be intimately acquainted with the engineering trade, we may explain that the Pattern-makers form almost the smallest section of that trade—the organised portion being split up into no less than four different sections [societies]—the largest section outside the ranks of the United Pattern-makers' Association belonging to the Amalgamated Society of Engineers. It will be easily understood that this division makes it very difficult for our society to act on the offensive with that promptitude which is often essential to the successful carrying out of a particular movement, as we have to consult with and obtain the co-operation of three societies other than our own; and as our trade in these societies are in an insignificant minority, it is perhaps only natural that so far as the Amalgamated Society of Engineers is concerned, legislation for the trades that comprise the vast majority of its members should have a priority over a consideration of those questions which concern

[1] "Report of Organising District Delegate (No. 2 division) of Amalgamated Society of Engineers" in *Quarterly Report* for quarter ended March 1893.

so small a handful as the Pattern-makers belonging to their society."[1] An actual example of the everyday working life of a Trade Union branch will show how real is the difficulty thus caused. "Our Darlington members," reports the Pattern-makers' Executive, "have been engaged in a wages movement which has had in one respect a most unsatisfactory termination. The 'Mals'[2] and non-society men pledged themselves to assist our members to get the money up, until the critical moment arrived when notices were to be given in. The non-society element and the 'Mals' then formed an ignominious combination, and declined to go any further in the matter, the Darlington branch of the 'Mals' writing our Secretary to the effect that they would not permit their P.M.'s [Pattern-makers] to strike. They only number three, and the non-society men twice as many, so fortunately they could not do the cause very much injury. The advance was conceded by every firm excepting the Darlington Iron and Steel Works, where our men were drawn out, leaving two 'Mals' and their present allies, the non-society men, at work. Your general secretary wrote the executive committee of the 'Mals' on the subject over three weeks ago, but so insignificant a matter as this is apparently beneath the notice of this august body, as no reply has yet been vouchsafed."[3]

Trade Union rivalry has, however, a darker side. When the officers of the two organisations have been touting for members, and feeling keenly each other's competition, opportunities for friction and ill-temper can scarcely fail to arise. Accusations will be made on both sides of disloyalty and unfairness, which will be echoed and warmly resented by the

[1] Circular of United Pattern-makers' Association (on Belfast dispute), 22nd June 1892. The same note recurs in the *Report of Proceedings of the Sixth Annual Meeting* of the Federation of Engineering and Shipbuilding Trades (Manchester, 1896). "As a consequence of their present divided state," said Mr. Mosses, the general secretary of the United Pattern-makers' Association, at this meeting, "they had one district going in for advances, followed in a haphazard fashion by other districts; and one body of men coming out on strike for the benefit of others who remained at their work."

[2] Members of the Amalgamated Society of Engineers.

[3] *Monthly Report of the United Pattern-makers' Association*, September 1889.

rank and file. Presently some dispute occurs between an employer and the members of one of the unions. These workmen may be dismissed by the employer, or withdrawn by order of their own district committee. The officers of the rival union soon hear of the vacancies from the firm in question. Members of their own society are walking the streets in search of work, and drawing Out of Work pay from the funds. To let these take the places left vacant—to "blackleg" the rival society—is to commit the gravest crime against the Trade Unionist faith. Unfortunately, in many cases, the temptation is irresistible. The friction between the rival organisations, the personal ill-feeling of their officers, the traditions of past grievances, the temptation of pecuniary gain both to the workmen and to the union, all co-operate to make the occasion "an exception." At this stage any pretext suffices. The unreasonableness of the other society's demand, the fact that it did not consult its rival before taking action, even the non-arrival of the letter officially announcing the strike, serves as a plausible excuse in the subsequent recriminations. Scarcely a year passes without the Trade Union Congress being made the scene of a heated accusation by one society or another, that some other union has "blacklegged" a dispute in which it was engaged, and thereby deprived its members of all the results of their combination.[1]

[1] Whenever rivalry and competition for members have existed between unions in the same industry we find numberless cases of "blacklegging." The relations, for instance, between the Amalgamated Society of Engineers, and all the sectional societies, abound in unfortunate instances on the one side or the other. The two societies of Bricklayers have, in the past, frequently accused each other's members of the same crime. The "excursions across the Border" of the English and Scottish societies of Tailors and Plumbers have been enlivened by similar recriminations, which are also bandied about among the several unions of general laborers. The Coalmining and Cotton manufacturing industries are honorably free from this feature. An exceptionally bad case of an established union becoming, through blacklegging, a mere tool of the employers, came to light at the Trade Union Congress of 1892, and was personally investigated by us.

The Glasgow Harbour Laborers' Union, established among the Clyde stevedores in 1853, had, up to 1889, maintained an honorable record for stability and success. In the latter year it found itself, with only 230 members, menaced with extinction by the sudden uprising of the National Union of Dock Laborers in Great Britain and Ireland, a society organised on the antagonistic idea of including every kind of dock and wharf laborers in a national amalgamation. The small,

The foregoing detailed description has placed the reader in a position to appreciate the disastrous effect of competition between Trade Unions for members. Whilst seriously impairing their financial stability as benefit clubs, this rivalry cuts at the root of all effective trade combination. It is no exaggeration to say that to competition between overlapping unions is to be attributed nine-tenths of the ineffectiveness of the Trade Union world. The great army of engineering operatives, for instance, though exceptional in training and intelligence, and enrolled in stable and well-administered societies, have as yet not succeeded either in negotiating with the employers on anything like equal terms, or in maintaining among themselves any common policy whatsoever. An even larger section of the wage-earning world—that engaged in the great industry of transport—has so far failed, from a similar cause, to build up any really effective Trade Unionism. The millions of laborers, who

old-fashioned, and local society, with its traditions of exclusiveness and "privilege," refused to merge itself, but offered to its big rival a mutual "next preference" working arrangement—that is to say, whilst each society maintained for its own members a preferential right to be taken on at the wharves or yards where they were accustomed to work, it should accord to the members of the other society the right to fill any further vacancies at those yards or wharves in preference to outsiders. The answer to this was a peremptory refusal on the part of the National Union to recognise the existence of its tiny predecessor, whose members accordingly found themselves absolutely excluded from work. The National Union no doubt calculated that it would, in this way, compel the smaller society to yield. But at the very moment it had a great struggle on hand, both in Liverpool and Glasgow, with one of the principal shipping firms. Communications were quickly opened up between that firm and the Glasgow Harbour Laborers' Society, with the result that the latter undertook to do the firm's work, and thus at one blow not only defeated the aggressive pretensions of the National Union but also secured its own existence. This line of conduct was repeated whenever a dispute arose between the employers and any Union on the Clyde. When the Blast-furnacemen on strike had successfully appealed to the National Amalgamated Sailors' and Firemen's Union, not to unload Spanish pig iron, the Glasgow Harbour Laborers' Union promptly came to the employers' rescue. During the strike of the Scottish Railway Servants' Union, the same society was to the fore in supplying "scab laborers." Its crowning degradation, in Trade Union eyes, came in an alliance with the Shipping Federation, the powerful combination by which the employers have, since 1892, sought to crush the whole Trade Union movement in the waterside industries. Its conduct was, in that year, brought before the Trade Union Congress, which happened to meet at Glasgow, and the Congress almost unanimously voted the exclusion of its delegates.

must in any case find it difficult to maintain a common organisation, are constantly hampered in their progress by the existence of competing societies which, starting from different industries, quickly pass into general unions, including each other's members. Indeed, with the remarkable exceptions of the coal and cotton industries, and, to a lesser extent, that of house-building, there is hardly a great trade in the country in which the workmen's organisations are not seriously crippled by this fatal dissension.

Now, experience shows that the permanent cause of this competitive rivalry and overlapping between unions is their organisation upon bases inconsistent with each other. When two societies include and exclude precisely the same sections of workmen, competition between them loses half its bitterness, and the solution of the difficulty is only a question of time. We see, for instance, since 1862, the Amalgamated Society of Carpenters and Joiners rapidly distancing its elder competitor, the General Union of Carpenters and Joiners (established 1827). But because the members of both societies belong to identically the same trade, are paid by the same methods, earn the same rates, work the same hours, have the same customs and needs, and are in no way to be distinguished from each other, the branches in a given town find no difficulty in concerting, by means of a joint committee, a common trade policy. And although the existence of two societies weakens the financial position of the one as well as of the other, the identity of the members' income and requirements, and their constant intercourse, tend steadily to an approximation of the respective scales of contribution and benefits. Under these circumstances the tendency to amalgamation is, as we have seen in the preceding chapter, almost irresistible, and is usually delayed only by the natural reluctance of some particular official to abdicate the position of leadership.

The problem which the engineers, the transit workers, and the laborers have so far failed to solve, is how to define a trade. Among the engineers, for instance, there is

no general agreement which groups of workmen have interests sufficiently distinct from the remainder as to make it necessary for them to combine in a sectional organisation ; and there is but little proper appreciation of the relation of these sectional interests to those which all engineering mechanics have in common. The enthusiast for amalgamation is always harping on the necessity of union amongst all classes of engineering workmen in order to abolish systematic overtime, to reduce the normal hours of labor, and to obtain recognition of Trade Union conditions from the government. To the member of the United Pattern-makers' Association or of the Associated Blacksmiths, these objects, however desirable, are subordinate to some re-arrangement of the method or scale of remuneration peculiar to his own occupation. The solution of the problem is to be found in a form of organisation which secures Home Rule for any group possessing interests divergent from those of the industry as a whole, whilst at the same time maintaining effective combination throughout the entire industry for the promotion of the interests which are common to all the sections.

Fortunately, we are not left to our imagination to devise a paper constitution which would fulfil these conditions. In another industry we find the problem solved with almost perfect success. We have already described the half-dozen distinct classes into which the Cotton Operatives are naturally divided. Each of these has its own independent union, which carries on its own negotiations with the employers, and would vigorously resist any proposal for amalgamation. But in addition to the sectional interests of each of the six classes, there are subjects upon which two or more of the sections feel in common, and others which concern them all. Accordingly, instead of amalgamation on the one hand, or isolation on the other, we find the sectional unions combining with each other in various federal organisations of great efficiency. The Cotton-spinners and the Cardroom Operatives, working always for

the same employers in the same establishments, have formed the Cotton-Workers' Association, to the funds of which both societies contribute. Each constituent union carried on its own collective bargaining and has its own funds. But it agrees to call out its members in support of the other's dispute, whenever requested to do so, the members so withdrawn being supported from the federal fund. The Cotton-spinners thus secure the stoppage of the material for their work, whenever they withdraw their labor, and thereby place an additional obstacle in the way of the employer obtaining blackleg spinners. The Card-room Operatives on the other hand, whose labor is almost unskilled, and could easily be replaced, obtain in their disputes the advantage of the support of the indispensable Cotton-spinners. No federation for these purposes would be of use to the Cotton-weavers, who often work for employers devoting themselves exclusively to weaving, and whose product goes to a different market. But the Cotton-weavers join with the Cotton-spinners and the Cardroom Operatives in the United Textile Factory Workers' Association, a purely political organisation for the purpose of obtaining and enforcing the factory and other legislation common to the whole trade.[1] And it is interesting to notice that the Cotton Operatives not only refrain from converting this strong and stable federation into an amalgamation, but even carry the federal form into the different sections of their industry. The 19,000 Cotton-spinners, for instance, form a single fighting unit, which, for compactness and absolute discipline, bears comparison even with the United Society of Boilermakers. But though the Cotton-spinners call their union an amalgamation, the larger "provinces" retain the privilege of electing their own officers, and of fixing their own contributions for local purposes and special benefits, and even preserve a certain degree of legislative autonomy. The student who derives his impression of these organisations merely from their elaborate separate rules and reports,

[1] This organisation was temporarily suspended in 1896.

might easily conclude that, in the relation between the Oldham or Bolton "province," and the "Representative Meeting" of the Amalgamated Association of Operative Cotton-spinners, we have a genuine case of local and central government. This, however, is not the case. The partial autonomy of the "provinces" of Oldham and Bolton is not a case of geographical, but of industrial specialisation. Each "province" has its own peculiar trade, spinning different "counts" for widely different markets. Each is governed by its own peculiar list of piecework prices, based on different considerations. And though the prevailing tendency is towards a greater uniformity of terms and methods, there is still a sufficient distinction between the Oldham and Bolton trades themselves, and between those of the smaller districts, to make any amalgamation a hazardous experiment. Similar considerations have hitherto applied to the Cotton-weavers, who have, indeed, only recently united into a single body. Differences of trade interests, not easy of explanation to the outsider, have hitherto separated town and town, each working under its own piecework list. These sectional differences resulted, until lately, in organisation by loosely federated autonomous groups. It is at least an interesting coincidence that the increasing uniformity of conditions which, in 1884, permitted the concentration of these groups into the Northern Counties Amalgamated Association of Cotton-weavers, resulted, in 1892, in the adoption, from one end of Lancashire to the other, of a uniform piecework list.

The history of Trade Unionism among the Coalminers also supplies instructive instances of federal action. In Northumberland and Durham the present unions included, for the first ten years of their existence, not only the actual hewers of the coal, but also the Deputies (Overlookers), the Enginemen, the Cokemen, and the Mechanics employed in connection with the collieries. This is still the type of union in some of the more recently organised districts. Both in Northumberland and in

Durham, however, experience of the difficulties of combining such diverse workers has led to the formation of distinct unions for Deputies, Cokemen, and Colliery Mechanics. Each of these acts with complete independence in dealing with the special circumstances of its own occupation, but unites with the others in the same county in a strong federation for general wage movements.[1] And if we pass from the "county federations" which are so characteristic of this industry, to the attempts to weld all coal-hewers into a single national organisation, we shall see that these attempts have hitherto succeeded only when they have taken the federal form. In 1868 and again in 1874 attempts at complete amalgamation quickly came to grief. Effective federation of all the organised districts has, on the other hand, endured since 1863.[2] We attribute this preference for the federal form, not to the difficulty of uniting the geographically separated coalfields, but to the divergence of interests between them. Northumberland, Durham, and South Wales, producing chiefly for foreign export, feel that their trade has little in common with that of the Midland Coalfields, which supply the home market. The thin seams of Somersetshire demand different methods of working, different rates of remuneration, and different allowances, from those in vogue in the rich mines of Yorkshire. The "fiery" mines of Monmouthshire demand quite a different set of working rules from the harmless seams of Cannock Chase.[3] It was, therefore, quite natural that, in 1887, when a demand arose for a strong and active national organisation, this did not take the form of an amalgamated union. The Miners' Federation, which now includes 200,000 members from Fife to Somerset, is composed of separate

[1] *The Durham County Mining Federation*, established 1878, includes the Durham Coalminers, Enginemen's, Cokemen's, and Mechanics' Associations. The Northumberland associations have not established any formal federation but act constantly together.

[2] See *History of Trade Unionism*, pp. 274, 287, 335, 350, 380.

[3] See, for instance, the animated discussion on proposed clause to restrict shot-firing, National Conference of Miners, Birmingham, 9th-12th January 1893.

unions, each retaining complete autonomy in its own affairs, and only asking for the help of the federal body in matters common to the whole kingdom, or in case of a local dispute extending to over 15 per cent of the members. Any attempt to draw tighter these bonds of union would, in all probability, at once cause the secession of the Scottish Miners' unions, and would absolutely preclude the adhesion of Northumberland, Durham, and South Wales.[1]

[1] Other industries afford instances of federal union. The compositors employed in the offices of the great London daily newspapers, at specially high wages, and under quite exceptional conditions, have, since 1853, formed an integral part of the London Society of Compositors. But they have, from the beginning, had their own quarterly meetings, and elected their own separate executive committee and salaried secretary, who conduct all their distinctive trade business, moving for new privileges and advances independently of the general body. One or more delegates are appointed by the News Department to represent it at general or delegate meetings of the whole society, whilst two representatives of the Book Department (which comprises nine-tenths of the society) sit on the newsmen's executive committee. There is even a tendency to establish similar relations with the special "music printers." The National Union of Boot and Shoe Operatives presents an example of incipient federation. The union is made up of large branches in the several towns, each possessing local funds and appointing its own salaried officials. In so far as the members belong to an identical occupation, the tendency is towards increased centralisation. But it has become the rule for the members in each town to divide into branches, not according to geographical propinquity, but according to the class of work which they do. Thus, in any town, "No. 1 Branch" is composed exclusively of Rivetters and Finishers, "No. 2 Branch" are the Clickers, and where a separate class of Jewish workers exists, these form a "No. 3 Branch." The central executive is elected by electoral divisions according to membership, and has hitherto usually been composed exclusively of the predominating classes of Rivetters and Finishers. But the Clickers, whose interests diverge from those of their colleagues, have, for some time, been demanding separate representation, which they have now been informally granted by the election of their chief salaried official as treasurer of the whole union. A similar movement may be discerned among the Finishers, as against the Rivetters (now become "Lasters"), and it seems probable that this desire for sectional representation, following on partial sectional autonomy, will presently find formal recognition in the constitution.

The building trades afford an interesting case of the abandonment of the experiment of a general union in favor of separate national societies, which are not at present united in any national federation. The Builders' Union of 1830-34 aimed at the ideal afterwards pursued in the engineering industry. All the operatives engaged in the seven sections of the building trade were to be united in a single national amalgamation. This attempt has never been repeated. In its place we have the great national unions of Stonemasons, Carpenters, Bricklayers, Plumbers, and Plasterers, whilst the Painters and the Builders' Laborers have not yet emerged from the stage of the local trade club. Between the central executives of these societies there is no federal union. In almost every

These examples of success and failure in uniting several sections of workmen in a single unit of government, point to the existence of an upper and a lower limit to the process of amalgamation. It is one of the conditions of effective trade action that a union should include all the workmen whose occupation or training is such as to enable them, at short notice, to fill the places held by its members. It would, for instance, be most undesirable for such interchangeable mechanics as fitters, turners, and erectors, to maintain separate Trade Unions, with distinct trade policies. And if the Cardroom Operatives could easily "mind" the self-acting mule of the Cotton-spinners, it might possibly suit the latter to arrange an amalgamation between the two societies, just as the Rivetters found it convenient to absorb the Holders-up into the United Society of Boilermakers and Iron Shipbuilders.[1] There appears to be no advantage in carrying amalgamation (as distinct from federation) beyond this point. But there are often serious difficulties in going even thus far. The efficient working of an amalgamated society requires that all sections of the members should be fairly uniform in the methods of their remuneration, the conditions of their employment, and the amount of their standard earnings. Moreover, it may confidently be predicted that no amalgamation will be stable in which the several sections differ appreciably in strategic position, in such a manner as to make it advantageous for them to

town there has, however, grown up a local Building Trades' Federation, formed by the local branches to concert joint action against their common employers, as regards hours of labor and local advances or reductions of wages, both of which are in each town usually simultaneous and identical for all sections. We have elsewhere referred to the difficulties arising from this separate action of each town, and it is at least open to argument whether the building trades would not be better advised to form a national federation to concert a common national policy, having federal officials in the large towns, who would, like the district delegates of the United Society of Boilermakers, represent the whole organisation, though acting in consultation with local committees.

[1] The Holders-up were admitted into the society in 1881, at the instance of the general secretary, who represented that Holders-up were indispensable fellow-workers and possible blacklegs, and must therefore be brought under the control of the organisation, more especially as they were beginning to form separate clubs of their own.

move at different times, or by different expedients. Finally, experience seems to show that in no trade will a well-paid and well-organised but numerically weak section permanently consent to remain in the subordination to inferior operatives, which any amalgamation of all sections of a large and varied industry must usually involve.

Let us apply these axioms to the tangle of competing societies in the engineering trade. The fitters, turners, and erectors who work in the same shop, on the same job, under identical methods of remuneration, for wages approximately equal in amount, and who can without difficulty do each other's work, form, no doubt, a natural unit of government.[1] We might perhaps add to these the smiths, though the persistence of a few separate smiths' societies, and the uprising of joint societies of smiths and strikers, may indicate a different cleavage. With regard to the pattern-makers, it is easy to understand why the United Pattern-makers' Association is now attracting a majority of the men entering this section of the trade. These highly skilled and superior artisans constitute a tiny minority amid the great engineering army; they usually enjoy a higher Standard Rate than any other section; and any advances or reductions in their wages must almost necessarily occur at different times from similar changes among the engineers proper. It is even open to argument whether, for Collective Bargaining, the pattern-makers are not actually stronger when acting alone than when in alliance with the whole engineering industry. We are, therefore, disposed to agree with the contention of the United Pattern-makers' Association that "when the interests of our own particular section are concerned, we hold it as the first principle of our Association that these interests can only be thoroughly understood, and effectively looked after, by ourselves."[2] The same conclusions apply,

[1] In 1896, though the Amalgamated Society of Engineers enrolled the unprecedented total of 13,321 new members, all but 1803 of these belonged to the classes of fitters, turners, or millwrights.

[2] Preface to *Rules of the United Pattern-makers' Association* (Manchester, 1892).

though in a lesser degree, to some other sections now included in the Amalgamated Society, and they would decisively negative the suggestion to absorb such distinct and highly organised trades as the Plumbers and Ironfounders.[1]

This conclusion does not mean that each section of the engineering trade should maintain a complete independence. "We quite acknowledge," state the Pattern-makers, "that it would be neither politic nor possible to completely sever our connection with the organisation representative of the engineering trade, and we are always ready to co-operate with contemporary societies in movements which affect the interests of the general body."[2] There are, indeed, some matters as to which the whole engineering industry must act in concert if it is to act at all. A great establishment like Elswick, employing 10,000 operatives in every section of the industry, would find it intolerable to conduct separate negotiations, and fix different meal-times or different holidays for the different branches of the trade. We find, in fact, the associated employers on the North-east Coast expressly com-

[1] Our analysis thus definitely refutes the suggestion that the quarrels between the engineers and plumbers, and the shipwrights and joiners respectively, might be obviated by the amalgamation of the competing unions. The two trades overlap in a few shipbuilding jobs, but in nine-tenths of their work it would be impossible for an engineer to take the place of the plumber, or a shipwright that of a joiner, or *vice versâ*. In strategic position the plumber differs fundamentally from the engineer, and the joiner from the shipwright. The engineering and shipbuilding trades are subject to violent fluctuations, which depend upon the alternate inflations and depressions of the national commerce. The building trades, on the other hand, with which nine-tenths of the joiners and plumbers must be counted, vary considerably according to the season of the year, but fluctuate comparatively little from year to year; and the general fluctuations to which they are subject do not coincide with those of the shipbuilding and engineering industries. By the time that the wave of expansion has reached the building trades, the staple industries of the country are already in the trough of the succeeding depression. It would have been difficult to have persuaded a Newcastle engineer or a shipwright in the spring of 1893, when 20 per cent of his colleagues were out of work, that the plumbers and carpenters were well advised in choosing that particular moment to press for better terms. Finally, we have the almost insuperable difficulty of securing adequate representation for the 9000 plumbers, scattered in every town amid the 87,000 engineers; and, on the other hand, the 14,000 shipwrights concentrated in a few ports amid the 49,000 joiners spread over the whole country.

[2] Preface to *Rules of the United Pattern-makers' Association* (Manchester, 1892).

plaining in 1890, "of the great inconvenience and difficulty experienced in the settlement of wages and other general questions between employers and employed"; and ascribing the constant friction that prevailed to the "want of uniformity of action and similarity of demand put forward by the various societies representing the skilled engineering labor." Collective Bargaining becomes impracticable when different societies are proposing new regulations on overtime inconsistent with each other, and when rival organisations, each claiming to represent the same section of the trade, are putting forward divergent claims as to the methods and rates of remuneration. The employers were driven to insist that the "deputations meeting them to negotiate . . . should represent all the societies interested in the question under consideration."[1] And when the method to be employed is not Collective Bargaining but Parliamentary action, federal union is even more necessary. If the mechanics in the great government arsenals and factories desire modifications in their conditions of employment, union of purpose among the tens of thousands of engineering electors all over the country is indispensable for success.

So long, however, as the Amalgamated Society of Engineers claims to include within its own ranks every kind of engineering mechanic, and to decide by itself the policy to be pursued, a permanent and effective federal organisation is impossible. Any attempt to combine in the same industry the mutually inconsistent schemes of amalgamation and federation may even intensify the friction. Thus we find, in 1888, to quote again from a report of the

[1] Circular of the Iron Trades Employers' Association on the Overtime Question, October 1891. We attribute the practical failure of the Engineering operatives to check systematic overtime, an evil against which they have been striving ever since 1836, to the chaotic state of the organisation of the trade. A similar lack of federal union stood in the way of the London bookbinders in 1893, when they succeeded without great difficulty in obtaining an Eight Hours' Day from those employers who were bookbinders only. In the great printing establishments, such as Waterlow's and Spottiswoode's, they found it practically impossible to arrange an Eight Hours' Day in the binding departments, whilst the printers continued to work for longer hours.

United Pattern-makers' Association, "the sectional societies (on North-east Coast), indignant at the arbitrary manner in which the Amalgamated Society of Engineers had acted, federated together with the avowed object of resisting a repetition of any such behaviour in case of further wages movements, and asserting their right to be consulted before definite action was taken. . . . It is impossible," continues the report, "to dissociate the action of our contemporaries (the Amalgamated Society of Engineers) from their recent unsuccessful attempt at amalgamating the various sectional societies; and it would seem that they, finding it impossible to absorb their weaker brethren by fair means, had resolved to shatter the confidence they have in their unions by showing them their impotence to influence, of themselves, their relations between their employers and members."[1] The "Federal Board," thus formed by the smaller engineering societies on Tyneside in antagonism to their more powerful rival, lasted for three years, but failed, it is needless to say, in securing industrial peace. A more important and more promising attempt has been marred by the persistent abstention of the Amalgamated Society of Engineers. In 1890, Mr. Robert Knight, the able general secretary of the United Society of Boilermakers, succeeded, after repeated failures, in drawing together in a powerful national federation the great majority of the unions connected with the engineering and shipbuilding industries. This "Federation of Engineering and Shipbuilding Trades of the United Kingdom" includes such powerful organisations as the United Society of Boilermakers, 40,776 members; the Associated Shipwrights' Society, 14,235 members; and the Amalgamated Society of Carpenters and Joiners, 48,631 members, who are content to meet on equal terms such smaller unions as the Steam-Engine Makers' Society, 7000 members; the United Operative Plumbers' Society, 8758 members; the United Pattern-makers' Association, 3636 members; the National Amalgamated Society of Painters and Decorators, and half a dozen more minute

[1] *Monthly Report of the United Pattern-makers' Society*, January 1889.

sectional societies. This federation has now lasted over seven years, and has fulfilled a useful function in settling disputes between the different unions. But as an instrument for Collective Bargaining with the employers, or for taking concerted action on behalf of the whole industry, it is useless so long as the Amalgamated Society of Engineers, with its 87,455 members, holds resolutely aloof. And the Amalgamated Society of Engineers, still wedded to the ideal of one undivided union, cannot bring itself to accept as permanent colleagues, the sectional societies which it regards as illegitimate combinations undermining its own position.[1]

[1] The first numbers of the *Amalgamated Engineers' Monthly Journal*—an official organ started on the accession of Mr. George Barnes to the general secretaryship—shows that thinking members of the Amalgamation are coming round to the idea of federal union with the sectional societies, and others connected with the engineering and shipbuilding industry. Thus Mr. Tom Mann, in the opening number (January 1897, pp. 10-11), declares "that the bulk of the Amalgamated Society of Engineers' men are ashamed . . . of their present powerlessness. . . . Whence comes the weakness? Beyond any doubt it is primarily due to the fact that no concerted action is taken by the various unions. . . . That is, the Amalgamated Society of Engineers has not yet learnt the necessity for forming part of a real *federation* of all trades connected with this particular profession. . . . What member can look back over the last few years and not blush with shame at what has taken place between the Amalgamated Society of Engineers and the Plumbers, and the Boilermakers and Shipbuilders; and who can derive satisfaction in reflecting upon the want of friendly relations between the Amalgamated Society of Engineers . . . and the Pattern-makers and Shipwrights, and Steam-Engine Makers, etc.? A fighting force is wanted . . . and this can only be obtained by a genuine federation of societies connected with the trades referred to. . . . The textile workers (cotton) have federated the various societies, and are able to secure united action on a scale distinctly in advance of that of the engineering trades." And in the succeeding issue Mr. John Burns vigorously strikes the same note. "To really prevent this internecine and disintegrating strife, the first step for the Amalgamated Engineers this year is to join at once with all the other unions in [a] federation of engineering trades." Two months later (April 1897, pp. 12-14) comes a furious denunciation of the proposal, signed "Primitive," who invokes the "shades of Allan and eloquence of Newton" against this attempted undoing of their work. "Just because a few interested labor busybodies have got it into their heads that they can run a cheap-jack show for every department of our trade with the same effect as our great combination, we are to drop our arms, pull down our socks, hide our tail under our nether parts, and shout 'peccavi.' . . . Sectional societies for militant purposes are useless, and therefore they only exist—where such is practised—as friendly societies. . . . Amalgamation is our title, our war-cry and our principle; and once we admit that it is necessary to 'federate' with sectional societies we give away the whole case to the enemy. . . . Federation with trades whose workshop practice is keenly distinct from our own is a good means to a better end.

If now, looking back on the whole history of organisation in the engineering trade, we may be "wise after the event," we suggest that it would have been better if the local trade clubs had confined themselves each to a single section of engineering workmen, and if they had then developed into national societies of like scope. Had this been the case, and could Newton and Allan have foreseen the enormous growth and increasing differentiation of their industry, they would have advocated, not a single comprehensive amalgamation, but a federation of sectional societies of national extent, for such purposes as were common to the whole engineering trade. This federation would have, in the first instance, included a great national society of fitters, turners, and erectors on the one hand, and smaller national societies of smiths and pattern-makers respectively. And as organisation proceeded among the brass-workers, coppersmiths, and machine-workers, and as new classes arose, like the electrical engineers, these could each have been endowed with a sufficient measure of Home Rule, and admitted as separate sections to the federal union. This federal union might then have combined in a wider and looser federation, for specified purposes, with the United Society of Boilermakers, the Friendly Society of Ironfounders, the Associated Shipwrights' Society, and the other organisations interested in the great industry of iron steamship building and equipping.[1]

One practical precept emerges from our consideration of all these forms of association. It is a fundamental condition of stable and successful federal action that the degree of union between the constituent bodies should correspond strictly with the degree of their unity of interest. This will

Federation with trades whose shop practice is similar, whose interests are identical, and who ought to be with us in every fight, is a maudlin means to a general fizzle." The question is now (August 1897) a subject of keen debate in the society.

[1] The several national societies of Carpenters, Plumbers, Painters, Cabinet-makers, etc., would, in respect of their members working in shipbuilding yards, also join this Federation; whilst they would, at the same time, continue to be in closer federal union with the Bricklayers, Stonemasons, and other societies of building operatives.

be most easily recognised on the financial side. We have already more than once adverted to the fact that a scale of contributions and benefits, which would suit the requirements of one class, might be entirely out of the reach of other sections, whose co-operation was nevertheless indispensable for effective common action. But this is not all. We have to deal, not only with classes differing in the amount of their respective incomes, but also with wide divergences between the ways in which the several classes need to lay out their incomes. The amount levied by the federal body for the common purse must therefore not only be strictly limited to the cost of the services in which all the constituent bodies have an identical interest, but must also not exceed, in any case, the amount which the poorest section finds it advantageous to expend on these services.

But our precept has a more subtle application to the aims and policy of the federal body, and to the manner in which its decisions are arrived at. The permanence of the federation will be seriously menaced if it pursues any course of action which, though beneficial to the majority of its constituent bodies, is injurious to any one among them. The constituent bodies came together, at the outset, for the promotion of purposes desired, not merely by a majority, but by all of them; and it is a violation of the implied contract between them to use the federal force, towards the creation of which all have contributed, in a manner inimical to any one of them. This means that, where the interests diverge, any federal decision must be essentially the result of consultation between the representatives of the several sections, with a view of discovering the "greatest common measure." These issues must, therefore, never be decided merely by counting votes. So long as the questions dealt with affect all the constituents in approximately the same manner, mere differences of opinion as to projects or methods may safely be decided by a majority vote. If the results are, in fact, advantageous, the disapproval of the minority will quickly evaporate; if, on the

other hand, the results prove to be disadvantageous, the dissentients will themselves become the dominant force. In either case no permanent cleavage is caused. But if the difference of opinion between the majority and the minority arises from a real divergence of sectional interests, and is therefore fortified by the event, any attempt on the part of the majority to force its will on the minority will, in a voluntary federation, lead to secession.

Thus, we are led insensibly to a whole theory of "proportional representation" in federal constitutions. In a homogeneous association, where no important divergence of actual interest can exist, the supreme governing authority can safely be elected, and fundamental issues can safely be decided, by mere counting of heads. Such an association will naturally adopt a representative system based on universal suffrage and equal electoral districts. But when in any federal body we have a combination of sections of unequal numerical strength, having different interests, decisions cannot safely be left to representatives elected or voting according to the numerical membership of the constituent bodies. For this, in effect, would often mean giving a decisive voice to the members of the largest section, or to those of the two or three larger sections, without the smaller sections having any effective voting influence on the result. Any such arrangement seldom fails to produce cleavage and eventual secession, as the members of the dominant sections naturally vote for their own interest. It is therefore preferable, as a means of securing the permanence of the federation, that the representation of the constituent bodies should not be exactly proportionate to their respective memberships. The representative system of a federation should, in fact, like its finances, vary with the degree to which the interests of the constituent bodies are really identical. Wherever interests are divergent, the scale must at any rate be so arranged that no one constituent, however large, can outvote the remainder; and, indeed, so that no two or three of the larger constituents could, by mutual agreement, swamp all their colleagues. If,

for instance, it is proposed to federate all the national unions in the engineering trade, it would be unwise for the Amalgamated Society of Engineers to claim proportional representation for its 87,000 members, mainly fitters and turners, as compared with the 10,000 pattern-makers, smiths, and machine-workers divided among three sectional societies. And when a federation includes a large number of very different constituents, and exists for common purposes so limited as to bear only a small proportion to the particular interests of the several sections, it may be desirable frankly to give up all idea of representation according to membership, and to accord to each constituent an equal voice. Hence the founders of the Federation of the Engineering and Shipbuilding Trades exercised, in our opinion, a wise discretion when they accorded to the 9000 members of the Operative Plumbers' Society exactly the same representation and voting power as is enjoyed by the 41,000 members of the United Society of Boilermakers, or by the 49,000 members of the Amalgamated Society of Carpenters. A federal body of this kind, formed only for certain definite purposes, and composed of unions with distinct and sometimes divergent interests, stands at the opposite end of the scale from the homogeneous "amalgamated" society. The representatives of the constituent bodies meet for the composing of mutual differences and the discovery of common interests. They resemble, in fact, ambassadors who convey the desires of their respective sovereign states, contribute their special knowledge to the common council, but are unable to promise obedience to the federal decision, unless it commends itself as a suitable compromise, or carries with it the weight of an almost unanimous consensus of opinion.[1]

The problem of finding a stable unit of government and of determining the relation between superior and subordinate authorities seems, therefore, to be in a fair way of solution

[1] We revert to these considerations when, in describing the Trade Union machinery for political action, we come to deal with such federations as the Trade Union Congress and the local Trades Councils.

in the Trade Union world. With the ever-increasing mobility of labor and extension of industry, the local trade club has had to give place to a combination of national extent. So long as the craft or occupation is fairly uniform from one end of the kingdom to the other, the geographical boundaries of the autonomous state must, in the Trade Union world, ultimately coincide with those of the nation itself. We have seen, too, how inevitably the growth of national Trade Unions involves, for strategic, and what may be called military reasons, the reduction of local autonomy to a minimum, and the complete centralisation of all financial, and therefore of all executive government at the national headquarters. This tendency is strengthened by economic considerations which we shall develop in a subsequent chapter. If the Trade Union is to have any success in its main function of improving the circumstances of its members' employment, it must build up a dyke of a uniform minimum of conditions for identical work throughout the kingdom. This uniformity of conditions, or, indeed, any industrial influence whatsoever, implies a certain uniformity and consistency of trade policy, which is only rendered possible by centralisation of administration. So far, our conclusions lead, it would seem, to the absolute simplicity of one all-embracing centralised autocracy. But, in the Trade Union world, the problem of harmonising local administration and central control, which for a moment we seemed happily to have got rid of, comes back in an even more intractable form. The very aim of uniformity of conditions, the very fact that uniformity of trade policy is indispensable to efficiency, makes it almost impossible to combine in a single organisation, with a common purse, a common executive, and a common staff of salaried officials, men of widely different occupations and grades of skill, widely different Standards of Life and industrial needs, or widely different numerical strengths and strategic opportunities. A Trade Union is essentially an organisation for securing certain concrete and definite advantages for all its

members—advantages which differ from trade to trade according to its technical processes, its economic position, and, it may be, the geographical situation in which it is carried on. Hence all the attempts at "General Unions" have, in our view, been inevitably foredoomed to failure. The hundreds of thousands of the working class who joined the "Grand National Consolidated Trades Union" in 1833-34 came together, it is true, on a common basis of human brotherhood, and with a common faith in the need for a radical reconstruction of society. But instead of inaugurating a "New Moral World," either by precept or by political revolution, they found themselves as a Trade Union, fighting the employers in the Lancashire cotton mills to get shorter hours of labor, in the Leeds cloth trade to obtain definite piecework rates, in the London building trade to do away with piecework altogether, in Liverpool to abolish the subcontractor, in the hosiery trade to escape from truck and deductions. Each trade, in short, translated "human brotherhood" into the remedying of its own particular technical grievance, and the central executive was quite unable to check the accuracy of the translation. The whole history of Trade Unionism confirms the inference that a Trade Union, formed as it is, for the distinct purpose of obtaining concrete and definite material improvements in the conditions of its members' employment, cannot, in its simplest form, safely extend beyond the area within which those identical improvements are shared by all its members—cannot spread, that is to say, beyond the boundaries of a single occupation. But the discovery of this simple unit of government does not exhaust the problem. Whilst the differences between the sections render complete amalgamation impracticable, their identity in other interests makes some bond of union imperative. The most efficient form of Trade Union organisation is therefore one in which the several sections can be united for the purposes that they have in common, to the extent to which identity of interest prevails, and no further, whilst at the same time each section preserves

complete autonomy wherever its interests or purposes diverge from those of its allies. But this is only another form of the difficult political problem of the relation of supreme to subordinate authorities. Whilst the student of political democracy has been grappling with the question of how to distribute administration between central and local authorities, the unlettered statesmen of the Trade Union world have had to decide the still more difficult issue of how to distribute power between general and sectional industrial combinations, both of national extent. The solution has been found in a series of widening and cross-cutting federations, each of which combines, to the extent only of its own particular objects, those organisations which are conscious of their identity of purpose. Instead of a simple form of democratic organisation we get, therefore, one of extreme complexity. Where the difficulties of the problem have been rightly apprehended, and the whole industry has been organised on what may be called a single plane, the result may be, as in the case of the Cotton Operatives, a complex but harmoniously working democratic machine of remarkable efficiency and stability. Where, on the other hand, the industry has been organised on incompatible bases, as among the Engineers, we find a complicated tangle of relationships producing rivalry and antagonism, in which effective common action, even for such purposes as are common to all sections, becomes almost impossible.

Trade Union organisation, if it is to reach its highest possible efficiency, must therefore assume a federal form. Instead of a supreme central government, delegating parts of its power to subordinate local authorities, we may expect to see the Trade Union world developing into an elaborate series of federations, among which it will be difficult to decide where the sovereignty really resides. Where the several sections closely resemble each other in their circumstances and needs, where their common purposes are relatively numerous and important, and where, as a result, individual secession and subsequent isolation would be

dangerous, the federal tie will be strong, and the federal government will, in effect, become the supreme authority. At the other end of the scale will stand those federations, little more than opportunities for consultation, in which the contracting parties retain each a real autonomy, and use the federal executive as a convenient, but strictly subordinate machinery for securing those limited purposes that they have in common. And we have ventured to suggest, as an interesting corollary, that the basis of representation should, in all these constitutions, vary according to the character of the bond of union, representation proportionate to membership being perfectly applicable only to a homogeneous organisation, and decreasing in suitability with every degree of dissimilarity between the constituent bodies. Where the sectional interests are not only distinct, but may, in certain cases, be even antagonistic, as, for instance, in industries subject to demarcation disputes, rule by majority vote must be frankly abandoned, and the representatives of societies widely differing in numerical strength must, under penalty of common failure, consent to meet on equal terms, to discover, by consultation, how best to conciliate the interests of all.

PART II

TRADE UNION FUNCTION

INTRODUCTION

"THE chief object of our society is to elevate the social position of our members," is the comprehensive truism by which the ordinary Trade Union defines its function. This simple assertion, of what we may term "corporate self-help," is, in many of the older unions, embellished by rhetorical appeals to the brotherhood of man, and realistic descriptions of the precarious position of the weekly wage-earners. Thus the "main principle" that actuated the "originators" of the Friendly Society of Ironfounders "was that of systematic organisation, and the desire of forming a bond of brotherhood and sympathy throughout the trade, in order that those who, by honest labor, obtained a livelihood in this particular branch of industry might, in their combined capacity, more successfully compete against the undue and unfair encroachments of capital than could possibly be the case by any number of workmen when acting individually."[1] "We are willing to admit," observe the founders of the Amalgamated Society of Engineers, "that whilst in constant employment our members may be able to obtain all the necessaries, and perhaps some of the luxuries of life. . . . Notwithstanding all this, there is a fear always prominent on the mind of him who thinks of the future that it may not continue, that to-morrow may see him out of employment, his nicely-arranged

[1] *Rules of the Friendly Ironmoulders'* [now Ironfounders'] *Society, instituted for the purpose of mutual relief in cases of old age, sickness, and infirmity, and for the burial of their dead:* "Made at Bolton, 19th June 1809. Allowed at Quarter Sessions, 19th July 1809" (Bolton, 1809); see edition of 1891, preface.

matters for domestic comfort overthrown, and his hopes of being able, in a few years, by constant attention and frugality, to occupy a more permanent position, proved only to be a dream. How much is contained in that word continuance, and how necessary to make it a leading principle of our association!"[1]

But these descriptions of the ultimate objects of working-class organisation afford us little clue to the actual operation of Trade Unionism. The Trade Unionists of our own generation are more explicit. With dry and ungrammatical precision the great modern unions give as their "Objects" long strings of specific proposals, in which are incidentally revealed, with perfect frankness, the means relied upon to achieve these ends. The Amalgamated Association of Operative Cotton-spinners "is formed to secure to all its members the fair reward of their labor; to provide for the settlement in a conciliatory manner of disputes between employer and employed, so that a cessation of work may be avoided; the enforcement of the Factory Acts or other legislative enactments for the protection of labor; to afford pecuniary assistance to any member who may be victimised or without employment in consequence of a dispute or lock-out or when disabled by accident."[2] The Miners' Federation of Great Britain declares that its objects of association "are to take into consideration the question of trade and wages, and to protect miners generally; to seek to secure mining legislation affecting all miners connected with this Federation; to call conferences to deal with questions affecting miners, both of a trade, wage, and legislative character; to seek and obtain an eight hours' day from bank to bank in all mines for all persons working underground; to deal with and watch all inquests upon persons killed in the mines where more than three persons are killed by any one accident; to seek

[1] The original *Rules and Regulations of the Amalgamated Society of Engineers* (London, 1851), made at Birmingham, September 1850.

[2] *Rules of the Amalgamated Association of Operative Cotton-spinners* (Manchester, 1891).

to obtain compensation where more than three persons are injured or killed in any one accident, in all cases where counties, federations, or districts have to appeal, or are appealed against, from decisions in the lower courts."[1] The National Union of Boot and Shoe Operatives (established 1874) declares that "The objects of the union are: the establishment of a central fund for the protection of members and advancement of wages; the establishment of healthy and proper workshops, the employers to find room, grindery, fixtures, fire, and gas, free of charge; the establishment, as far as practicable, of a uniform rate of wages for the same class of work throughout the union; to abolish sweaters and control the system of apprentices; to reduce the hours of labor; to assist members who are compelled to travel in search of employment; the introduction of Industrial Co-operation in our trade; the use of all legitimate means for the moral, social, educational, and political advancement of its members; also to make provision for the union being represented by a Parliamentary Agent; to raise funds for the mutual support of its members in time of sickness, and for the burial of deceased members and their wives; to establish a system of inter-communication with the Boot and Shoe Operatives of other countries."[2] Finally, we may cite the most prominent and successful of the so-called "new unions," formed in the great uprising of 1889. The rules of the National Union of Gasworkers and General Laborers state that "The objects of the union are to shorten the hours of labor, to obtain a legal eight hours' working day or forty-eight hours' week; to abolish, wherever possible, overtime and Sunday labor, and where this is not possible, to obtain payment at a higher rate; to abolish piecework; to raise wages, and where women do the same work as men, to obtain for them the same wages as paid the men; to enforce the provisions of the Truck Acts in their entirety; to abolish the present system of contracts and agreements between employers and

[1] *Miners' Federation of Great Britain—Rules* (Openshaw, 1893).
[2] *Rules of the National Union of Boot and Shoe Operatives* (Leicester, 1892).

employed; to settle all labor disputes by amicable agreement whenever possible; to obtain equality of employers and employed before the law; to obtain legislation for the bettering of the lives of the working class; to secure the return of members of the union to vestries, school boards, boards of guardians, municipal bodies, and to Parliament, provided such candidates are pledged to the collective ownership of the means of production, distribution, and exchange; to set aside annually a maximum sum of £200, to be used solely for the purpose of helping to return and maintain members on public representative bodies; to assist similar organisations having the same objects as herein stated."[1]

We must, however, not look to the formal rules or rhetorical preambles for a scientific or complete account of Trade Union action. Drafted originally by enthusiastic pioneers, copied and recopied by successive revising committees, the printed constitutions of working-class associations represent rather the aspirations than the everyday action of the members. More trustworthy data may be obtained from a scrutiny of the cash accounts, or from a close study of the voluminous internal literature of the unions—the monthly, quarterly, and yearly reports of the central executives, the frequent official circulars on particular questions, and the elaborate verbatim notes of conferences and joint committees. The printed documents circulated by some societies include the diary of their principal trade official, detailing his day-by-day negotiation with employers.[2] Other unions publish to their members periodical reports from their district delegates stationed in the principal industrial centres, containing valuable information as to the movements of trade, graphic accounts of disputes with employers or other societies, and appeals for guidance as to the policy to be pursued. To the student of sociology this literature—poured out to the extent of hundreds of volumes annually—

[1] *Rules of the National Union of Gasworkers and General Laborers of Great Britain and Ireland* (London, 1894).

[2] See the extracts printed in the chapter on "The Standard Rate."

is of fascinating interest. It affords a graphic picture of the actual structure and working of the modern world of manufacturing industry, with its constant changes of process and shiftings of trade. It lays bare, more completely than any other records known to us, the real nature and action of democratic organisation in the Anglo-Saxon race. And, what is most relevant to our present purpose, it reveals, with all the pathos of success and failure, the working of the various Trade Union Methods and Regulations with the underlying assumptions as to social expediency on which they are based.

But documents, however frank and confidential, are apt to distort facts as well as to display them. A heated recrimination between a local official and the general secretary, a dispute about the wages on a new process, affecting only a tiny minority of the members, or a Parliamentary agitation for a new clause in the Factory Acts will loom large in the proceedings of the year, and may seem to represent the bulk of the union's activity. Meanwhile, the branches may have been engaged in a peaceful but successful maintenance of their old-standing Working Rules, or a new regulation may silently have become habitual, or an old one silently dropped, without this action on the part of the majority of the members rising to the surface in any document whatsoever, public or private. To complete the knowledge yielded by documents, the student must watch the men at work, and discuss the application of particular regulations with employers, managers, and foremen—not omitting the factory inspector and the secretary to the Employers' Association—he must listen to the objections of the small master and the blackleg; above all, he must attend the inside meetings of branches and district committees, where the points at issue are discussed in technical detail with a frank explicitness which is untrammelled either by the prejudices of the rank and file or the fear of the enemy.

This combined plan of studying documents and observing men is the one that we have, during our six years' investi-

gation, attempted to follow. In the ensuing chapters we endeavor to place before the reader an accurate description of the Methods and Regulations actually practised by British Trade Unionism. We shall see the Trade Unionists, from the beginning of the eighteenth century down to the present day, enforcing their Regulations by three distinct instruments or levers, which we distinguish as the Method of Mutual Insurance, the Method of Collective Bargaining, and the Method of Legal Enactment. From the Methods used to enforce the Regulations, we shall pass to the Regulations themselves. These we shall find grouping themselves, notwithstanding an almost infinite variety of technical detail, under seven main heads—the Standard Rate, the Normal Day, Sanitation and Safety, New Processes and Machinery, Continuity of Employment, the Entrance into a Trade, and the Right to a Trade—all of which we examine in separate chapters. This will lead us to the Implications of Trade Unionism—certain practical outgrowths and necessary consequences of Trade Union policy which require elucidadation. Finally, we shall bring into light the Assumptions of Trade Unionism—the fundamental prejudices, opinions, or judgments lying at the root of Trade Union policy—an analysis of which will serve at once to explain and to summarise the various forms of Trade Union action.

In the course of this comprehensive description of Trade Unionism as it is, we shall not abstain from incidentally criticising the various Methods and Regulations, and the different types of Trade Union policy, in respect of the success or failure of Trade Unions to apply them to the facts of modern life. But in this part of our book we carefully avoid any discussion as to the effects of Trade Unionism upon industry, and, above all, we make no attempt to decide whether it has or has not resulted in effectively raising wages, or otherwise improving the conditions of employment. We venture to think that there can be no useful discussion of the economic validity of Trade Unionism until the student has first surveyed its actual contents. Our examination of

the theory of trade combination—the possibility, by deliberate common action, of altering the conditions of employment; the effect of the various Methods and Regulations upon the efficiency of production and the distribution of wealth; and the ultimate social expediency of exchanging a system of unfettered individual competition for one of collective regulation—in a word, our judgment upon Trade Unionism as a whole—we reserve for the third and final part of this book.

CHAPTER I

THE METHOD OF MUTUAL INSURANCE

In a certain sense it would not be difficult to regard all the activities of Trade Unionism as forms of Mutual Insurance. Whether the purpose be the fixing of a list of piecework prices, the promotion of a new factory bill, or the defence of a member against a prosecution for picketing, we see the contributions, subscribed equally in the past by all the members, applied in ways which benefit unequally particular individuals or particular sections among them, independently of the amount which these individuals or sections may themselves have contributed. But this interpretation of insurance would cover, not Trade Unionism alone, but practically every form of collective action, including citizenship itself. By the phrase "Mutual Insurance," as one of the Methods of Trade Unionism, we understand only the provision of a fund by common subscription to insure against casualties; to provide maintenance, that is to say, in cases in which a member is deprived of his livelihood by causes over which neither he nor the union has any control. This obviously covers the "benevolent" or friendly society side of Trade Unionism, such as the provision of sick pay, accident benefit, and superannuation allowance, together with "burial money," and such allowances as that made to members of the Amalgamated Society of Tailors who are prevented from working by the sanitary authorities, owing to the presence of infectious disease in their homes. But it includes also

what are often termed "trade" benefits; grants for replacing tools lost by theft or fire, and "out-of-work pay," from the old-fashioned "tramping card" to the modern "donation" given when a member loses his employment by the temporary breakdown of machinery or "want of pit room," by the bankruptcy of his employer or the stoppage of a mill, or merely in consequence of a depression in trade. "The simplest and universal function of trades societies," it was reported in 1860, "is the enabling the workman to maintain himself while casually out of employment, or travelling in search of it."[1] On the other hand, our definition excludes all expenditure incurred by the union as a consequence of action voluntarily undertaken by it, such as the cost of trade negotiations, the "victim pay" accorded to members dismissed for agitation, and the maintenance of men on strike. These we omit as more properly incidental to the Method of Collective Bargaining. We also leave to be dealt with under the Method of Legal Enactment the provision for the legal aid of members under the Employers' Liability, Truck, or Factory Acts.

Trade Union Mutual Insurance, thus defined, comprises two distinct classes of benefit: "Friendly" and "Out of Work." There is an essential difference between the insurance against such physical and personal casualties as sickness, accident, and old age on the one hand, and, on the other, the stoppage of income caused by mere inability to obtain employment.

Friendly Mutual Insurance, in many industries the oldest form of Trade Union activity, has been adopted by practically every society which has lasted. Here and there, at all times, one trade or another has, in the first emergence of its organisation, preferred to confine its action to Collective Bargaining or to aim at Legal Enactment.[2] But directly

[1] *Report of the National Association for the Promotion of Social Science on Trade Societies and Strikes* (London, 1860), p. xx.

[2] See for the so-called "New Unionism" of 1889, the *History of Trade Unionism*, pp. 401, 406.

the combination has settled down to everyday life, we find it adding one or other of the benefits of insurance, and often developing into the most comprehensive Trade Friendly Society. For the past hundred years this insurance business has been steadily growing, not only in volume, but also in deliberateness and regularity.

In providing friendly benefits the Trade Union comes into direct competition with the ordinary friendly society and the industrial insurance company. The engineer or carpenter who joins his Trade Union might insure against sickness, old age, and the expenses of burial, by joining the "Oddfellows" and the "Prudential" instead. And from an actuarial point of view the Amalgamated Society of Engineers or Carpenters is not for a moment to be compared with a friendly society of good standing. Unlike the registered friendly society, the Trade Union, even if registered, does not enter into any legally binding contract. A Trade Union cannot be sued; and the members have individually no legal remedy against it. A member who has paid for a whole lifetime to the sick and superannuation funds may, at any moment, be expelled and forfeit all claim, for reasons quite unconnected with his desire for insurance in old age. Against the decision of his fellow-members there is, in no case, any appeal. Moreover, the scale of contributions and benefits may at any time be altered, even to the extent of abolishing benefits altogether; and such alterations do, in fact, frequently take place, in spite of all the protests of minorities of old members. And it is no small drawback to the security of the individual member that, in a time of trade depression, just when he himself is probably poorest, he is invariably required to pay extra levies to meet the heavy Out of Work liabilities, on pain of being automatically excluded, and thus forfeiting all his insurance. It is a further aggravation that in any crisis the Trade Union, unlike the friendly society, regards the punctual discharge of its sick and superannuation liabilities as a distinctly secondary consideration. The paramount requisite of an organisation

professing to provide against sickness and old age is absolute security that the accumulated funds will be reserved exclusively to meet the growing liabilities. But in a Trade Union there is no guarantee that any of its funds will be reserved for this purpose. During a long spell of trade depression the whole accumulated balance may be spent in maintaining the members out of work. An extensive strike may, at any time, drain the society absolutely dry. The Friendly Society of Operative Stonemasons, for instance, has, during its sixty years' existence, twice been reduced to absolute beggary, in 1841 by a prolonged strike, and in 1879 by the severe depression in trade. A still older and richer union, the Friendly Society of Ironfounders, not only spent every penny of its funds in 1879, but borrowed many thousands of pounds from its members' individual savings to meet the most pressing of its liabilities.[1] This "hole in the stocking" is not mended by any nominal allocation of a certain part of the income, or a specific share of the funds, to the sick or superannuation liabilities. No Trade Union ever dreams of putting any part of its funds legally or effectively out of the control of its members for the time being; and when a time of stress comes, the nominal allocation offers no obstacle to the "borrowing" of some or all the ear-marked balance for current purposes. Trade Unionists, in short, subscribe their money primarily for the maintenance or improvement of their wages or other conditions of employment: only after this object has been secured do they expect or desire any sick or other friendly benefits, and their rules proceed always on the assumption that such benefits are payable only if and when there is a surplus in hand.

This entire want of legal or financial security has hitherto prevented actuaries from giving serious consideration to the problems of Trade Union insurance.[2] The

[1] *History of Trade Unionism*, pp. 157, 334.

[2] This lack of knowledge and absence of serious study has not prevented leading actuaries from denouncing stable and well-managed Trade Unions as

consequence is that the Trade Union scales of contributions and benefits do not rest on any actuarial basis, and represent, at best, the empirical guess-work of the members. Scarcely any attempt has yet been made to collect the data necessary

financially unsound, even on their friendly society side, and inevitably destined to early bankruptcy. Before the Royal Commission of 1867-68, for instance, two of the principal actuaries demonstrated that both the Amalgamated Society of Engineers and the Amalgamated Society of Carpenters were insolvent to the extent of many hundreds of thousands of pounds, and that they were necessarily doomed to collapse. In spite of the patent falsification of these prophecies, and the continued growth in wealth of the great unions, similar denunciations and predictions are still repeated by actuarial authorities ignorant of their own ignorance.

A Trade Union differs fundamentally from a friendly society or insurance company, which undertakes to provide definite payments for a specified premium. A Trade Union is not only free at any time to revise, or even suspend, its benefits; it can, and habitually does, increase its income by levies. Thus, whilst the nominal contribution of the Amalgamated Society of Engineers is a shilling per week, the actual amount received from the members during the ten years 1886-95 averaged, for the whole period, one shilling and twopence halfpenny per week (*Eighth Report by the Chief Labour Correspondent on Trade Unions*, C. 8232, 1896, p. 404), and the rules expressly provide that "when the funds are reduced to £3 per member the contributions shall be increased by such sum per week as will sustain the funds at not less than that amount" (Rule XXV. of edition of 1896, p. 121). A society with such a rule can obviously never become insolvent so long as it retains any members, and chooses to meet its engagements.

But there is another and no less important difference in actuarial position between a Trade Union and a friendly society. A friendly society is rightly deemed unsound if the contributions paid by the members when young do not enable a fund to be accumulated to meet the greatly increased liabilities for sickness, superannuation, and burial as they grow older. A society may have cash in hand, and yet be steering into bankruptcy, if the average age of its members is increasing, or might presently (by a stoppage of recruiting) be found to be increasing. This rapid increase of liabilities with advancing age constitutes what insurance experts denounce as "the vice of assessmentism" — the fallacious assumption that the year's payments can safely be met by the year's levies on the members for the time being. But where membership is universal, the average age, and therefore the liabilities, do not, and cannot, increase. If sick-pay, superannuation, and burial were provided by the State for all citizens, the number of cases year by year would, from an actuarial point of view, remain constant, or would be affected only by the slow and gradual changes in national health. A single trade is, in this respect, in much the same position as the nation, and when a Trade Union habitually includes all the operatives in its industry the percentage of benefit cases is remarkably uniform. Moreover, even in less universal organisations, where the motives for joining are very largely unconnected with friendly benefits, and there is no competing union, the result is practically the same. As a matter of fact, the average age of the members of well-established Trade Unions, so far as this can be ascertained, remains remarkably stable, and seems to increase only with the general improvement in sanitation.

for a more precise computation; and even such elementary facts as the average age of the members, or the special death rate or sickness rate of the occupation, are often unknown. There is no graduation of contributions according to age, practically no attempt at medical selection of candidates for membership, and a complete uncertainty as to what interest will be received on investments, or whether the funds will be invested at interest at all. In short, the Trade Union, considered merely as a friendly society, does not profess to afford its members any legal security or certain guarantee against destitution in sickness or old age. Its promises of superannuation allowances, and even of sick pay, are, in reality, conditional on there being money left over after providing for other purposes. "The right" [of members to] "any benefit," wrote Daniel Guile, in 1869, in the name of the Ironfounders' Executive, "only exists as long as the Society has power to pay it. Any determination of the exact amount of return a member may rightly expect for a particular amount of contribution rests upon averages of a nature far too abstruse to be entered upon here, and for which, indeed, even the groundwork is wanting."[1] In face of this lack of security, and absence of actuarial basis, it seems at first sight surprising that union after union should add to its purely trade functions the business of an ordinary friendly society. But, as Professor Beesly remarked in 1867, "it is much more economical to depend upon one society combining all benefits, than to contribute to a friendly society for sick and funeral benefits, and to a union for tool and accident benefit and trade purposes."[2] Whether or not the ordinary artisan appreciates the economy effected by "concentration of management and consequent lessening of working expenses," he at any rate realises that it is less irksome to pay to one club than to several. But this hardly explains the persistent advocacy of sick pay and superannua-

[1] *Monthly Report of the Friendly Society of Ironfounders*, October 1869.

[2] E. S. Beesly, *The Amalgamated Society of Carpenters and Joiners* (London, 1867), p. 4.

tion allowance by experienced Trade Union officials. Their belief in the advantage of developing the friendly society side of Trade Unionism rests frankly on the adventitious aid it brings to working-class organisation. The benefit club side serves, in the first place, as a potent attraction to hesitating recruits. To the young man just "out of his time" the prospect of securing support in sickness or unemployment is a greater inducement to join the union, and regularly to keep up his contributions, than the less obvious advantages to be gained by the trade combination. "It helps," says Mr. George Howell, "to bind the members to the union when possibly other considerations might interpose to diminish the zeal of the Trade Unionist pure and simple."[1]

Moreover, when, as is usually the case, the whole contribution goes into a common fund, the society gains the advantage of an additional financial reserve, which can be used in support of its trade policy in time of need, and replaced as opportunity permits. Such great Trade Friendly Societies as the Boilermakers', Engineers', Stonemasons', and Ironfounders' have, as we have seen, never hesitated to deplete their balances in order to enable their members to withstand encroachments on their Standard of Life. Thus, the addition of friendly society benefits, bringing, as it does, greatly increased contributions, enables the Trade Union to roll up an imposing reserve fund, which, even if not actually drawn upon, is found to be an effective "moral influence" in negotiations with employers.

We see, therefore, that the friendly society element supplies to Trade Unionism both adventitious attractions and an adventitious support. But this is not all. In a strong and well-organised union, the existence of important friendly benefits may become a powerful instrument for maintaining discipline among the members, and for enforcing upon all the decisions of the majority. If expulsion carries with it the loss of valuable prospective benefits, such, for

[1] *Trade Unionism, New and Old*, by George Howell (London, 1892), p. 102.

instance, as superannuation, it becomes a penalty of great severity. Similarly, when secession involves the abandonment of all share in a considerable accumulated balance, a branch momentarily discontented with some decision of the majority thinks twice before it breaks off in a pet to set up as an independent society. Thus the addition of friendly benefits has been, on the whole, a great consolidating force in Trade Unionism. We can, therefore, quite understand why thoroughgoing opponents of trade combinations have, like the associated employers who came before the Royal Commission in 1867, vehemently denounced the combination of trade and friendly society as illegitimate and dangerous.[1]

Friendly benefits have yet another advantage from the point of view of the Trade Union official. To the permanent salaried officer of a great union, with his time fully occupied by his daily routine, it is no small gain that sick pay and superannuation allowance exercise a great effect in "keeping the members quiet." This was perceived, as early as 1867, by a shrewd friend of the great Amalgamated Societies, the "New Unionism" of that time. "The importance of the principle [of providing all the usual benefits offered by friendly societies] will be best understood," observes Professor Beesly, "by looking at the character and working of the

[1] "The combination of trade with benefit purposes was astutely conceived, with a view to increase the strength of trade organisations. The benefit element was first to decoy, and then to control. The lure of prospective benefits having attracted members, the dread of confiscation was to enforce obedience."—*Trade Unionism*, by James Stirling (Glasgow, 1869), p. 43.

There is absolutely no warrant for the accusation—still often repeated—that the use of all the Trade Union funds for strike purposes when the members so decide, amounts, morally if not legally, to malversation. The Chief Registrar of Friendly Societies, questioned on this very point by the Royal Commission on Labor, emphatically upheld the Trade Union practice. "The primary object of the Trade Union," said Mr. Brabrook, "is protection of trade, and all the rest is merely subsidiary. . . . The great bulk of members of Trade Unions know perfectly well that they will not get the benefit in sickness if their money has been previously spent in trade purposes, and they are perfectly willing it should be so spent if emergency or necessity arises" (Questions 1561-3). Mr. J. M. Ludlow, who preceded him in office, entirely confirmed this view. To hypothecate any Trade Union funds for benefit purposes, he added, "might be to the ruin of the Trade Union, and therefore to the ruin of the men who had contributed those funds" (Questions 1783-8).

old-fashioned unions in which it is not adopted. The men combine purely for 'trade purposes.' The subscription is insignificant, sometimes only a penny a week. The members probably belong to the Oddfellows or Foresters for the benefit purposes; and their financial tie to their union being so weak, they join it or leave it with equal carelessness. Nevertheless, small as the subscription is, a fund will in course of time be accumulated. There is nothing to do with this fund. There it is, eating its head off, so to speak. The men become impatient to use it; so a demand is made on the employers, irrespective perhaps of the circumstances of the trade. A strike follows. The members live on their fund for a few weeks, and when it is exhausted they give in. Such societies may be called Strike Societies, for they exist for nothing else."[1] "A trade society without friendly benefits," Mr. John Burnett has frequently declared, "is like a standing army. It is a constant menace to peace." And thus we find the employers of this generation abandoning the criticisms of their predecessors in 1867, and reserving their bitterest denunciations for the purely trade society.

With regard to the other branch of their Mutual Insurance business, the Trade Unions occupy a unique position. However imperfectly Trade Unions may discharge the function of providing maintenance for their members when out of work, they undertake here a service which must, in their absence, remain unperformed. No other organisation, whether commercial or philanthropic, has yet come forward to protect the wage-earner against the destitution arising from lack of employment.[2] Experience seems to indicate that Out of

[1] E. S. Beesly, *The Amalgamated Society of Carpenters and Joiners*, p. 3 (London, 1867).

[2] Certain experiments have been made since 1894 at Berne, Basle, and St. Gall (Switzerland); at Cologne (Germany); and at Bologna (Italy), in the direction of municipal insurance against unemployment, either voluntary or compulsory. An account of these experiments, which do not appear to have been very successful, will be found in the *Rapport sur la Question du Chômage*, published by the French Government, Conseil Supérieur du Travail (Paris, 1896, 398 pp.); and Circulars 2 and 5 (Series B) of the Musée Social, Paris, containing an elaborate bibliography; to which we can add Charles Raaijmakers, *Verzekering tegen Werkloosheid* (Amsterdam, 1895).

Work pay cannot be properly administered except by bodies of men belonging to the same trade and working in the same establishments. Therefore it is not remarkable that Trade Unions should give most of their attention to the administration of their Out of Work benefits. We find, in fact, that although funeral benefit is almost universal, and accident allowance very widely adopted, these, like insurance of tools, make up in the aggregate a very small proportion of the total expenditure. And though sick pay and superannuation stand for appreciable sums, it is Out of Work benefit which takes the most important place in the Mutual Insurance business, its limits being extended in many instances, whilst others are cut down.[1] To a middle-class body it would seem natural to give a kind of preferential lien on the funds, to insure the continuance of the weekly allowances to the sick and superannuated members already on the books. A Trade Union not only refrains from taking this course, but actually gives a preference, in effect, to its Out of Work payments, usually continuing them at the full rate, even when its funds are being rapidly exhausted, until it has parted with its last penny. The secret of this bias does not lie altogether in the immense difference in permanence between middle class and working class employment. The main object of the individual member may be to provide against the personal distress which would otherwise be caused to himself and his family by the stoppage of his weekly income. But the object of the union, from the collective point of view, is to prevent him from accepting employment, under stress of starvation, on terms which, in the common judgment of the trade, would be injurious to its interests. This has been recognised from the earliest times as a leading

[1] Thus, the *Rules and Regulations of the Operative Bleachers, Finishers, and Dyers' Association* (Bolton, 1891) provide (Rule 24), under the head of sick pay, only for a case not met by the mere friendly society. "Should any member, having his family afflicted with smallpox or other infectious disease and as a consequence be temporarily discharged from following his employment, such member shall be entitled to the ordinary out of work pay. *But if such member become afflicted himself his pay shall cease.*"

object of Out of Work pay. Already, in 1741, it was remarked that the woolcombers "support one another, insomuch that they are become one society throughout the kingdom. And *that they may keep up their price*, to encourage idleness rather than labor, if any one of their club is out of work, they give him a ticket and money to seek for work at the next town where a box-club is, where he is also subsisted, suffered to live a certain time with them, and used as before; by which means he can travel the kingdom round, be caressed at each club, and not spend a farthing of his own or strike one stroke of work. This has been imitated by the weavers also, though not carried through the kingdom, but confined to the places where they work."[1]

We find the economic result of this tramping system exercising the minds of the Assistant Poor Law Commissioners of 1834. A leatherdresser "belongs to an incorporated or combined trade; the directors of this Combination issue tickets to the members. These tickets are renewed from time to time. The holder of one goes from place to place, but must not take the same road more than once in six months. With these intervals he is again and again assisted. . . . This ticket is available in every part of the United Kingdom where a club or lodge of the trade is established. The individual in question might have had work at £1 per week, but he refused to take it, or indeed 30s. per week; nothing under £2 would satisfy him; and when pressed for reasons to account for his refusing such offers—when asked whether it would not be better to get £1 per week than to trust to casual sources of support, he

[1] *A Short Essay upon Trade in General*, by a Lover of his Country (London, 1741), quoted in the *History of the Worsted Manufacture in England*, by John James (London, 1857). How the employers felt the independence thus given to the workers may be inferred from the following advertisement in the *Leicester Herald*, of June 1792:—"To Master Woolcombers. The Journeymen Woolcombers in Kendal have left their work, and illegally combined to raise their wages which are already equal to what is paid to the Trade in any part of the Kingdom: they have also granted blanks, or certificates, to E. Hewitson, apprentice to Mr. Pooley; T. Parkinson, to Mr. Barton; and W. Wilkinson, to Mr. Strutt, *who without such blanks or certificates must have remained with their masters.*"

replied that he should not like to be 'turned black' (query—'returned black') which would be the case if he worked under price."[1]

Gradually the Trade Unions themselves make clear the real object of this system of mutual insurance. In 1844 the Spring Knife Grinders' Protection Society of Sheffield declare that the "object to be accomplished is to grant relief to all its members that are out of work; that none may have the painful necessity of applying for relief from the parish, *or comply with the unreasonable demands of our employers or their servants.*"[2] The Flint Glass Makers express the same idea. "Our wages depend on the supply of labor in the market; our interest is therefore to restrict that supply, reduce the surplus, *make our unemployed comfortable, without fear for the morrow—accomplish this, and we have a command over the surplus of our labor, and we need fear no unjust employer.*"[3] Four years later the Delegate Meeting of the Amalgamated Engineers resolved to extend by nine weeks the period during which a member was allowed to receive continuously the Out of Work allowance. It was successfully argued that "when bad trade did arrive . . . it brought with it the absolute necessity of a continuous donation; for men, who were unemployed for so long a time as to run through their donation altogether, would be compelled either to seek parish relief, *or take situations on terms injurious to the trade.* In the event of their doing the latter, the Society would exercise but little control over them if it did not entitle them to some benefit. *For the protection of the trade, then, it was stated to be absolutely necessary to make the donation continuous, so that the members of the Society should be able to resist the inducement of acting contrary to the general rules of a District.*"[4] Finally, we may cite the

[1] *Report of Poor Law Commission* of 1834; Appendix, p. 900 *a*.

[2] Manuscript *Rules of the Spring Knife Grinders' Protection Society of Sheffield* in old account book, dated 1844.

[3] *Flint Glass Makers' Magazine*, opening editorial, No. 1, Sept. 1850.

[4] *Minutes of the Second Delegate Meeting of the Amalgamated Society of Engineers*, p. 38 (London, 1854). The Constitution and Rules of the Associated

case of the Associated Shipwrights' Society, which has only within recent years systematically adopted regular Out of Work payments. The argument, used by the general secretary at the Delegate Meeting in 1885, which finally decided the matter, was as follows : "It is utterly impossible," Mr. Wilkie told his members, "to secure trade protection when a third or a half of your trade are walking about idle and starving. And unless members of the trade were prepared to buy up, more or less, its surplus labor in the market, it never could have the actual trade protection desired." [1]

This historical explanation of the underlying object of the Out of Work benefit is borne out by the actual practice of to-day. Whilst all the members of a Trade Union are enjoined to do their utmost to find situations for their unemployed brethren, and whilst these are forbidden, under severe penalty, to "refuse work when offered," yet this is always subject to a fundamental condition, so obvious to the Trade Union mind as to need no explicit statement in the rules. A member is not only permitted to refuse job after job, if these are offered to him below the "Standard Rate" of remuneration, or otherwise in contravention of the normal terms: he is absolutely forbidden to accept work on any but the conditions satisfactory to his branch. The visitor at a branch meeting of the Engineers or Carpenters will hear members, in receipt of Out of Work pay, report to the branch that they have been offered situations on such and such terms, and ask whether it is considered right that they should accept them. The branch will discuss the question

Ironmoulders of Scotland (Glasgow, 1892) explicitly recognise the use of the Out of Work Benefit as a means of maintaining their standard of wages. "Any member leaving for want of work . . . shall be paid idle benefit . . . but, if leaving on own accord, he shall have no claim to benefit. The phrase 'want of work' shall refer to all kinds of dismissal without fault of the member —*slackness, underpayment, resisting a reduction of wages, or unjustifiable abuse or ill-treatment from employer or foreman.* . . . 'Own accord' shall mean all kinds of dismissal for irregularity, absence without leave except from illness, insobriety, and captious or voluntary dismissal." (Rule 30, sec. 4.)

[1] *Address of General Secretary at Delegate Meeting of Associated Shipwrights' Society*, 1885.

from the point of view of the probable effect on the Standard Rate; and whilst they may permit a maimed or aged member to accept five shillings a week less than the normal wage of the district, they will prefer to keep a fully competent and able-bodied man "on donation," rather than sanction any departure from the Common Rule.[1]

Here we are outside the domain of actuarial science. Even if it should prove possible to reduce to an arithmetical scale of contributions and benefits the loss of income caused by mere slackness of trade, it must always be out of the question to determine what rate of Out of Work benefit can safely be awarded in return for a given subscription, if the acceptance of employment depends on the policy of the society with regard to its Standard Rate. Such a condition takes us out of the category of insurance as provisionally defined above. As understood and administered by all Trade Unions, the Out of Work benefit is not valued exclusively, or even mainly, for its protection of the individual against casualties. In the mind of the thoughtful or experienced Trade Unionist its most important function is to protect the Standard Rate of wages and other normal conditions of employment from being "eaten away," in bad times, by the competition of members driven by necessity to accept the employers' terms.

The reader will now understand why this Mutual Insurance must be regarded, not as the end or object, but as one of the Methods of Trade Unionism. At first sight nothing could appear more simple than the mutual provision of support in order to enable a man to seek work elsewhere, and not be under an absolute compulsion to accept whatever terms an employer may offer. In its economic effect upon the labor market it seems no more than would result from the existence of individual savings in a savings bank. But

[1] The *Rules to be observed by the members of the Bury and District Tapesizers' Friendly Protective Society* (Bury, 1888) provide (p. 7) that "if any member who is out of work and receiving pay make application for a situation or be sent for, and he is offered a less rate of wage than he has been paid before, he shall be at liberty to take it or not, and if he refuse to take it he shall not have his pay stopped."

Trade Unions, as Fleeming Jenkin pointed out, are far more potent in this respect than any savings bank, "because they enable the *community* of workmen to acquire wealth. . . . The individual workman knows that his reserve fund will be nearly useless unless his neighbour has a reserve fund also. If each workman in a strike trusted to his own funds only, the poorer ones must give in first; and these would secure work, while the richer, after spending a part of their reserve, would find themselves supplanted by the poorer competitors, and the sacrifice made uselessly. A combined reserve fund gives great power by insuring that all suffer alike. The Trade Union, therefore, has a permanent action in raising wages, because it enables men to accumulate a common fund, with which they can sustain their resolution not to work unless they obtain such pay as will give increased comfort."[1] If this collective reserve fund coexists with a common understanding as to the terms without which no member will accept employment, it is obvious that we have a deliberate and conscious use of Mutual Insurance, not to relieve individual distress, but to enforce a Trade Union Regulation.

The Method of Mutual Insurance is pursued, more or less consciously, by every union that gives benefits at all. Until Collective Bargaining was permitted by the employers, and before Legal Enactment was within the workmen's reach, Mutual Insurance was the only method by which Trade Unionists could lawfully attain their end. Hence its high favor with the group of astute officials who led the workmen between 1845 and 1875. Dunning, in fact, expressly gives it as the main method of Trade Unionism. "Singly the employer can stand out longer in the bargain than the journeyman; and as he who can stand out longest in the bargain will be sure to command his own terms, the workmen combine to put themselves on something like an equality in the bargain for the sale of their labor with their employer. This is the rationale of trade societies. . . . The object in-

[1] "Graphic Representation of the Laws of Supply and Demand," by Fleeming Jenkin, in *Recess Studies* (Edinburgh, 1870), pp. 183-4.

tended is carried out by providing a fund for the support of its members when out of employ, for a certain number of weeks in the year. *This is the usual and regular way in which the labor of the members of a trade society is protected*, that the man's present necessities may not compel him to take less than the wages which the demand and supply of labor in the trade have previously adjusted."[1]

The same view was expressed by William Allan, the first secretary of the Amalgamated Society of Engineers. "We are very little engaged in regulating" rates of wages, he told the Royal Commission in 1867, "they regulate themselves, if I may use the expression. If a member believed," he continued, "that he was not getting a proper rate of wages, the society would encourage him in objecting, that is to say, would pay him his benefit while out of employment. . . . The man would go to the branch to which he belonged, and would there state that he was only receiving a certain rate of wages; if he wished to leave his employment he would ask the question whether under the circumstances he would be entitled to what we call donation, that is Out of Work Benefit, if he left the situation; and in all probability the society would say, you can leave and we will pay you the benefit. Or they might say, we believe you are getting as much as you ought to expect."[2]

In some small and highly organised trades of skilled handicraftsmen, this method of enforcing Trade Union regulations by Mutual Insurance has tacitly elaborated into an effective weapon, not only of defence, but also of aggression. We may instance the Spanish and Morocco Leather Finishers' Society, a small but powerful union, practically co-extensive with the craft, which has not for fifty years

[1] T. J. Dunning, *Trades Unions and Strikes: their Philosophy and Intention* (London, 1860), p. 10. See also Dunning's articles on "Wages of Labour and Trade Societies," in the second, third, and fourth numbers of the *Bookbinders' Trade Circular* (1851); *History of Trade Unionism*, p. 179.

[2] *First Report of the Commissioners appointed to enquire into the Organisation and Rules of Trades Unions and other Associations* (London, 1867). Evidence of W. Allan, Questions 787-789.

ordered a formal strike, or in any way overtly "intervened between employer and employed." Nevertheless, it has known how to enforce a detailed uniform price-list in every centre, new or old, in which the trade is carried on; it has maintained this piece-work list practically unaltered for fifty years, notwithstanding many improvements in processes; it has, consequently, kept up its members' earnings to certainly more than £2 per week; and it has successfully enforced a rigid limitation of apprentices, there being nowhere more than one to seven journeymen. Yet no overt collective movement is ever made. If any employer refuses to conform to the regulations, even in the slightest degree, the members leave him one by one, and receive Out of Work benefit, which may continue for thirty-nine weeks.[1] It is usually found, we are told, that an employer remedies any grievance after he has had to put up with a new man every week or two for a few months. In 1845 the Old Smiths' Society, which had suffered severely between 1827 and 1844 from numerous small strikes, removed from their rules all provision for these pitched battles with their employers, in favor of this more silent form of pressure. The preamble to the rules, drawn up by the Delegate Meeting of 1845, adds, "Disputes . . . can only be settled by friendly consultations between both master and man, imbued with the spirit of mutually imparting facts, with a view to render assistance to each other; if this, in connection with the efforts of mutual and disinterested friends, cannot be accomplished, we say then let men and masters part; offer no opposition; the men, however great or small their number, to be supplied with means of existence until they obtain other situations of work from the funds of the society; and the employers to obtain other men as best they may; and we contend that this unassuming quiet plan of operations is, according to its number of members, accomplishing, and will continue to accomplish, infinitely more real good to the trade in all its ramifications, at a minimum

[1] *Rules to be observed by the Members of the Leeds Friendly Society of Spanish and Morocco Leather Finishers* (Leeds, 1879).

expense to its members, than any other plan of operation by any other society." [1] The same position was aimed at by the Flint Glass Makers in 1850, when their magazine was advocating the use of this nameless weapon which we have christened, for our own convenience, the "Strike in Detail." "As man after man leaves, . . . then it is that the proud and haughty spirit of the oppressor is brought down, and he feels the power he cannot see." [2]

This application of mutual insurance may be made the method of enforcing any Common Rule whatsoever; and a very effective instrument it is. An employer whose workmen leave him one by one, after due notice, may find little difficulty in filling their places. But if the new-comers, after a brief stay, one by one give notice that they, too, will leave, he is placed in a serious difficulty. He cannot close his doors and appeal for support to his fellow-employers, as there is no strike, and no refusal on the part of the Trade Unionists to accept his terms. Nevertheless, his constant inability to retain any workman for more than a week or two, may easily become so harassing that he will be forced to inquire carefully in what respect his employment falls below the standard of the trade, and to conform to it. The Trade Union, on the other hand, runs no risk of retaliation, and, as only a few men are on the books at any one time, incurs the minimum of expense. As a deliberate Trade Union policy, the Strike in Detail depends upon the extent to which the union has secured the adhesion of all the competent men in the trade, and upon their capacity for persistent and self-restrained pursuit of a common end. It could, accordingly, never become the sole method of any but a small, wealthy, and closely knit society; but in such a society it may easily, in its coercive effect on the employer, surpass even an Act of Parliament itself.

[1] Report on Trade Societies' Rules by Mr. (now the Rt. Hon.) G. Shaw Lefevre in Social Science Association's *Report on Trades Societies and Strikes* (London, 1860).

[2] *Flint Glass Makers' Magazine*, July 1850.

The Strike in Detail is only a more deliberate and self-conscious application of the method of maintaining the standard of life by Mutual Insurance customary among all Trade Unionists. It is impossible to draw any logical distinction between the action of the little union of Leather Finishers and that of the Amalgamated Society of Engineers, as explained by William Allan and T. J. Dunning, or indeed any union which maintains a member in idleness rather than allow him to accept work "contrary to the interests of the trade." The persistent adhesion of Trade Unionists to the Out of Work benefit, and their secondary adoption of what we have called the friendly society business, appear as a perfectly consistent, homogeneous policy the moment the true Trade Union point of view is caught. Any provision which secures the members of the trade against destitution prevents an employer taking advantage of their necessities.[1] Not Out of Work benefit alone, but also sick pay, grants to replace tools or property lost or burnt, burial money for wife or child, and especially accident benefit and superannuation allowance, all serve to enforce the claim of the workman "to be dealt with as an intelligent being, and not merely as a bale of goods or article of merchandise. This," emphatically declares the Friendly Society of Ironfounders, "is, then, the main and central pillar of our organisation. Around it are clustered those monetary benefits that are stated above, and it is from this grand standpoint those benefits must all be estimated: for from this point only it is at all possible to come to a right and fair conclusion as to their real value to individual members."[2]

[1] We may cite a curious small case among the Curriers. The London journeymen curriers have always strenuously resisted the employers' attempts to make them take out shoe hides at an average weight, instead of weighing each one separately. In 1854 certain members represented to the union that their employer had taken advantage of the slackness of work in the winter season to try to enforce this practice upon them; and that if the union would make them each a loan, they could dispense with sending in their bills to their employer for that week, which would have a good effect as demonstrating their power to stand out. The union readily agreed to lend each man a pound on condition that he drew no wages that week. MS. Minute Book, 1854.

[2] Preface to *Rules to be observed by the Members of the Friendly Society of*

Mutual Insurance, even when considered purely as a Method of Trade Unionism, is by no means beyond criticism. The lack of legal or financial security of the friendly benefits may be worth tolerating by a wage-earner for the sake of the trade as a whole; but it is none the less an evil on that account. And even the successful Strike in Detail of the Leather Finishers has grave drawbacks, from its own standpoint. No Trade Unionist would deny that the deliberately concerted Common Rules, to which workmen and employers must alike conform, ought to be framed after consideration, not of the desires of one class alone, but from all points of view. The method of Mutual Insurance leaves no place for discussion with the employers. Each party makes up its own mind, relies on its power of holding out, and leaves the issue to depend merely on secret endurance. Frank and full discussion might have revealed facts previously unknown, which would have altered the views of the parties. It might have been discovered that some points most keenly insisted on by one side were regarded as unimportant by the other. The influence of public opinion would have moderated the negotiations. These tendencies make, in Collective Bargaining, for a compromise often representing a real gain to both parties. For all this, the Method of Mutual Insurance allows no place. It is, therefore, not surprising to find that the most highly developed and successful modern organisations make little use of Mutual Insurance as a method of industrial regulation. Among the Coalminers and Cotton Operatives, who together comprise a fifth of the Trade Union world, friendly benefits, and even Out of Work donation, play only the most trifling part. And it is significant that the United Society of Boilermakers, in many

Ironfounders (London, 1891). It is interesting to find that this use of Mutual Insurance among workers was elaborately explained and defended in 1819 by the well-known Baptist minister, the Reverend Robert Hall; see his pamphlets, *An Appeal to the Public on the Subject of the Framework Knitters' Fund* (Leicester, 1819), and *A Reply to the Principal Objections advanced by Cobbett and others against the Framework Knitters' Friendly Relief Society* (Leicester, 1821), both included in his *Works* (London, 1832), vol. iii.

respects the most successful of the great unions, whilst utilising to the full a most elaborate system of Mutual Insurance, keeps the provision against unavoidable casualties entirely distinct from its trade objects. For all that concerns the maintenance and improvement of the conditions of employment the Boilermakers, like the Coalminers and the Cotton Operatives, resort to one or other of the alternative Methods of Trade Unionism, Collective Bargaining, or Legal Enactment.

CHAPTER II

THE METHOD OF COLLECTIVE BARGAINING

THE nature of the Method of Collective Bargaining will be best understood by a series of examples.

In unorganised trades the individual workman, applying for a job, accepts or refuses the terms offered by the employer, without communication with his fellow-workmen, and without any other consideration than the exigencies of his own position. For the sale of his labor he makes, with the employer, a strictly individual bargain.[1] But if a group of workmen concert together, and send representatives to conduct the bargaining on behalf of the whole body, the position is at once changed. Instead of the employer making a series of separate contracts with isolated individuals, he meets with a collective will, and settles, in a single agreement, the principles upon which, for the time being, all workmen of a particular group, or class, or grade, will be engaged. For instance, in a cabinet-making shop, if a new pattern is brought out, the men in the shop hold a brief and informal meeting to discuss the price at which it can be executed, the

[1] The phrase "Individual Bargaining" is used incidentally by C. Morrison in his *Essay on the Relations between Labour and Capital* (London, 1854), as equivalent to "what may be called the commercial principle," according to which "the workman endeavours to sell his labor as dearly and the employer to purchase it as cheaply as possible" (p. 9).

We are not aware of any use of the phrase "Collective Bargaining" before that in *The Cooperative Movement in Great Britain* (London, 1891), p. 217, by Beatrice Potter (Mrs. Sidney Webb), where it is employed in the present sense.

rough basis being whether, taking into account the unfamiliarity of the work, and the nature of the task, they can make no less net wages per hour than they have been hitherto earning. The foreman has meanwhile been estimating the job in his own way, on much the same basis as the men, but probably arriving at a slightly lower figure. The men's representative talks the matter over with the foreman, and some compromise is come to, the job standing at that price for the whole shop. This process differs from that of a series of individual bargains with the separate workmen, in that the particular exigencies of each are ruled out of consideration. If the foreman had dealt privately with each man, he might have found some in such necessity that he could have driven them to take the job practically at any price rather than be without work for even half a day. Others, again, relying on exceptional strength or endurance, would have seen their way to make the standard earnings at a piecework rate upon which the average worker could not even subsist. By the Method of Collective Bargaining the foreman is prevented from taking advantage of the competition of both these classes of men to beat down the earnings of the other workmen. The starving man gets his job at the same piecework rate as the workman who could afford to stand out for his usual earnings. The superior craftsman retains all his advantages over his fellows, but without allowing his superiority to be made the means of reducing the weekly wage of the ordinary worker.

This example of the Method of Collective Bargaining is taken from the practice of a "shop club" in a relatively unorganised trade. The skilled artisans in the building trades afford a typical instance of the second stage. The "shop bargain" of such a trade as the cabinet-makers merely rules out the exigencies of the particular workmen in a single establishment. But this establishment is exposed to the undercutting of other establishments in the same town. One employer might have to give exceptional terms to his "shop club" in a sudden rush of urgent orders, whilst the

workmen in other firms might be virtually at the masters' mercy owing to bad trade. Directly a Trade Union is formed in any town, an attempt is made to exclude from influence on the terms, the exigencies of particular employers no less than those of particular workmen. Thus in the building trades we find the unions of Carpenters, Bricklayers, Stonemasons, Plumbers, Plasterers, and sometimes those of the Painters, Slaters, and Builders' Laborers obtaining formal "working rules," binding on all the employers and workmen of the town or district. This Collective Bargaining, arranged at a conference between the local master builders, and the local officials of the national unions, settles, for a specified term, the hours of beginning and ending work, the minimum rate of wages, the payment for overtime, the age and number of apprentices to be taken, the arrangements as to piecework, the holidays to be allowed, the notice to be given by employers or workmen terminating engagements, the accommodation to be provided for meals and the safe custody of tools, and numerous allowances or extra payments for travelling, lodging, "walking time," "grinding money," etc. These elaborate codes, unalterable except by formal notice from the organisations on either side, thus place on a uniform footing as regards the hiring of labor the wealthiest contractor and the builder on the brink of bankruptcy, the firm crowded with orders and that standing practically idle. On the other hand, the superior workman retains his freedom to exact higher rates for his special work, whilst the employer of superior business ability, or technical knowledge, and the firm enjoying the best machinery or plant, preserve, it is claimed, every fraction of their advantage over their competitors.[1]

[1] The number of these "working rules" in force in the United Kingdom has never been ascertained, but it must be very large, there being scarcely any town in which one or other of the building trades has not obtained a formal treaty with its employers. Our own collection of these treaties, in the building trades alone, numbers several hundreds. Specimens will be found in the *Labour Gazette* of the Board of Trade for November 1894; and in *Le Trade Unionisme en Angleterre*, edited by Paul de Rousiers (Paris, 1897), pp. 68-70. The British Library of Political Science, 10 Adelphi Terrace, London, contains these and other Trade Union documents.

The building trades, in which one town does not obviously compete with another, have hitherto stopped at this stage of Collective Bargaining. Where the product of different towns goes to the same market, we see, in the best organised industries, a still further development. The great staple trades of cotton-spinning and cotton-weaving have ruled out, not merely the exigencies of particular workmen in one mill, or of particular mills in one town, but also those of the various towns over which the industries have spread. The general level of wages in all the cotton-spinning towns is, for instance, settled by the national agreements between the Amalgamated Association of Operative Cotton-spinners and the Master Cotton-spinners' Association. No employer, and no group of workmen, no district association of employers, and no "province" of the Trade Union, can propose an advance or accept a special reduction from the established level of earnings. General advances or reductions are negotiated at long intervals, and with great deliberateness, between the national representatives of each party. Thus we see ruled out, not merely all personal or local exigencies, but also the temporary gluts or contractions of the market, whether in the raw material or in the product. All firms in a district, and all districts in the industry being, as far as possible, placed upon an identical footing as to the rate at which they obtain human labor, their competition takes, it is contended, the form of improving the machinery, getting the best and cheapest raw material, and obtaining the most advantageous market for their wares.

A similar series of collective agreements exists in some other industries. Among the iron-shipbuilders, for instance, a gang of platers will bargain, through their first hand, as to the exact terms upon which they will undertake a job in the building of an iron ship. But the foreman cannot offer, or the men accept terms which in any way conflict with the "district by-laws"—a detailed code regulating hours, overtime, extra allowances, and often also the piecework rates for ordinary work, formally agreed to by the district com-

mittee of the Trade Union and the local association of employers. Moreover, the district by-laws, unalterable for a fixed term, exclude the influence of any sudden glut or famine in the labor market, or any temporary fluctuation of the trade of the port. But this is not all. The district by-laws are themselves subject to the formal treaties on such matters as apprenticeship and the standard level of wages concluded between the United Society of Boilermakers and Iron-shipbuilders and the Employers' Federation of Shipbuilding and Engineering Trades. These treaties, settling certain questions for the whole kingdom, rule out on those points the exigencies of particular localities, and place all ports upon an equality. Thus the collective bargain made by the group of platers on a particular job in one establishment of a certain town imports a hierarchy of other collective bargains, concluded by the representatives of the contracting parties in their gradually widening spheres of action.

This practice of Collective Bargaining has, in one form or another, superseded the old individual contract between master and servant over a very large proportion of the industrial field. "I will pay each workman according to his necessity or merit, and deal with no one but my own hands,"—once the almost universal answer of employers—is now seldom heard in any important industry, except in out-of-the-way districts, or from exceptionally arbitrary masters.[1] But it is interesting to notice that Collective Bargaining is neither co-extensive with, nor limited to, Trade Union organisation. A few old-standing wealthy unions of restricted membership have sometimes preferred, as we saw in the last chapter, to attain their ends by the Method of Mutual Insurance, whilst others, at all periods, have been formed with the express design of attaining their ends by the Method of Legal Enactment. On the other

[1] Mr. Lecky observes (*Democracy and Liberty*, vol. ii. p. 361) that collective agreements "are becoming, much more than engagements between individual employers and individual workmen, the form into which English industry is manifestly developing."

hand, whole sections of the wage-earning class, not included in any Trade Union, habitually have their rate of wages and often some other conditions of their employment settled by Collective Bargaining. We do not here refer merely to such cases as the "shop-bargain," which we have just described. The historic strikes of the London building trades in 1859, and the Newcastle engineers in 1871, were both conducted by committees elected at mass meetings of members of the trade, among whom the Trade Unionists formed an insignificant minority.[1] In the history of the building and engineering trades there are numerous instances of agreements being concluded, on behalf of a whole district, by temporary committees of non-unionists, and where the Trade Unions themselves initiate and conduct the negotiations the agreements arrived at habitually govern in these industries, not the members alone, but the great bulk of similar workmen in the district. Here and there an eccentric employer may choose to depart from the regular terms, but the great majority find it more convenient to comply with what becomes, in fact, the "custom of the trade." So thoroughly has the Collective Bargaining been recognised in the building trades, that county court judges now usually hold that the "working rules" of the district are implied as part of the wage-contract, if no express stipulation has been made on the points therein dealt with. Collective Bargaining thus extends over a much larger part of the industrial field than Trade Unionism. Precise statistics do not exist, but our impression is that, in all skilled trades, where men work in concert, on the employers' premises, ninety per cent of the workmen find, either their rate of wages or their hours of work, and often many other details, predetermined by a collective bargain in which they personally have taken no part, but in which their interests have been dealt with by representatives of their class.

But though Collective Bargaining prevails over a much larger area than Trade Unionism, it is the Trade Union

[1] *History of Trade Unionism*, pp. 210, 299; compare pp. 302, 305.

alone which can provide the machinery for any but its most casual and limited application. Without a Trade Union in the industry, it would be almost impossible to get a Common Rule extending over a whole district, and hopeless to attempt a national agreement. If therefore the collective bargain aims at excluding from influence on the bargain, the exigencies of particular firms or particular districts, and not merely those of particular workmen in a single establishment, Trade Union organisation is indispensable. Moreover, it is the Trade Union alone which can supply the machinery for the automatic interpretation and the peaceful revision of the general agreement. To Collective Bargaining, the machinery of Trade Unionism may bring, in fact, both continuity and elasticity.

The development of a definite and differentiated machinery for Collective Bargaining in the Trade Union world coincides, as might be expected, with its enlargement from the workshop to the whole town, and from the town to the whole industry. As soon as a Trade Union properly so called comes into existence with a president and secretary, it becomes more and more usual for these officers to act as the workmen's representatives in trade negotiations. This is the stage in which we find nearly all the single-branched unions, such as those of the Sheffield trades, the Dublin local societies, the Coopers, Sailmakers, and other small and compact bodies of workmen all over the kingdom. Even where the growth of a local union into a national society has necessitated the appointment of a salaried general secretary, giving his whole time to his duties, it is exceptional to find him conducting all, or even the bulk of the negotiations of its members with their employers. In the United Operative Plumbers' Association, for instance, practically the whole of the Collective Bargaining is still conducted by the branch officials, or by representative workmen specially selected as delegates. A further stage is marked by the creation of permanent committees, unconcerned with the ordinary branch administration, to deal solely with local trade questions.

Thus the bulk of the Collective Bargaining of the members of the Amalgamated Society of Engineers was, until 1892, conducted by the society's district committees, each acting for the whole of a local industrial district, in which there are often many branches. These negotiators are, like the branch officials, men working at their trade, and only spasmodically engaged in special business of industrial negotiation. Even disputes of such national importance as the costly and disastrous strikes of the Tyneside engineers of 1891, were initiated and managed by the local district committees and their officials, that is to say, by workmen called from the workshop only for the time required by the society's business. Over more than one-third of the Trade Union world, including such old established and widely extended unions as the Friendly Society of Operative Stonemasons, the Friendly Society of Ironfounders, and the Operative Bricklayers' Society, the workmen have not developed any more specialised machinery for Collective Bargaining than the branch or district committee of men working at their trade, meeting representative employers when occasion arises. This primitive machinery, although a great advance on the "shop-club," has manifest disadvantages. If, as often happens, a personal quarrel or local bitterness is at the bottom of the dispute, the prominent local workman who represents his fellows can hardly escape its influence. And, apart from personal antagonisms and questions of temper, the fact that it is the conditions of his own life that are involved does not conduce to that combination of courage and reasonableness most likely to lead to a lasting settlement. If the negotiator himself is fortunately placed, or would personally be much injured by a strike, he will be tempted to acquiesce in conditions not advantageous to the whole trade. In the reverse case—perhaps the more common—the energetic and active-minded workman, whom his fellows choose to represent them, is apt to find, in the joy of the fight, a relief from the monotony of manual labor. If a strike ensues, it brings to him at any rate the

compensation that for a few weeks, or perhaps months, he becomes the paid organiser of the union, overwhelmed, it is true, with anxious and harassing work, but temporarily exchanging a position of passive obedience for one of active leadership.

But, apart altogether from the disturbing influence of the "personal equation," it is obvious that the manual workers will stand at a grave disadvantage if they do not command the services of an expert negotiator. Unfortunately for his interests, the workman has an inveterate belief in what he calls a "practical man"—that is, one who is actually working at the trade concerned. He does not see that negotiation is in itself a craft, in which a man must have had a special training before he can be considered a "practical" man for the business in hand. The proper adjustment of the rate of remuneration in a given establishment requires, to begin with, a wide range of industrial and economic knowledge. Unless the workman's negotiator is accurately acquainted with the rates and precise conditions prevailing in other establishments and in other districts, he will be unable to criticise the statements which will be made by the employer, and incapable of advising his own clients whether their demand is a reasonable one. Without some knowledge of the economic conditions of the industry, the state of trade, the number of orders in hand or to be expected, and the condition of the labor market, his judgment of the opportuneness or strategic advantage of the men's demand will be of no value. The mechanic kept working for fifty or sixty hours a week at one narrow process in a single establishment would be an extraordinary genius if he could acquire this information. Nor would a knowledge of the facts alone suffice. The best kit of tools will not make a man a good carpenter without that training in their use which experience alone can give. The quick apprehension and mental agility which make up the greater part of the art of using facts are not fostered by days spent in physical toil. Finally, the perfect negotiator, like the perfect carpenter, attains his

expertness only by incessant practice of his art. Here again, the workman is at a special disability compared with the captain of industry. The making of bargains and agreements, which occupies only an infinitesimal fraction of a workman's life and thought, makes up the daily routine of the commercial man.

These considerations have slowly overcome the workman's objections, and have, in the most powerful unions, together comprising over a third of the aggregate membership, caused the bulk of the Collective Bargaining to be gradually transferred from the non-commissioned officers to the salaried civil service of the movement. Especially in the piecework trades has the amateur negotiator most clearly demonstrated his inefficiency. When the workman's remuneration depends on a combination of many different and constantly changing factors—the novelty of the pattern, the character of the material, the variations in the machinery, the speed of the engine—success in bargaining demands, in addition to all the other qualifications, a special aptitude for quickly seizing the net result of proposed changes in one or more of the factors. It is in the piecework trades therefore that we find the machinery for Collective Bargaining in its most highly developed form. The great staple industries of cotton, coal, and iron, together with boot and shoe-making, and the hosiery and lace trades, have especially developed elaborate and complicated organisations for Collective Bargaining which have excited the admiration of economic students all over the world.

We must here plunge into a maze of complicated technical detail relating to these industries, each of which has developed its machinery for Collective Bargaining in its own way, and we despair of making the reader understand either our exposition or our criticism unless he will keep constantly in mind one fundamental distinction, which is all-important. This vital distinction is between the making of a new bargain, and the interpreting of the terms of an existing one. Where the machinery for Collective Bargaining

has broken down, we usually discover that this distinction has not been made; and it is only where this fundamental distinction has been clearly maintained that the machinery works without friction or ill-feeling. Let us consider first the interpretation of an existing bargain. Directly a general agreement or formal treaty has been concluded in any trade between the general body of employers, on the one hand, and the general body of workmen on the other, there arises a practically incessant series of disputes as to the application of the agreement to particular cases. Thus, as we shall see, the highly elaborate and precisely detailed lists of the English Cotton-spinners do not prevent, in one or other of the thousands of mills to which they apply, the almost daily occurrence of a difference of opinion between employer and operative as to the wages due. Similarly the unanimous agreement of a "uniform statement" in the boot and shoe trade leaves open endless questions as to the classification of the ever-changing patterns called for by the fashion of each season. The determination of the "county average" of the Northumberland or Durham coalminer leaves it still to be determined what tonnage rate should be fixed for any particular seam, in order that the workmen may earn the normal wage. The point at issue in these cases is not the amount per week which the workmen in any particular establishment should be permitted to earn—for that has, in principle, already been settled—but the rate at which, under the actual conditions of that establishment, and the class of goods in question, the piecework price must be computed in order that the average earnings of a particular section of workmen shall amount to no more and no less than the agreed standard. This, it will be seen, is exclusively an issue of fact, in which both the desires and the tactical strength of the parties directly concerned must be entirely eliminated. For conciliation, compromise, and balancing of expediencies, there is absolutely no room. On the other hand, it is indispensable that the ascertainment of facts should attain an almost scientific precision. Moreover, the

settlement should be automatic, rapid, and inexpensive. The ideal machinery for this class of cases would, in fact, be a peripatetic calculating-machine, endowed with a high degree of technical knowledge, which could accurately register all the factors concerned, and unerringly grind out the arithmetical result.

When we come to the settlement of the terms upon which a new general agreement should be entered into, an entirely different set of considerations is involved. Whether the general level of wages in the trade should be raised or lowered by 10 per cent; whether the number of boys to be engaged by any one employer should be restricted, and if so, by what scale; whether the hours of labor should be reduced, and overtime regulated or prohibited,—are not problems which could be solved by even the most perfect calculating-machine. Here nothing has been decided, or accepted in advance by both parties, and the fullest possible play is left for the arts of diplomacy. In so far as the issue is left to Collective Bargaining there is not even any question of principle involved. The workmen are frankly striving to get for themselves the best terms that can permanently be exacted from the employers. The employers, on the other hand, are endeavouring, in accordance with business principles, to buy their labor in the cheapest market. The issue is a trial of strength between the parties. Open warfare—the stoppage of the industry—is costly and even disastrous to both sides. But though neither party desires war, there is always the alternative of fighting out the issue. The resources and tactical strength of each side must accordingly exercise a potent influence on the deliberations. The plenipotentiaries must higgle and cast about to find acceptable alternatives, seeking, like ambassadors in international conference, not to ascertain what are the facts, nor yet what is the just decision according to some ethical standard or view of social expediency, but to find a common basis which each side can bring itself to agree to, rather than go to war. Finally, however wise may be the decision come to, the

acceptance and carrying out of the collective bargain ultimately arrived at, depends upon the extent to which the negotiators express the feelings and command the confidence of the whole class affected. All these considerations must be taken carefully into account in the formation of successful machinery for Collective Bargaining.

The most obvious form of permanent machinery for Collective Bargaining is a joint committee, consisting of equal numbers of representatives of the employers and workmen respectively. This may almost be called the "orthodox" panacea of industrial philanthropists. For over thirty years, since the experiments of Sir Rupert Kettle and Mr. Mundella, employers and workmen have been persistently urged to adopt the form of a "board of arbitration and conciliation," consisting of representatives of each side, and with or without an impartial chairman or an umpire. Such a joint committee, it has been supposed, could thrash out in friendly discussion all points in dispute, and arrive at an amicable understanding. In intractable cases, the umpire's decision would cut the Gordian knot. Readers of the *History of Trade Unionism* will remember how eagerly this idea was taken up by the organised workmen in certain great industries, and how, in coalmining and iron and steel in particular, it has since enjoyed the favor both of employers and employed. We need not stop to describe all the cases in which this form of machinery has, from time to time, been adopted. We shall best understand its operation by considering a couple of leading instances, the "joint boards" of the boot and shoe trade, and the "joint committees" of the Northumberland and Durham coalminers.

The great machine industry of boot and shoe-making has been provided, for some years past, with a formal and elaborate constitution, mutually agreed to by employers and employed, and expressly designed "to prevent a strike or lock-out, and to secure the reference of all trade disputes to arbitration."[1] The machinery for Collective Bargaining thus

[1] *Rules for the Prevention of Strikes and Lockouts, etc.*, 16th August 1892,

established puts into concrete form all the aspirations of enthusiastic advocates of "industrial peace." We have first a "local board of conciliation and arbitration" in every important centre of the trade. To this board, formed of an equal number of elected representatives of the local employers and the local Trade Unionists, must be referred "every question, or aspect of a question, affecting the relations of employers and workmen individually or collectively." If the board cannot agree, the question goes to an impartial umpire, acceptable to both sides. Issues affecting the whole industry were, until 1894, dealt with by a national conference of great dignity and importance. Nine chosen leaders of the Federated Associations of Boot and Shoe Manufacturers of Great Britain met, in the council chamber of the Leicester Town Hall, an equal number of elected representatives of the National Union of Boot and Shoe Operatives. These elaborate debates, conducted with all the ceremony of a State Trial, were presided over by an eminent and universally respected solicitor, sometime mayor of the town. If no agreement could be arrived at, the conference enjoyed the services, as umpire, of no less an authority than Sir Henry (now Lord) James, formerly Attorney-General, before whom, sitting as a judge, the issue was elaborately reargued by the spokesmen of each side. Finally as a means of influencing the public opinion of the trade, there were published, not only the precise and authoritative decisions of the conference or the umpire, but also a verbatim report of all the proceedings.[1]

We can imagine how this elaborate and carefully thought out machinery for Collective Bargaining would have

appended to Report of Conference, 1892. These rules, which are signed by three employers and three workmen, on behalf of their respective associations, consist of fifteen clauses defining the constitution and method of working both of the "Local Board of Conciliation and Arbitration," and of the "National Conference." They will be found in the Board of Trade *Report on Strikes and Lockouts of* 1893, C, 7566 of 1894, pp. 253-257.

[2] The "transcript of the shorthand writers' notes" of the Conference of August 1892, and the subsequent trial before the umpire, forms a volume of 152 pages of rich material for the student of industrial organisation.

delighted the heart of the enthusiastic believers in "boards of conciliation and arbitration." Nor need it be contested that it has been the means of effecting many peaceful settlements in the industry. But we do not think that any one conversant with the trade, or any student of the voluminous reports of the proceedings, will deny that the boards have been the cause of endless friction, discontent, and waste of energy among workmen and employers alike. Scarcely a quarter passes without the operatives, in some district or another, revolting against their local board; condemning or withdrawing their representatives; and even occasionally refusing to obey the award of the umpire.[1] The employers are, on their side, no better satisfied than the men, and in 1894 the national conference was brought to an end by the secession of the federated manufacturers, and their resolute refusal to submit the issues to arbitration. The result was a stoppage in 1895 of practically the entire industry from one end of the kingdom to the other, which was only brought to an end by the half-authoritative interference of the Board of Trade.[2]

If we examine this general discontent we find it taking different forms among the workmen and the employers respectively. The operatives complain that, when a general agreement has been concluded they cannot get any speedy or certain enforcement of it through the local boards. Thus, the Bristol representative at the annual delegate meeting in 1894, complained bitterly of the dilatory way in which his local board acted in its interpretation work. Questions "had been hanging about from six to nine months from the board to the umpire. Decisions had been given by the umpire on boots after a delay of eight or nine

[1] The local boards, of which twelve were in existence at the end of 1894, date from 1875. The Stafford Board was dissolved in 1878, and the Leeds Board in 1881. The years 1891-94 saw no fewer than seven dissolutions, and the important centres of Stafford, Manchester, and Kingswood still remain without boards. The National Conference, established in August 1892, met five times in the next three years, the sittings being suspended on the withdrawal of the employers in December 1894.

[2] See the *Labour Gazette*, April and May 1895.

months. . . . In one case in the factory where he worked a boot was sent to the arbitration board, and thence to the umpire. The decision arrived at by the latter was in favor of the men. There was something like seven shillings each due to two or three men on that particular boot. But one of them had left the town in the interim, and the result of the delay was that he was practically swindled out of the seven shillings. New samples had been introduced at the beginning of the year, and the shoes had been made under protest, at a price the employers had quoted, till the end of the season. Then, perhaps, when the season was ended, they got a decision in their favor, face to face with all the difficulties of getting back the money due to them. . . . This continual delay sickened the whole of them in Bristol, and although there had not been a ballot taken on the question of arbitration in Bristol, he felt sure there were over ninety per cent of the men opposed to it." [1]

The Kingswood Local Board broke up in 1894, the umpire resigning his post in disgust. Discussion had proceeded upon a "statement" for "light" boots, and points in dispute were submitted to the umpire by the board. The bulk of the manufacturers thereupon flatly refused to send any samples of the boots in question, and thus made it impossible for the umpire to decide the cases submitted to him.[2] This produced the greatest possible irritation among the men, who urged that, as the employers had failed to submit to the umpire's award, the operatives' claim should be adopted. These cases might be indefinitely multiplied from all the centres of the industry. But delay is not the only objection brought by the operatives against the working of the local boards. When at last the umpire's decision has been given it has often failed to command the assent, and sometimes even to secure the obedience of the workmen. This arises, we believe, from the class of umpire whom it has been

[1] Report of the Edinburgh Conference, May 1894 (the delegate meeting of the National Union of Boot and Shoe Operatives).

[2] *Shoe and Leather Record*, 30th November 1894.

necessary to choose. The questions of interpretation necessarily turn, not on any general principle, but on extremely technical trade details, which are unintelligible to any person outside the industry.[1] In the absence of any paid professional expert, permanently engaged for precisely this work, the umpire has in practice to be chosen from among the employers, the board usually agreeing upon a leading manufacturer in another district. This reliance on the unpaid service of a non-resident increases the delay. But what is more important is, that however generally respected such an umpire may be, it is inevitable that, when his award runs counter to the claim of the operatives, these should accuse him of class bias. The alternative of choosing one of the officials of the union would, it need hardly be said, be equally distasteful to the employers.

The discontent of the employers is directed chiefly to another feature of the organisation. The work of the local boards is so laborious and incessant that the great magnates of the industry cannot spare time to attend. On questions of interpretation, they would be willing to leave the business to their managers or smaller employers. But besides questions of interpretation the local board have perpetually brought before them disputes which turn upon the admission of what the employers regard as "new principles." If the local board, with the concurrence of its employer-members, decides the issue, all the other employers in the district, some of whom may be "captains of industry" on a huge scale, find a new regulation made binding on them in the conduct of what they regard as "their own business." If on the other hand the local board remits such issues—virtually the

[1] Thus the umpire for the Norwich Local Board had to award rates to be paid in the following cases, remitted from a single meeting. (1) "A woman's 5ths if changed from self-vamp to calf vamp; (2) a girl's 4ths if changed from self-vamp to glacé kid vamp; (3) a woman's 4th's ditto; (4) a girl's kid button levant seal vamp or golosh; (5) a girl's glacé kid one finger strap; (6) a woman's kid elastic mock button front shoe sew-round." The award, which is equally unintelligible to the general reader, will be found in the *Shoe and Leather Record Annual* for 1892-93, p. 121.

conclusion of new general agreements—to the national conference, all the employers in the kingdom find themselves in a similar predicament. Moreover, in a publicly conducted national conference, formed of equal numbers from each party, neither the representative workmen nor the representative employers dare concede anything to their opponents, or even submit to a compromise. The result is that every important issue is inevitably remitted by the conference to the umpire. Lord James has accordingly found himself in the remarkable position of imposing laws upon the entire boot and shoe-making industry, prescribing for instance, not only a minimum rate of wages, but also a precise numerical limitation of the number of boy-learners to be engaged by each employer, the conditions under which alone a wholesale trader may give work out to sub-contractors, and the extent to which employers shall themselves provide workshop accommodation, and the date before which such premises shall be in use. This, it is obvious, goes beyond Collective Bargaining. The awards of Lord James amount, in fact, to legislative regulation of the industry, the legislature in this case being, not a representative assembly acting on behalf of the whole community, but a dictator elected by the trade.[1]

It is therefore not surprising to find the employers quickly protesting against so drastic and far-reaching an arrangement. But it was one to which they had explicitly and unreservedly pledged themselves. They had promised, by the rules of the 16th August 1892, that "every question or aspect of a question affecting the relations of *employers and workmen* individually or collectively should in case of disagreement be submitted for settlement," first to the local board, then to the national conference, and

[1] It is a minor grievance of the employers that no distinguished lawyer can be found to give the unpaid and laborious service of an umpire, who is not also a politician. It is impossible for the employers to avoid the suspicion that any politician will be unconsciously biassed in favor of the most numerous section of the electors. See the significant quotation given in the footnote at p. 240.

finally, if need be, to the umpire. That this promise was not confined to questions of interpretation is made manifest by the express mention in the same document of the settlement of disputes involving "new principles." In the long discussion which led up to the signing of the rules, they had, in fact, successfully pleaded for adopting "honestly and unreservedly arbitration pure and simple, and for every dispute, and under all conditions."[1] In their anxiety to remove every chance of a stoppage of their industry, they had overlooked the fundamental distinction between questions of the interpretation of an existing contract and questions as to the terms of a new settlement. If they had listened to the warning of the able editor of their own trade organ, they would not have made this blunder. The very month before the conference of 1892 he was urging exactly the distinction upon which we insist. "Employers," he wrote, "have never contended that arbitration would settle every conceivable kind of dispute between capital and labor. But they have contended that *where certain established principles are already recognised by both sides, the adjustment of details can better be settled by arbitration than in any other way*. . . . It must be obvious that, whatever the future may bring, employers could not now prudently allow every dispute with their workmen to be settled by a third person. To say nothing of the question of boy labor which is now at issue, a number of others may be mentioned regarding which the employer could not consent to surrender any portion of his discretion or responsibility."[2] The subsequent events quickly proved that this view of the state of mind of the average employer was correct, and that the chosen representatives of the Federated Associations of Boot and Shoe Manufacturers had failed to understand the words which they were, with all solemnity, using. When the

[1] Speech of Mr. Gale, a leading employer. Third day of Conference, August 1892. The men had wished to exclude any question of a general reduction of wages, whereupon the employers had insisted that no exception whatever should be made.

[2] *Shoe and Leather Record*, July 1892.

workmen brought up cases of actual disputes that had arisen about boy labor, machinery, the "team system," and the employment of non-unionists, the employers protested that they had never meant such questions as these to be discussed at all. The president had, of course, no alternative but to hold them bound to their explicit agreement, and to overrule their protests. After prolonged ill-feeling, the associated employers revolted, and withdrew their representatives from the national conference, alleging first of all, that the workmen had in some cases refused to abide by the award of the umpire, and further, that the national conference had become "a legislative tribunal for the trade."[1]

Thus experience of the working of the elaborate machinery for Collective Bargaining provided in the boot and shoe industry has revealed many imperfections. Some of these have been avoided in our second example, the conciliation boards and the joint committees of the Northumberland and Durham coalminers. Here we have, to begin with, a clear distinction maintained between the machinery for interpretation and that for concluding a new agreement. The earnings of the miners in both counties are determined ultimately by general principles[2] applicable to the whole of each county, which are revised at occasional conferences of representative

[1] Manifesto of Federated Associations of Boot and Shoe Manufacturers of Great Britain, 20th December 1894. For documents and exact particulars of the dispute which thereupon arose, see *Labour Gazette*, April and May 1895; also the *Shoe and Leather Record*, and the Monthly Reports of the National Union of Boot and Shoe Operatives from October 1894 to June 1895. We have here dealt with the matter, not on its merits, but only in so far as it illustrates the machinery for collective bargaining. The agreement brought about by the Board of Trade on 19th April 1895, which now governs the industry, expressly excludes four specified subjects from discussion by the local boards and makes no provision for a national conference. But so far as we understand the document, no distinction is even now made between questions of interpretation and questions as to the terms of a new agreement. Both kinds of questions are, as before, to be decided where necessary by the umpire.

[2] These general principles include a normal standard wage, with a corresponding normal tonnage rate, applicable to the whole county. This is called the "County Average," a somewhat misleading phrase as the normal rate is not, and has long not been, a precise "average" of the actual earnings of all the miners in the county, and is now only a conventional figure upon which percentages of advance or reduction are based.

workmen and employers.[1] Neither in Durham nor in Northumberland has this board of conciliation anything to do with the interpretation of the formal agreement from time to time arrived at, or with the incessant labor involved in its application. Its meetings, held only at rare intervals, command the presence of the greatest coal-owners in the county, and of the most influential miners' leaders specially elected for the purpose. The board deliberates in private, and publishes only its decisions. Resort to the umpire, or in Northumberland to the casting vote of the chairman, is rare, the usual practice being for a frank interchange of views to go on until a basis of agreement can be found. On the other hand, all questions of interpretation or application are dealt with by another tribunal, which goes on undisturbed even when one or other party has temporarily withdrawn its representatives from the board of conciliation. In marked distinction from the conciliation board, the "joint committee" in each county meets frequently, and is engaged in incessant work. But this committee is expressly debarred from dealing with "such as may be termed county questions, or which may affect the general trade,"[2] and is rigidly confined to the application of the existing general agreement to particular mines or seams.[3]

[1] In Durham this conference is, since February 1895, called "The Board of Conciliation for the Coal Trade." The rules of that date provide for eighteen representatives of each side, with an umpire to be mutually agreed upon, or in default nominated by the Board of Trade. In Northumberland, the corresponding "Board of Conciliation" now consists of fifteen on each side, with an independent chairman having a casting vote, to be nominated, in default of agreement, by the Chairman of the Northumberland County Council. The name and constitution of these boards are frequently varied in minor details.

[2] *Durham Miners' Joint Committee Rules*, November 1879.

[3] Owing to the great differences in the ease and facilities with which the coal is got in different mines and different seams of the same mine, it is impossible, consistently with uniformity in the rate of payment for the whole work done, to apply any identical tonnage rate throughout the county. When it is found that the men in any mine constantly earn per day an amount which departs appreciably from the normal (the so-called "County Average"), the employer or the workmen appeal for a readjustment of the tonnage rate in that particular instance. It must be counted as a grave defect in the miners' organisations outside Northumberland and Durham that no systematic arrangements exist for this adjustment of the standard wage to the particular circumstances of each mine or seam.

For deliberateness and impartiality this tribunal leaves nothing to be desired. The members, all of whom are practically acquainted with the industry, do not directly represent either of the parties concerned in any dispute, and have no other interest than that of securing uniformity in the application of a common agreement. The chief disadvantage of the tribunal is that which we have already seen complained of in the local boards of the boot and shoe trade. For deciding mere issues of fact, as to the circumstances of a particular seam or pit, a joint committee is necessarily a cumbrous, expensive, and dilatory machine. Every case involves the journeying to Newcastle of witnesses on both sides, and their examination by all the members of the committee. This consumes so much time that cases frequently stand in the agenda for several months before being reached, a fact which leads to great dissatisfaction to those concerned.[1] Moreover, it is often impossible to come to any decision without personal inspection of the seam, and difficult cases are therefore constantly referred for decision to one employer and one workman, with power to choose an umpire. This results in a more precise ascertainment of facts, but increases the delay and expense. Finally, there is in such cases no guarantee that the decisions, arrived at by different sets of people, will preserve that exact uniformity which it is the special function of the tribunal to enforce.

Thus, the much-advertised expedient of a single joint committee of employers and employed to deal with all questions that arise between them, has not proved a wholly

In Lancashire, Derbyshire, and other districts of the Miners' Federation, for instance, there is no better protection of the standard wage than pit-lists, prescribing tonnage rates for individual collieries. No machinery exists for ensuring uniformity (of the rate of pay for the amount of work) between these lists, or even for revising their rates to meet the changing circumstances of particular seams. If a miner finds he is earning a very low amount per day, he applies to his lodge meeting for permission to leave and receive strike benefit. More or less informal negotiations may then be opened with the mine manager, who often fixes a new rate, in consultation either with the group of miners themselves, or with the lodge officials, or in some instances with salaried agents of the union.

[1] This is especially the case in Durham, where the number of mines dealt with is very large.

satisfactory machinery for Collective Bargaining. The expediency of having separate machinery for the essentially different processes of interpreting an existing agreement and concluding a new one is, we think, clearly demonstrated. For one of these two processes, the application and interpretation of an existing agreement, a joint committee is a cumbrous and awkward device. A better solution of the problem has been found in the Lancashire cotton trade. The cotton operatives, like the Northumberland and Durham coalminers, have distinguished, clearly and sharply, between the formation of a new general agreement and the application of an existing agreement to particular cases. But they have done more than this. Unconsciously and, as it were, instinctively, they have felt their way to a form of machinery for Collective Bargaining which uses the representative element where the representative element is needed, whilst on the other hand it employs the professional expert for work at which the mere representative would be out of place.

We will first describe the machinery for the interpretation of an existing agreement. The factors which enter into the piecework rates of the Lancashire cotton operatives are so complicated that both the employers and the workpeople have long since recognised the necessity of maintaining salaried professional experts who devote their whole time to the service respectively of the employers' association and the Trade Union. The earnings of a cotton-spinner, for instance, depend upon the complex interaction of such factors as the "draw" of the mule, the number of its spindles, and the speed with which the machinery works. To compute the operative's earnings, even with the aid of the elaborate printed tables known as the "List," entails no ordinary amount of arithmetical facility. But it is especially the custom of allowing the operative compensation for defective material or old-fashioned machinery and the employer a corresponding allowance for improvements, which has thrown the collective bargaining, as regards interpretation, entirely into the hands of professional experts. Thus, if an Oldham

operative finds his earnings falling below the current figure, either because the raw cotton is inferior or the machinery obsolete, or if an employer speeds up his engine or introduces improvements, the experts on each side visit the mill, and confer together as to the net effect of the change. If the deficiency in earnings is considered to be due to imperfection in the raw material, or to the old-fashioned character of the machinery, the employer is required to add a specified percentage to the normal piecework rate, so that the workman may not suffer. On the other hand, if the employer has effected special improvements, by which the product is augmented, without increasing the strain on the operative, he is allowed to deduct a corresponding percentage from the "List" price. The cotton-weavers have what is essentially the same machinery for calculating the characteristic technical details of their trade.

The importance and complication of the duties thus entrusted to the salaried officials of the cotton-spinners' and cotton-weavers' unions has led to the adoption of an interesting method of recruiting this branch of the Trade Union Civil Service. The Cotton-weavers, in 1861, subjected the candidates for the then vacant office of general secretary to a competitive examination.[1] This practice was adopted by the Cotton-spinners, and is now the regular way of selecting all the officials who are to concern themselves with the intricate trade calculations. The branches retain the right of

[1] Mr. Thomas Birtwistle, the successful candidate on this occasion, was, after over thirty years' honorable service of his Trade Union, appointed by the Home Secretary an Inspector in the Factory Department, as the only person competent to understand and interpret the complicated methods of remuneration in the weaving trade. His son, brought up in the Trade Union office, has since also been appointed a factory inspector. The successful candidate at the Bolton Cotton-spinners' examination in 1895 was, after two years' service as Trade Union Secretary, engaged in a similar capacity by the local Master Cotton-spinners' Association. So far as we know, this is the first instance of a Trade Union official transferring his services from the operatives to the employers, and it throws an interesting light on the transformation of the "labor leader" into the professional accountant. The bulk of the daily work of the Trade Union officials in the cotton industry consists, in fact, in securing the uniform observance of a collective agreement, a service which, like that of a legal or medical professional man, could, with equal propriety, be rendered to either client.

nominating the candidates, and the members, acting through their Representative Assembly, their right of election. But between the day of nomination and that of election all the candidates submit to a competitive examination, conducted by the most experienced officers of the unions. A fairly stiff paper is set in the arithmetic and technical calculations required in the trade, and each candidate writes an essay. But a prominent part is played by an oral examination, in which the examiners assume the part of employers, cross-question the candidates one by one on the alleged grievances of which they are supposed to have come to complain, and do not refrain, in order to test their wits and their good temper, from adopting the bullying manners of the worst employers. The marks gained by all the candidates are printed in full detail, the name of the glib-tongued "popular leader" being sometimes followed by the comment of "entirely wrong" or "not worked" in all his arithmetical calculations, and by infinitesimal marks for spelling, writing, and conduct under cross-examination. The result is usually the election of the candidate who has obtained the highest marks, but the Representative Assembly occasionally exercises its discretion in giving a preference to a candidate of known character or good service, who has fallen a few marks behind the best examinee.[1]

[1] Operative Cotton-spinners' Provincial Association of Bolton and District.

Offices: 77 St. George's Road, Bolton.

Examination Paper for Candidates applying for situation of Gen. Sec. of the above Association.

25th January 1895.

Subject I.—Calculations.

1. Find the number of stretches put up in a week, and the price per 100 required to produce a gross wage of £3 : 9 : 7 per pair of mules, from the following particulars:—Number of spindles in one mule, 1090. From 56½ hours, deduct 2¼ hours for cleaning and accidental stoppages, and one hour and ten minutes for doffing. Speed of each mule, 4 stretches in 75 seconds.

2. Taking the stretches as ascertained by the previous question to be each

It is to this method of selection that we attribute the remarkable success of the officials of the Cotton Trade Unions in obtaining the best possible terms for their members. We regard it as a great disadvantage to the Trade Union world that the system has not hitherto spread to other unions. It seems to us to combine the advantages of competitive examination and popular selection, and it ensures the union against the serious calamity of finding itself saddled with an incompetent officer.

This part of the machinery for Collective Bargaining among the Cotton Operatives—the meeting of the salaried professional experts on each side—deals, as we have said, only with questions of interpretation, that is, the application

64½ inches long, how many hanks would the week's production amount to, and what price per 1000 hanks would be required to bring out the wage previously given?

3. Assuming the standard price paid for producing a certain count of yarn to be 12s. 7d. per 100 lbs., what would the price be after a reduction of 7.9 per cent, and what percentage would it require to bring back the reduced price to the original amount?

4. Divide .3364502 by .001645.

5. Extract the square root of 80's counts to three places of decimals, and then ascertain the required turns per inch for both twist and weft, the assumed standard being the square root of the counts, multiplied by 3½ for weft, and 3⅝ for twist.

6. If good fair Egyptian cotton is advanced from 4 $\frac{5}{16}$ths to 4⅜d. per lb., what would be the rate per cent of the increase? Also what would be the amount of the broker's commission on a sale of 1000 bales of 480 lbs. each, at one-quarter of one per cent, and what would be the difference in his commission as between selling at one price and the other?

7. An upright shaft runs at the rate of 80 revolutions per minute, and has on it a wheel with 70 teeth driving a wheel with 40 teeth on the line shaft. Over each pair of mules there is on the line shaft a drum 40 inches in diameter driving a counter pulley 16 inches in diameter. On the counter shaft is a drum 30 inches in diameter, driving a rim-pulley 15 inches in diameter. Give the revolutions of the rim shaft per minute.

8. Assuming a rim shaft to be making 680 revolutions per minute, with a 20-inch rim, a 11½-inch tin roller-pulley, a 6-inch tin roller, and spindle wharves $\frac{3}{16}$ths of an inch in diameter, what will be the number of revolutions of the spindles per minute, after allowing $\frac{1}{16}$th of an inch each to the diameter of the tin roller and spindle wharves for slipping of bands?

II.—Writing, Composition, and Spelling.

Compile an essay on Trade Unions, with special reference to their useful features. The essays must not exceed about 1200 words, and the points taken

to particular jobs, or particular processes, of the existing general agreements accepted by both sides. When it comes to concluding or revising the general agreement itself—a matter in which not one firm or operative alone is interested, but the whole body of employers and workmen—we find the machinery for Collective Bargaining taking the form of a joint committee composed of a certain number of representatives of each side. Thus the Cotton-spinners, whilst leaving to the arbitrament of the secretaries of the district union and district employers' association all questions relating to particular mills or particular workmen, revise the details of their lists in periodical conferences in which the leading employers of the district concerned arrange the matter with the leading trade union officials and representative operatives. And when the point at issue is not the alteration of the technical details of the list, but a general reduction or advance of wages by so much per cent throughout the trade, or a general shortening of the working time, we see the matter

into consideration will be handwriting, spelling, composition, and the clear concise marshalling of whatever facts or arguments are adduced.

III.—Oral Examination.

Each candidate will be examined separately as to his capacity for dealing orally with labour disputes. On this point they will have to formulate what they consider would be a complaint requiring immediate attention, and the examiners will question them, and possibly urge some arguments against the views advanced.

Candidates will be allowed from ten in the forenoon to five in the afternoon to complete their examination in the two first subjects, with one hour for dinner. Candidates will not be allowed to refer to any books or papers. The third subject (oral examination) will not be taken until Sunday, the 27th instant, at 1 o'clock.

THOMAS ASHTON,
JAS. MAWDSLEY, } *Examiners.*

Thirteen candidates in all entered for this examination. The examiners allowed a maximum of 50 marks for each sum, and 100 marks each for writing, spelling, composition, and oral examination, making 800 marks the maximum attainable. The number of marks obtained by the candidates varied from 195 to 630. The post was finally given to the second candidate in the list (610 marks), who was an old and esteemed officer of the union, and whose second place at the examination was chiefly due to his obtaining lower marks for handwriting than the most successful candidate.

discussed between appointed representatives of the whole body of the employers, attended by their agents and solicitors, and the central executive of the Amalgamated Association of Operative Cotton-spinners as representing all the district unions.

In the case of the English Cotton-spinners the lists of prices have been so carefully and elaborately worked out that even district conferences are of only occasional occurrence. The general policy of both employers and operatives is against any but rare and moderate variations of the standard earnings. Such questions as hours of labor and sanitation do not, among the Cotton Operatives, for reasons that we shall explain in a subsequent chapter, fall within the sphere of the Method of Collective Bargaining. The joint conferences of the whole trade take place therefore only in momentous crises, and are accompanied by all the solemnity and strenuousness of an assembly on whose decision turns the question of peace or war.

It is interesting to see one of these momentous conferences at work. The historic all-night sitting which settled the great Cotton-spinners' dispute of 1893, and concluded the agreement which has since governed the trade, was vividly described by one of the leading Trade Union officials who took part in it. The employers had demanded a reduction of 10 per cent, whilst the men had urged that it would be better to reduce the number of hours worked per week. The stoppage had lasted no less than twenty weeks, practically every mill in the whole industry being closed. Feeling on both sides had run high, but after frequent negotiations and incessant newspaper comment, the points at issue had been narrowed down, and both parties felt the need of bringing the struggle to an end. To escape the crowd of reporters the place of meeting was kept secret, and fixed for 3 P.M. at a country inn, to which the whole party journeyed together in the same train.

"On the employers' side was Mr. A. E. Rayner, looking all the better for his holiday at Bournemouth. With him

were some sixteen or seventeen others, amongst whom were Mr. Andrew, Mr. John B. Tattersall, and Mr. James Fletcher of Oldham. There was also Mr. John Fletcher, Mr. R. S. Buckley, and Mr. Smethurst of the Ashton district, who took with them Mr. Dixon to keep them in countenance. Mr. Sidebottom of Stockport also gave a kind of military flavor to his colleagues, whilst Mr. John Mayall of Moseley attended to look in and lend some dignity to the occasion, in which he was assisted by Mr. W. Tattersall, secretary of the federation. On the operatives' side Mr. Ashton, Mr. Mellor, and Mr. Jones did duty for Oldham; Mr. Wood, Mr. Rhodes, and Mr. Carr represented the Ashton district; whilst the general business was attended to by Mr. Mullin, Mr. Mawdsley, Mr. Fielding, and some dozen others, whilst Mr. D. Holmes, Mr. Wilkinson, and Mr. Buckley had a watching brief for the winders and reelers. Perhaps we ought not to omit mentioning that the employers had brought with them Mr. Hesketh Booth, clerk to the Oldham magistrates, who was counterbalanced by Mr. Ascroft, another Oldham solicitor, who had accompanied the cardroom hands.

"Those whose names we have mentioned, with others, made up a party of between thirty and forty, and after taking a few minutes to straighten themselves up after leaving the train, they settled down to business. Mr. A. E. Rayner was unanimously voted to the chair. . . . Both sides had prepared and got printed a series of proposals, and the employers had . . . them printed side by side on the same sheet. In many of them there was nothing to differ about except the wording, as the idea aimed at was the same in both cases. But the clause dealing with the reduction was the first, and in their sheets the employers had left the amount out, whilst the operatives had put in $2\frac{1}{2}$ per cent. The employers wished the discussion on this point to be deferred to the end of the meeting, but feeling that unless a settlement could be arrived at on this, the whole of the time spent on the other clauses would be wasted, the operatives insisted it should be taken first. The employers then retired, and after being absent some

time, returned and offered to accept a reduction of 3 per cent. The operatives then retired, and after a prolonged absence, offered to recommend the acceptance of sevenpence in the pound.[1] Then came an adjournment for tea, and further discussion on the same subject followed, which was, however, carried on by means of deputations from one section to the other, as it was found that much better progress was made by this system than by all being together, with its concomitant long speeches, which generally came to nothing. This point ultimately disposed of in favour of the sevenpence, some minor clauses were got through, the next discussion being on the arrangement of intervals between the times when wages can be disturbed. This discussion brought up the time to after ten o'clock, and everybody was tired and anxious to be going home. . . . But as there seemed to be every prospect of being able to ultimately agree, it was considered that they should not run the risk of rendering the meeting useless by separating. In order to give the jaded men an opportunity for freshening up, an adjournment for half an hour was therefore agreed to, during which cold remains of the tea vanished. This, combined with a smoke and a stroll in the open air, put everybody right, and when business was resumed it went on swimmingly. There was little said by the employers over their clause, that union operatives must work amicably with non-union men, and another affirming that in any proposal to change the rate of wages the state of trade for the three previous years must be taken into account. . . . When this work was done the remaining clauses which affirm the desirability of (employers and operatives) working together for the promotion of measures conducive to the general interests of the trade, were soon gone through, and at nearly four o'clock in the morning the jaded disputants rushed off to get a little change of air whilst the agreement was being picked out from piles of papers and put together in proper form. At this stage a little diversion was occasioned by the arrival of a cab con-

[1] Equal to 2.916 per cent.

taining a reporter of one of the Manchester papers, who, after hunting all over South-east Lancashire for the meeting-place, had at last found the right spot. This bit of enterprise having been rewarded by about six lines of something, he rushed off back to catch his paper. Just after five (after fourteen hours) the documents were in shape, and the requisite signatures attached, and with a few, evidently heart-felt congratulatory remarks from the chairman, and a vote of thanks having been given to him, the proceedings closed."[1]

The machinery for Collective Bargaining developed by the Cotton Operatives, in our opinion, approaches the ideal. We have, to begin with, certain broad principles unreservedly agreed to throughout the trade. The scale of remuneration, based on these principles, is worked out in elaborate detail into printed lists, which (though not yet identical for the whole trade) automatically govern the actual earnings of the several districts. The application, both of the general principles and of the lists, to particular mills and particular workmen, is made, not by the parties concerned, but by the joint decision of two disinterested professional experts, whose whole business in life is to secure, not the advantage of particular employer or workmen by whom they are called in, but uniformity in the application of the common agreement to all employers and workmen. The common agreements themselves are revised at rare intervals by representative joint committees, in which the professional experts on both sides exercise a great and even a preponderating influence. The whole machinery appears admirably contrived to bring about the maximum deliberation, security, stability, and promptitude of application. And whilst absolutely no room is left for the influence upon the negotiations of individual idiosyncrasies, temper, ignorance of fact, or deficiency in bargaining power, whether on the side of the employer or

[1] "How matters were arranged," *Cotton Factory Times*, 31st March 1893; see *Labour Gazette*, May 1893. The formal treaty, known as the "Brooklands Agreement," will be found in the Board of Trade *Report on Wages and Hours of Labour*, Part II., Standard Piece Rates, 1894, C, 7567, p. 10.

the operative, the uniform application of an identical method of remuneration throughout the whole trade leaves the able capitalist or energetic workman free to obtain for himself the full advantage of his superiority.[1]

The reader who has had the patience to follow the foregoing exposition will have seen that, taking the Trade Union world as a whole, the machinery for Collective Bargaining must be regarded as extremely imperfect. We do not here discuss whether Collective Bargaining is, or is not, economically advantageous to the workmen or to the community. We may, however, assume that it is desirable, if it exists, that it should be carried on without friction. And if for the moment we take the Trade Union point of view, and assume the expediency of a Common Rule, excluding the influence of particular exigencies, it is essential that this Common Rule should be wisely and deliberately determined on, uniformly applied, and systematically enforced. This demands machinery which, over the greater part of the Trade Union world, has not yet been developed. Throughout the great engineering and building trades, and indeed, in nearly all the timework trades, Collective Bargaining, though practically universal, is carried on in a haphazard way with the most rudimentary machinery, and usually by amateurs in the craft of negotiation. The piecework trades have, in the main, been forced to recognise the importance of commanding the services of salaried professionals to deal with their complicated lists of prices. Only among the Cotton-spinners and Cotton-weavers, however, do we yet find any arrangement for ensuring, by a technical examination, for continuity of expert

[1] The United Society of Boilermakers, whose hierarchy of agreements we have described, has, in effect, similar machinery for Collective Bargaining. New agreements are concluded at meetings with the employers, in which the expert salaried officials are associated, at any rate in form, with representative workmen. The machinery for interpretation consists, in effect, of a joint visit by salaried officials representing respectively the associated employers and the Trade Union. "They had tried a joint committee on the Tyne," said Mr. Robert Knight, "but the employers could not spare the time, for all their local disputes mostly required visiting, and so they came to prefer a reference to a delegate who was their representative, and he met the men's delegate with the best results."—*Newcastle Leader "Extra" on Conciliation in Trade Disputes* (Newcastle, 1894), p. 15.

services. Finally, we see the whole machinery for Collective Bargaining seriously hampered, except in two or three trades, by the failure to make the vital distinction between interpreting an existing wage contract, and negotiating the terms upon which a new general agreement should be entered into. We must, in fact, conclude that, among the great unions only the Cotton-spinners, Cotton-weavers, and the Boilermakers, and, to a lesser extent, the North of England and Midland Iron-workers [1] and the Northumberland and Durham

[1] For the rules, history, and working of these Boards, see *Industrial Conciliation*, by Henry Crompton; *Industrial Peace*, by L. L. F. R. Price (London, 1887); Sir Bernhard Samuelson's paper in February 1876 before the British Iron Trade Association; the evidence before the Royal Commission on Labor, 1892, particularly that of Messrs. Whitwell and Trow, Group A, 14,974 to 15,482; and the summary of the rules at p. 368 of the Parliamentary Paper, c. 6795, xii. Reports of their proceedings are given in the monthly *Ironworkers' Journal*, the organ of the Iron and Steel Workers of Great Britain. Though these Boards have repeatedly been described, their observers have, in our opinion, dealt rather with the formal than with the real constitution, and with the aspirations rather than with the actual results of the organisation. An important but scarcely noticed element in the problem is the fact that a certain proportion of the workmen are themselves employers of subordinate labor. Exactly what classes of workmen—puddlers, millmen, mechanics, enginemen, laborers, etc.—are entitled to vote in the election of representatives, and how effectively all the different grades are actually represented on the Boards, has never been described. It is reported that a large number of the cases dealt with by the Midland Board at any rate, concern differences, not between a firm and its wage-earners, but between a manual-working sub-contractor and his subordinates, the latter not being represented on the Board. With regard to the actual results of the Boards, the student would have to investigate whether the rates fixed from time to time did not operate rather as maxima than as minima; whether, that is to say, the incompleteness and lack of authority of both the employers' and the workmen's organisations did not lead to many firms taking advantage of the awards of the Board to stave off larger demands from their workmen, whilst at other times using their own strategic position to compel the men to accept lower terms than the Board was awarding. In January 1893, for instance, one of the union officials deplored, in a meeting of the members, "the private reductions which they had submitted to all round," in contravention of the rates fixed by the Midland Board (*Ironworkers' Journal*, January 1894). Some years later the men's dissatisfaction led to the following manifesto: "Amongst large numbers of the workmen there is a growing opinion that the Board is unsatisfactory, and that it would be to the workers' interests to dissolve it. It is stated that employers only appeal to the Wages Board when it suits them, and that they ignore its principles and rules, when by so doing they can take undue advantage of their workmen, so that the maintenance of the Wages Board is only beneficial to the employer and prejudicial to the interests of the workmen. . . . Even the employer section fear to enforce adherence to its rules because of giving offence to those employers who simply look upon the Board as a convenience for imposing

Miners, can be said to be adequately equipped with efficient machinery for Collective Bargaining.

The foregoing analysis of the Method of Collective Bargaining, and of the machinery by which it is carried out, will have revealed to the student two of its incidental characteristics, which to some persons appear as fatal evils, and to others merely as the "defects of its qualities." The keen Individualist will scent an element of compulsion in the so-called "voluntary" agreements governing the conditions of a whole trade. The ardent advocate of "industrial peace" will fail to discover any guarantee that the elaborate negotiations between highly-organised classes will not end in a declaration of war instead of a treaty of agreement.

That some measure of compulsion is entailed by the Method of Collective Bargaining no Trade Unionist would deny. Trade Unionists, as we have explained, value Collective Bargaining precisely because it rules out of account the particular exigencies of individual workmen or establishments. With this exclusion of exigencies there comes necessarily a certain restriction on personal idiosyncrasy, which some would describe as a loss of liberty. When, for instance, the employers and workmen in a Lancashire town collectively settle which week shall be devoted to the annual "wake," even the exceptionally industrious cotton-spinner or weaver finds himself bound to keep holiday, whether he likes it or not. It is impossible to make common arrangements for numbers of men without running counter to the desires of some of them. The wider the range of the Common Rule, and the more perfect is the machinery for its application and enforcement, the larger may be the minority which finds itself driven to accept conditions which it has not desired. It follows that the Trade Union must provide, in its consti-

unjust conditions upon their workmen." (Official Circular from the Executive Council of the Associated Iron and Steel Workers of Great Britain, 10th August 1896, in *Ironworkers' Journal*, September 1896). For analogous cases under the North of England Board, the student should investigate the action of the Stockton Malleable Iron Company (see *Ironworkers' Journal*, January 1894), and that of the Barrow Steel Works (*Ibid.* January 1896).

tution, some means of securing the obedience of all its members to the regulations decided upon by the majority. The rules of all unions, from the earliest times down to the present day, contain clauses empowering the fining of disobedient members, the alternative to paying the fine being expulsion from the union. We have already pointed out that the development of the friendly society side of Trade Unionism incidentally makes this sanction a penalty of very real weight, and one which can be easily enforced. To this pecuniary loss may, moreover, be added the incidents of outlawry. When a union includes the bulk of the workmen in any industry, its members invariably refuse to work alongside a man who has been expelled from the union for "working contrary to the interests of the trade." In such a case expulsion from the union may easily mean expulsion from the trade. But whilst the Trade Union has thus most drastic punishments at its command, the individual member is habitually protected from tyranny or caprice by an elaborate system of appeals, which ensure him against condemnation otherwise than according to the positive laws of his community. This disciplinary system is, of course, usually applied to men who deliberately undermine the Common Rule by accepting lower terms than those collectively agreed to.[1] But it is also used against workmen who break the agreement in the other direction. "To give one illustration," said the general secretary of the United Society of Boilermakers, to the Royal Commission on Labor, "we had a case

[1] The Trade Unionist feeling against men who work "under price" is expressed in the following quotation from the *Amended General Laws of the Amalgamated Society of Cordwainers* (London, 1867), one of the most ancient of unions :—

"A scab is to his trade what a traitor is to his country, and though both may be useful to one party in troublesome times, when peace returns they are detested alike by all; so when help is wanted a scab is the last to contribute assistance, and the first to grasp a benefit he never labored to procure; he cares only for himself, but he sees not beyond the extent of a day; and for momentary and worthless approbation would betray friends, family, and country. In short, he is a traitor on a small scale—he first sells the journeymen and is himself afterwards sold in his turn by his master, until at last he is despised by both and deserted by all. He is an enemy to himself, to the present age, and to posterity."

at Hartlepool a short time since, where a vessel was in for repairing, and the men knew that the vessel was in a hurry, and thought there was a very good chance to get an advance in their wages, so they went to their foreman, and made a demand for 2s. a week advance. The foreman, knowing the arrangement between our association and the employers' association, refused to give the advance, and at once wired to me at Newcastle, and by the orders of the council I sent back to say that the employer was to give the men the advance as asked for, because we did not want to stop the work, as the ship was in a hurry, and we wanted to get her off. The employer gave the men the advance as asked for, and we at once sent to the firm requesting the firm to tell us the amount of money they had paid to the men as advances of wages on that job. When the job was completed those particulars and details were sent to us at Newcastle, and also the names of the men who were engaged upon the job, and who had made the demand. As soon as that was done our council ordered the members who received the money to refund that again to the Society, and we sent a cheque from the head office to that firm equal to the amount of the advances given."[1] In another case men knowing that their employer was under a time limit for the completion of a ship made a sudden demand for a rise. Precisely the same action was taken by the union, and the men were also fined "for dishonorable behaviour to employer under contract to deliver."

[1] Royal Commission on Labor, Group A, Question 20,718. The frequency with which this disciplinary power is exercised may be judged from an extract from the *Monthly Report* for May 1897, referring only to a single district. The list is not usually published.

"The following members have been dealt with by the committee during April :—

F. F., foreman, holding two jobs at Heyes, 40s.
T. B., rivetter, doing plater's work, 10s.
E. T., plater, neglecting his work through drinking, 10s.
J. J., rivetter, doing plater's work, 20s.
H. R., excessive overtime, 30s.
T. C., using abusive language to Strike Secretary, 10s.
R. D., using disgusting and obscene language to Mr. W. H., foreman, 10s."

In the world of modern industry this submission of the personal judgment to the Common Rule extends far beyond the range of those who, by Trade Union membership, may be considered to have agreed to forego an individual decision. When the associated employers in any trade conclude an agreement with the Trade Union, the Common Rule thus arrived at is usually extended by the employers, as a matter of course, to every workman in their establishments, whether or not he is a member of the union.[1] This universal application of a collective bargain to workmen who have neither personally nor by representatives taken any part in it, is specially characteristic of the Sliding Scale. In the ironworks of the North and Midlands the awards of the accountants engaged by the joint committees of employers and workmen habitually govern every wage contract in the establishments concerned, however distasteful the whole proceeding may be to a particular section of workmen. The position of the South Wales coalminers is even more striking. Not a third of the 120,000 men are even professedly members of any Trade Union, or in any way represented in the negotiations, and of the organised workmen a considerable proportion, forming three separate unions, each covering a distinct district, expressly refused to agree to the 1893 Sliding Scale, and withdrew their representatives from the joint committee. Nevertheless, the whole of the 120,000 men, with infinitesimal special exceptions, find their wages each pay-day automatically determined by the accountant's award. In this case the associated employers, in alliance with a minority of the workmen, enforce, upon

[1] This practice has recently received authoritative official confirmation. Certain boot manufacturers in Bristol and Northampton, whilst holding themselves bound to give to members of the National Union of Boot and Shoe Operatives the terms specified in the collective agreements, claimed the right to pay what they liked to the non-unionists they employed. On the issue being referred, at the instance of the Trade Union, to the Permanent Secretary of the Board of Trade as umpire, he decided that the decisions of the Local Boards were, unless expressly restricted, applicable to unionists and non-unionists alike, although the latter were in no way parties to the agreement. See Award of 6th May 1896, in *Labour Gazette*, May 1896.

an apathetic or dissentient majority, under pain of exclusion from the industry or exile from the district, a method of remuneration and rates of payment which are fiercely resented by many of them. In instances of this kind it is the employers who are the instruments of coercion. In other industries we find the Trade Union, acting in alliance with the Employers' Association, putting its own forms of pressure on dissentient employers, who refuse to join the association, or to conform to the arrangements agreed to by the industry as a whole. The records of the local boards in the boot and shoe trade contain many appeals from the representatives of the Associated Employers to the National Union of Boot and Shoe Operatives, in which the union is incited to use all its influence to compel rival firms to conform to the trade agreements. Here a majority of workmen, at the instance of, and in alliance with a majority of employers, practically force a minority of both masters and men to accept the Common Rules which have commended themselves to the main body of the trade. In short, experience shows that any successful attempt to arrange common terms in a highly-developed modern industry, inevitably leads, however "voluntary" may be the basis of the associations concerned, to a virtually compulsory acquiescence in the same terms, if not throughout the whole trade, at any rate by many firms and many workmen who have in no sense willingly agreed to them.

This compulsion takes a more obvious form when it is a question of providing the cost of the machinery by which the common arrangements are made and applied. In the South Wales coalfield, where, as we have seen, the Silding Scale is practically universal, a compulsory deduction of sixpence per annum is made by the employers from the earnings of about 40,000 men, whether or not they individually agree with the Sliding Scale, or are members of any Trade Union. In the Rhondda Valley, and in a few other districts, the compulsion goes a step farther. The employers compulsorily deduct a few pence per month from their work-

men's earnings, as the contribution to the Trade Union. A certain agreed percentage is retained by the employer and his clerks for their trouble, and the balance is handed over to the agents of the men's unions. By far the largest and most important miners' union in South Wales has no other subscription than this compulsory deduction in the employer's pay office, and is without any lodges, branch officials, or other organised machinery. To all intents and purposes, therefore, Trade Union membership, summed up, as it is, in this enforced contribution to maintain officials with whom the employers can negotiate, is, over a large part of the South Wales coalfield, absolutely compulsory.[1]

But whilst the compulsory Trade Unionism of the South Wales coalfields, as enforced by the employers, extends to the collective arrangements, and to payment for their cost, it makes no provision for ensuring that the apathetic or dissentient workers shall have any opportunity of expressing their desires, or of taking any part in controlling their own side of the business. As most of the men from whom the Sliding Scale pence are deducted are not even nominally on the roll of any Trade Union, they are never troubled to vote on any question, and the working-men members on the Sliding Scale committee, representing the small minority of men on the books of the

[1] A similar compulsory membership characterises the manufactured iron trade. The Midland Iron and Steel Wages Board decided that employers should compulsorily collect from all their operatives the contribution due in respect of the men's share of the Board's expenses. Some employers neglected to do this, and on complaint made by the Operatives' Secretary, the Chairman of the Board held that all employers were bound to make the deduction (*Ironworkers' Journal*, March 1895). The North of England Manufactured Iron Board adopts the same practice. The Truck Act of 1896 forbids any such deduction, and, in order to enable it to be continued, Mr. Trow, the Operatives' Secretary, moved and carried a resolution that the Home Secretary should be asked to make an order excluding their trade from the scope of the Act (*Ironworkers' Journal*, March 1897). The Midland Board unanimously joined in the application on the express ground, as stated by the Chairman, that the Act "might have the effect of preventing them deducting the contributions of the men to the Wages Board" (*Ironworkers' Journal*, April 1897). It will be interesting to see whether the Home Secretary extends his sanction to the principle of compulsory contribution, by complying with the request, and issuing an order exempting the whole trade from the Truck Act.

several unions, conclude such agreements with the employers, and make such disposition of the compulsory deductions, as seem best in their own eyes, or in those of their immediate constituents. We have, in fact, in this remarkable case, an instance of collective administration without democratic control. In another case in the same industry, where collective action and compulsory payment is enforced by the law, provision is at least made for a ballot to be taken. We have described elsewhere[1] how long and persistently the Miners' Trade Unions have fought to obtain the right to have their own agent at the pit mouth, to see that their members are not defrauded in the computation of their tonnage earnings; and we have also pointed out how invaluably these checkweighers have served as union officials.[2] By the Coal Mines' Regulation Act of 1887 it was enacted that, whenever a mere majority of the workers in any coal pit, to be ascertained by a ballot vote, decided to appoint a checkweigher, the amount of his wages should be shared among all the workers in the pit who were paid according to the weight of coal gotten, and that it should be compulsorily deducted from their earnings, whether they voted for the appointment or against it.

More generally, however, it is left to the Trade Union to take such steps as it can to enforce the common trade agreements, and to collect for itself the expenses involved. This may be effected in two ways. Following the example of the South Wales Coal-owners, the Trade Union may enforce, throughout the whole trade, an agreement concluded between a section of the employers and the employed, levying a compulsory tax for the purpose upon all persons

[1] *History of Trade Unionism*, pp. 289, 453.

[2] Among the amendments of the law now sought by the Miners' Federation is one enabling the hewers in any mine to appoint an assistant checkweigher, at the expense of the whole pit, to act whenever "the said checkweigher is acting in any other capacity for or on behalf of the workmen of the colliery." "What they wanted to do," explained the Yorkshire representatives at the Miners' Conference in 1896, "was to make it so that the men employed at any colliery could appoint an assistant checkweigher to look after the work when the weigher was away on association business."

at work. Thus the old close corporation of Dublin Coopers, whilst allowing strangers to work, does not admit them to membership, but insists that they shall obey all the regulations of the union, and contribute weekly to its funds so long as they work in the town. But this "taxation without representation" is alien to working class sentiment, and the almost universal practice of Trade Unionism is to expect every member of the trade to bear his share, not only in the cost of its administration, but also in the work of its government. "We contend," declare the Flint Glass Makers, "that it is the imperative duty of men who live by a trade to support, protect, and keep it in a respectable condition. Men who refuse to subscribe to the funds of a Trade Union never can be looked upon by those who are members of such a union with that feeling of satisfaction and respect which makes one happy in the thought that unity of action is the aim of all for the good of each other."[1] Hence we have, not only compulsory acceptance of the trade customs but also compulsory membership of the Trade Union concerned. In old days, when any Trade Union action was a criminal offence, this compulsion easily passed into personal violence.[2] But British Trade Unionists now content themselves with the more peaceful method practised by the employers. An employer habitually refuses to engage any workman who does not agree to his workshop rules, or to those adopted by the employers' association. In the same way, the Trade Unionist will, if he can, refuse to accept work in an establishment where he is obliged to associate with non-unionists; "working beside a non-unionist," say the Flint

[1] Address of Central Committee, *Flint Glass Makers' Magazine*, May 1889.

[2] In the *History of Trade Unionism* we have described the practice of "rattening," for which some of the Sheffield trade clubs were, up to 1867, unhappily notorious. In the early part of the century the trade clubs of Dublin and Glasgow had an equally evil reputation for personal violence (see *History of Trade Unionism*, pp. 3, 31, 79, 149, 154, 242). With the growth of legal freedom for Trade Unions to employ peaceful, and really more effective, sanctions, this resort to summary lynch law has died out. We know personally of no instance in which, during the present generation, physical violence has been used to compel Trade Union membership.

Glass Makers, "is bad enough to a man of brain and principle, without having to suffer the indignity of being compelled to assist him in his labor. . . . This being so we do not hesitate to say that before an employer engages a unionist, he ought to clear all the non-unionists off the premises. Where we have demanded this, it has been done." This is put even more definitely by the Coal-miners. The minutes of the Derbyshire Miners record, for instance, under date of 1892, "that this Executive Committee recommend our members, where the majority are union men, to use every legal effort to induce others to join, and failing this we advise our members neither to work nor ride with them, but that due notice of their intention to take such actions be given to the management in each case before being put into practice."[1]

There is a strange delusion in the journalistic mind that this compulsory Trade Unionism, enforced by refusal to work with non-unionists, is a modern device, introduced by the "New Unionists" of 1889. Thus Mr. Lecky states as a fact[2] that the establishment of monopolies, and the exclusion, "often by gross violence and tyranny," of "non-unionists from the trades they can influence" is specially marked "among the New Unionists." But any student of Trade Union annals knows that the exclusion of non-unionists is, on the contrary, coeval with Trade Unionism itself, and that the practice is far more characteristic of its older forms than of any society formed in the present generation. The trade clubs of handicraftsmen in the eighteenth century would have scouted the idea of allowing any man to work at their trade who was not a member of the club. And at the

[1] Minutes of Executive Meeting, Derbyshire Miners' Association, July 1892. It is an incident of this refusal, on the part of the employer or on that of the wage-earner, to consent to work with persons of whose conduct he disapproves, that employers seek to insist on "character notes," workmen classify firms into "fair" and "unfair," and the associations on both sides circulate to their members "blacklists" of the men who have made themselves objectionable, towards the employers in the one case, and towards their fellow workmen in the other.

[2] *Democracy and Liberty*, vol. ii. p. 348.

present day it is especially in the old-fashioned and long-established unions that we find the most rigid enforcement of membership. Among the Coalminers it is the men of Northumberland, Durham, and the West Riding of Yorkshire, strongly combined for a whole generation, who have set the fashion of absolutely refusing to "ride" (descend in the cage) with non-unionists.[1] In the best organised industries indeed, whether great or small, such as the Boilermakers, Flint Glass Makers, Tape-sizers, or Stuff-pressers—the very aristocracy of "Old Unionists"—the compulsion is so complete that it ceases to be apparent. No man not belonging to the union ever thinks of applying for a situation, or would have any chance of obtaining one. It is, in fact, as impossible for a non-unionist plater or rivetter to get work in a Tyneside shipyard, as it is for him to take a house in Newcastle without paying the rates. This silent and unseen, but absolutely complete compulsion, is the ideal of every Trade Union. It is true that here and there an official of an incompletely organised trade may protest to the public, or before a Royal Commission, that his members have no desire that any workman should join the union except by his own free will. But, however *bonâ fide* may be these expressions by individuals, we invariably see such a union, as soon as it secures the adhesion of a majority of its trade, adopting the principle of compulsory membership,

[1] For an extreme instance of this boycott of non-unionists, see the remarkable letter of William Crawford, the leader of the Durham miners, given in full, at p. 280 of the *History of Trade Unionism*, and written, we believe, about 1870. "Regard them," said Crawford, "as unfit companions for yourselves and your sons, and unfit husbands for your daughters. Let them be branded, as it were, with the curse of Cain, as unfit to mingle in ordinary, honest, and respectable society." But this extension of the ostracism from the workplace to the home, from industrial relations to social life, is repugnant to British working-class sentiment, and has never extensively prevailed. However illogical may be the distinction, there is a general feeling, now spreading, we think, to other classes of society, that it is inexpedient to extend social ostracism beyond the sphere of the offence. Business men habitually deal with others of known bad character in private life, so long as their commercial dealings are unobjectionable. On the other hand, English society does not refuse to meet at dinner statesmen of good private character, whose public acts it deems in the last degree unscrupulous. The more logical policy advocated by Crawford is regarded as fanaticism.

and applying it with ever greater stringency as the strength of the organisation increases.

Whatever we may think of these various forms of compulsion, it is important to note that they are in no way inconsistent with the old ideal of "freedom of contract"—the legal right of every individual to make such a bargain for the purchase or sale of labor as he may think most conducive to his own interest,—and that they are, in fact, a necessary incident of that legal freedom.

When an employer, or every employer in a district, makes the Sliding Scale a condition of the engagement of any workman, the dissentient minority are "free" to refuse such terms. They may, in the alternative, break up their homes and leave the district, or learn another trade. The wage-earners cannot be denied a similar freedom. When a workman chooses to make it a condition of his acceptance of employment from a given firm, that he shall not be required to associate with colleagues whom he dislikes, he is but exercising his freedom to make such stipulations in the bargaining as he thinks conducive to his own interest. The employer is "free" to refuse to engage him on these terms, and if the vast majority of the workmen are of the same mind, he is "free" to transfer his brains and his capital to another trade, or to leave the district. But to any one not obsessed by this conception of "freedom," it will be obvious that a mere legal right to refuse particular conditions of employment is no safeguard against compulsion. Where practically all the competent workmen in an industry are strongly combined, an isolated employer, not supported by his fellow capitalists, finds it absolutely impossible to break away from the "custom of the trade." The isolated workman who objects to Trade Unionism finds himself in the same predicament. The coal-hewer in a Northumberland village has no more real freedom of choice as to whether or not he will join the union than a Glamorganshire miner has about working under the Sliding Scale. The workmen's case for Trade Unionism and the employers' case against it both proceed on the same assump-

tion.[1] *Wherever the economic conditions of the parties concerned are unequal, legal freedom of contract merely enables the superior in strategic strength to dictate the terms.* Collective Bargaining does not get rid of this virtual compulsion: it merely shifts its incidence. Where there is no combination of any kind, the strategic weakness of the individual wage-earner, unable to put a reserve price on his labor, forces him to accept the lowest possible terms. When the workmen combine the balance is redressed, and may even incline, as against the isolated employer, in favor of the wage-earner. If the employers meet combination by combination, the compulsion exercised upon individual capitalists or individual wage-earners may become so irresistible as to cease to be noticed. In the most perfected form of Collective Bargaining, compulsory membership becomes as much a matter of course as compulsory citizenship.

If, indeed, we examine more closely the common arguments against this virtual compulsion, we shall see that the customary objection is not directed against the compulsion itself, but only against the persons by whom it is exercised, or the particular form that it takes. The ordinary middle-class man, without economic training, is wholly unconscious of there being any coercion in an employer autocratically deciding how he will conduct "his own business."[2] But the very notion of the workmen claiming to decide for themselves under what conditions they will spend their own working days strikes him as subversive of the social order. The ardent Trade Unionist, on the other hand, resents the "tyranny" of the employer's workshop rules, but sees no harm in a strong union relentlessly enforcing its will on the capitalists, without deigning to consult with them beforehand.

[1] This assumption is examined in detail in our chapter on "The Higgling of the Market."

[2] "The capitalists or master class . . . think the internal arrangements of their establishments, hours, mode of payment or contract no more the affairs of the public than the routine of a man's own household."—"Trade Unions and their Tendencies," by Edmund Potter, F.R.S., *Social Science Association Transactions*, 1860, p. 755.

The modern compromise between these diametrically opposite views, and one now attracting a growing share of public approval, is the settlement of the conditions, neither by the workmen nor by the employers, but by collective agreement between them. It is this feeling that accounts for the ever-increasing favor for Boards of Conciliation and Arbitration and joint committees of all sorts. Public opinion, that is to say, accepts as inevitable the submission of the individual to the Common Rule, and seeks merely to ensure that this submission should be based upon due representation of the persons directly concerned. The most fervent advocates of this Collective Bargaining between the representatives of employers and employed welcome, in the interests of Industrial Peace, the application of these collective agreements over whole districts of an industry, and for specified long terms, though this necessarily involves the compulsory acquiescence of individual firms and individual workmen who would have preferred to make separate bargains. And thus we come, step by step, to the remarkable proposal of the Chairman of the Royal Commission on Labor, the Duke of Devonshire, himself a great employer, concurred in by seven other eminent members, that Trade Unions and Employers' Associations, extending over whole trades, should be encouraged to become definitely incorporated bodies, expressly authorised to conclude collective agreements for their constituents, and empowered to secure the compliance of all their members with these new trade laws by legally enforcible penalties, "every member of a (duly registered) association being during membership held to be under a contract with the association for observance of the collective agreement," the association being given "the right to recover damages from those of its members who infringed the collective agreement." [1]

[1] See the Report, signed by the Duke of Devonshire, the Right Honorable Leonard Courtney, M.P., and six other members, C, 7421, p. 117. This proposal is further examined in our chapter on "The Implications of Trade Unionism."

But the essential reasonableness of English public opinion sets limits to all these forms of legal freedom of contract and economic compulsion, whether it is the capitalist's "freedom of enterprise," the wage-earner's "freedom of combination," or the freedom of representative joint committees to decide what shall be the customs of the trade. When it becomes obvious that individual capitalists are using their strategic advantage to compel the wage-earners to accept conditions patently dangerous to life, health, or character, middle-class opinion supports legislation to curb their greed. When a group of workmen strike against machinery, or to enforce some obviously anti-social regulation, they find themselves deserted by the general body of Trade Unionists, frequently thwarted by other members of their trade, and even condemned by the executive of their own union. And when the Duke of Devonshire and Mr. Leonard Courtney proposed, in the Royal Commission on Labor, to give increased power of trade regulation to free associations of employers and employed, they were met by the objection that such joint agreements in particular trades might easily become prejudicial to the interests of other industries or of the general body of consumers. At the root of all these instinctive qualifications of logical doctrines, there lies a half-conscious admission that neither employers nor employed are morally free to ignore the interest of the community as a whole. This reveals to us an inherent shortcoming of every attempt to determine the conditions of industry by mere contract between capitalists and workmen. Even in the most perfected forms of Collective Bargaining, when each of the parties is fully represented, and the agreement arrived at really expresses the combined desires of both, there is no guarantee that the terms are such as will be conducive to the welfare of the community.

We have left to the last what is usually regarded as the capital drawback to the Method of Collective Bargaining, even in its most perfect development. In the machinery adopted by the Lancashire Cotton Operatives, for instance,

there is no provision for the contingency of a failure to come to an agreement. In such a contingency the bargaining simply comes to an end, and we have that deliberate collective refusal on the part of the employers to give work, or on the part of the operatives to accept work, which is known as a "lock-out" or a "strike." These cessations of work are, in our view, necessarily incidental to all commercial bargaining for the hire of labor, whether individual or collective, just as the customer's walking out of the shop, if he does not consent to the shopkeeper's price, is incidental to retail trade.[1] This, we need hardly observe, is a very different matter from the ignorant assumption that there is some necessary connection between strikes and Trade Unions. We have already noted the existence of Trade Unions which prefer the Method of Mutual Insurance to that of Collective Bargaining, and do not therefore engage in strikes at all; and we shall elsewhere instance Trade Union organisations whose operation is confined to the Method of Legal Enactment. On the other hand, long before a Trade Union comes into existence in any industry, Collective Bargaining, as we have already explained, prevails in a more or less elaborate form; and, with Collective Bargaining, the inevitable resort to concerted refusal to work. It is a matter of simple history that strikes have been far more numerous in industries which have practised Collective Bargaining without Trade Unionism, than in those in which durable combinations have existed.[2] The influence of Trade Unions on strikes is indeed exactly similar to their influence on Collective Bargaining. The elaboration of the "shop

[1] The bitterest opponents of Trade Unionism admit this. "Strikes, I consider," said a leading employer in 1860, "as the action and the almost inevitable result of commercial bargaining for labor. They will always exist."—"Trade Unions and their Tendencies," by Edmund Potter, F.R.S., *Social Science Association Transactions*, 1860, p. 756.

[2] We need only remind the reader of the incessant "pit strikes" of the Northumberland and other coalfields prior to the miners' organisation in permanent Trade Unions; of such angry insurrections as those of the Luddites in 1811 and the "plug riots" of 1842; and of the perpetual series of "shop disputes" that still go on among those handicrafts which have not advanced in organisation beyond the "shop bargain."

bargain" into the local "working rules," and of these again into the national agreement has naturally been accompanied by a similar extension of the "shop dispute," into a local strike, and of this again into a general stoppage of the industry. In this connection we may quote the Royal Commission on Labor, "that when both sides in a trade are strongly organised and in possession of considerable financial resources, a trade conflict, when it does occur, may be on a very large scale, very protracted and very costly. But just as a modern war between two great European States, costly though it is, seems to represent a higher state of civilisation than the incessant local fights and border raids which occur in times or places where governments are less strong and centralised, so, on the whole, an occasional great trade conflict, breaking in upon years of peace, seems to be preferable to continued local bickerings, stoppages of work, and petty conflicts."[1]

But whether or not we accept this flattering analogy, it is impossible to deny that the perpetual liability to end in a strike or a lock-out is a grave drawback to the Method of Collective Bargaining. So long as the parties to a bargain are free to agree or not to agree, it is inevitable that, human nature being as it is, there should now and again come a deadlock, leading to that trial of strength and endurance which lies behind all bargaining. We know of no device for avoiding this trial of strength except a deliberate decision of the community expressed in legislative enactment. One favourite panacea, incidentally referred to in our account of the boot and shoe trade—the reference of the dispute to an impartial arbitrator—we reserve for a separate chapter.

[1] Fifth and Final Report of the Royal Commission on Labor, 1894, C, 7421, p. 36. Mr. Lecky echoes this report. "There can be little doubt that the largest, wealthiest, and best-organised Trade Unions have done much to diminish labor conflicts."—*Democracy and Liberty*, vol. ii. p. 355.

CHAPTER III

ARBITRATION

THE essential feature of arbitration as a means of determining the conditions of employment is that the decision is not the will of either party, or the outcome of negotiation between them, but the fiat of an umpire or arbitrator. It is distinguished from that organised negotiation between Trade Unions and Employers' Associations which we have termed Collective Bargaining, in that the result is not arrived at by bargaining at all, the higgling between the parties being, in fact, expressly superseded. On the other hand, it is not Legal Enactment, though it bears some resemblance to this form, because the award is not obligatory on either of the parties. Their refusal to accept it, or their ceasing to obey it, even if they have promised to do so, carries with it no coercive sanction.

These characteristics of arbitration, as a method of settling the conditions of employment, come to the front on every typical occasion. We see the employers and workmen at variance with each other. Negotiations, more or less formally carried on, proceed up to a point at which a deadlock seems inevitable. To avert a stoppage of the industry, both parties agree to "go to arbitration." They adopt an impartial umpire, either to act alone or with assessors representing each side. Each party then prepares an elaborate "case," which is laid before the new tribunal. Witnesses are called, examined, and cross-examined. The

umpire asks for such additional information as he thinks fit. Throughout the proceedings the utmost latitude is allowed. The "reference" is seldom limited to particular alternatives, or expressed with any precision.[1] The umpire, in order to clear up points, is always entering into conversation with the parties. Practically no argument, however seemingly irrelevant, is excluded; and evidence may be given in support of claims founded on the most diverse economic theories. Finally, the umpire gives his award in precise terms, but usually without stating either the facts which have influenced him or the assumptions upon which he has made up his mind. The award—and this is an essential feature—carries with it no legal sanction, and may at any moment be repudiated or quietly ignored by any capitalist or workman.[2]

[1] Thus the operatives may be asking for an Eight Hours' Day, the dismissal of an unjust foreman, and the abolition of sub-contracting, whilst the employers urge a reduction of wages and the more regular attendance of the men. The umpire's award may include any or all of these points, and might conceivably decide all in favour of the respective claimants.

[2] A list of the principal works on arbitration will be found at p. 323 of our *History of Trade Unionism.* Mention should have been made among them of the report on *Industrial Conciliation and Arbitration* prepared by Carroll D. Wright for the Massachusetts Labor Bureau (Boston, 1881); and J. S. Jeans's *Conciliation and Arbitration in Labour Disputes* (London, 1894) can now be added. The most important recent publications have been made on the Continent. We may cite, in particular, the bulky volume of the French "Office du Travail," entitled *De la Conciliation et de l'arbitrage dans les Conflits Collectifs entre patrons et ouvriers en France et à l'étranger* (Paris, 1893); the numerous reports and pamphlets by Julien Weiller of Mariemont, Belgium; and *Conseils de l'industrie et du travail* by Charles Morisseaux (Brussels, 1890). The English experience is well discussed by Dr. von Schulze-Gaevernitz in *Zum Socialen Frieden* (Leipzig, 1890), translated as *Social Peace* (London, 1893).

The student should note that there has been, until quite recently, no clear distinction drawn between Collective Bargaining, Conciliation, and Arbitration. Much of what is called Arbitration or Conciliation in the earlier writings on the subject amounts to nothing more than organised Collective Bargaining. Thus, the classic work of Mr. Henry Crompton (*Industrial Conciliation*, London, 1876) describes, as "conciliation," the typical cases in which representative employers and workmen meet to bargain on behalf of the trade. The Nottingham hosiery board, established in 1860, often described as a model of arbitration, was, in effect, nothing more than machinery for Collective Bargaining, no outsider being present, the casting vote being given up, and the decisions being arrived at by what the men called "a long jaw." In 1868 Mr. Mundella observed in a lecture, "It is well to define what we mean by arbitration. The sense in which we use the word is that of an arrangement for open and friendly bargaining . . . in

Yet arbitration has one characteristic feature in common with the higgling of employers and workmen which it supersedes. The arbitrator's award is a general ordinance, which, in so far as it is accepted, puts an end to Individual Bargaining between man and man, and thus excludes, from influence on the terms of employment, the exigencies of particular workmen, and usually also those of particular firms. It establishes, in short, like Collective Bargaining, a Common Rule for the industry concerned. We can therefore understand why the Trade Unionists from 1850 to 1876 so persistently strove for arbitration, and so eagerly welcomed the gradual conversion of the governing classes to a belief in its benefits. At a time when the majority of employers asserted their right to deal individually with each one of their "hands," habitually refused even to meet the men's representatives in discussion, and sought to suppress Collective Bargaining altogether by the use of ambiguous statutes and obsolete law, it was an immense gain for the Trade Unions to get their fundamental principle of a Common Rule adopted.[1] During the last twenty years arbitration has greatly increased in popularity among the public, and each ministry in succession prides itself on having attempted to facilitate its application. Whenever an industrial war breaks out, we have, in these days, a widespread feeling among the public that both parties should voluntarily submit to the decision of an impartial arbitrator. But however convenient this solution may be to a public of consumers, the two combatants seldom show any alacrity in seeking it, and can

which masters and men meet together and talk over their common affairs openly and freely."—*Arbitration as a Means of Preventing Strikes*, by A. J. Mundella (Bradford, 1868).

[1] Arbitration was accordingly opposed by the more clear-sighted of the opponents of Trade Unionism. "Our main objection," said one of the leading critics, "both to arbitration and conciliation, as palliatives of Unionism, is that they sanction, nay necessitate, the continuance of the system of combination, as opposed to that of individual competition. . . . In so doing we lend the authority of public recognition to the pestilent principle of combination, and sanction the substitution of an artificial mechanism for that natural organism which Providence has provided for the harmonious regulation of industrial interests."—*Trade Unionism*, by James Stirling (Glasgow, 1869), p. 50.

rarely be persuaded to agree to refer their quarrel to any outside authority. Although arbitration has been preached as a panacea for the last fifty years, the great majority of "captains of industry" still resent it as an infringement of their right to manage their own business, whilst the leaders of the organised workmen, once enthusiastic in its favor, now usually regard it with suspicion. The four years, 1891-95, saw, in Great Britain, four great industrial disputes in as many leading industries. But neither in cotton manufacture nor in coal-mining, neither in the great machine industry of boot-making nor in engineering, could the capitalists and workmen agree to let their quarrels be settled by an impartial umpire. What happened in each of these instances—and they were typical of many others—was the breaking off of Collective Bargaining, a prolonged stoppage and trial of endurance, ending, not in arbitration but in a resumption of Collective Bargaining, and the conclusion of a fresh agreement under new and more favorable auspices.

At first sight this disinclination of workmen or employers to submit their claims to an impartial tribunal appears perverse and unreasonable. Business men, it is said, almost invariably refer disputes between themselves to more or less formal arbitration, and would never dream of stopping their own industry, or drying up the source of their own profits, merely because they could not agree upon an impartial umpire. And if this be true in commercial transactions, where the alternative is nothing worse than an action at law, how much stronger the need must seem when the alternative may easily involve the bankruptcy of capitalists, the semi-starvation of thousands of operatives, and the temporary paralysis, if not the permanent injury, of an important national industry? Unfortunately this taking analogy, drawn from the arbitration between business firms, rests on the old confusion between interpreting an existing agreement and concluding a new one. Commercial arbitrations are invariably concerned with relations already entered into, either by existing contracts or under the law of the land.

No business man ever dreams of submitting to arbitration the terms upon which he shall make new purchases or future sales.[1] Arbitration in commercial matters is therefore strictly confined to questions of interpretation, both parties resting their claims on a common basis, the existence of which is not in dispute between them. Now, issues of interpretation of this kind are incessantly occurring between employers and employed, even in the best-regulated industries. In these cases, as we shall hereafter point out, whilst there is no insuperable objection to arbitration, there is no real necessity to resort to it. Nor is it for this class of disputes that arbitration is usually proposed. The great strikes and lock-outs which paralyse a whole industry almost invariably arise not on issues of interpretation, but on the proposal of either workmen or employers to alter the terms upon which, for the future, labor shall be engaged.

The position of the employers who object to the fixing of the terms of the wage contract by the fiat of an arbitrator has, from the first, been logical and consistent. In a weighty article which appeared, twenty years ago, in the official organ of the National Association of Employers of Labor, we find the case stated with perfect lucidity :—

"The sphere of arbitration in trade disputes is strictly and absolutely limited to cases of specific contract, where the parties differ as to the terms of the contract, and are willing, for the sake of agreement and an honorable fulfilment of their engagements, to submit the points in dispute to competent men mutually chosen. Where there is a basis and instrument of agreement by the parties to which they

[1] The frequently cited "Conseils de Prud'hommes" of France (established first at Lyons in 1808, and since greatly developed in all industrial centres) are strictly confined to the settlement of disputes arising out of existing contracts, or (as regards minor matters) the application of the law. In no case do they presume to fix the rate of wages for future engagements. They are indeed merely cheap and convenient legal tribunals, which make efforts to compose a dispute before proceeding to pronounce judgment upon it. For a useful account of these councils, see E. Thomas, *Les Conseils des Prud'hommes, leur Histoire et leur Organisation* (Paris, 1888). We understand that this is the character also of the similar tribunals which exist in various German States and elsewhere.

wish to adhere, and on which arbiters have something tangible to decide upon, it is seldom difficult for impartial men to elicit an adjustment fair and equitable to both sides. Arbitration is thus constantly of use in business matters on which differences of view have arisen, and is as applicable to questions between workmen and employers where there is a specific contract to be interpreted as in any other branch of affairs. It is better than going to law, much better than running away from the contract, striking, coercing, and falling into civil damages or criminal penalties, and raising on the back of such unfortunate consequences a blatant and endless protest against 'the labor laws.' But cases in which there are specific contracts absolutely define the sphere of arbitration. To apply the term 'arbitration' to the rate of wages for the future, in regard to which there is no explicit contract or engagement, and all the conditions of which are unknown to employers and employed, is the grossest misnomer that can be conceived. It is certain that neither workmen nor employers could be bound, nor would consent to be bound, even were it possible to bind them, by such arbitrary decrees; and that the law, therefore, can never give such decrees even any temporary force, unless we are to fall back into the long obsolete tyranny of fixing the rate of wages by Act of Parliament, or by 'King in Council,' or by 'Communal Bureau of Public Safety,' or whatever the supreme power may be."[1]

Thus, from the employers' point of view, the supersession of the higgling of the market by the fiat of an arbitrator is, on its economic side, as indefensible an interference with industrial freedom as a legal fixing of the rate of wages. But an arbitrator's award has additional disadvantages. A law would at any rate be an authoritative settlement, which disposed of the question beyond dispute or cavil. An arbitrator's award, on the other hand, even if it is accepted by the Trade Union, may not commend itself to all the workmen. The employers who accept it may not unnaturally

[1] *Capital and Labour*, 16th June 1875.

feel that they have surrendered their own freedom, without securing any guarantee that the workmen, or some indispensable sections of them, will not promptly commence a new attack on which to provoke a stoppage of the industry. A law, moreover, is a Common Rule, enforced with uniformity on all alike. The arbitrator's award, on the other hand, binds only those firms and those workmen who were parties to it. In almost all industries there are some establishments, and often whole districts, which remain outside the employers' association, and in which masters and men persist in conducting their businesses in their own way. And there is no guarantee that some firms will not break away from the association, and join the ranks of these unfettered outsiders. If the arbitrator's award has secured better terms to the operatives than the masters are unanimously willing to concede, the good and honorable employers are penalised by their virtue. The proceedings of the "Boards of Conciliation and Arbitration" of the boot-making industry contain many complaints by employers that the awards are not enforced on rival firms, who are consequently undercutting them in the market. If our factory or mines legislation had been enforced only on specified good employers, and had left untouched any firm who objected to the regulations, so intolerable an injustice would quickly have led to a repudiation of the whole system.

If we turn from the employers to the Trade Unionists, we find a steadily increasing disinclination among workmen to agree to the intervention of an arbitrator to settle the terms of a new wage contract. This growing antipathy[1] to

[1] We may cite as evidence of this antipathy some recent declarations made in the names of the three most powerful organisations in the United Kingdom. It is expressly stated (for instance, in the Derbyshire Miners' Executive Council Minutes of the 2nd of June 1891) that it was the idea that the Royal Commission on Labor was intended to introduce a "huge arbitration system" that determined the whole Miners' Federation steadfastly to refuse to have anything to do with that inquiry. "We are opposed to the system altogether," declared Mr. Mawdsley before that Commission (Group C, Answer 776), on behalf of the Lancashire cotton operatives. And Mr. Robert Knight, giving evidence on behalf of the United Society of Boilermakers (Group A, Answer 20,833), definitely negatived the idea of arbitration, explaining as follows: "I speak from long experience of

arbitration is, we think, mainly due to their feeling of uncertainty as to the fundamental assumptions upon which the arbitrator will base his award. When the issue is whether the "standard earnings" of the Lancashire Cotton-spinners should or should not be decreased by ten per cent, there is no basis accepted by both parties, except the vague admission that the award should not be contrary to the welfare of the community. But this offers no guidance to the arbitrator. Judge Ellison, for instance, acting in 1879 in a Yorkshire coal-mining case, frankly expressed the perplexity of an absolutely open-minded umpire. "It is [he said] for (*the employers' advocate*) to put the men's wages as high as he can. It is for (*the men's advocate*) to put them as low as he can. And when you have done that it is for me to deal with the question as well as I can; but on what principle I have to deal with it I have not the slightest idea. There is no principle of law involved in it. There is no principle of political economy in it. Both masters and men are arguing and standing upon what is completely within their rights. The master is not bound to employ labor except at a price which he thinks will pay him. The man is not bound to work for wages that won't assist (subsist) him and his family sufficiently, and so forth. So that you are both within your rights; and that's the difficulty I see in dealing with the question."[1]

But this cold-blooded elimination of everything beyond the legal rights of the parties is neither usual in a wages arbitration, nor acceptable to either side. Each of the parties implicitly rests its case on a distinct economic assumption, or even series of assumptions, not accepted by the other side,

the working of this large organisation that I represent here to-day, and I say that we can settle all our differences without any interference on the part of Parliament or anybody else." The same feeling is shared by smaller societies. "Our experience of arbitration," states the secretary of the North Yorkshire and Cleveland (Ironstone) Miners' Association, "was that we always got the worst of it, and so since 1877 it has been firmly refused."—Joseph Toyn, in *Newcastle Leader* "*Extra*" *on Conciliation in Trade Disputes* (Newcastle, 1894), p. 9.

[1] *Report of South Yorkshire Collieries Arbitration* (Sheffield, 1879), p. 49. The umpire was the Judge of the Sheffield County Court.

and often not expressly stated. The employers will often hold that, in order to secure the utmost national prosperity, wages should rise and fall with the price which they can obtain for their product. Or it may be urged that the wage bill must, under no circumstances, encroach upon the particular percentage of profit assumed to be necessary to prevent capital from leaving the trade.[1] These assumptions would, at one time, have been acquiesced in by many leading workmen, although, perhaps, not by the rank and file. But during the last twenty years, the leaders of the most powerful organisations have definitely taken up the view that considerations of market price or business profit ought, in the interests of the community, to be strictly subordinated to the fundamental question of "Can a man live by the trade?" It is urged that the payment of "a living wage" ought, under all circumstances, to be a "first charge" upon industry, taking precedence even of rents or royalties, and of the hypothetical percentage allowed as a minimum to capital in the worst times. The skilled mechanic moreover will claim that the length of his apprenticeship warrants him in insisting, like the physician or the barrister, on a minimum fee for his services below which he cannot be asked to descend. The arbitrator's award, if it is not a mere "splitting the difference," must be influenced by one or the other of these assumptions, either as a result of the argument before him, or as the outcome of his education or sympathies. However judicial he may be in ascertaining the facts of the case, the relative importance which he will give to the rival assumptions of the parties can scarcely fail to be affected by the subtle

[1] Mr. Mawdsley (Amalgamated Association of Cotton-spinners) is very emphatic on this point. "If we had arbitration we should have much less wages than we are getting now. Arbitrators generally go in for a certain standard of profit for capital—generally speaking, it has been 10 per cent. Mr. Chamberlain has always said that capital ought to have 10 per cent. If the arbitrator went in for 10 per cent in the cotton trade, we should have a very big reduction of wages; and we are not going to have it."—Evidence before Royal Commission on Labor, Group C, Answer 774. We believe the case to which Mr. Mawdsley referred is Mr. Chamberlain's award in the South Staffordshire Iron Trade in 1878.

influences of his class and training. The persons chosen as arbitrators have almost invariably been representative of the brain-working class—great employers, statesmen, or lawyers—men bringing to the task the highest qualities of training, impartiality, and judgment, but unconsciously imbued rather with the assumptions of the class in which they live than with those of the workmen. The workmen's growing objection to arbitration is, we believe, mainly due to their deeply-rooted suspicion that any arbitrator likely to be accepted by the employers will, however personally impartial he may be, unconsciously discount assumptions inconsistent with the current economics of his class.[1]

There is, however, one industry in which, for eight-and-twenty years, arbitration has been habitually resorted to, for the settlement of the terms of new wage contracts. This one exception to the usual dislike of arbitration will, we think, prove the correctness of the foregoing analysis. "The Board of Conciliation and Arbitration for the Manufactured Iron Trade of the North of England," which has existed since 1869, has long been the classical example of the success of arbitration. Besides providing by the machinery of a standing committee for the settlement of interpretation differences, and by half-yearly board meetings for discussing general questions, the rules direct the reference of intractable disputes to an outside umpire. On twenty separate occasions

[1] We have collected particulars of no fewer than 240 cases of industrial arbitration, ranging from 1803 to the present day. Excluding mere questions of interpretation, and disputes between workmen themselves, we have found only one case in which, in an arbitration for a new agreement between employers and employed, any person of the wage-earning class has been accepted as umpire. In May 1893 the Northampton Board of Arbitration for the Boot and Shoe Trade appointed Mr. F. Perkins, a working laster, as umpire. (Monthly Report of the National Union of Boot and Shoe Operatives, May 1893).

The arduous and often thankless task of acting as umpire or sole arbitrator is usually undertaken without fee or reward of any kind. Lord James has long given his invaluable services to the boot and shoe trade without remuneration. Dr. Spence Watson, who lately completed his fiftieth arbitration, told us that he had only thrice received any payment whatever, once his railway expenses, once a small fee, and in one case, which involved several weeks' labor, a more substantial payment. The barrister-umpire, called in, in some sense as a professional expert to unravel an intricate case, is occasionally paid.

during the last twenty-eight years this provision has come into operation with regard to the settlement of the conditions of future wage contracts; and on every occasion the arbitrator's award has been accepted by both employers and employed.

It is an interesting confirmation of the view we have taken that, in this one industry in which arbitration has achieved a continued success, we find the workmen and the employers agreeing in the economic assumptions upon which wages should be fixed, and upon which, therefore, the arbitrator is asked to proceed. It has for more than a generation been traditional among ironmasters that the wages of the operatives ought to vary with the market price of the product.[1] Since the formation of the Board, in 1869, this assumption has been accepted by both parties as the main, and often as the exclusive, rule for the settlement of wages. In the reports of the arbitration proceedings we find both parties constantly reaffirming this principle, each in turn resorting to other considerations only for the sake of argument when the main assumption is for the moment calculated to tell against them. "We entirely agree," declare the operatives in 1877, "that our wages should be regulated by the selling price of iron."[2] Next time it is the employers who assert the same rule. "The eight years sliding-scale arrangement," states their spokesman in 1882, "we believe was the principle of determining wages by the selling price of iron, and it would be extremely difficult, if not dangerous, permanently to depart from that."[3] There is, in fact, as a careful student observes, "a general understanding running throughout the cases and pleadings, both of masters and men, that wages should follow the

[1] See the illustration quoted at pp. 484-486 of the *History of Trade Unionism*. "Old Thorneycroft's Scale," by which puddlers' wages advanced or receded one shilling for each pound sterling per ton in the price of "marked bars," dates, it is said, from 1841; see Mr. Whitwell's evidence before Royal Commission on Labor, 1892, Group A.

[2] Report of Arbitration before Mr. (now Sir David) Dale, July 1877, *Industrial Peace*, p. 63.

[3] Report of Arbitration before Mr. (now Sir J. W.) Pease, April 1882, *Ibid.* p. 63.

selling prices of iron."[1] This was expressly stated by Dr. R. Spence Watson in the letter which accompanied his fifth award as arbitrator for this board. Whilst observing that "the wages paid in the Staffordshire district, which competes with the North of England in the employment of ironworkers, as well as to some extent in the trade itself, is a factor which cannot be disregarded, [he declares that] in the course of the arguments it was admitted on both sides that . . . the realised price of iron, as shown by the figures taken out by the accountant to the board, may be considered the principal factor in the regulation of wages. . . . It is upon this statement [he continues] and these admissions that I am called upon to give my award."[2]

It will be apparent that arbitration on issues of this kind comes really within the category of the interpretation or application of what is, in effect, an agreement already arrived at between the parties. The question comes very near to being one of fact, answered as soon as the necessary figures are ascertained beyond dispute. It is therefore not surprising to learn that, during eight of the twenty-eight years of the Board's existence, variations of wages were automatically determined by a formal sliding scale, and that even during the intervals in which no definite scale was adopted the Board itself was able, on eight separate occasions, to agree to advances or reductions without troubling the arbitrator at all. We need not discuss whether the acceptance by employers and operatives alike of the assumption that wages must follow prices is, or is not, advantageous to the workmen, or to the industry as a whole. But it is evident that the continued success of arbitration in the North of England Iron Board, dealing, as it does, mainly with the interpretation or application of an existing common basis of agreement, affords no guide to other trades in which no such common basis is accepted,

[1] *Industrial Peace*, p. 90.

[2] Letter and award of the 28th November 1888; *Report of Wages Arbitration before R. S. Watson, Esq., LL.D.* (Darlington, 1888).

and in which the claims of the respective parties rest on opposite assumptions.[1]

But the success of the North of England Manufactured Iron Board, and the more qualified results of similar tribunals in the Midland iron trade, and the Northumberland and Durham coal-mining industry, whilst they give no real support to arbitration as a panacea for strikes, seem at first to open up a new field of usefulness for the arbitrator in the settlement of issues of application or interpretation. These questions of interpretation or application to particular cases are always arising, even in the best-regulated trade, and to provide machinery for their peaceful and indisputable decision is of great importance. Here we have not merely identical assumptions by the two parties, but a precise bargain by which both agree to be bound. Unfortunately it is just in these issues, for which arbitration seems a natural expedient, that its adoption has been found, in practice, most difficult. The application of a general agreement to the earnings of particular individuals, or to the

[1] The Midland Iron and Steel Wages Board, which has had an intermittent existence since 1872, was formed on the model of the North of England Board, which it closely resembles. Owing to the inferior organisation of the workmen in Staffordshire and Worcestershire, it has not always worked smoothly, but wage variations have almost always been made by the Board according to a sliding scale, formal or implied, whilst a standing committee applies the general principles to "local questions." See the evidence of Mr. (now Sir B.) Hingley before the Royal Commission on Labor, 1892, and the references given in the preceding chapter.

Among the Northumberland and Durham coalminers, though arbitration as to the terms of new agreements has been repeatedly resorted to, it has been only partially successful in preventing strikes. The Northumberland Miners' Mutual Confident Association went to arbitration on five occasions between 1873 and 1877. But in 1878 the owners forced a reduction without submitting to arbitration, the result being a nine weeks' strike. Between 1879 and 1886 the level of wages was automatically regulated by a sliding scale. In 1887 the employers again insisted on a special reduction, the result being a disastrous strike of seventeen weeks. Since that date alterations in the level of wages have been mutually agreed to by the joint "Wages Committee" without resort to arbitration. The Durham Miners' Association (established 1869) had four arbitrations between 1874 and 1876, and worked under a sliding scale from 1877 to 1889. This did not prevent a six weeks' strike in 1879, terminated by another arbitration. Variations in wages between 1889 and 1892 were mutally agreed to, but in 1892 there ensued the longest and most embittered dispute ever known in the trade.

technical details of particular samples or processes, is at once too complicated, and of too little pecuniary importance, to make it possible to call in an outside arbitrator.[1] The intractable questions, to take one trade as an example, which perplex the local boards in the boot and shoe industry relate only to a few shillings, and frequently concern only one or two workmen. For such issues it is obviously impossible to obtain, either for love or money, the services of any personality eminent enough to command the respect of the whole body of employers and workmen. Where the standard of earnings of large bodies of men, or the prevention of a serious industrial war, are concerned, public spirit will induce men of the calibre of Lord James or Dr. Spence Watson to spend whole days, without fee or reward, in bringing about an adjustment. In commercial arbitrations which involve considerable sums, recourse is had to eminent lawyers, who are paid large fees for mastering the intricate details of each case. This sort of arbitrator is far too expensive a person to be available for the application of general wage contracts to particular cases, and the statesman or philanthropist cannot spare the time. On the other hand, if, as in the boot and shoe trade, recourse is had to some one engaged in the industry, it is difficult to avoid the suspicion of class bias. The big employer from another district, whose services are usually called in, can hardly be expected to content the workmen. The employers, on the

[1] Thus, when in 1891, in an arbitration between the West Cumberland Iron and Steel Company and their workmen, the arbitrator (Dr. Spence Watson) was asked to fix the actual rates at which particular men were to be paid, he declined the task as one outside the possible capacity of any arbitrator. "What has always happened," said Dr. Spence Watson, "in every arbitration I have had hitherto? There has been a general question of percentage. . . . The principle of the thing is the thing to leave to arbitration. The detail of the thing, as to how it is to affect this or that or the other, never can be left to arbitration. . . . Already over this matter I have given up several nights to go through these papers and work them in this way and that way, but I have not the knowledge, and you cannot give me the knowledge. . . . Surely the question of individual payment is a question for the manager of the works and the men of the works, and not for a third party."—MS. proceedings. We are indebted to Dr. Spence Watson for permission to examine these and other papers, and for many valuable suggestions and criticisms.

other hand, will not consent to be bound by the decision of an operative.

It is, fortunately, unnecessary for the employers and workmen to get into this dilemma. The correct analogy from the commercial world for all these issues of interpretation is, not the elaborate and costly reference to arbitration, but the simple arrangements for taking an inventory, in connection with a contract of purchase or hire. Instead of calling in an outside authority, eminent enough to be known and trusted by both sides, each party is represented by an inexpensive expert habitually engaged on the particular calculations involved. The two professional men seldom find any difficulty in agreeing upon an identical award. This corresponds exactly to the machinery which is employed with such success in the Lancashire cotton trade. The two secretaries who visit the mill in which any question of interpretation has arisen correspond in all essentials to the two house-agents employed respectively by the owner and the incoming tenant of a furnished house. In the interpretation of wage contracts there is even more justification for this method than in taking an inventory. The object of the house-agent on either side is to get the best terms for his client. But the professional experts who visit a cotton mill, in response to a complaint from operative or employer, are not employed by or responsible to either of the parties directly concerned. And though one represents the associated employers, and the other the combined workmen, both are retained and paid to secure an identical object, namely, absolute uniformity between mill and mill. So far as regards the application to the particular cases of existing general contracts between employers and workmen, arbitration, though possible, is therefore but a clumsy device. The only way of getting an efficient umpire for such technical work would be permanently to employ a professional expert of high standing to give his whole time to the business. But directly an industry is sufficiently well organised to afford the expense of an efficient paid umpire,

it can find in the joint meeting of the salaried experts of both sides a far more speedy, economical, and uniform method of settling questions of interpretation than any arbitration could provide.[1]

The reader is now in a position to estimate how far arbitration is likely to serve as a panacea against strikes or lock-outs, or even to become a permanent feature of the most highly organised machinery for Collective Bargaining. In the really crucial instances—the issues relating to the conclusion of a new agreement—habitual and voluntary recourse to an umpire may be expected, we think, only in the unlikely event of capitalists and workmen adopting identical assumptions as to the proper basis of wages. We have seen how unreservedly the best-educated workmen of the North of England accepted, between 1870 and 1885, the capitalists' assumption that it was only fair that wages should vary with the selling price of the product. For twenty years the miners of South Wales have acquiesced in the same doctrine. If this view were to become accepted in other trades, it is conceivable that arbitration would become more popular among them. On the other hand, there is growing up among workmen a strong feeling in favor of a fixed minimum Standard of Life, to be regarded as a first charge upon the industry of the country, and to be determined by the requirements of healthy family life and citizenship. If the capitalists should accept this view, arbitrations might become common, the explicit reference in every case being what conditions were required in the industry to enable the various grades of producers to lead a civilised life. But no such agreement on fundamental assumptions is at present within view. We are therefore

[1] In the rare cases in which the two house-agents fail to agree, we understand that the practice is for them privately to refer the matter to another professional, whose decision they both adopt as their own. If in the Lancashire cotton trade, the employers' and workmen's district secretaries do not agree upon an issue of interpretation, it is, in practice, referred to the joint decision of the central secretaries. But on such issues of fact, *if identical principles are thoroughly accepted by both sides*, there is seldom any intractable difference of opinion between professional experts.

constrained not to place any high expectations upon the fiat of an umpire as a method of preventing disputes as to future conditions of labor. Nor can we estimate very highly the practical value of arbitration in the application to particular cases of existing general agreements. In promptitude, technical efficiency, and inexpensiveness the "impartial outsider" is inferior to the joint meeting of the salaried secretaries of either side.

But although arbitration is not likely to supersede Collective Bargaining, or to prevent the occasional breaking off of negotiations, it has great advantages, in all but the best-organised trades, as a means of helping forward the negotiations themselves. The first requisite for efficient Collective Bargaining is for the parties to meet face to face, and in an amicable manner to discuss each other's claim. But this initial step is often one of difficulty. We are apt to forget, in view of the regular negotiations in such highly organised trades as the Cotton Operatives, the Boilermakers, and the Northumberland and Durham Coalminers, how new and unusual it still is for capitalists and workmen to meet on an equal footing, to recognise each other's representative capacity, and to debate, with equal good temper, technical knowledge, and argumentative skill, upon what conditions the employer shall engage "his own hands." Even to-day, in the great majority of trades, the masters would think it beneath their dignity voluntarily to confer with the Trade Union leaders on equal terms; and they would resent as preposterous the idea of disclosing to them their profit and loss accounts, or even the prices they are obtaining for their product. Yet it is upon these facts that they base their demand for a reduction of wages, or their refusal of an advance. The workmen, on the other hand, especially in such half-organised trades, are full of prejudices, misconceptions of the facts, and Utopian aspirations. Under these circumstances, even if the employers consent to meet the men at all, there can be no frank interchange of views, no real understanding of each other's position—in short, no

effective negotiation. Recourse to an impartial umpire is one way out of these difficulties. The employer's dignity is not offended by appearing before an eminent jurist or statesman, sitting virtually in a judicial capacity. It is regarded as only natural that the arbitrator should ask for the statistical facts upon which each party bases its case. The mere fact of each having to set forth its claims in precise terms, in a way that can be maintained under cross-examination, is already a great gain. But if the arbitrator is tactful and experienced, he can do a great deal more to bring the parties to agreement. He discovers, by kindly examination, what precisely it is that each party regards as essential, and persuasively puts on one side any irritating reminiscences of past disputes, or theoretic arguments going beyond the narrow limits of the case. In friendly conversation with each side in turn, he draws out the really strong arguments of both, restates them in their most effective form, and in due course impresses them, in the most conciliatory terms, on the notice of the opponent. Those who have read the proceedings before such an experienced arbitrator as Dr. Spence Watson, will, we are sure, agree with us in feeling that his wonderful success as an umpire is far more due to these arts of conciliation than to any infallibility in his awards. In case after case we have been struck by the fact that, long before the end of the discussion, many of the issues had already been disposed of, the points remaining in dispute being so narrowed down by a mutual recognition of each other's case that when the award is at last given each party is predisposed to accept it as inevitable.

In this patient work of conciliation lies the real value of arbitration proceedings. There is no magic in the fiat of an arbitrator as a remedy for strikes or lock-outs. If either party really prefers fighting to conceding the smallest point to its adversary—that is, in those cases in which either employers or the workmen have an overwhelming superiority in strength—there will be no submission to arbitration. If both parties are willing to bargain, and are sufficiently well

organised and well educated to be capable of it, no outside intervention will be needed. In those industries, however, where organisation has begun, but has not yet reached the highest form; where the employers are forced to recognise the power of the men's union, but have not yet brought themselves to meet its officials on terms of real equality; where the workmen are strong enough to strike, but do not yet command the services of experienced negotiators, the intervention of an eminent outsider may be of the utmost value. It is of small importance whether his intervention takes the form of "arbitration" or "conciliation"—that is to say, whether he is empowered to close the discussion by himself delivering an "award" as umpire, or whether he must wait until he can bring the parties to sign an "agreement" drawn up by himself as chairman. In either case his real business is not to supersede the process of Collective Bargaining, but to forward it. And in view of the usual impossibility of agreeing upon any common assumption as to the proper basis of wages; in face of the workman's suspicion of the brainworker's training, and the employer's fear[1] of electioneering considerations; and having regard to the importance of securing universal concurrence in the result, we are inclined to believe that the intervention of the "eminent outsider" will, as a rule, be at once more acceptable and more likely to be successful if he avowedly acts only as a "conciliator."[2]

This inference is supported by the events of the last few years. On three notable occasions outside intervention has been evoked to settle a serious industrial conflict. In 1893 Lord Rosebery, at the express desire of the Cabinet, settled a dispute which had for sixteen weeks stopped the coal

[1] Thus, in the draft rules of a Foreman's Benefit Society, established by some of the leading Tyneside employers, there is a provision for referring to arbitration any dispute between the society and a member. The draft rule significantly adds: "The following cannot be selected as arbitrator: Persons either candidates for or holding political, municipal, or other positions acquired by votes; ministers of religion."

[2] "In conciliation the disputants endeavour to convince each other, in arbitration to convince a third party. As in the first case, both sides have equal

trade of the Midlands of England. In 1895 Sir Courtenay Boyle, Permanent Secretary of the Board of Trade, drew up the agreement which terminated the great strike in the boot trade. And Lord James, a distinguished member of the Conservative Ministry of the day, in January 1896 brought about, after protracted negotiations, a settlement of the dispute between the Clyde and Belfast shipbuilders and their engineers. But notwithstanding the official position of these magnates, it is significant that in no case were they asked, and in no case did they attempt, to cut the Gordian knot by the judicial decree of an umpire or arbitrator. It was not their business to inquire into the merits of the case. They were not called upon to make up their minds whether the employers or the workmen were in the right. They had not even to choose between the rival economic assumptions on which the parties rested their respective claims. Their function was to persuade the representatives of both sides to go on negotiating until a basis was discovered on which it was possible for them to agree.

This work of conciliation is, we believe, destined to play a great and for many years an increasing part in the labor struggles of this country. In the present state of public opinion the intervention of an outside "conciliator" is, as regards the imperfectly organised trades, a precursor of regular Collective Bargaining. In many trades the employers themselves are not united in any association: in many others they still haughtily refuse to discuss matters with their workmen. In prolonged disputes public opinion now almost forces the parties to resume negotiations; and

knowledge of the matter in hand, they must endeavour to show clearly the strong points of the case, and those only. Any attempt at simple advocacy would be thrown away. The appeal must be to acknowledged facts. But, in the second case, advocacy is necessary, and all its many devices—the undesirable as well as the undeniably good. There is a strong antagonism throughout. Arbitration is better than striking or locking out, but inferior to conciliation. Industrial peace in any form is better than industrial war."—"Compulsory or Voluntary Conciliation," by R. Spence Watson, *Ironworkers' Journal*, June 1895.

the intervention of an eminent outsider is found the best lever for Collective Bargaining. His social position or official status secures for the proceedings, even among angry men, a certain amount of dignity, order, and consideration for each other's feelings, whilst it prevents any hasty rupture or withdrawal. So long as Lord Rosebery was willing to go on sitting, it was practically impossible for either the coalowners or the coalminers to stop discussing. But prolonged discussion does not lead to agreement unless the parties get on good terms with each other, and are brought into a friendly mood. It is the conciliator's business to see that this atmosphere of good humour is produced and maintained. The excellent luncheon which Lord Rosebery provided for owners and workmen alike was probably more effective in creating harmony than the most convincing arguments about "the living wage." All this, however, is but preliminary to the real business. We have already described the important part played by a tactful and experienced arbitrator in drawing out the best points in each party's case, restating them in the most persuasive form, and eliminating from the controversy all unnecessary sources of irritation or non-essential differences. The ideal conciliator adds to this a happy suggestiveness and fertility in devising possible alternatives. Throughout the discussion he watches for the particular points to which each party really attaches importance. He has a quick eye for acceptable lines of compromise. At the right psychological moment, when discussion is beginning to be tedious to both sides, he is ready with a form of words. This is the crisis of the proceedings. If the parties are physically and mentally tired, and yet pleased with themselves and no longer angry with their opponents ; if the conciliator is adroit in his drafting, and finds a formula which, whilst making mutual concessions on minor points, includes, or seems to each party to include, a great deal of what each has been contending for, the resolution will be agreed to, if not by acclamation, at any rate after a few minor amendments to save the dignity

of one side or the other; and almost before some of the slower-minded representatives have had time to think out all the bearings of the compromise the agreement is signed, and peace is secured.

We see, therefore, that outside intervention in wages disputes may be of the highest value, and we anticipate that it will, for many years to come, in all but the best-organised trades, play a great, and even an increasing, part. But its function will not be that of "arbitration," properly so called, but rather that of "conciliation," though this will continue to be sometimes carried on under the guise of arbitration. Instead of aiming at superseding Collective Bargaining, the arbitrator will more and more consciously seek to promote it. In fact, so far from being the crown of industrial organisation, the reference of disputes to an impartial outsider is a mark of its imperfection. Arbitration is the temporary expedient of incompletely organised industries, destined to be cast aside by each of them in turn when a higher stage, like that of the Cotton Operatives or the Boilermakers, is attained. The Government of 1896, therefore, did well to cut down its arbitration bill to a modest "Conciliation Act." The pretentious legislation of 1867 and 1872, from which so much was expected, is now simply repealed. The Board of Trade is empowered, in case of an industrial dispute, "to inquire into the causes and circumstances of the difference." It may intervene as the friend of peace, to persuade the parties to come to an agreement. If a conciliator is desired, it may appoint one. Finally, if both parties join in asking that the settlement shall proceed in the guise of arbitration, and wish the Board of Trade to select the arbitrator for them, the Board of Trade may accede to their request, as it might have done without any Act at all![1]

[1] The report of the first year's working of this Act, presented to Parliament in July 1897, shows that 35 applications were made to the Board of Trade. In 7 cases the Board refused to intervene. Of the other 28 cases, 18 were settled by more or less formal conciliation, and 5 by arbitration, one of which was a demarcation dispute between different bodies of workmen, and the other 4 were small local disputes, all in badly-organised trades or districts. Three cases,

The conclusion will disappoint those who see in arbitration, not a subordinate and temporary adjunct to Collective Bargaining, but a panacea for stoppages of industry. The popularity of arbitration has deep roots. At the back of the peremptory public demand for the settlement of any strike or lock-out, there lurks a feeling that in the interests of the whole community neither employers nor workmen ought to be allowed to paralyse their own industry. If one side or the other persists in standing out, we have a clamour for "compulsory arbitration": that is, the intervention of the power of the State. We need not enter into the numerous suggestions that have been made for "State Boards of Arbitration," authoritative intervention by the Board of Trade, or the deposit, by both parties, of sums of money to be legally forfeited upon breach of the award. The authors of such suggestions always find themselves in a dilemma. If resort to this kind of arbitration is still to be voluntary, the liability to penalties or legal proceedings is not calculated to persuade either employers or workmen to come within its toils.[1] If, on the other hand, it is to be compulsory, it will amount to legal enactment of a novel kind. It may well be argued that the community, for the protection of the public welfare, is entitled to step in and

including the notorious strike at Lord Penrhyn's slate quarries, and that of the boot operatives at Norwich, remained intractable, owing to arbitration being refused, twice by the employers and once by both parties.

[1] The following extract from a recent report of so experienced and well-informed a society as the United Textile Factory Workers' Association is significant: "Boards of Conciliation.—Any number of Bills are constantly being introduced on this question, but your Council do not see that any useful purpose can be served by their becoming law. The assumption on which all these proposals are based is that . . . when the return goes down the wages of labor and the profits of capital should go down together. . . . The umpire is never a workman, but always a member of the upper class, whose sympathies and interest lie in the direction of keeping wages down. . . . They believe that the Bills now being brought forward are meant as so many traps with which to catch a portion of the workers' wages, and they have consequently opposed them" (*Report of the Legislative Council of the United Textile Factory Workers' Association* for 1893-94, p. 14). See also the reports of the conferences between the Miners' Federation and the leading coalowners during 1896, in which the workmen's representatives throughout opposed any arbitration scheme by which, as they repeated, "a man can come in and settle what we could not settle among ourselves."

decide the terms upon which mechanics shall labor, and upon which capitalists shall engage them. In such a case the public decision could perhaps best be embodied in the award of an impartial arbitration tribunal, invested with all the solemnity of the State. But here we pass outside the domain of "arbitration" properly so called. The question is then no longer the patching up of a quarrel between capitalists and workmen, but the deliberate determination by the community of the conditions under which certain industrial operations shall be allowed to be carried on. Such an award would have to be enforced on the parties whose recalcitrance had rendered it necessary. This does not imply, as is sometimes suggested, that workmen would be marched into the works by a regiment of soldiers, or that the police would open the gates (and the cashbox) of stubborn employers. All that the award need decree is, that if capitalists desire to engage in the particular industry they shall do so only on the specified conditions. The enforcement of these conditions would become a matter for official inspection, followed by prosecutions for breaches of what would in effect be the law of the land. Here, it is true, we do find an effective panacea for strikes and lock-outs. Although industrial history records plenty of agitations and counter-agitations for and against the fixing by law of various conditions of employment, there has never been either a lock-out or a strike against a new Factory or Truck Act. But by adopting this method of avoiding the occasional breaking off of negotiations which accompanies Collective Bargaining, we should supersede Collective Bargaining altogether. The conditions of employment would no longer be left to the higgling of masters and men, but would be authoritatively decided without their consent in the manner which the community, acting through an arbitrator, thought most expedient. "Compulsory arbitration" means, in fact, the fixing of wages by law.[1]

[1] Such a form of compulsory arbitration is contained in the Factories and Shops Act of 1896 of the Colony of Victoria, which provides (sec. 15) that, "in

order to determine the lowest price or rate which may be paid to any person for wholly or partially preparing or manufacturing either inside or outside a factory, or workroom, any particular articles of clothing, or wearing apparel, or furniture, or for breadmaking, or baking, the Governor in Council may, if he think fit, from time to time appoint a special Board," to consist half of representatives of employers and half of employed. The Board may then prescribe the minimum rates to be paid for particular articles, by piecework for home work, and by either time or piece for factory work. Any employer paying less than the minimum thus fixed is made liable to a fine, and, on a third offence, the registration of his factory or workroom (without which he cannot carry on business) "shall, without further or other authority than this Act, be forthwith cancelled by the Chief Officer." The working of this virtually legal fixing of a minimum wage will be watched with interest by economists. Under the New Zealand Act of 1894, passed by the Hon. W. P. Reeves, now Agent-General for the Colony in London, labor disputes in which Trade Unions are concerned may be referred, first to Public Conciliation Boards, and, failing a settlement, to an Arbitration Court, composed of a Judge of the Supreme Court, with two assessors. This Court may, at its discretion, make its award enforceable by legal process. A fuller account of this Act will be found in our final chapter. The Conciliation and Arbitration Acts of New South Wales (1892) and South Australia (1894) have been practically unsuccessful. ("Quelques expériences de la Conciliation par l'État en Australasie," by Anton Bertram in *Revue d'Économie Politique*, July 1897.)

CHAPTER IV

THE METHOD OF LEGAL ENACTMENT

WE do not need to remind the student of the *History of Trade Unionism* that an Act of Parliament has, at all times, formed one of the means by which British Trade Unionists have sought to attain their ends. The fervor with which they have believed in this particular Method, and the extent to which they have been able to employ it have varied according to the political circumstances of the time. The strong trade clubs of the town handicraftsmen, and the widely extended associations of woollen workers of the eighteenth century relied mainly upon the law to secure the regulation of their trades. So much was this the case that the most celebrated student of eighteenth-century Trade Unionism declares that "the legal prosecution" of transgressors of the law was the chief object[1] of these combinations, and that, in fact, English Trade Unionism "originated with the non-observance of" the statutes fixing wages and regulating apprenticeship. Its fundamental purpose, says Professor Brentano, was "the maintenance of the existing legal and customary regulations of trade. As soon as the State ceased to maintain order it stepped into its place."[2] It is true that later investigation has brought to light some ancient unions, which, springing out of sick clubs, or impetuous

[1] Brentano's *Gilds and Trade Unions* (London, 1870), p. clxxiv. (or p. 110 of reprint).

[2] *Ibid.* p. clxxvii. (or p. 113 of reprint).

strikes, adhered to the rival Methods of Mutual Insurance and Collective Bargaining. But Dr. Brentano's generalisation as to the objects and methods of eighteenth-century combinations has, in the main, been confirmed and strengthened. It would have been remarkable if the Trade Unions had not taken this line. Even before the stringent act of 1799 against all workmen's combinations, the very idea of Collective Bargaining was scouted by employers, and strongly condemned by public opinion. On the other hand, the majority of the educated and the governing classes regarded it as only reasonable that the conditions of labor should be regulated by law. Accordingly we find the operatives who objected to the innovations threatening their accustomed livelihood, confidently appealing against their new employers, to Quarter Sessions, Parliament, or the Privy Council. We see the Trade Unions forming committees to put the law in force; maintaining solicitors to fight their cases in the law courts; expending large sums in preparing tables of rates, to be enforced by the magistrates; marshalling evidence before Quarter Sessions in support of these lists; appearing by counsel at the bar of the House of Commons and before the House of Lords Committees in quest of new legislation, or in opposition to bills of the employers; and finally organising all the machinery of political agitation, with its showers of petitions, imposing demonstrations in the streets, Parliamentary lobbying, and occasionally, where the members happened, as freemen, to possess the franchise, the swaying of elections.[1]

With the adoption, by Parliament and the law courts, of the doctrine of *laisser faire*, all this machinery fell into abeyance. It soon came to be waste of money to organise petitions, to send up delegates and witnesses, or to pay the fees of solicitors and counsel, only to be met by a *doctrinaire* refusal to go into the merits of the case. From 1800 onward we find every Committee of the House of Commons

[1] Illustrations of all these forms of Trade Union activity during the eighteenth century will be found in the *History of Trade Unionism*, pp. 27, 33, 34, 40-54.

reporting in the same strain. "They are of opinion that no interference of the legislature with the freedom of trade, or with the perfect liberty of every individual to dispose of his time and of his labor in the way and on the terms which he may judge most conducive to his own interest can take place without violating general principles of the first importance to the prosperity and happiness of the community, without establishing the most pernicious precedent, or even without aggravating, after a very short time, the pressure of the general distress, and imposing obstacles against that distress being ever removed."[1] Debarred alike from overt Collective Bargaining and from Legal Enactment, the Trade Unions of the first quarter of the century fell back on the Method of Mutual Insurance, largely tempered by the use of secret coercion. Those who refused to work "contrary to the interests of the trade" were supported with enthusiastic generosity, whilst "knobsticks" were boycotted, and even assaulted. When employers retaliated by criminal prosecution, or dismissal of Trade Unionists, the operatives broke out into sullen strikes or angry riots, accompanied by machine breaking and crimes of violence. It was largely the hope of putting an end to this veiled insurrection that induced a landlord Parliament to repeal the Combination Laws, and thus, for the first time, enabled the Trade Unions openly to carry on negotiations with their employers.

Throughout the next quarter of a century Trade Union activity was mainly devoted to building up the machinery for Collective Bargaining.[2] This is easily explained. Whilst the Philosophic Radicals, and indeed much of the educated

[1] *Report of Committee on Petitions of Artisans*, 13th June 1811; *History of Trade Unionism*, p. 54.

[2] The fact that it was at this stage in their history that the working class combinations forced themselves on the attention of Political Economists and the press, goes far, we think, to account for the common idea that Trade Unionism consists exclusively of Collective Bargaining, with its accompaniments of "sticks and strikes." Between 1824 and 1869, practically all the criticism or denunciation of Trade Unionism took the form of homilies about the futility of Collective Bargaining and the wickedness of strikes. Even the Political Economists seem to have been unaware either of the history of the combinations which

public opinion of that generation, worked with the unions in widening and safeguarding their resort to the Method of Collective Bargaining, any idea of regulating by law the conditions of labor of the ordinary workman was regarded by a middle-class electorate as out of the question. Those industries in which there was (owing to the attention of philanthropists or the existence of peculiar grievances) any chance of obtaining special legislation still strove to enforce their Common Rules by the Method of Legal Enactment. The reader of the *History of Trade Unionism* will remember how vigorously and effectively the unions of textile workers supported, between 1830 and 1850, the various "Ten Hours'" bills advocated by Robert Owen and Lord Shaftesbury. The combinations of the coalminers, basing their claims on the unknown horrors of underground life, were even more insistent, from 1843 onward, in demanding successive Mines Regulation Acts. The Hand-loom Weavers and the Stocking-frame Workers long continued pathetically to urge the old arguments in favor of a legal rate of wages, whilst all sections of organised workmen spasmodically attempted to get legal protection for their earnings by an effective prohibition of "truck." But with a House of Commons dominated by employers of labor, the operatives in trades employing only adult males, and free from exceptional grievances, for the most part laid aside their traditional method.

With the enfranchisement of the town artisan in 1867, and the county operative and miner in 1885, we see the relative preference between the three methods again shifting. The case for the legal limitation of the hours of work of adult men was, for instance, explicitly stated at the beginning of the Cotton-spinners' agitation for the Nine Hours' Bill. "We are often told," declared their official manifesto in 1871, "that any legislative interference with male adult labor is

they were criticising, or of the nature and variety of their objects and methods. This lop-sided appreciation of Trade Union purposes and Trade Union methods still lingers in leading articles and popular economic text-books.

an economic error, and it is further urged that as the labor of the working man is his only capital, he should not be restrained in the use or application of it. . . . Now, though at first sight the above reasoning, if reasoning it may be called—seems plausible enough, yet there is a lurking fallacy in it all the more dangerous because of the artful manner in which it is attempted to place the Legislature and the working population in a false position in relation to each other. . . . It is a sound principle of universal law established by the wisdom of more than two thousand years that where in the necessary imperfection of human affairs the parties to a contract or dealing do not stand on an equal footing, but one has an undue power to oppress or mislead the other, law should step in to succour the weaker party. . . . It behoves us as working men to inquire what is wrong in the present factory system, and, if need be, ask the legislature to interfere in our behalf . . . whether the time has not arrived when Parliament should be appealed to to secure a curtailment of the hours of factory labor. . . . If some of our legislators should manifest a disposition to abdicate their legislative functions so far as we are concerned, it may be well to remind them that election day will again come round when their abdication will be accepted."[1]

This change of political conditions explains, not only the increasing demand for new Factory and Mines Acts, additional Railway and Merchant Shipping regulations, and the prevention of accidents and truck, but also the upgrowth, since 1868, of such exclusively political Trade Union organisations as the United Textile Factory Workers' Association, and such predominantly political associations as the Miners' Federation of Great Britain, together with the formation of a general political machinery throughout the Trade Union

[1] Circular signed by the general secretary of the Amalgamated Association of Operative Cotton-spinners, "on behalf of" the delegate meeting, 11th December 1871; *History of Trade Unionism*, pp. 295-96. It will be remembered that this Trade Union has always consisted exclusively of men. In our *History of Trade Unionism* we have pointed out how the Nine Hours' agitation was eventually conducted to a successful issue "behind the women's petticoats."

world, in the form of Trades Councils, the Trade Union Congress, and the Parliamentary Committee.

It is probable that no one who is not familiar with Trade Union records has any adequate conception of the number and variety of trade regulations which the unions have sought to enforce by Act of Parliament. The eighteenth-century combinations seem to have limited their aspirations to the fixing of a minimum rate of wages, the requirement of a period of apprenticeship, and the determination of the proper proportion of apprentices to journeymen. With the advent of manufacture on a large scale we see the factory operatives and miners taking up the subjects of sanitation and overcrowding, safety from accidents, and the length of the working day. Besides the universal demand that employers should be made liable for accidents, and forbidden to make any deductions from wages, we have large sections of the Trade Union world demanding an Eight Hours' Day, the prohibition of overtime, and the specifying of definite holidays; others insisting on the weekly payment of wages, the disclosure of the "particulars" on which the piecework wage is based, and the abolition of all fines and deductions whatsoever. The National Union of Boot and Shoe Operatives ask for the exclusion of alien immigrants, and the compulsory provision of workshop accommodation by the employers; whilst the Amalgamated Society of Tailors will be content with nothing short of the legal abolition of home work. The Carmen seek, year after year, for an Act of Parliament to enforce their rule that one man shall not be put in charge of two carts; the Boilermakers, Enginemen, and Plumbers ask that none but certificated craftsmen shall be allowed to hold certain positions; the Textile Workers want to regulate the temperature and humidity of the spinning-mills and weaving sheds; whilst the Seamen have a lengthy code of their own extending from an amendment of the laws of marine insurance to the qualifications of a sea-cook, from an improved construction of sea-going vessels to increasing the sum allowed on advance notes, from the enactment of a fixed scale of

manning to the inspection of the ship's medicine chest. Nor does this enumeration by any means exhaust the list. Every Parliament sees new regulations of the conditions of employment embodied in the already extensive labor code, whilst each successive Trade Union Congress produces a crop of fresh demands.[1] Whether for good or for evil, it appears inevitable that the growing participation of the wage-earners in political life, and the rising influence of their organisations, must necessarily bring about an increasing use of the Method of Legal Enactment.

But a resort to the law as a means of attaining Trade Union ends has, from the workmen's point of view, certain grave disadvantages. Its chief drawback is the prolonged and uncertain struggle that each new regulation involves. Before a Trade Union can get a Common Rule enforced by the law of the land, it must convince the community at large that the proposed regulation will prove advantageous to the state as a whole, and not unduly burdensome to the consumers. The workmen's grievance has, therefore, to be published to the world, to bear discussion in public meetings, and to meet the criticism of the newspapers. Members of Parliament must be persuaded to take the matter up, and made so far to believe in the justice of the claim as to be willing to importune ministers or bore the House of Commons with the subject. In due course a Royal Commission is appointed, which hears evidence, collects statistics, and makes a report. Presently a new Factory or Mines Bill is drafted by the Home Secretary, and, on the combined advice of

[1] See the reports of the various Trade Union Congresses, especially since 1885. It is to be observed that, under the Constitution of the United States, most of the statutes thus desired by English Trade Unionists, like much of the legislation already in force, might be held void, as violations of the constitutional right of freedom of contract. Among the American statutes already disallowed by the courts on this ground are truck acts, acts requiring weekly or fortnightly pays, or forbidding coalowners to compute their tonnage rates of wages on screened coal only, acts prohibiting employers from discharging men merely because they are Trade Unionists, and a factory act limiting the hours of labor of adult women. See *Handbook to the Labor Law of the United States* (New York, 1896), by F. J. Stimson.

Government inspectors, medical experts, sympathetic employers, and, perhaps, a few representative workmen, some kind of clause is inserted to effect, usually not what the Trade Union has been asking for, but the minimum which, in the light of all the evidence, seems indispensable to avert the grossest of the evil. At the committee stage in the House of Commons the clause is pulled to pieces by the spokesmen of the employers on the one hand, and by those of the workmen on the other. But the great majority of the members have, like the minister himself, no direct interest on either side, and speak rather for the general public of consumers anxious to "keep trade in the country" and foster cheapness, than with a view to secure exceptional advantages for the particular section concerned. Thus each step has to be gained by a process of persuasion. To win over in succession the electors, the Members of Parliament, the Ministers of the Crown, and—most difficult task of all—the permanent professional experts, requires, in the officers of a Trade Union, a large measure of statesmanship, and, in the rank and file of the members, a combination of wise moderation, dogged persistency, steadfast loyalty to leaders, and "sweet reasonableness" at a compromise, not usually characteristic of popular movements. At its best the process is a slow one. The Lancashire "Nine Hours' Movement," for instance, attained, perhaps, a more rapid and complete success than any other agitation for factory legislation. Yet it cost the Cotton-spinners four years' expensive and harassing work before the bill reducing the factory day was wrung from a reluctant legislature.[1] On the other hand, the "Nine Hours' Day" of the engineers, gained in 1871 by the Method of Collective Bargaining, was won within six months of the first negotiations with the employers.[2] Nor is the victory ever complete. What Parliament ultimately enacts is never the full measure of what has been asked for. The Cotton Operatives, for instance, did not get their Nine Hours' Day,

[1] *History of Trade Unionism*, pp. 295-298.
[2] *Ibid.* pp. 299-302.

but only a 56½ hours' week. By the Method of Collective Bargaining, on the other hand, Trade Unions have not infrequently gained from employers, at times of strategic advantage, not only the whole of their demands, but also conditions so exceptional that they would never have ventured to embody them in a legislative proposal. We shall hereafter see how this consideration deters strong Trade Unions, like the United Society of Boilermakers and Iron Shipbuilders, from going to Parliament about such unsettled problems as Demarcation of Work or the Limitation of Apprentices, on which they feel that they can exact better terms than would be conceded to them by the community as a whole. But taking merely the hours of labor we may note how, whilst Parliament has not yet been converted even to an Eight Hours' Day for Miners, the coal-hewers of Northumberland and Durham have long since secured by Collective Bargaining a working day for themselves of less than 7 hours, and a working week which never exceeds 37 hours.

At first sight, it may seem strange that, in face of all these difficulties and disadvantages, the Trade Unions should so persistently, and even increasingly, seek for legislative regulation of their respective industries. The explanation is that, however tedious and difficult may be the process of obtaining it, once the Common Rule is embodied in an Act of Parliament, it satisfies more perfectly the Trade Union aspirations of permanence and universality than any other method. It is, as we have shown, as yet rare for a Trade Union to have been able to establish by the Method of Collective Bargaining anything like uniform conditions throughout the whole country. Such prominent and wealthy unions, for instance, as the Amalgamated Society of Engineers and the Amalgamated Society of Carpenters, find themselves compelled to recognise hours of labor varying, in different towns, from 48 to 57 per week in the one case, and from 41 to 60 in the other.[1]

[1] The Grays and Woolwich Arsenal branches of Engineers among others, stand at 48 hours, whilst the Vale of Leven branch works 57. Among the

But even where any Trade Union rule exists, either national or local, there are, as we have mentioned, always some extensive districts, and some important establishments, in which the rule is either not recognised at all, or is systematically evaded. An Act of Parliament, on the contrary, applies uniformly to all districts, whether the Trade Union is strong or non-existent, and to all employers, whether or not they belong to the Employers' Association. It corresponds, in fact, to the ideal form of Collective Bargaining, a National Agreement made between a Trade Union including every man in the trade, and an Employers' Association from which no firm stands aloof. Like such an agreement it excludes, from influence on the wage-contract, the exigencies, not only of particular workmen or particular establishments, but also those of particular districts. But it goes a stage farther in this direction. A National Agreement, however stable, is always liable to be changed, in accordance with the relative strength of employers and employed, at each of the successive inflations and depressions which characterise modern industry. The Cotton-spinners, for instance, whose standard earnings are determined by an exceptionally stable National Agreement, have, during the last twenty years, agreed to twelve alterations of this standard, five times upward and seven downward. But once any part of the conditions of employment has been deemed of sufficient importance to the community to be secured by law, it is beyond the reach of even the most extreme commercial crises. In the blackest days of 1879, when many cotton manufacturers were reduced to bankruptcy and the operatives suffered a reduction of twenty per cent of their wages, no one ever suggested that the expensive statutory requirements as to the sanitation of the factory, or the fencing of dangerous

Carpenters, taking the mid-winter hours, the Middleton branch works 41½ hours, the Bury branch 43½, and those of Prestwich and Radcliffe 44, whilst Yarmouth, Yeovil, and many Irish branches are still at 60. See *Statistics of Rates of Wages, etc.*, published by the A.S.E. in 1895, and the *Annual Report of the Amalgamated Society of Carpenters* for 1894. Compare, too, the *Reports on Wages and Hours of Labour*, published by the Board of Trade, C, 7567, 1894.

machinery should be relaxed. In our *History of Trade Unionism* we have shown [1] how seriously, in these years, the Nine Hours' Day of the engineering and building trades secured by Collective Bargaining, was nullified by the practice of systematic overtime. But neither inflation nor depression has, as a matter of fact, led to any alteration since 1874 in the length of the Cotton-spinners' Normal Day, which the Factory Act in effect prescribes. The Common Rule embodied in an Act of Parliament has, therefore, the inestimable advantage, from the Trade Union point of view, of being beyond the influence of the exigencies of even the worst times of depression. And, if we may judge from the history of the last fifty years, such a rule is more apt to "slide up" than to "slide down." Once any regulation has been adopted, it becomes practically impossible altogether to rescind it, whilst the movement of public opinion, notably on such matters as education, sanitation, safety, and shorter hours of labor, has been steadily in favor of increased requirements in the normal Standard of Life.[2] These characteristics of the Method of Legal Enactment have, as we shall see in subsequent chapters, an important bearing on the kind of Regulations which the Trade Unionists seek to enforce by this particular Method. But before we consider the rules themselves, we have first to describe the nature and extent of the Trade Union machinery for using the method.

The Trade Unions have not yet developed, for their application of the Method of Legal Enactment, even so much formal machinery as they possess for the Method of Collective Bargaining. This backwardness, is, in the main, to be attributed to the difficulty of the task. The dominant tendency in Trade Union history is, as we have seen, to

[1] Page 333.

[2] This "partiality," however, is not an inherent attribute of the Method of Legal Enactment. Its existence during the present generation is, we hold, due to the shifting of political power from the middle class, who had become opponents of any restriction of competition, to the wage-earners, who have continued to believe in regulation.

make the trade throughout the country the unit of organisation. But to bring any proposal effectively before the legislature, that is to say, to persuade members of Parliament to take the matter up, Trade Union leaders must convert, not the employers and workmen in their own industry wherever carried on, but the electors of particular constituencies, to whatever trade they belong. An organisation according to localities has, therefore, to be superposed upon an organisation according to trades.

Two great industries—cotton and coal—have been able to surmount this difficulty, and these alone have as yet developed any effective political machinery. The powerful unions of Cotton Operatives, for instance, three-fourths of whose 132,000 members are to be found in ten constituencies within twenty miles of Bolton, have, during the past twenty-five years, constructed a special organisation for obtaining and enforcing the legislative regulations which they desire. The five societies of Spinners, Weavers, Card-room Operatives, Beamers, and Overlookers are federated in the United Textile Factory Workers' Association, which carries on no Collective Bargaining, and possesses no insurance side, but has for its sole object "the removal of any grievance . . . for which Parliamentary or Governmental interference is required."[1] The Representative Assembly[2] of this federation, consisting of nearly 200 delegates from a hundred local branches, amalgamates all sections of the Cotton Operatives into one solid union for their common political purposes. But it is the Federal Executive,[3] appointed annually by this Representative Assembly, that governs the Parliamentary policy and organises the political force of the Trade. This Cabinet, composed in the main of the salaried officials of the separate unions, meets regularly throughout the year, exclusively for political business. At these private meetings, held in the parlor of a Manchester

[1] Rules of 1890.
[2] Called the "General Council."
[3] Called the "Legislative Council."

public-house, all rhetoric and formality is banished, and the complaints of the constituents are discussed with cynical shrewdness. If they appear to admit of any legislative or administrative remedy, the president and secretary—who are invariably leading officials of the Spinners and the Weavers respectively—are directed to take the matter up. These officers are wise enough to call in expert assistance. There is usually some eminent lawyer representing a Lancashire constituency, who is glad to put his brains freely at the disposal of so influential an organisation. A clause or a bill is drafted, and communications are opened up with the Home Office. Once certain of the technical accuracy and administrative feasibility of the proposals, the Federal Executive opens a vigorous political campaign. Public meetings are organised, at which the local members of Parliament, or in default, the opposition candidates, are impartially invited to preside. By these meetings not only the 300,000 persons employed in or about the cotton mills, but also the other electors, and the Parliamentary candidates themselves, are patiently educated. It is no small help in this process that the Cotton Operatives have what is virtually their own organ in the press, and that their leading officials write, in addition, much of the "labor news" in the provincial newspapers. When the Parliamentary session opens, the struggle is transferred to the lobby of the House of Commons. It is perhaps a fortunate chance that the present general secretary of the Spinners belongs to the Conservative party, whilst the general secretary of the Weavers is a staunch adherent of the Liberals. No member for a cotton constituency, to whichever party he may belong, escapes the pressure. Meanwhile, in order to smooth the way for legislation, the employers will have been approached with a view to arriving at some common policy which the trade, as a whole, can press on the Government. The millowners, for instance, will be persuaded not to oppose increased factory regulation, on consideration of the operatives joining them to stop a threatened Indian import duty, or combining

in support of "the rehabilitation of silver." When a general election comes near an urgent appeal is issued to all the 132,000 members, reminding them that they should vote only for those candidates, of whatever political party, who promise to support the trade programme. No one can read the frequent circulars, the minutes of the conferences with employers and members of Parliament, the reports of the public meetings, dinners to factory inspectors and deputations to the Home Office, the leading articles in the *Cotton Factory Times*, and the "questions to candidates" for election in Lancashire constituencies, without admitting that the Cotton Operatives have known how to construct a political machine of remarkable efficiency. The result is that the legislative regulation of the Cotton trade has been carried to a point far in advance of any other industry, whilst the law is enforced with a stringent regularity unknown in other districts.[1]

In the case of the Cotton Operatives the close observer may suspect that the political machinery is better than the material out of which it is made. Absorbed in chapels and co-operative stores, eager by individual thrift to rise out of the wage-earning class, and accustomed to adopt the views of the local millowners and landlords, the Cotton Operatives, as a class, are not remarkable for political capacity. In the interest that they take in public affairs they are behind the coalminers of the North and Midland districts of England. Among these underground workers the instinct for democratic politics is so keen that they have, for over twenty years, sent their own officials to represent them in the House of Commons. Like the Cotton Operatives they have exceptional political opportunities, four-fifths of the whole membership being massed in a relatively small number of Parliamentary constituencies. These advantages are, however, largely neutralised by the fact that they are, for political purposes, divided

[1] The meetings of the United Textile Factory Operatives' Association were temporarily suspended in 1896, the officials stating that the time was inopportune for any further extension of factory legislation.

into two hostile factions, the Miners' Federation on the one hand, and the county unions of Northumberland and Durham on the other.

The miners of Northumberland and Durham were, for over a generation, the pioneers and energetic leaders of the movement in favor of the legal regulation of the conditions of labor in the mine. We need not again describe the machinery of the active legal and Parliamentary campaigns between 1843 and 1887. From the appointment of the "Miners' Attorney-General" down to the death of Alexander Macdonald, the promoters of the successive Mines Regulation Acts drew their strongest support from the two Northern counties. We have described elsewhere[1] the curious combination of industrial circumstances and economic theories which have brought the Northumberland and Durham unions to a standstill as regards the legal regulation of their trade. They still nominally retain a separate political machinery under the name of the National Union of Miners.[2] But the effective political influence of the miners of these counties is now expressed mainly by their three officials having seats in the House of Commons. These members, in conjunction with the leading local officials of the Northumberland and Durham Unions, object to the extension of legal regulation, and actively oppose the Eight Hours' Bill.

The great bulk of the miners have, however, retained their belief in the Method of Legal Enactment, and are to-day even more persistent than their fathers in demanding its further application. The Miners' Federation of Great Britain (established 1887, and now counting 200,000 members), which we described in our chapter on "The Unit of Government," is essentially a political organisation. It deals, it is true, also with Collective Bargaining, in so far as anything

[1] *History of Trade Unionism*, pp. 284-292, 377-380.

[2] This federal body, formed by Alexander Macdonald exclusively for Parliamentary purposes, once included practically all the miners' unions in the kingdom, and was, in its time, the most influential political organisation in the Trade Union world. To-day it is confined to the two unions of Northumberland and Durham, and retains only a shadowy separate existence.

approaching to a National Agreement is concerned. But all the ordinary business of Mutual Insurance and Collective Bargaining is performed by the separate county unions, and nine-tenths of the federal work relates, like that of the United Textile Factory Workers' Association, to matters in which legislative or governmental interference is required. Like the Cotton Operatives, too, the Miners' Federation acts through a Representative Assembly and an Executive which is virtually a cabinet of the salaried officials of the constituent Unions. It is a matter of common knowledge that this organisation exercises great political power, and it is, in Parliamentary influence, second only to the United Textile Factory Workers' Association. In one respect it is even stronger. Owing to the loyalty of the miners to their leaders, and to their democratic fervor, the Parliamentary and local elections in mining constituencies may be said to be entirely controlled by the miners' organisations. No candidate can be elected who does not support their programme. It is in the manipulation of both political parties in the House of Commons that the Miners fall behind the Cotton Operatives. The Miners' Federation has, in the first place, to struggle against the very serious obstacle presented by the resolute hostility of the Northumberland and Durham unions. In the Parliament of 1892-95 if Mr. Pickard or Mr. Woods proposed some measure desired by the Miners' Federation, he was pretty sure to be answered not by an employer, but by Mr. Burt or Mr. Fenwick, speaking for the miners of the two Northern counties. The fact too, that all the miners' representatives in the House of Commons are loyal supporters of one political party interferes, to some extent, with their influence both with that party and with its opponents. And although this great federation can count among its officials men of ability, experience, and unquestioned integrity, we are inclined to doubt whether the general level of technical and economic knowledge among them is quite as high as that of the staff of the Cotton Operatives, recruited as the latter is by competitive examination. It is, perhaps, due to this fact that

the Miners' officials do not as yet realise the necessity of expert legal and Parliamentary counsel in their deliberations, and make far less use than the Cotton Operatives of outside help. They have no intercourse with the Government Mines Inspectors, and, unlike the Cotton Operatives, they do not enjoy the advantage of constantly meeting, on terms of easy equality, the salaried officers of the employers' associations. Moreover, they have no organ of their own in the press, and they seldom contribute to other newspapers. Strong in their numbers and their concentrated electoral power, the Miners have, in fact, hitherto somewhat suffered from their isolation. But notwithstanding all these drawbacks, the steady improvement and progressive elaboration of the Mines Regulation Acts, in the face of powerful capitalist opposition, bears eloquent testimony to the past and present effectiveness of the Miners' political organisations.

No trade society other than those connected with cotton and coal has developed any effective machinery for obtaining the legal regulations which are demanded by its members. This is, in some cases, to be attributed to the absence, among the rank and file, of any keen desire for special Acts of Parliament. Some powerful unions, like the United Society of Boilermakers, which enforces a rigid limit on the number of apprentices, are comparatively indifferent to the law as an instrument for obtaining the conditions of labor that they desire. But there are other trades which feel, even more strongly than the Cotton Operatives and Miners, their dependence on the Method of Legal Enactment as the only effective way of securing what they consider fair conditions of employment. Not to mention such modern organisations as those of the Gasworkers and Seamen, whose objects are mainly legislative, we watch old-established unions like the Amalgamated Society of Tailors, the several societies of cutlery workers of Sheffield, and the Hosiers of the Midland Counties all basing their aspirations on the legal regulation of homework, and the prohibition of insidious forms of "truck." Typical "old unionists" like the Ironfounders,

Stonemasons, and Engineers are constantly voting by large majorities in favor of drastic legal enactments providing for the better sanitation of their workplaces, for additional precautions against accidents, for the compulsory compensation of those who suffer through negligence, for the adoption in all public contracts of the Standard Rates of Wages, and last, but in recent years not least, for the suppression of overtime, and the maintenance of a Legal Day. And yet it is not too much to say that, as regards all these points, the organised Trade Unions, with their hundreds of thousands of electors, exercise, to-day, practically no appreciable influence on the House of Commons and, unlike the Cotton Operatives and Miners, have not learnt either to supplement the efforts of sympathetic philanthropists, or to strengthen the hands of willing politicians. The problem of superposing an organisation according to locality upon one according to trades, has, in fact, proved too complicated for Trade Union statesmanship.

We shall best understand this failure by considering first the difficulties that prevent any single trade from attaining political influence, and then the kind of organisation by which such difficulties might be overcome. The typical Trade Union has its members scattered in small groups, each of which makes up a tiny fraction of an electoral constituency. The adult male Cotton Operatives of Oldham practically dominate the local electorate, but the Oldham Plumbers number only 69, and the Oldham Carpenters only 152 —contingents too small to be able to impress their views on Parliamentary candidates. At Morpeth again, the Coalminers have, for over twenty years, been able to actually return one of their own officials as the member. But the Morpeth Tailors number only five, and are thus practically helpless. Even in London, where the Amalgamated Society of Tailors dominates its own skilled branch of the trade, its two thousand members are spread over sixty constituencies. It is evident that the only way by which the men engaged in such widely dispersed industries as building and tailoring

can force their grievances on an ignorant public or a reluctant Parliament, is by combined action among the different trades of each constituency. Even the Engineers, who are in certain centres aggregated in large numbers, are politically weakened in their own strongholds by their division into sectional societies. And joint action is even more clearly necessary in the case of the great number of little local trades, which have not the compensation of numerous branches and a large aggregate membership. Now, the long and varied experience of the Cotton Operatives and, to a lesser extent, that of the Coalminers prove that if a political federation is to be successful, three conditions are absolutely indispensable. There must, in the first place, be a vigorous central executive, to which is entrusted the entire direction of all the proceedings. In effective connection with this central committee, there must be local organisations in the various constituencies, always prompt to obey the directions of the leaders, and to subordinate other interests to the main object. Finally, the central committee must not only have in its service an adequate staff of able men as officials, but must also know how to command, either for love or money, and be willing frequently to use, the professional advice of trained experts in law, in Parliamentary procedure, in administration, and in what may be called general politics.

It may at first be thought that, in the annual Trade Union Congress, the Parliamentary Committee, and the local Trades Councils, the Trade Union world possesses a political machinery fulfilling these elementary conditions. There is a Representative Assembly, to which nearly every organised trade sends delegates. This assembly has nothing to do with Mutual Insurance or Collective Bargaining, and deals exclusively with the political interests of the Trade Union world. It elects a Cabinet of thirteen members, on which sit some of the ablest salaried officers of the movement. The duty of this "Parliamentary Committee" is expressly defined to be "to watch all legislative measures directly affecting the question of Labor, to initiate such legislative

action as Congress may direct, and to prepare the programme for the Congress."[1] Finally there exist, in over a hundred towns, which together elect a third of the House of Commons, joint committees of the local Trade Union branches, formed "to watch over the general interests of Labor—political and social—both in and out of Parliament."[2] But a short examination of the constitution and working of this organisation will, we think, make clear that, whatever outward resemblances to an effective political machine it may possess, it lacks all the essential conditions of efficiency and success.

Let us, to begin with, take the Parliamentary Committee, upon which, to follow the analogy of the Cotton Operatives, should fall the duties of formulating a national Trade Union programme, of guiding the deliberations of the Trade Union Congress, of directing the necessary political campaign throughout the constituencies, and finally, of conducting the desired measures through Parliament. But the Parliamentary Committee has, for the last twenty years, had practically no means of fulfilling these functions. The central executives of the unions, from whom alone any responsible statement of the trade grievances and proposals can be obtained, seldom dream of communicating their desires to the Parliamentary Committee. This has naturally followed from the fact that there is no central staff able to cope with such proposals as have from time to time come in.[3] For all the Parliamentary and other business of the Trade Union world as a whole, there is provided only a single secretary, who is usually one of the "Labor Representatives" in the House of Commons,

[1] Amended Standing Orders, drawn up by Parliamentary Committee, November 1894.

[2] Rules of the London Trades Council, revised March 1895. The Manchester and Salford Trades Council (established 1866) declares that its objects are "to watch over the social and political rights and interests of Labor, local and national, but not of party political character. Its duties shall be to direct the power and influence possessed by its constituents, in promoting and supporting such measures as may appear likely to increase the comfort and happiness of the people, and generally to assist in securing the ends for which Trade Unions were called into existence." (Report for 1890.)

[3] *History of Trade Unionism*, pp. 356-358, 470-474.

with prior duties to his own constituency. For the last five years the occupant of the post has been a salaried official of his own union, busily occupied with its particular sectional interests. The Parliamentary Committee admittedly pays only for the leavings of his time and attention, a large part of the salary of £200 [1] going, in fact, to the son or friend who does the routine office work during his frequent absences from London. It is therefore impossible for the Parliamentary Committee to investigate grievances, or to form an independent judgment on technical proposals. The members of the Committee are, no doubt, severally quite competent to deal with their own trades, but for the Committee as a whole to act on this assumption necessarily means its implicit acceptance of the technical proposals of any one of its members. As regards the vast majority of unrepresented trades the Committee has absolutely no means of ascertaining, either what is complained of, or what remedies are practicable. Nor does it ever occur to the Parliamentary Committee to attempt to make up for this deficiency by seeking expert or professional advice, for which Congress has never been asked to provide funds. We despair of making any middle-class student realise the strength and persistency of this disinclination of Trade Unionists to call in outside counsel. A Board of Railway Directors or a Town Council do not imagine that they are bartering their independence or impairing their dignity when they consult an engineer or a solicitor, or when they employ an actuary or a Parliamentary draughtsman. Though they are themselves what the Trade Unionists would call "practical men" they invariably commit even their own proposals to professional experts to be critically examined and put into proper form. But owing, we believe, to a combination of sturdy independence, naïve self-complacency, and an extremely narrow outlook on affairs, the Parliamentary Committee, like most Trade Union organisations, apparently regard themselves as competent to be their own solicitors, their own actuaries, and even their own Parliamentary

[1] Raised, in 1896, to £300.

draughtsmen.[1] It is unnecessary to add that, in each capacity, they attain the proverbial result.

Any idea of intellectual leadership of the Trade Union world has accordingly long since been abandoned by the Parliamentary Committee. This has entailed the degeneration of the Trade Union Congress. The four or five hundred members coming from all trades and parts of the kingdom are largely unknown to each other and new to their work. Each delegate brings to the meeting his own pet ideas and legislative projects. In order to make such a Representative Assembly into a useful piece of democratic machinery, the first requisite is a strong "Front Bench" of responsible leaders, who have themselves arrived at a definite and consistent policy. But this, as we have seen, is beyond the capacity of the Parliamentary Committee in its present lack of information, staff, and expert counsel. What happens, in fact, is that a few stock resolutions are moved by members of the Committee, but nine-tenths of the time of Congress is given to the casual proposals sent in by the rank and file. These are not examined or reported on by the Parliamentary Committee, or even referred for consideration to special committees elected for the purpose. They appear higgledy-piggledy in the agenda of the Congress sitting as a whole, the order in which they are discussed being decided by lot.[2] The bewildered delegates, fresh from the bench or the mine, find themselves confronted with a hundred and fifty heterogeneous proposals, some containing highly technical amendments of the statutes relating to particular trades, others being mere pious aspirations for social amelioration, and others, again, involving far-reaching changes in the economic and political constitution of the country. All these come before Congress with equal authority; are explained in five-

[1] We have already mentioned that the United Textile Factory Workers' Association is honorably distinguished among Trade Unions for its freedom from this defect. The Co-operative and Friendly Society Movements have, to a large extent, learnt a similar lesson.

[2] Some improvement has been made in this respect during the last year or two, the notices of motion being now classified according to their subjects.

minute speeches; and as regards four out of every five, get passed without inquiry or discrimination.[1] Instead of a deliberative assembly checking and ratifying a programme prepared, after careful investigation, by a responsible Cabinet, the Trade Union Congress is now an unorganised public meeting, utterly unable to formulate any consistent or practical policy.

In the absence alike of an effective central executive, and of any definite programme, it is of minor import that the joint committees which should act in the several constituencies are themselves inefficient, and completely divorced from the other parts of the machine. We do not need to repeat our detailed description and working of the Trades Councils.[2] It is obvious that if such Councils are to be of any use in influencing the constituencies, they must receive the confidence and support of the central executive of each trade, and strictly co-ordinate all their political action with that of the Parliamentary Committee. But for reasons on which we have elsewhere dwelt, the central executives of the national trade societies view with suspicion and jealousy the very existence of local committees over whose action they have no control. The Parliamentary Committee, which ought to exercise that control, has, in the absence of a real programme and of anything like an office staff, for many years given up all attempts to direct, or even to influence, the bodies through which alone it could conduct an effective electoral campaign. Without leadership, without an official programme, and without any definite work, the Trades Councils have become, in effect, microscopic Trade Union Congresses, with all the deficiencies of unorganised public meetings. Their wild and inconsistent resolutions, no less than their fitful and erratic action, have naturally increased the dislike of the central executives, and of the salaried officials who dominate the Parliamentary Committee. Since 1895 they have even been excluded from participation in the Trade Union Congress. Thus

[1] *History of Trade Unionism*, pp. 467-470.
[2] *Ibid.* pp. 440-444, 466, 467.

there is now no working connection between the central committee and the organisations in the several constituencies.

We see therefore that, notwithstanding a great parade of political influence, the Trade Union world, as a whole, is really without an organised machinery for using the Method of Legal Enactment. This outcome of thirty years' effort may well lead to doubts whether it is practicable to construct efficient machinery for the political business of the whole Trade Union world. Some persons may suggest that the experience of the Cotton Operatives and the Coalminers points rather to the development of separate political machinery for each great group of industries. On this assumption we should have political federations of the Engineering and Shipbuilding trades, of the various branches of the Clothing Trade, of the Building and Furniture Trades, and perhaps even of the Transport Workers and the General Laborers. But whether the machinery for using the Method of Legal Enactment covers the whole Trade Union world, or is confined to particular sections, it will not be possible for it to obtain even such success as has been won by the Cotton Operatives and the Coalminers without a radical change in spirit, if not also in form. It may safely be predicted that no Parliamentary organisation of the Trade Union world will be politically effective until the narrow limits of its action are definitely recognised, and until the separate functions of the Central Federal Executive, the Representative Assembly, and the Local Councils are clearly understood, and placed in proper co-ordination with each other.

Let us first consider the importance of recognising the narrow limits within which such political influence must be exercised. We have here, in fact, a particular application of the principles upon which, as we showed in our chapter on "Interunion Relations," any combined action must be based. The paramount condition of stable federation is, as we have suggested, that the constituent bodies should be united only in so far as they possess interests in common, and that in respect of all other matters they should retain

their independence. The Trade Union Congress is a federation for obtaining, by Parliamentary action, not social reform generally, but the particular measures desired by its constituent Trade Unions.[1] These all desire certain measures of legal regulation confined to their own particular trades, and they are prepared, if this limitation is observed, to back up each other's demands. On many important subjects, such as Freedom of Combination, Compensation for Accidents, Truck, Sanitation, "the Particulars Clause," the weekly payment of wages, and the abolition of disciplinary fines, they are united on general measures. But directly the Congress diverges from its narrow Trade Union function, and expresses any opinion, either on general social reforms or party politics, it is bound to alienate whole sections of its constituents. The Trade Unions join the Congress for the promotion of a Parliamentary policy desired, not merely by a majority, but by all of them; and it is a violation of the implied contract between them to use the political force, towards the creation of which all are contributing, for the purposes of any particular political party. The Trade Unionists of Northumberland and Durham are predominantly Liberal. Those of Lancashire are largely Conservative. Those of Yorkshire and London, again, are deeply impregnated with Socialism. If the Congress adopts the Shibboleths, or supports the general policy of any of the three parties which now—on questions outside Trade Unionism—divide the allegiance of British workmen, its influence is at once destroyed. The history of the Trade Union Congress during the last twenty years emphatically confirms this view. Whether it is "captured" by the Liberals (as in 1878-85) or by the Socialists (as in 1893-94); whether it is pledged to Peasant Proprietorship or to Land Nationalisation; whether it declares in favor of Bimetallism or the "Nationalisation of the means of production,

[1] In the course of our subsequent analysis of the Trade Union Regulations themselves, and in our final survey, we shall discover the political programme for the Trade Union world. See the chapters on "The Economic Characteristics of Trade Unionism" and "Trade Unionism and Democracy."

distribution, and exchange," it equally destroys its capacity for performing its proper work, and provokes a reaction which nullifies its political influence.

Once this limitation were understood and definitely recognised, it would become possible to weld the separate parts of the existing Trade Union organisation into a political machinery of considerable influence. The first requisite would be a central federal committee, meeting exclusively for the definite political purposes which we have indicated. To this Parliamentary Committee the central executive of each national trade would bring its particular grievances, with the remedies proposed, just as the Weavers' executive submits to the United Textile Factory Workers' Association its objections to over-steaming and its proposals for the abolition of this practice. On no account must any proposal be taken up by the Parliamentary Committee which had not received the express endorsement of the central executive of the trade concerned. Any departure from this rule would bring the federal committee into conflict with its real constituents, and deprive it of all guarantee that the proposal had been accepted by the bulk of the members most directly to be affected. But this endorsement would not in itself suffice. The Parliamentary Committee, acting in conjunction with the officers of the trade concerned, would have to take expert advice as to the extent of the grievance, the practicability of the remedy proposed, and the best form in which it could be put. The approved legislative proposals of the several trades could then be marshalled into a precise and consistent Parliamentary programme, from which all vague aspirations or rhetorical claptrap would be excluded. When the programme for the year had, after careful investigation and thought, at last been framed, it would have to be presented to a Representative Assembly of all the trades. In emphatic contrast with the practice of the present Trade Union Congress, it should be made a cardinal rule that no proposition for political action should be brought before the Assembly, unless it had first been submitted to the Parlia-

mentary Committee for investigation and report. With such a rule the delegates from each trade would find before them the proposals which had been sent up by their executives, couched in the best possible language, and recommended to the delegates of the other trades by the cumulative authority of the officials of the industry concerned, the skilled political staff of the Parliamentary Committee itself, and the legal and administrative experts who had been consulted. At this stage, discussion by all the trades would serve to reveal any latent divergence of interest or policy which would militate against the electoral success of even a perfectly devised programme. But such an assembly would fulfil a much more important purpose than merely amending and ratifying an official programme. It would enable the leaders to explain the several items, and demonstrate to the whole Trade Union world their necessity, adequacy, and consistency with the common interests of all Trade Unionists.

The programme once settled, the work of political agitation would begin. Here the Parliamentary Committee would have to be supplemented by a local federation in each constituency. This local body would naturally be formed, like the present Trades Councils, of representatives from all the Trade Union branches in the constituency, or in the town. It would be vital to its efficiency and success that the central executives of the several trades should regard its constitution as of national importance to them; urge their branches to elect their most responsible members; and give them every encouragement to contribute their quota of the local expenses from the society's funds. It goes without saying that these local councils must, no less strictly than the Trade Union Congress, avoid all bias in favor of one or other political party, and confine themselves rigidly to Trade Union objects. But their proceedings must be subject to a yet narrower limit. Unlike the existing Trades Councils, they must realise that it is no part of their business to frame the Parliamentary programme even in matters on which all their constituent branches are unanimous. This

follows from the fact that each trade must be dealt with as a national unit. Before the Engineers or the Tailors can hope to get any amendment of the law relating to their trade, all the branches from one end of the kingdom to the other must be prepared to back up an identical demand; and the demand must be formulated in terms capable of being pressed upon Ministers and the administrative experts. This identity and precision can only be secured by central action. The work of the local Trades Councils must, therefore, as regards all Parliamentary action, be executive only. Both in order to retain the confidence of the central executive of each trade, and to function properly as a part of the political machine, the local councils would have rigidly to confine themselves to pushing the official Trade Union programme for the time being. If any of their members wanted this programme altered, he could bring his proposal forward in the local branch of his own union, have it voted upon by his fellow-tradesmen, and get it sent up to his own central executive. If it was not a matter on which his own Trade Union could be induced to take action, it would most assuredly not be fit for adoption by a federation of Trade Unions. The local Trades Council would, without interfering with general policy, find abundant occupation in organising and educating the local Trade Unionist electors; in carrying out the frequent instructions received from the skilled political staff of the Parliamentary Committee in watching and criticising the action of the Parliamentary representatives of the constituency, to whatever party they belonged; in supplementing and supervising the local work of the mines, factory, and sanitary inspectors; and, wherever it was thought fit, in conducting a municipal campaign. For all elections to local bodies, it could, of course, frame its own programme. Here it would have to act as its own Representative Assembly. Like the Trade Union Congress the Trades Council would have to elect and to trust a responsible cabinet; to restrict it to a Trade Union as distinguished from a general political programme; to provide it

with officers and funds adequate to its task; to expect that it should act only after inquiry and expert or professional advice; and above all, to insist that it should keep itself free from suspicion of acting in the interests of any particular party.

We are thus brought back, at each stage of the organisation, to the paramount need of intellectual leadership. Without concerted federal action between the trades, no progress can be made in carrying out their desires for the use of the Method of Legal Enactment. Without a central committee really directing and concentrating the action of the local councils, no electoral campaign can ever be effective. Without a "Front Bench" of responsible leaders, no Representative Assembly can ever formulate a consistent programme, or rise above the dignity of a public meeting. The great officials of the leading trades must realise that it is their duty, not merely to stir up their own branches to feeble and fitful agitation for the particular legal reforms that they desire themselves, but to get constructed the federal organisation which alone can secure their accomplishment. In this federal organisation they must themselves take the leading part. For this work they are at present, with all their capacity and force, usually quite unfit. Each man knows his own trade, and the desires of his own union, but is both ignorant and indifferent as to the needs or desires of every other trade. Before they can form anything like a Cabinet with a definite and consistent policy, they must learn how to frame a precise and detailed programme which shall include the particular legislative regulations desired by each trade, whilst avoiding the Shibboleths of any political party. Nor is this an impossible dream. At one period, as we have elsewhere described,[1] the Trade Union world possessed, in "the Junta" and their immediate successors, an extremely efficient Cabinet, which both led the Trade Union Congress and directed the action of the Trades Councils. In close communication with the executives of the great trades, and

[1] *History of Trade Unionism*, pp. 215-283.

making unstinted use of expert counsel, this Junta prepared a reasoned and practicable programme; explained it to representative gatherings by which it was ratified; and enlisted the Trades Councils in an organised electoral campaign in its support. The result was seen in the memorable Parliamentary triumphs of 1871 and 1875. With the passing away of the Junta, and the breach between the Parliamentary Committee and its unpaid counsellors, this effective leadership came insensibly to an end. If the machinery is again to become effective, the Parliamentary Committee must realise that its duty is to lead both the Trade Union Congress and the Trades Councils; to formulate its own policy; to provide itself with an adequate salaried staff; and, above all, to make the fullest possible use of professional experts. With the creation of a strongly centralised, and thoroughly equipped political federation confining its work exclusively to Trade Union objects, the organised trades might reasonably hope to obtain the same measure of success in the detailed legal regulation of the conditions of their labor, as that achieved by such "old Parliamentary hands" as the Coalminers and the Cotton Operatives, whilst these latter unions would find their power to obtain further regulation in their own trades indefinitely increased by the effective support of the whole Trade Union world.[1]

[1] The degeneration of the whole political machinery has, during the last few years, become so obvious to the leading Trade Unionists, that spasmodic attempts at reform have been made. We cannot, in this analytical volume, go into the details of the story of how the Parliamentary Committee of 1895, by the casting vote of its chairman, imposed a brand new constitution on the Trade Union Congress. We need only remind the reader that by the new Standing Orders, which were held to govern the Cardiff Congress before they were adopted, the Parliamentary Committee brought in three important innovations. No Trade Unionist could be elected as a delegate unless he was either a paid official of his own union, or else still working at his original trade. The Trades Councils were excluded from all representation or participation in the Congress. And, most important of all, the method of voting in Congress was changed from the ordinary practice of Representative Assemblies to a system of voting by trades. These alterations, it will be seen, do not proceed along the lines which we have suggested. There is no proposal to increase the efficiency or strengthen the staff of the Parliamentary Committee, or to co-ordinate the several parts of

the political machine. Instead of intellectual leadership being provided, we see an attempt merely to silence or exclude the troublesome elements. We need not dwell upon the first of the alterations, aimed, as it was, merely at one or two influential delegates whose exclusion was desired by the dominant officials. By abruptly turning out the Trades Councils, who actually initiated the Congress twenty-seven years before, and had ever since taken a vigorous part, the Parliamentary Committee cut adrift the very bodies upon which any effective Trade Union campaign in the constituencies must depend. The Trades Councils, thus "outlawed" from the Trade Union world, are now centres of bitter hostility to the salaried officials of the great trades; sources of dissension and political weakness, instead of being valuable supports and allies. But the most important and, as we think, most injurious change was that effected in the method of voting. Prior to 1895, though the Unions were allowed to send delegates in proportion to their membership and contribution to the Congress funds, each delegate had an individual vote, and no proxy voting was allowed. In this way, the larger unions could, if they chose to send their full number of delegates, exercise their due proportion of voting power. But the officials of some powerful societies found the arrangement inconvenient. In some cases their societies demurred to the expense of sending more than three or four delegates, and thus failed to secure a proportionate influence. In other cases when the full number of delegates was sent, some of these insisted on exercising an independent judgment, and voted according to their own political sympathies, or in response to appeals from the smaller trades. In the absence of any leadership of the Congress as a whole, independence degenerated into anarchy. To the practical officials of the Coal and Cotton industries, the flighty and irresponsible behaviour of the Congress appeared likely to militate against the success of the particular technical measures promoted by their own unions. It does not seem to have occurred to them that it might be their duty to put their brains into the business; to come forward as the Cabinet of the Congress, formulating a consistent policy for the Trade Union world as a whole; and boldly to appeal for the confidence and the pecuniary support by which alone any policy could be carried into effect. The investigation and co-ordination of the needs of the several trades would have involved, instead of an occasional pleasant jaunt to London, a good deal of hard thinking, and many tedious consultations with experts of all kinds. It was easier to put themselves in a position mechanically to stop the passing of any resolution which seemed likely to be injurious to their trades. The four representatives of the coal and cotton industries on the committee, therefore, insisted on the adoption of the so-called "proxy voting" used by the Miners' Federation in their own conferences. Under this system each trade as a whole is accorded the number of votes to which its aggregate membership entitles it, but is not required to send more than a single delegate. If more than one are sent, they may decide among themselves how the vote of the trade shall be cast, and may even entrust their voting cards to one among their number, and leave the Congress. It is obvious that this mechanical system of voting tends to throw the entire power in the hands of the officials. In fact, already at the Congress of 1895, one society, enjoying forty-five votes, sent only its general secretary to represent it, and as this economical practice leaves the voting power of the union unimpaired, it will certainly be adopted by others. By this system the officers of the great unions have secured their own permanent re-election on the Parliamentary Committee, and, whenever needed, the power to reject any proposal before Congress, without incurring either the "intolerable toil of thought," which due consideration of the needs of the smaller trades would involve, or the trouble of any intellectual leadership of the Congress as a whole.

It will henceforth be less than ever necessary for the officials of the great trades to intervene in the debates, or to seek to guide the less experienced sections of the Trade Union world. Already at Cardiff signs were not wanting that in future Congresses we shall see the big officials, holding the pack of voting cards allotted to their own unions, listening contemptuously to the debating of the smaller trades, and silently voting down any proposition which displeases them.

But the new Standing Orders do more than destroy the value of the Trade Union Congress as a deliberative assembly, and deprive it of its functions as a representative gathering through which the policy and programme of the Parliamentary Committee might be explained to the Trade Union world. The new system of voting contravenes, in the worst possible way, the principles of representation which we have, in our chapter on "Interunion Relations," deduced from the nature of federal association, and is therefore fraught with the gravest danger to the stability of the Congress. The Congress, including as it does, many divergent, and even opposing interests, can never be more than a loose federation for the limited purposes which its several sections have really in common. Its decisions ought therefore to be arrived at, not by mere majority vote, but by consultation between the sections, with a view of discovering the "greatest common measure." But under the present system the Miners' Federation and the United Textile Factory Workers' Association together number a third of the membership represented at the Congress, whilst so long as they act in conjunction with the Amalgamated Societies of Engineers and Carpenters, and the National Union of Boot and Shoe Operatives, they constitute an absolute majority of any possible Congress. To give to five trades an absolute majority over the combined forces of all the rest, must, if persisted in, either extinguish any chance of energetic political co-operation by the others, or else lead to these forming a new federation of their own.

CHAPTER V

THE STANDARD RATE

AMONG Trade Union Regulations there is one which stands out as practically universal, namely, the insistence on payment according to some definite standard, uniform in its application. Even so rudimentary a form of combination as the "shop club" requires that all its members shall receive, as a minimum, the rate agreed upon with the foreman for the particular job. The organised local or national union carries the principle further, and insists on a Standard Rate of payment for all its members in the town or district. The Standard Rate, it should be observed, is only a minimum, never a maximum. The Friendly Society of Operative Stonemasons, for instance, agrees (1897) with the London Central Master Builders' Association that all its able-bodied members shall receive not less than tenpence halfpenny per hour. But the Society has no objection to an employer offering a particular stonemason, whose skill or character is valued, any higher rate that he may choose. The Amalgamated Society of Tailors, in conjunction with the Master Tailors' Association of the particular town, settles a "log" fixing the payment for each kind of garment. But this does not prevent West End master tailors, with the full sanction of the union, paying some members far above the London log rates. In fact, though there are certain seeming exceptions with which we shall deal separately, we know of no case in which a Trade Union forbids or discourages its

members from receiving a higher rate of remuneration, for the work actually performed, than the common Standard Rate fixed for the whole body.

But although the Standard Rate is a minimum, not a maximum, the establishment of this minimum necessarily results in a nearer approximation to equality of rates than would otherwise prevail. Trade Union officials who have had to construct a piecework list, or to extend such a list from one shop to the whole town, or from one town to the whole trade, know that, in order to secure a standard list of prices, they have had to pare down the rates hitherto enjoyed by particular shops or even particular towns. It is exactly this willingness on the part of the more fortunately situated sections of the trade to forego, for the sake of a Standard Rate, the higher rates which happen, by some accident, to have become current for a particular line of work, that makes uniformity possible. We have already cited, in describing how Trade Unionism breaks down local monopoly, the case of the Cotton-weavers, who discovered that, in order to secure a uniform list of piecework prices—meaning, to the majority of members, an advance of wages—one or two districts had to consent to a positive reduction of the rates they had hitherto enjoyed.[1] The powerful society of Flint Glass Makers has recently afforded us an even more striking example. When in 1895 the Flint Glass Makers concerted with their employers a uniform "catalogue of prices" for all the glass works in Yorkshire, the York branch, which enjoyed higher rates than any other in the county, at first vehemently protested. A uniform list, they urged, "was impracticable, unless by some section of us making enormous sacrifices"; and its enforcement would involve the "edifying spectacle of a Trade Union compelling its members to work at a reduced wage, when neither they nor the employer desired it."[2] Notwithstanding this protest, the members of the union

[1] See the chapter on "The Unit of Government."

[2] Letter from T. Mawson, a member of the York branch, in the *Flint Glass Makers' Magazine*, October 1895; vol. ii. No. 8, pp. 427, 428.

approved the preparation of the uniform list, which was submitted to general meetings of all the Yorkshire branches. The issue was thus put before the York members, and though it was made clear that the new list would involve a reduction of their own earnings, the feeling in favor of uniformity was so strong that, as the general secretary records, out of a total of eighty-four members in the branch at the time, "the vote against the catalogue was only the miserable total of nine."[1]

This conception of a Standard Rate is, as we need hardly explain, an indispensable requisite of Collective Bargaining. Without some common measure, applicable to all the workmen concerned, no general treaty with regard to wages would be possible. But the use of a definite standard of measurement is not merely an adjunct of the Method of Collective Bargaining. It is required for any wholesale determination of wages upon broad principles. The most autocratic and unfettered employer spontaneously adopts Standard Rates for classes of workmen, just as the large shopkeeper fixes his prices, not according to the higgling capacity of particular customers, but by a definite percentage on cost.[2] This conception of a consistent standard of measurement the Trade Union seeks to extend from establishments to districts, and from districts to the whole area of the trade within the kingdom.

This Trade Unionist insistence on a Standard Rate has been the subject of bitter denunciation. The payment of "bad and lazy workmen as highly as those who are skilled and industrious,"[3] "setting a premium on idleness and incapacity,"

[1] Address of the Central Secretary of the Society, in the *Flint Glass Makers' Magazine*, October 1895; vol. ii. No. 8, pp. 447-451.

[2] Practical convenience and the growth of large establishments have, no doubt, much to do with the adoption of uniformity. The little working master, or small employer, could know personally every workman, and adjust without much difficulty a graduated rate of wages. But the modern employer of labor on a large scale cannot be bothered with precisely graduated special rates for each of his thousand "hands." It suits him better to adopt some common principle of payment, simple of application by his clerks and easily comprehended by the workmen.

[3] *Measures for putting an End to the Abuses of Trade Unions*, by Frederic Hill (London, 1868), p. 3. So persistent is this delusion that Mr. Lecky, writing

"destructive to the legitimate ambition of industry and merit," that "worst kind of Communism, the equal remuneration of all men," are only samples of the abusive rhetoric of capitalists and philosophers on the subject. Even as lately as 1871 a distinguished economist poured out the following tirade against the assumed wickedness of the Trade Unions in this respect: "Not yet, but in course of time, as economic principles become popularly understood, we shall see Trade Unions purged of their most erroneous and mischievous purpose of seeking an *uniform rate of wages without regard to differences of skill, knowledge, industry, and character.* There is no tenet of Socialism more fatal in its consequences than this insidious and plausible doctrine—a doctrine which, if acted upon rigidly for any length of time by large classes of men, would stop all progress. Put in plain language it means that there shall not be in the world any such thing as superior talent or attainment; that every art and handicraft shall be reduced to the level of the commonest, most ignorant, and most stupid of the persons who belong to it."[1]

Such criticisms are beside the mark. A very slight acquaintance with Trade Unionism would have shown these writers that a uniform Standard Rate in no way implies equality of weekly wages, and has no such object. For good or for evil, the typical British workman is not by any means a Communist, and the Trade Union regulations are, as we shall see, quite free from any theoretic "yearnings for equal division of unequal earnings."

The misapprehension arises from a confusion between the rate of payment and the amount actually earned by the workman. What the Trade Union insists on, as a necessary condition of the very existence of Collective Bargaining, is a Standard *Rate* of payment for the work actually performed. But this is consistent with the widest possible divergence

in 1896, naïvely echoes the charge against the Trade Unions by implying that "they insist on the worst workman being paid as much as the best."—*Democracy and Liberty*, vol. ii. p. 385.

[1] Presidential Address of William Newmarch at Social Science Congress of 1871 (*Transactions of Social Science Association*, 1871, p. 117).

between the actual weekly incomes of different workmen. Thus we have the significant fact that the Standard Rate insisted on by the great majority of Trade Unionists is, not any definite sum per hour, but a list of piecework prices. The extent to which these piecework lists prevail throughout the country is seldom realised. Even those who have heard of the elaborate tonnage rates of the Ironworkers, Steel-smelters, and Coalminers, and the complicated cotton lists, which together govern the remuneration of a fourth of the Trade Union world, often forget the innumerable other trades, in which (as with the Tailors, Bootmakers, Compositors, Coopers, Basketmakers, Brushmakers) lists of prices, signed by employers and employed, and revised from time to time, date from the very beginning of the century.[1] When, as in all these cases, the Standard Rate takes the form of a schedule of piecework prices, it is clear that there can be no question of equalising the actual earnings of different workmen. One basketmaker or one coalminer may be earning two pounds a week, whilst another, receiving the same Standard Rate and working the same number of hours, may get less than thirty shillings; and another, putting in only half-time, may have only ten or fifteen shillings for his week's income.

Nor can it be assumed that in the industries in which the Trade Union rate is not based on piecework, but takes the form of a definite standard wage per hour, this necessarily implies equality of remuneration. Even where workmen in such trades put in the same number of hours, their weekly incomes will often be found to differ very materially. Thus, whilst ordinary plumbing, bricklaying, and masonry is paid for at uniform rates per hour, directly the job involves any special skill, the employer finds it advantageous to pay a higher rate, and the Trade Union cordially encourages this practice. The superior bricklayer, for instance, is seldom

[1] These piecework lists can now be conveniently studied in the admirable selection published by the Labor Department of the Board of Trade as Part II. of the Report on Wages and Hours of Labor, 1894 [C, 7567,–1].

employed at the Standard Rate, but is always getting jobs at brick-cutting (or "gauge work"), furnace-building, or sewer construction, paid for at rates from ten to fifty per cent over the standard wage. In all industries we find firms with special reputations for a high class of production habitually paying, with full Trade Union approval, more than the Trade Union rate, in order to attract to their establishment the most skilful and best conducted workmen. In other cases, where the employer rigidly adheres to the common rate, the superior workman finds his advantage, if not actually in higher money earnings, in more agreeable conditions of employment. In a large building the employer will select his best stonemasons to do the carving, an occupation not involving great exertion and consistent with an occasional pipe, whilst the common run of workmen will be setting stones under the foreman's eye. The best carpenters, when not earning extra rates for "staircasing" or "handrailing," will get the fine work which combines variety and lightness, and is done in the workshop, leaving to the rougher hands the laying down of flooring and other heavy mechanical tasks. These distinctions may seem trivial to the professional or business man, who to a large extent controls the conditions under which he works. But no workman fails to appreciate the radical difference in net advantageousness between two different jobs, one involving exposure to the weather, wear and tear of clothing, monotonous muscular exertion, and incessant supervision, and the other admitting a considerable share of personal liberty, agreeably diversified in character, and affording scope for initiative and address. Though there may be in such cases equality in the number of shillings received at the end of the week, the remuneration for the efforts and sacrifices actually made will have been at very different rates in the two cases.

We do not wish to obscure the fact that a Standard Rate on a timework basis does, in practice, result in a nearer approach to uniformity of money earnings than a Standard

Rate on a piecework basis. Nor is there any doubt that a considerable section of the wage-earning class have a deeply-rooted conviction that the conscientious, industrious, and slow mechanic ought in equity to receive no less pay than his quicker but equally meritorious neighbour; more especially as the normal earnings of even the quickest mechanic do not amount to more than is demanded for the proper maintenance of his household. It is often assumed that this conviction has produced, in the Trade Union world, a fundamental objection to piecework. Had this been the case, it would have been strange that we should have had to quote, as typical instances of Unions strongly enforcing a Standard Rate, so many trades in which piecework universally prevails. The annexed table will show that, whilst certain important trades enforce time wages, a large majority of organised trades either insist on, or willingly accept, piecework remuneration.[1] By an analysis of this table we shall prove that this remarkable divergence of view arises, almost exclusively, from the character of the operations performed. What the Trade Unionists are aiming at, in the one case as in the other, is, as we have explained, uniformity in the *rate* of remuneration. In some industries this can be maintained only by insisting on time wages. In others, covering, as it happens, a far larger number of organised workmen, time wages would produce just the opposite result, and the Trade Unionists accordingly insist, with equal determination, on payment by the piece.

[1] Though payment by the piece is as old as the relation of employer and wage-earner, the first serious study of this method of remuneration appears to be that of Marx (*Capital*, part iv. ch. xxi.), who draws attention, as usual, to the valuable glimpses of its working afforded by the official reports of the Inspectors of Factories and the Children's Employment Commission. For further information see the careful analysis of Mr. D. F. Schloss, in his *Methods of Industrial Remuneration* (London, 1st edition, 1891; 2nd edition, 1894); and his exhaustive Reports to the Labor Department of the Board of Trade on Profit-sharing, Gain-sharing, and Co-operative Contracts respectively. But neither Karl Marx nor Mr. Schloss, nor any other writer known to us, seems to have perceived the explanation of the difference in the attitude towards piecework between the different Trade Unions.

Tables showing with regard to all the Trade Unions in the United Kingdom having more than 1000 *members* (*those of unskilled laborers and transport workers being omitted*), *whether they systematically enforce piecework or time wages respectively, or whether they willingly recognise both methods of remuneration.*[1]

I.—Trade Unions which insist on Piecework

	Membership in 1894.
Coalminers (including Miners' Federation, Durham, Northumberland, South Wales, Forest of Dean, and West Bromwich)	322,000
Cleveland Ironstone Miners	3,700
Amalgamated Association of Operative Cotton-spinners	18,250
Northern Counties Association of Cotton-weavers	83,600
Amalgamated Society of Lacemakers, Nottingham	3,500
Amalgamated Society of Tailors (and Scottish ditto)	19,500
National Union of Boot and Shoe Operatives	44,000
Amalgamated Society of Boot and Shoe Makers	4,300
Associated Iron and Steel Workers	6,700
Flint Glass Makers' Society	2,150
Yorkshire Glass Bottle Makers	2,450
Sheffield File Cutters	1,700
Amalgamated Wire Drawers	1,600
British Steel Smelters	2,400
South Wales Tinplate Workers	6,000
Staffordshire Hollow Ware Pressers (Potters)	1,350
Kidderminster Carpet Weavers	1,400
Hosiery Workers' Federation	3,900
Felt Hat Makers	3,150
Cigar Makers	1,250
United Society of Curriers	1,100
16 other Societies	39,000
49 Trade Unions	573,000

[1] The printed table is summarised from one including every Trade Union in the United Kingdom which has as many as 1000 members (omitting those of general laborers and transport workers). Its total of 1,003,000 represents nine-tenths of the Trade Union world (with the same omission), the remaining tenth, which is dispersed in hundreds of tiny unions, being similarly divided. Of the 111 principal organisations we see that 49, having 57 per cent of the aggregate membership, actually insist on piecework, whilst 73 out of the 111, having 71 per cent of the aggregate membership, either insist on piecework, or willingly recognise it. The unions which fight against piecework number 38, having only 29 per cent of the aggregate membership.

It is interesting to compare this analysis of Trade Union artisans with the rough estimate made by the Labor Department for the whole wage-earning population.

II.—Trade Unions which willingly recognise, in various Departments, both Piecework and Timework

United Society of Boilermakers and Iron-shipbuilders	39,650
Associated Shipwrights' Society	13,750
Amalgamated Brassworkers' Society	5,100
Associated Blacksmiths' Society	2,350
Sailmakers' Federation	1,250
Spindle and Flyer Makers, Lancashire	1,150
Amalgamated Card and Blowing Room Operatives	22,200
Typographical Association, London Society of Compositors, Scottish and other Compositors' Unions	31,000
Bookbinders (two societies)	4,350
Mutual Association of Coopers	6,000
Cabinetmakers (three societies)	7,100
Six other Societies	6,100
24 Trade Unions	140,000

III.—Trade Unions which insist on Timework

Amalgamated Society of Engineers	78,450
Friendly Society of Ironfounders	15,200
United Pattern-makers' Association	3,150
United Society of Brassfounders	2,750
Amalgamated Society of Carpenters (and two other societies)	58,000
Friendly Society of Operative Stonemasons (with Scottish ditto)	25,000
Operative Bricklayers' Society (and another society)	26,700
National Union of Operative Plasterers	8,500
United Society of Operative Plumbers	8,150
Amalgamated Society of Lithographic Printers	2,550
Bradford Dyers	2,700
Bakers (English, Scottish, and Irish)	8,950
United Kingdom Society of Coachmakers	5,700
18 other Societies	44,200
38 Trade Unions	290,000

The first thing we notice in these tables is that, among the trades in which piecework is either insisted on by the

Excluding agriculture and domestic service, about 33 per cent of the male wage-earners in the United Kingdom are supposed to be engaged in piecework trades, and 67 per cent in timework trades. It seems probable, therefore, that among Trade Unionists a larger percentage work by the piece than among the workers in unorganised trades.

men, or readily accepted by them, we find the largest and the most powerful Trade Unions. The Miners and Cotton Operatives, who would instantly strike against any attempt to introduce time wages, are only paralleled in the strength and extent of their Trade Unions by the Boilermakers and Iron-shipbuilders, who adopt piecework as the basis of the greater part of their wage contracts. And so far is piecework from being objected to by Trade Union officials, that we find, in these trades, that the preponderating part of the Trade Union machinery, including the ablest and most influential officials, has been called into existence for the express purpose of dealing with piecework lists. The district delegates of the Boilermakers, the secretaries of the Cotton Operatives, the investigators of the Boot and Shoe Operatives, and the checkweigh-men of the Coalminers spend their whole lives in arranging remuneration on a piecework basis.

On the other hand, though the time workers are in the minority, we have among them some very strong unions, such as the Stonemasons, the Bricklayers, and the Plumbers, who have always vehemently denounced piecework as the bane of their trades. How can we explain this divergence?

On asking a leading official of the Cotton-spinners' union why he objected to time wages, he replied that, in his opinion, it was only the system of piecework remuneration that had saved his trade from the evils of sweating. The work of a cotton-spinner, he explained, varies in intensity (and his product in quantity) according to the number of spindles which he has to attend to, and the speed at which the machinery runs, conditions over which the operative has no control. Owing to the introduction of mules bearing an increased number of spindles, and the constant "speeding up" of the machinery, the amount of work placed upon the operative is steadily, though often imperceptibly, increased.[1]

[1] "It would be a mistake if we imagined that labor had become easier compared with former times. As far as a comparison can be made, the opposite is the case. A handloom weaver can work 13 hours per day; to let a six-loom weaver work 13 hours is a physical impossibility. The nature of the work has entirely changed. In place of muscular exertion there is now the minding of the

If he were paid by the hour or the day, he would need, in order to maintain the same rate of remuneration for the work done, to discover each day precisely to what degree the machinery was being "speeded up," and to be perpetually making demands for an increase in his time wages. Such an arrangement could not fail to result in the employer increasing the work faster than the pay.

Under a system of payment by the amount of yarn spun, the operative automatically gets the benefit of any increase in the number of spindles or rate of speed. An exact uniformity of the rate of remuneration is maintained between man and man, and between mill and mill. If any improvement takes place in the process, by which the operative's labor is reduced, the onus of procuring a change in the rate of pay falls on the employer. The result is, that so effectually is the cotton-spinner secured by his piecework lists against being compelled to give more work without more pay, that it has been found desirable deliberately to concede to the employers, by lowering the rates as the number of spindles increases, some share of the resulting advantages, in order that the Trade Union may encourage enterprising mill-owners in the career of improvement. The cotton-weavers have a similar experience. The weaver's labor depends upon the character of the cloth to be woven, involving a complicated calculation of the number of "picks," etc. Time wages would leave them practically at the employers' mercy for all but the very easiest work. But by a highly technical and complex list of piecework rates, every element by which the labor is increased effects an exactly corresponding variation in the remuneration. Only under such a system could any uniformity of rate be secured.

In another great class of cases piecework is preferred by

machine, *i.e.* mental strain. Those who have observed the mulespinner in Oldham in the midst of the whirling of 2500 spindles, or the female worker in Burnley environed by four or six shuttles, working at the speed of 200 picks per minute, know what a higher degree of mental application is here demanded."—*The Cotton Trade in England and on the Continent*, by Dr. G. von Schulze-Gaevernitz (London, 1895), pp. 126, 127.

the workmen, with the same object of securing a Standard Rate, but under entirely different conditions. The coal-miners have, in some counties, had a long experience of both time wages and piecework, with the result that, wherever there is a strong Trade Union, piecework is insisted on for all hewers. The explanation is to be found in the circumstances under which the work is done. Employers have found it impossible to supervise by foremen or managers the numerous hewers scattered in the recesses of the mine. The only possible alternative to paying the hewers at piecework rates, was to let out the different parts of the mine to working contractors, who engaged hewers by the hour to work alongside them. This was the notorious "Butty System," against which the organised hewers have persistently struggled. It was found that, whatever was the customary standard of daily time wages, the "Butty Master," who set the pace, was always increasing the quantity of work to be done for those wages by himself putting in an unusual intensity of effort. It is obvious that, under this system, the ordinary hewer lost all security of a Standard Rate. It paid the Butty Master to be always "speeding up," because he received the product, not of his own extra exertion alone, but of that of all his gang. The only method by which the ordinary hewers could secure identity of rate was to dispense with the Butty Masters, and themselves work by the piece.

We shall find exactly the same preference for piecework wages in other trades among men who work under a sub-contractor, or in subordination to another class of workmen paid by the piece. The strikers, for instance, who work with smiths paid by the piece, were themselves formerly paid time wages. In most parts of the country they have now been successful in obtaining the boon of a piecework rate proportionate to that of the smiths, so that they are secured extra remuneration for any extra spurt put on by the smith. Another large class of workmen in a somewhat similar position have not been so fortunate. The shipyard "helpers," who work under the platers (iron-shipbuilders), are paid by

the day, whilst the platers receive piecework rates. The first object of any combination of helpers has always been to secure piecework rates, in order that their remuneration might bear some proportion to the rapidity and intensity of work, the pace being set by the platers. But owing to the strength of the Boilermakers' Union, to which the platers belong, the helpers have never been able to attain their object.[1] The iron and steel industries afford numerous other instances in which workers paid by the day are in subordination to workers paid by the piece. In all these cases, the subordinate workers desire to be paid by the piece, in order that they may secure a greater uniformity in the rate of payment for the work actually done.

Coming now to the trades in which piecework is most strongly objected to by the operatives, we shall find the argument again turning upon the question of uniformity of the rate of remuneration. The engineers have always protested that the introduction of piecework into their trade almost necessarily implied a reversion to Individual Bargaining. The work of a skilled mechanic in an engineering shop differs from job to job in such a way as to make, under a piecework system, a new contract necessary for each job. Each man, too, will be employed at an operation differing, if only in slight degree, from those of his fellows. If they are all working by the hour, a collective bargain can easily be made and adhered to. But where each successive job differs from the last, if only in small details, it is impossible to work out in advance any list of prices to which all the men can agree to adhere. The settlement for each job must necessarily be left to be made between the foreman and the workman concerned. Collective Bargaining becomes, therefore, impossible. But this is not all. The uncertainty as to the

[1] See, for the Boilermakers' or Platers' Helpers, the paper by J. Lynch, in the *Report of the Industrial Remuneration Conference* (London, 1885), and the discussion at the Trade Union Congress of 1878. Many of the helpers are now members of the National Amalgamated Union of Labor and other laborers' unions; see the evidence given on their behalf before the Royal Commission on Labor, 17th May 1892, Group A.

time and labor which a particular job will involve makes it impossible for the foreman, with the best intentions in the world, to fix the prices of successive jobs so that the workman will obtain the same earnings for the same effort. And when we remember the disadvantage at which, unprotected by collective action, the individual operative necessarily stands in bargaining with the capitalist employer, we shall easily understand how the Amalgamated Society of Engineers should have been led to declare that, under this system of settling a special price for each job, "it is well known that piecework is not a bargain, but a price dictated by the employer and lowered at will." And the report adds that "the system has often been made the instrument of large reductions of wages, which have ended in the deterioration of the conditions of the workmen. . . . If an expert workman, by his skill and industry, earns more than his neighbour, and much more than his daily wages come to, a reduction is at once made, and made again until eventually the most expert is only able, by intense application and industry, to earn a bare living, whilst the less skilful is reduced below living prices."[1]

We could cite from the reports of the great national unions of the Engineers, Ironfounders, and Carpenters innumerable similar protests against piecework in their trades, all based upon the proved impossibility of maintaining a Standard Rate, if each job has to be separately priced. It

[1] *Abstract Report of the Council's* (of the A. S. E.) *Proceedings*, September 1860 to April 1862, pp. 24-26.

This process of fixing a piecework rate for all the men, by the speed of an exceptionally expert workman under special pressure, has been more than once unconsciously revealed by employers. Already in 1727, in a manual entitled *The Duty of a Steward to his Lord*, by Edward Laurence, naïve directions are given how to achieve this object. "Also if any new sort of work is to be done, not mentioned in the following particulars, the Steward's best way is to hire a *good* labourer *and to stand by him the whole day* to see that he does a good day's work, and then to measure the same, in order to know what it is worth." The efficacy of piecework, as an expedient for reducing wages was described in a letter to the *Times* in 1852 by Charles Walker and Sons, an engineering firm. "When work which has been done daywork is put on the piece, the employer usually regulates the piecework price *a little under the price of it at daywork*, knowing

is, however, more interesting to watch the same conviction being gradually borne in upon the mind of an exceptionally able employer. In 1876, William Denny, the well-known Clyde shipbuilder, who had put his whole establishment on piecework rates, delivered a remarkable lecture on the advantages of this method of remuneration, alike to the employer and to the workmen, specially commending the intensity of competition which it secured. He was utterly unable to understand why the workmen objected to a system which, in giving an "increase of from 25 to 50 per cent in his wages—and this increase my experience confirms as a rule—puts at once within his power a more comfortable and easy style of living, combined with an opportunity of saving, which, if he is a sober and careful man, will enable him to enjoy a pleasant old age, and even to lay by sufficient money to enable him to refuse on his own account any rate of payment which he deems insufficient."[1]

Notwithstanding all these allurements, the Trade Unions persisted in their objection. After ten years' further experience of the working of piecework, William Denny at last perceived the real root of the men's protest. In an interesting letter written in 1886 he describes his own conversion :—

At the time I published my pamphlet *The Worth of Wages*, I was under the impression piecework rates would regulate themselves as I then assumed time wages did. A larger experience of piecework has convinced me that, excepting in cases where rates can be fixed and made

how production is increased by it. But he finds that men do work in quantity far beyond what they have been doing daywork, earning often 10s. per day, when at daywork they had done much less than half the work at 5s. 6d. per day. So much, indeed, is this the case, that manufacturers have made it a private rule that men for their extra work should earn 'time and quarter' or 'time and third,' and *have reduced the price accordingly ;* that is, where 5s. was the man's day pay, the price should be so arranged that ultimately he should earn 6s. 3d. or 6s. 8d. per day. This method we do not quite agree with, and we believe it has made men complain" (*Times*, 9th January 1852). Thus the employer not only gets the advantage of an increased output upon the same fixed capital, but actually contrives also insidiously to alter, to his own profit, the proportion between the muscular energy expended by the workman and the amount of food which the latter obtains.

[1] *The Worth of Wages*, by William Denny (Dumbarton, 1876).

a matter of agreement between the whole body of the men in any works and their employers, piecework prices have not a self-regulating power, and are liable, under the pressure of heavy competition, to be depressed below what I would consider a proper level. You must understand there is a broad and very real distinction in piecework between the kind of work which can be priced in regular rates and that in which contracts are taken by the men for lump jobs of greater or less extent. In the former kind of piecework it is easily possible for the rates to be effectively controlled by the joint efforts of the employers and the workpeople, as it is in the case of time wages. In the latter, owing to there being no definite standard, it is quite possible that the prices may be raised too high for competitive efficiency, or depressed to too low a point to recoup the workmen for the extra exertion and initiative induced by the very nature of piecework. In such work as that of rivetters, iron fitters, and platers and in much of carpenters' work standards of price or rates can be arranged or controlled, and the workers are not likely to endure any arrangement they may consider inequitable. They are indeed much more likely by insisting on uniform rates for a whole district to do injustice to the more intelligent and energetic employers, who, by introducing new machinery and new processes, are directly influential in drawing work to their districts. It is evident that if piecework rates are not reduced so as to make the improvements in machinery and methods introduced by such employers fully effective in diminishing cost of production, there will be a tendency on their part to abandon these attempts, with diminished chances of work for their districts. In the case of such improvements it is possible to reduce rates without in any way reducing the effective earnings of the work-people. I may say that in our own experience we have almost invariably found our workers quite willing to consider these points fairly and intelligently. Frequently they themselves make such suggestions as materially help us to reduce cost of production. Such cases of invention and helpfulness on their part are rewarded directly through our awards scheme of which you have particulars.

In the second kind of piecework, involving contracts which cannot be arranged by rates and controlled by the whole body of the workers, the prices are necessarily a matter of settlement between individual workmen and small groups of workmen and their foreman. Here it depends upon the control exercised by the heads of the business whether this kind of piecework drifts into extravagances, or into such reductions of contract prices as either to reduce them to less than the value of time wages or to so little above time wages that they do not compensate the men for their extra exertions. We have found in testing such piecework that the best method is to compare the earnings made by these piece-workers in a given period with the time wages which they would have received for the same period; and it is the duty of one of our partners to control this section of the work, and he does it almost invariably to

the advantage of the men. Our idea is that the men should be able to average from 25 to 50 per cent more wages on such piecework within a given time than their time wages would amount to. There are occasional and exceptional cases where the results are less or more favourable. Where they are less favourable, we consider them to be not only a loss to the men, but disadvantageous to ourselves; and our reason for this is very clear, as unless the men feel that their exertions produce really better wages, and that increased exertions and better arrangements of work will produce still further increases of wages, there is an end to all stimulus to activity or improvement.

I know an instance in which a well-meaning foreman, desirous of diminishing the cost of the work in his department, reduced his piecework prices to such a point that he not only removed all healthy stimulus to activity from his workmen, but produced among them serious discontent. Our method of piecework analysis and control enabled us to discover and remedy this before serious disaffection had been produced. I know another instance in which a foreman, while avoiding the mistake I have just mentioned, gave out his contracts in such small and scattered portions, and under such conditions as to the way in which the work was to be done and as to the composition of the co-partneries formed by the men, that he not only reduced their earnings to very nearly time rates, but created very serious disaffection among them. He was in the habit of forcing the men to take into their co-partneries personal favourites of his own, who very naturally became burdens upon those co-partneries. As soon as our returns and inquiries revealed to us these facts, we insisted that the contracts entered into with the men should be of a sufficient money amount to enable them to organise themselves and their work efficiently. We removed the defective arrangements above referred to, and laid down the principle that their co-partneries were to be purely voluntary. We were enabled by these means, and without altering a single price, to at once raise their earnings from a level a little above what they could have made on time wages to a very satisfactory percentage of increase and to remove all discontent. These two instances will show you how necessary it is in this kind of piecework that there should be a direct control over those who are carrying it out. When the heads of a business are absentees or indifferent the most effective way in which the workmen can control such piecework would be by taking care that the standard of time wages was always kept perfectly clear and effective, and that regular comparisons per hour on piecework were made. Such comparisons would immediately enable them to arrive at a correct conclusion as to whether the prices paid them were sufficiently profitable.

There is besides a mixed kind of piecework in which skilled workmen employ laborers at time wages to do the unskilled portion of their work for them. Here, too, some kind of control is required, as instances occasionally occur in which the skilled workmen treat their laborers,

either intentionally or unintentionally, with harshness. I have even known an instance in which such piecework contractors reduced their laborers' time wages on the pay day without having given them any previous notice. On the other hand, there are instances in which these laborers behaved in an unreasonable and unfair spirit to the skilled workmen who employ them.

In conclusion, I would say that the method of piecework is one which cannot be approved or condemned absolutely, but is dependent upon the spirit and the way in which it is carried out for the verdict which should be passed upon it. It is imperative in such kinds of piecework as by their nature cannot be reduced to regular rates that either the employer should take the responsibility of safeguarding his workmen's interests, or that the workmen themselves should, by such a method as I have suggested, obtain an effective control over them.

There are besides conditions in which even piecework rates of a general nature may become instruments of very great hardship. I mean instances in which the workers are incapable of effective resistance, and in which employers are either themselves ground down under the force of a competition with which they are unable to cope, or in which, while the employers possess extreme powers of position and capital, they are deficient in any corresponding sense of responsibility to their workpeople. I hope the day is not far distant in which an absentee employer would be looked upon with as much contempt and disapproval as are absentee landlords. If such a healthy public opinion should ever become dominant, it is to be hoped it will be most active in influencing those employers whose works are conducted in great part or wholly upon the piecework method.[1]

We have, in this able explanation, a frank admission of the whole case of the Amalgamated Society of Engineers against the introduction of piecework into their trade. No Trade Unionist could have expressed more forcibly than Denny has done the impossibility of a uniform rate under a system of individual piecework bargains. It is true that Denny trusted to the personal intervention of an enlightened and benevolent employer to mitigate the evil. But we need not wonder that the workmen have hesitated to admit a system which avowedly involves the complete surrender of their position. Moreover, it is at least doubtful whether the good employer, who protected his workmen against his own

[1] *Life of William Denny*, by A. B. Bruce (London, 1889), p. 113; see the article on Denny (who lived from 1847 to 1887) in the *Dictionary of Political Economy*.

foreman's zeal to lower the expense of production, would long survive in competition with his less scrupulous rivals, who drove the sharpest possible bargain with their hands.

It is interesting to observe that the hint thrown out by William Denny, as to the importance of workmen systematically checking all the piecework earnings by the standard time rate, has since been followed up by the Amalgamated Society of Engineers. In some cases, piecework is now recognised by the union, even in highly organised districts, on the understanding that every man in the shop shall draw every week time and a quarter wages, *whatever his production has been.* If at the end of a job there is a balance due to him, he is allowed to receive it. Now, it is obvious that under this arrangement it is possible to maintain something like a uniform rate. The natural tendency of the foreman to reduce the rates is checked by his knowledge, first, that in no case will it profit him to make the piecework price work out at less than time and a quarter, even for the slowest men in the shop; and secondly, that, unless the piecework prices work out sufficiently above that minimum to furnish a real incentive for extra exertion, the operatives, secure in any event of time and a quarter wages, would quietly drop back to time-work speed. Such a method of remuneration cannot, however, be classed as piecework proper. It is rather a high scale of time wages, with a bonus on extra output.[1]

The considerations which converted William Denny from his enthusiasm for competitive piecework apply, not only to the various departments of the engineering and shipbuilding trades, but also to the work of carpenters, plumbers, stonemasons, and bricklayers. In all these trades there is so much difference between job and job that piecework is inconsistent with Collective Bargaining. The work of the plumber engaged to lay pipes, of varying sizes, in all kinds of situations, can obviously be estimated only by the time

[1] For other varieties of "bonus on output," see the acute discriminations of Mr. D. F. Schloss in *The Methods of Industrial Remuneration*, 2nd ed. (London, 1894).

employed. The masons, chiselling stones of varied hardness, different shapes, and more or less free from troublesome flaws, could not possibly frame a list of piecework rates which would yield identical wage to identical effort. The same is true of the multifarious work of the carpenter and joiner. When we come to the actual erection of houses, in brick or stone, it may, at first sight, seem as if uniformity was more possible. But if we watch the line of bricklayers or stonemasons working side by side at building a wall, or putting up the carcase of a house, we shall see that it would be impossible precisely to reckon up the work accomplished by any individual among them. Nor has this ever been attempted by the most exacting employer. "Piecework," in putting up walls or houses, has, indeed, been the subject of long and bitter controversy among the bricklayers. But piecework in this trade has always meant, not the payment of each individual workman by the piece, but the letting out of a sub-contract for the whole job to a "piecemaster," who gets it done by bricklayers *at time wages*. This system of sub-contract, mistermed "piecework" to the confusion of outsiders, is objected to for the same reason as the coal-miners allege against the "Butty System." The working sub-contractor forces the pace in order to gain the advantage, not of his own extra exertion alone, but also that of his gang. It is, in fact, a fraudulent attempt to obtain piece-work exertion whilst paying only time wages. And as the system, in the opinion of the experts, almost inevitably tends to the "scamping" of the work by the sub-contractor or piece-master, it has long since been given up by respectable builders, and is now usually prohibited in architects' specifications.

In marked contrast with the Trade Unions, such as the Cotton Operatives and Coalminers, which insist on piece-work, and with those, such as the Bricklayers and Stone-masons, which insist on timework, stand those societies which accept with seeming indifference either method of remuneration. The various Trade Unions of the compositors, in all parts of the country, have, for over a century, formally

recognised both the "scale" of piecework rates and the "stab" or time wages. In the numerous revisions of the collective agreements between employers and employed, the compositors have constantly striven to maintain a standard rate. "Speaking generally," reports the Revision Sub-Committee to the London Society of Compositors in 1890, "our desire has been to so amend the scale as to place all compositors as far as possible on an equality, no matter what class of work they may be engaged upon, or whether employed as piece or 'stab hands—allowance, of course, being made for the varying capabilities of those employed."[1] Although the work of a compositor includes many different varieties, these, unlike certain engineering operations, are all capable of fairly precise enumeration in a "scale" extending to between 30 and 40 pages octavo. Thus, piecework is in no way inconsistent with Collective Bargaining, or the maintenance of a Standard Rate, and is therefore not objected to. On the other hand, the compositor is not liable to be "speeded up," nor yet over-driven by machinery or a zealous foreman, so that there is no reason to object to time wages, if the employer prefers this system.[2] As a matter of fact most straightforward setting-up

[1] Report of Sub-Committee appointed to revise the London Scale of Prices, 1890.

[2] The system of payment by the piece was apparently universal in British printing offices in the eighteenth century. The introduction of "establishment," or time wages, was an innovation of the employers at the beginning of the present century, consented to by the operatives with much reluctance, and denounced by some of them as leading to reduction of rates. (See Place MSS. 27,799-99/103.) The acceptance of both systems of remuneration has involved the enactment of various subsidiary rules to check unfair wages calculated to depress rates. Thus employers are not allowed to change from one system to another without due notice, as otherwise the operative would be required to do all difficult composition by the piece, the "fat" (or profitable work) being given out at time wages. Elaborate arrangements are made for the fair distribution of "the fat," the "clicker" who hands out the "copy" to the different compositors being appointed and frequently paid by the "chapel," the ancient organisation of the workmen in each printing office. Many disputes have arisen from employers attempting to withhold "the fat" from the piecework compositors; or, on the other hand, to use the pieceworkers to force the pace of the timeworkers. Compositors' unions therefore prefer that the employer should confine himself to one system or the other.

In 1876 a joint committee of the Glasgow master printers and their compositors decided that the "clicking system," or fair sharing of the "fat," was

of ordinary book matter and daily newspaper work is done by the piece, whereas corrections and special jobs difficult of calculation are done by "stab" men.

The other leading instance of an impartial acceptance of both piecework and time wages is offered by the United Society of Boilermakers and Iron-shipbuilders. Here the bulk of the work in building new ships is done by the piece, at rates settled, as we have already mentioned, between the district committee of the union and the particular firms or the local employers' association. On the other hand, repairing work, which cannot be classified in advance, is done at time wages. Thus the by-laws for the Mersey district declare that "piecework of any description is not allowed on repair jobs in either wet or dry docks; and no man shall be in any way compelled to put in any given number of rivets, or tasked as to other work, which he shall do during the day; but in all cases, the principle of a fair day's work for a fair day's pay be faithfully and honorably carried out by every member of this Association."[1] We see the same distinction unconsciously influencing another trade, the Tinplate Workers, who, less fortunate than the Boilermakers, have not succeeded in organising their whole trade into a single society. The General Union of Tinplate Workers, with Liverpool for its headquarters, whose work is mainly connected with shipbuilding, and is so diverse as to render it difficult, if not impossible, to construct any piecework list, insists on time wages. On the other hand, the National Amalgamated Tinplate Workers' Union, with its headquarters at Wolverhampton, which comprises mainly the artificers of sheet metal pots and pans, has a regular list of prices, and prefers to work by the piece. So closely does this difference of policy coincide with difference of work that the Manchester Branch of the General Union (the shipyard society), which

equivalent to an addition to a farthing per 1000, this advance being conceded to the compositors in shops where that system did not prevail.—*MS. Minutes of Glasgow Typographical Society*, 12th December 1876.

[1] *By-laws for the Mersey District United Society of Boilermakers and Iron-shipbuilders* (Liverpool, 1889).

finds itself by exception employed in the fashioning of pots and pans, refuses to abide by the principle of time work followed by the port branches, and elects to work by the piece. In both cases the aim is the same, namely the maintenance of a Standard Rate. But the difference of policy between the two societies, arising, as can be seen, from the difference in their respective tasks, is not clearly understood by either, and is the subject of constant friction between them. And so it happens that (forgetting the example of its own Manchester Branch) the General Union of Tinplate Workers accuses the National Amalgamated Tinplate Workers' Union of betraying the central position of Trade Unionism by not insisting on time wages. On the other hand, the latter society, confident in its piecework lists, sees no reason why it should not establish branches of piecework in the ports, where time work has hitherto prevailed, and where piecework would probably break down all Collective Bargaining.

This instance indicates how unconscious particular Trade Unions may be of the principles upon which their empirical action has really been based. The same unconsciousness sometimes leads to a persistence in whichever method of remuneration has been customary, long after the circumstances have changed. Thus the Cabinetmakers, among whom Collective Bargaining in any elaborate form has practically disappeared, might possibly have maintained their organisation if they had, like the Bricklayers and Stonemasons, insisted on reverting to time wages. At the beginning of this century, the Cabinetmakers had elaborate lists of prices, collectively agreed to between employers and employed; and we have ample evidence of the efficiency with which the contemporary cabinetmakers' unions conducted their Collective Bargaining. In consequence of the great changes in and multiplication of patterns, and the alteration of processes, the lists have long since been obsolete, and no one has yet found it possible to classify the innumerable jobs now involved in the manufacture of furniture. "Estimate

work," "lump work," and other forms of the individual bargain accordingly prevail. So strong, however, has been the tradition and custom of piecework in the trade that none of the various unions which have from time to time arisen during the last half century have been able to stand out for time wages. Collective action accordingly now seldom rises higher than the "shop bargain," and even this frequently breaks down.

Another instance of a customary adherence to a traditional method of remuneration is to be found in the Ironfounders' and Engineers' rigid refusal to recognise piecework even on those jobs which involve the constant repetition of precisely the same operation. We have already explained why the bulk of the work in an engineering shop cannot be done at piecework rates consistently with Collective Bargaining. But with the enormous expansion of the trade, and the application of machinery to particular processes, a considerable section of engineers and "machine moulders" have long found themselves turning out a constant succession of identical articles for which it would be quite practicable to frame a uniform piecework list which would allow of Collective Bargaining. So strong, however, was the traditional feeling of the mechanics against piecework (meaning "estimate work" and Individual Bargaining) that the Amalgamated Society of Engineers positively refused, down to 1892, to allow any employer to introduce any piecework whatsoever, with the consequence that establishment after establishment became closed to the union. At last, at their quinquennial "Parliament" in 1892, the Engineers decided to permit the formation of piecework lists, in the cases in which they were practicable, and appointed salaried officers to carry out this new form of Collective Bargaining. The Friendly Society of Ironfounders still refuses to take this step, with the result that the automatic machine process of casting has fallen to a separate class of workmen, who are not eligible for membership to this old-established union.

We are now in a position to come to some general con-

clusion as to the attitude which Trade Unions take up with regard to piecework and time work. It is not true that Trade Unions object to piecework as such ; in fact, a majority of Trade Unionists either willingly accept, or else positively insist on, that system of remuneration. Nor is it true that employers universally prefer piecework. The members of the great race of sub-contractors in all industries are always trying to employ time workers, in order to obtain for themselves the fullest possible advantage of their own driving power. In the same way, employers whose machinery is rapidly improving complain of the inequity of the piecework system, as being apt to deprive them of part of the advantage of an increase in the speed of working. What the capitalist seeks is to get more work for the old pay. Sometimes this can be achieved best by piecework, sometimes by time work. Workmen, on the other hand, strive to obtain more pay for the same number of working hours. For the moment, at any rate, the individual operative can most easily secure this by piecework. But not even for the sake of getting more pay for the same number of hours' work will the experienced workman revert to the individual bargain, with all its dangers. Accordingly the Trade Unions accept piecework only when it is consistent with Collective Bargaining, that is, when a standard list of prices can be arrived at between the employers on the one hand, and the representatives of the whole body of workmen on the other. As a matter of fact this is practicable, so far as concerns anything above mere unskilled laboring, in a majority of the organised industries, in which, therefore, piecework prevails by consent of both masters and men. It is, indeed, impossible to decide whether Trade Unionism has, on the whole, favored or discouraged the substitution of piecework for time wages. On the one hand, every increase in Trade Union organisation, and especially every extension of the class of salaried Trade Union officials, has made more possible the arrangement of definite piecework lists. This process is now extending from trade to trade. The very establishment of these lists has, on the other hand,

lessened the employers' desire to introduce piecework, whilst to any method of remuneration involving individual bargaining, such as "estimate" or "lump" work, the Trade Unions have shown implacable hostility.

And just as the fundamental idea of the Standard Rate has enabled us to understand the Trade Union attitude towards piecework, so, too, we shall find it throwing light upon various minor regulations of particular Trade Unions. Various unions of operatives working at time wages have from time to time attempted to secure a real, as distinguished from a nominal identity in the rate of remuneration, by fixing, not merely the minimum money wage, but also the maximum amount of work to be done for that wage. Some of these rules have obtained notoriety as classic instances of the folly and perversity of Trade Unions. The fifth by-law of the Bradford Lodge of the Laborers' Union of 1867 was quoted before the Trade Union Commission as follows: "You are strictly cautioned not to outstep good rules by doing double the work you are required, and causing others to do the same, in order to gain a smile from the master."[1] And the following rule of the Leeds Lodge of the Bricklayers' Laborers' Union was at the same time given: "Any brother in the Union professing to carry any more than the common number, which is eight bricks, shall be fined one shilling, to be paid within one month, or remain out of the benefit until such fine be paid."[2] Nor were such rules entirely confined to unskilled laborers. The Manchester Bricklayers' Association were stated, in 1869, to have a rule providing that "Any man found running or working beyond a regular speed shall be fined 2s. 6d. for the first offence, 5s. for the second, 10s. for the third, and if still persisting, shall be dealt with as the Committee think proper."[3] The Friendly Society of Operative Stonemasons adopted, in 1865, the following rule:

[1] Evidence of Mr. A. Mault, Secretary of the Manchester Builders' Association. Q. 3120.

[2] *Ibid.* Q. 3122.

[3] W. T. Thornton, *On Labour* (London, 1869), pp. 350, 351.

"In localities where that most obnoxious and destructive system generally known as 'chasing' is persisted in, lodges should use every effort to put it down. Not to take less time than that taken by an average mason in the execution of the first portion of each description of work is the practice that should be adopted among us as much as possible; and where it is plainly visible that any member or other individual is striving to overwork or 'chase' his fellow-workmen, thereby acting in a manner calculated to lead to the discharge of members or a reduction of their wages, the party so acting shall be summoned before the lodge, and if the charge be satisfactorily proved a fine shall be inflicted."[1]

These and similar regulations, widely advertised by the Trade Union Commission of 1867-69, met with universal condemnation. It does not seem to have been perceived that, however bad were their secondary results, they were, in their inception, a necessary protection of any Standard Rate upon a time-work basis. It is a necessary incident of the collective bargain that one man should not underbid another; and this underbidding can as easily take place by the offer of more work for the same hour's wage, as by the offer of the normal amount of work for a lower hourly wage. By underbidding in the hourly rate, this would be lowered for all. It follows equally that by underbidding in point of the intensity of effort, this would, in the same way, soon be raised for all. But the workmen's by-laws were designed also to meet a more insidious attack. Many pushing foremen, in building contracts, intent on getting the utmost work out of their men, were accustomed to bribe particular workmen with beer, or by the promise of a slightly increased rate of pay, to work at exceptional speed, with the object of "pulling on" all the other workmen to the same speed. These "bell horses," as they were termed by the workmen, were, in fact, used to increase the intensity of the work beyond the normal standard tacitly implied in the collective

[1] Rule 11, Class 2, p. 31, in *Laws of the Friendly Society of Operative Stonemasons* (Bolton, 1867).

bargain, much in the same way as the pieceworking Butty Master forced the speed of the time-working coal hewer. The practice was, in fact, a method of obtaining extra work from the whole gang, whilst paying only one or two men in the gang for the extra exertion involved. When done without the men's knowledge, the practice amounted to a fraudulent evasion of the bargain.

Such practices on the part of employers and their foremen would quickly have rendered a Standard Rate and Collective Bargaining impossible, and it was not unnatural that the workmen should have adopted regulations in their own defence. The coal hewers and the strikers, exposed, as we have seen, to being similarly "driven," met the attack by insisting on themselves receiving piecework rates. The cotton-spinners and cotton-weavers protected themselves against the constant "speeding up" of the machinery by elaborating their piecework lists. The builder's laborer whose fetch and carry work could hardly be paid by the piece could find no other expedient than fixing by collective agreement the maximum task as well as the minimum wage.

But if the use of "bell horses" is a fraud on the men, the regulations devised to check this practice may easily work out so as to be a fraud on the employer. He has, in effect, contracted for his labor at an all-round rate, on the assumption that he receives a normal average of work. In the group of workmen there will, of course, be some of average speed, together with a few quicker men, and a few slower. Any regulations which tend to restrict the quick workers necessarily lower the average of the whole, upon which the collective bargain has by implication been based.

This practice of "levelling down" the quantity of labor is seen at its worst when it is used as a weapon not of defence but of aggression. It is one thing to prohibit individual workmen from allowing themselves to be used as a means of exacting unpaid extra labor from their fellows. It would be quite another matter if Trade Unions, unable to raise the sum of their wages, advocated to all their members

an insidious diminution of their energy without notice to the employer. This might be as much a fraudulent alteration of the implied bargain as the practice of the Butty Master. We know of one case of this nature, the so-called "go canny" policy, adopted for a short time by the National Union of Dock Laborers in Liverpool. The employers had steadfastly refused to increase the remuneration for their low-paid work, and the men found themselves powerless to obtain what they considered a living wage. In desperation they adopted the expedient of not putting any energy into their work. In this somewhat remarkable case the laborers alleged that they were only following the practice of the commercial man. "There is no ground for doubting," observed the report of their executive committee, "that the real relation of the employer to the workman is simply this—to secure the largest amount of the best kind of work for the smallest wages; and, undesirable as this relation may be to the workman, there is no escape from it except to adopt the situation and apply it to the common-sense commercial rule which *provides a commodity in accordance with the price*. . . . The employer insists upon fixing the amount he will give for an hour's labor without the slightest consideration for the laborer; there is, surely, therefore, nothing wrong in the laborer, on the other hand, fixing the amount and the quality of the labor he will give in an hour for the price fixed by the employer. *If employers of labor or purchasers of goods refuse to pay for the genuine article, they must be content with shoddy and veneer.* This is their own orthodox doctrine which they urge us to study."[1]

From the old standpoint of a purely competitive individualism, it is not easy to deny the men's right to sell an adulterated form of labor if they think it to their advantage

[1] *Report of Executive of the National Union of Dock Laborers in Great Britain and Ireland*, 1891 (Glasgow, 1891, pp. 14-15). The men quoted the following sentence from Jevons's *Primer of Political Economy:* "The employer, generally speaking, is right in getting work done at the lowest possible cost; and if there is a supply of labor forthcoming at lower rates of wages, it would not be wise in him to pay higher rates."

to do so. If, as in the instance cited, the men openly proclaim their intention, there is no question of fraud; and they may, from this point of view, fairly claim to be acting like an exceptionally honest trader who, whilst selling shoddy goods, does not pretend that they are anything else. The employers may retaliate by dismissal. The men may, in return, persuade their successors to adopt the same method. The quarrel becomes a "struggle for existence," in which the "fittest" in these arts of war may survive.

We have, however, come to believe that in such internecine struggles the interests of the community as a whole almost inevitably suffer. In spite of the protests of John Bright, successive Parliaments have prohibited the adulteration of commodities. But adulteration of labor is infinitely more injurious to the community. We have, in fact, in this case a striking illustration of the utter fallacy of the statement that "labor is a commodity, . . . an article saleable and purchaseable," which could not logically be treated "as anything else."[1] We cannot separate the quantity or quality of the day's work from its effect upon the health and character of the human being who is rendering it. The sub-contractor's practice of "driving," the constant pressure upon a man to work always at the very top of his speed, will quickly break down the health of the worker, and impoverish the nation by producing premature old age. On the other hand, systematic loitering will destroy the character and efficiency of even the most resolute worker. In adulterating the product, you adulterate the man. To the unskilled laborers of a great city, already demoralised by irregularity of employment and reduced below the average in capacity for persistent work, the doctrine of "go canny" may easily bring about the final ruin of personal character. It was an instinctive appreciation of this truth which led the responsible Trade Union officials unhesitatingly to denounce the new departure of the

[1] Speech of the well-known capitalist opponent of Trade Unions, Edmund Potter of Manchester, Social Science Association's *Report on Trade Societies and Strikes*, 1860, p. 603.

Liverpool dock laborers. It remains, so far as we know, a unique instance in Trade Union annals.[1]

When we turn from time workers to pieceworkers, we find the subsidiary regulations called into being to defend the Standard Rate wholly free from any objectionable character, beyond a certain inevitable complexity. The first series of these is concerned with accuracy of measurement. Employers have always claimed the right of making, by their agents or themselves, all the calculations involved in preparing their pay sheets, and they have expected the operatives implicitly to accept their figures. Against this contention the Trade Unions have persistently and successfully struggled. In all the cases in which the operative is unable easily to check the computation, it is obvious that such an arrangement left the Standard Rate entirely at the master's mercy. "In weighing how was the collier to obtain justice? He was at the bottom of the pit, and could not see the master's nominee at the top—and so again there arose the cry of being cheated in weight. For years this was a bone of contention; and in revising the Inspections (Mines Regulation) Act of 1860, the delegates of the men prevailed upon the Government to insert a clause, ordering that coal should be duly weighed by a just steelyard at the pit's mouth, and that the men might, at their own cost, appoint a checkweigh-man who should not further interfere with the working but to see and take an account of the men's work. Opposition to this clause was strongly offered by the delegates of the employers . . . the masters did not want a weighing clause at all. . . . A compromise was submitted to. The weighing clause was incorporated with another clause—the 29th—with a rider

[1] It is only fair to Trade Union officials to say that the two enthusiasts who, in despair of otherwise benefiting the unfortunate laborers, initiated this policy, did not belong to the ranks of the workmen—a fact which the reader of their able and ingenious argument will already have perceived. They were shortly afterwards formally excluded, as middle-class men, from the Trade Union Congress at Glasgow in 1892. When, in 1896, it was suggested that a similar policy should be adopted by the International Federation of Ship, Dock, and River Workers, it was opposed by such leaders as Ben Tillett, and rejected by the members' vote.

added to it by the employers, viz. that the checkweigh-man should be selected from persons employed at that colliery."[1]

Without casting any special imputation on coalowners, it may be said that the miners' suspicions have been so far borne out by evidence that Parliament has progressively strengthened the clause thus adopted in 1860. As the law now stands, a simple majority of the miners in any one pit can decide to have a checkweigh-man elected by the pit, and paid by a compulsory stoppage from the earnings of every pieceworker employed, including even those who voted against the proposal. Any person who is or has been a miner may be elected to the post, whether the employer likes it or not, and the law courts insist that he shall be allowed free access to the weighing machines, and given every facility for checking the weights.

A further step in the same direction has been taken at the instance of the powerful unions of cotton operatives. What the coalminers have obtained is the right to have the employers' calculations checked by the men's official. The textile operatives have obtained, not only the publication in advance by the employer of the exact particulars on which he will calculate the piecework earnings, but have also secured the appointment of a Government officer specially charged with seeing that these particulars are correctly stated.[2] The "particulars clause," adopted for cotton-weavers in the Factory Act of the Conservative Government of 1891, and extended to all textile workers by the amending Act of the Liberal Government of 1895, will, in all probability, be applied, within a few years, to all piecework trades in which the computation of earnings lends itself to mistake or fraud.[3]

[1] *Transactions and Results of the National Association of Coal, Lime, and Ironstone Miners of Great Britain* (London, 1863), p. vii.

[2] It is much to the credit of the North-East Lancashire Operative Weavers' Association, and to the fair-mindedness of the leading employers, that the veteran official of the weavers' union, who had for a generation fought the men's battles, was, by common consent, marked out as the fittest person to hold this important new office. Mr. T. Birtwistle has fully justified his appointment, and has given universal satisfaction to all parties.

[3] The Factory Act of 1895 empowers the Home Secretary to apply this

By this clause the employer is required to state in writing, before the job is begun, all the particulars (including the rate of payment) required for the precise computation of the operatives' earnings.

But there are other ways of defrauding the pieceworker besides inaccurate calculations. The weight of coal hewn by each miner may be accurately measured at the pit's mouth, but if he is sent to work in a distant or difficult seam, the standard tonnage rate may be very far from securing identical pay for identical effort. The cotton-spinner finds his list of prices a delusion if his mules have to be frequently stopped to repair breakages caused by the bad quality of the raw cotton. And even those who are aware of the coalminers' "county basis," and of the elaborate "cotton lists," seldom realise how technical and how minute are the adjustments which are necessary to attain this end, or how manifold and incessant are the complaints requiring attention. The best way of bringing the facts home to the general reader will, we think, be to give a few extracts from actual proceedings. Thus, the Joint Committee of the Northumberland Coal-owners and Miners settled, in a single day, the following as well as many other cases :—

Burradon.—Agreement confirmed. Yard Seam, East Side, until end of current quarter, 1s. 7½d. per ton ; afterwards 1s. 6½d. per ton.

Cramlington, Amelia Pit.—Agreement confirmed : (*a*) Yankee Jack system shall be abolished whenever the owners find it convenient to do so, and upon such abolition the hewing prices in the Low Main and Yard Seams shall be advanced 9 per cent. In the case of the Main Coal Seam the unscreened hewing prices shall be 63 per cent of the present round coal hewing prices, and upon such abolition they shall be advanced 9 per cent.

Walker.—Agreement confirmed. Beaumont and Brockwell Seams. Long wall or broken hewing price shall be paid when 40 yards from commencement of long wall, *i.e.* 40 yards from fast wall side.

New Backworth.—Men request payment for lamps when required to use them in the whole. To be paid extra 1d. per ton in bord and pillar

clause, by mere administrative order, to any piecework trade, and it was so applied in 1897 to manufacturies of handkerchiefs, aprons, pinafores, and blouses ; and to those of chains, anchors, and locks.

whole workings, in accordance with county arrangement, when required to use lamps.

Seaton Burn.—Owners desire hewing price for long wall in Bowes' coal in Low Main Seam to be fixed. That standard prices now being paid be reduced 3d. per ton.[1]

Even more diversified are the adjustments of the cotton operatives. Here are some extracts from the diary of the secretary of the Bolton spinners:—

January 5th, 1892.—Mr. Pennington, of the Hindley Twist Company, Hindley, called here this morning. He agreed to weekly pays, and to discontinue the system of one spinner to two pairs of mules. I am to go through the mills on Monday next, and if spinning is not satisfactory, will be made so; and we are to see in what way the mules can be speeded up so as to give better wages. Work is to be resumed on Thursday morning.

January 6th.—Went to Peake's Place Mill (Messrs. Tristram's), Halliwell, and arranged that the men on the three pairs of mules spinning coarse counts shall receive 2s. 6d. a week extra, until certain alterations and repairs to the mules shall have been made.

January 6th.—Accompanied by Mr. Percival (the secretary of the employers' association), I went to Mr. Robert Briercliffe's Mill, Moses Gate. They have no less rims in stock, so it was agreed that the prices per 100 lbs. for spinning in No. 1 Mill shall be increased 6d. for one month during which the work is to be made satisfactory. The firm have likewise conceded the request of their men, and will adopt payment by indicator. The notice to leave work is consequently withdrawn.

January 8th.—Complaints are to hand from Messrs. M'Connell and Co.'s Sedgwick Mill, Manchester, of bobbins breaking; being short of doffing tins; and of the men on six pairs of mules being unable to earn the basis wages.

January 12th.—From our men at Waterloo Mill, Bolton, comes a complaint of the rooms being too cold, and also irregular running of the engine.

January 19th.—Have tested the counts at Melrose Mill, and found the average 2½ hanks wrong. The men are to leave work at breakfast time to-morrow if counts are not put right.

April 7th, 1893.—Mr. Percival and myself, at the request of Messrs. James Marsden and Sons, went through their No. 4 Mill to look at the spinning on the counts complained of on Tuesday. We found it below the usual standard at this firm, and Mr. Joseph Marsden undertook to see to its rectification.

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[1] Proceedings of Joint Committee on 14th November 1891 (*Northumberland Miners' Minutes*, 1891).

April 10th.—Want of window blinds is the complaint from our men at the Parkside Mill, Golborne.

April 18th.—Our members at Messrs. Robert Haworth, Ltd., Castle Hill Mill, Hindley, complain of the overbearing conduct of their overlooker. On investigation, found that they were more to blame than the overlooker.

May 9th.—The drosophore humidifier at Robin Hood, No. 2 Mill, is so detrimental to the health of the men that I am to request the firm not to use it further.

June 12th.—Mr. Percival, Mr. Robinson, and myself went to Howebridge Mills to test counts in No. 2 Mill. We found them fully one hank finer than are paid for. The firm promise to put them right, but that is not sufficient for us, as they will be wrong again before the week end. We suggested they should adopt payment by indicator, and the firm subsequently agreed to try a few pairs.[1]

We see the same determination to obtain identical payment for identical effort in the Trade Union regulations enforcing specific additions for extra exertion or inconvenience. Hence the "Working Rules," drawn up in almost every town by the master builders and the several sections of building operatives, include, besides the standard rate for the normal hours and ordinary work, determinate charges for "walking time" beyond a certain distance, and "lodging money" when sent away from home.[2] In trades in which men provide their own steel tools, "grinding money" is a usual extra.[3] When any class of work involves special unpleasantness or injury to clothing, "black money" or "dirty money" is sometimes stipulated for. Thus, the boilermakers and engineers receive extra rates for jobs connected with oil-carrying vessels. "Men working inside the ballast-tanks or between the deep floors under the engine-beds, after the vessel has been regularly employed at sea, to receive one quarter

[1] These diaries are printed in the Annual Reports of the Bolton Operative Cotton-spinners' Provincial Association.

[2] See, for instance, the *Local Code of Rules for the Guidance of Masons*, signed by the Central Association of Master Builders of London and the Friendly Society of Operative Stonemasons, 23rd June 1892.

[3] "Pattern-makers, millwrights, and machine joiners on dismissal must receive two hours' notice, so as to grind their tools, or be paid two hours in lieu thereof." *London By-laws of the Amalgamated Society of Engineers*, April 1894, clause iv. Rule vi. p. 7.

day, or two and a quarter hours extra for each full day or night, as compensation for the very dirty work." [1] The foregoing are all instances of "extras" charged by Trade Unions of time-workers. But we find a similar list put forward by Trade Unions on a piecework basis. The National Union of Boot and Shoe Operatives prescribes, in minute and technical detail, for a long list of extra pieces of work, to be specially paid for. And a large part of the length and complication of the well-known "scale" of the Compositors is due to their insistence on explicitly defined extra rates for every kind of composition involving more labor than "common matter." It is impossible to convey any adequate idea of the number and variety of the "extras" thus formally agreed to between employers and employed: "bottom notes," "side notes," "under runners," "small chases," "large pages," "pamphlets," "catalogues," "undisplayed broadsheets," "table work," "column work," "parallel matter," "split fractions," "superiors," "inferiors," "slip matter," "interlinear matter," "prefatory matter," "indices," "appendices," and what not. Finally, as if to discourage vain learning, Hebrew, Arabic, and Syriac, and similar languages, together with "pedigrees," are "to be paid double the price of common matter." [2]

We do not think that, after so long and detailed an examination of the Standard Rate, we need weary the reader by any lengthy exposition of the Trade Union regulations prohibiting arbitrary fines and deductions, or any form of "truck." It may seem unreasonable for the workmen to object to the employer's system of maintaining discipline in the factory. But if that system takes the form of imposition of fines for minor offences, and, as is usually the case, the employer puts the fines into his own pocket, it is clear that the average amount of the fines per week is, in effect, an exactly proportionate reduction of the Standard Rate. An employer using this method of enforcing the necessary

[1] Rule VI. of *By-laws for the Mersey District*, United Society of Boilermakers. 1889.

[2] *The London Scale of Prices for Compositors' Work.* 1891.

discipline finds himself buying his labor cheaper than his competitors, by an amount varying precisely in proportion to the frequency and severity of the penalties which he himself imposes.[1] The same arbitrary character attaches to the once universal system of making the operatives pay for minor breakages, or for incidental requirements of their work. "In the good old times of low wages, irregular work, and poor living," ironically writes an official of the Cotton-spinners, "operatives used to have to pay for broken bobbins, gas, new brushes, find their own oil-cans, renew parts of their machines that got broken, and no end of other nice little things that made a fair hole in their wages."[2] Against all these practices the Cotton-spinners have long since made good their protest. The Cotton-weavers, of whom a large majority are women, are still occasionally imposed upon, and the rules of their unions accordingly still include a peremptory injunction against submitting to any such deductions. "Never pay, or agree to pay," say, for instance, the Preston rules, "for any shuttles, forks, brushes, or any piece of machinery, matter, or thing belonging to the master, or used in his business in any way whatsoever, except what you may have by sheer negligence wilfully or maliciously broken or destroyed; and if they stop it from your wages, bring the case before the Committee at their next meeting."[3] But it is not

[1] A system of fines may be less objectionable if the money goes to the operatives' sick club, or some other fund for their common benefit. But sick clubs or superannuation funds connected with particular establishments, especially if membership is compulsory, are objectionable from the Trade Union point of view on other grounds, notably that of diminishing the operative's independence. This subject is further examined in the chapter on "The Implications of Trade Unionism."

[2] *Cotton Factory Times*, 22nd July 1892.

[3] *Rules of the Preston and District Power Loom Weavers' Association* (Preston, 1891), p. 20.

In piecework trades, the employer seeks to escape paying for any but perfect articles, and usually claims the right to reject, without appeal, any that he chooses. This has led to a whole series of conflicts in different industries. The Trade Unionist contention has been (1) that the operative should not be made to suffer for failures due to the imperfection of material, or defects in the process; (2) that in any case, if the employer refuses to pay anything for the work on the ground of its imperfection, he should not retain the article for his own profit, but destroy

only such arbitrary charges as fines and deductions, which necessarily vary from mill to mill, that are fundamentally inconsistent with the collective settlement of a Standard Rate. Even such uniform, regular, and definite payments as the "loom rent" of the hand-working weaver of cotton, silk, or carpets, the frame rent of the hosiery worker, and the trough or wheel rent of the Sheffield cutler, have been found, by long and painful experience, to be equally destructive of any definite standard of earnings. This arises from their being continuous and calculated by time, whilst the operative's work is irregular and paid for by the piece. In all these cases rent of the machine is exacted by the employer whether the operative is given work or not. Thus, as the framework knitters allege, when they paid rent for their frames, the employers were tempted to spin out the work over much longer periods than was necessary, doling it out in very small portions in order to keep them paying rent as long as

it; and (3) that there should be some means of appeal against the employer's arbitrary judgment in his own cause. Thus the Potters have fought a long battle for the last sixty years against the condition termed "good from oven," by which the workman is only paid for such articles as come out perfect from the firing oven. As he has no power to select material, and no control over the firing of the oven, this condition throws upon him not only the cost of his own negligence, but also that due to imperfection of raw material, defects of fixed plant, and carelessness of foremen or other operatives. It is a further aggravation that the employer arbitrarily decides which articles should be rejected as imperfect, and was formerly even free to retain and sell those which he had thus escaped paying for. After the great strike of 1836 the Staffordshire Potters succeeded in remedying the latter grievance. It was agreed that articles rejected as imperfect should be broken up, a great temptation being thus removed from unscrupulous employers. But "good from oven" still remains the basis of payment, the Trade Union demand of "good from hand" being still resisted by the employers. In the same way the Glass Bottle Makers, who have several rules in their agreements with their employers defining minutely the circumstances under which men may or may not be charged for spoiled work, have one declaring "that bottles picked out (as spoiled) be not broken down until the men have had an opportunity of inspecting them, but in no case shall they be kept beyond the following day." Article 10 of the *Agreement for* 1895 . . . *between the Yorkshire Glass Bottle Manufacturers' Association, and the Glass Bottle Makers of Yorkshire United Trade Protection Society* (Castleford, 1895).

A particularly aggravated form of the same grievance is resisted by the Friendly Society of Ironfounders, whose members are all paid by time. Notwithstanding this, and the fact that they neither choose the raw material nor direct the process, attempts are from time to time made by employers to make deductions for castings which turn out badly.

possible. And the Macclesfield silk-weavers complain that they are kept always half employed, the giver-out of work finding his advantage in getting it done on as many separate looms as possible, from each of which a full weekly rent is derived. It is easy to see how such a system may open a way for personal tyranny and exaction. It is more to our immediate purpose to notice how incompatible it is with Collective Bargaining and a Standard Rate. If the employer can give out work in unequal quantities to different operatives, but deduct from each an equal sum at the end of the week, no fixed piecework list will secure identical pay for identical work. If A is given thirty pieces to weave, and B only fifteen, both may be paid at the same rate of a shilling per piece, and both may pay the same loom rent of five shillings per week. Yet at the end of the week the net remuneration for weaving one piece will have been to A tenpence and to B eightpence. Thus the rate of payment for identical work will vary from operative to operative, from week to week, and even from firm to firm, according to the way in which, at the uncontrolled discretion of the employers, the work is distributed.[1] A similar objection applies, it will be seen, to the whole system of "truck," or the compulsory purchase by the operatives of commodities or materials supplied by the employers.[2] This is resisted by the unions on the larger

[1] Many minor payments similar in principle to loom rent exist in various industries. Where the operatives are unorganised, and especially if they are women or girls, employers are apt to attempt to charge them for some part of the manufacturing process, or for incidental stores or material. This is sometimes done to avoid the cost and trouble of proper supervision to prevent waste and breakages. In other cases it arises as an incident of a growing specialisation of function. Thus, cotton-weavers used to oil their own looms, but the employers found that it was better done by a professional oiler, who was thereupon employed. Any attempt to deduct even a penny per week per pair of looms to pay his wages is peremptorily stopped by the Weavers' union. Similar developments of specialisation in cotton-spinning might be cited—the uprise of the "strap-piecer" and the "bobbin-carrier" for instance. But no deduction for their wages is permitted by the Cotton-spinners' unions (*Cotton Factory Times*, 10th June 1892). Women woollen weavers are, however, still made to pay the "tuner" of their looms, his work of "setting" the warp and weft being done by the male weavers for themselves.

[2] The Miners' Conference in 1863 made this a special subject of complaint. "The truck system still prevails in Scotland and Wales, despite of both equity

ground that it amounts to an insidious enslavement of the wage-earner and his family. But it is also inconsistent with any uniformity in the net rate at which employers obtain their labor, and with definite standard of real income of the wage-earner under such a system, notwithstanding a nominal uniformity of rate, both labor cost and real wages will vary according to the extent of the truck business in each firm, the economy and ability with which this subsidiary store-keeping is managed, and the profit or "loading" which each employer chooses to exact, the latter amounting, in effect, to a fraud upon the workman.[1]

We see, therefore, that the adoption of a Standard Rate —that is, of payment for labor according to some definite standard, uniform in its application—is not by any means so simple a matter as would at first sight appear. Whether we accept payment by the hour or payment by the piece, so great are the complications of modern industry, and so ingenious are the devices for evasion, that a long series of subsidiary regulations is found necessary to defend the main position. The whole argument for this series of subsidiary

and law. That no man should be forced, as a condition of work, to spend his money on necessaries for the benefit of his employer is both law and reason. In Scotland . . . the men are only paid by the fortnight, the month, or longer; and in the interim tickets for food or clothing are furnished, by which, at certain shops, articles are furnished at an enormous overcharge above a fair market average of cost. In some cases the poor collier rarely sees current coin, all being forestalled betwixt the term of pay and work. . . . Allied to this, in Staffordshire and elsewhere, the butties and doggies, or middlemen, still continue to influence and compel the colliers to spend part of their wages in drink, as a condition of employment. In other cases, in Yorkshire, candles and powder must be purchased of the steward, or some other man, at exorbitant prices above the market rate of profit."—*Transactions and Results of the National Association of Coal, Lime, and Ironstone Miners of Great Britain* (London, 1863), p. xi.

These practices have now been stopped by the miners' unions in all well-organised districts. Similar grievances are, however, still complained of in some other trades, where the operatives are powerless to insist on the Truck Acts being obeyed in spirit as well as in the letter.

[1] "Wherever the workmen are paid in goods, or are compelled to purchase at the master's shop, the evils are very great; much injustice is done to the men, and much misery results from it. Whatever may have been the intentions of the master in such a case, *the real effect is to deceive the workman as to the amount he receives in exchange for his labor.*"—*On the Economy of Machinery and Manufactures*, by Charles Babbage (London, 1832), p. 255.

regulations rests, it is clear, upon the principal contention. It seems, therefore, worth while to rehearse the Trade Unionist's argument. We have seen that it is a fundamental article of the Trade Union faith that it is impossible, in a system of competitive industry, to prevent the degradation of the Standard of Life, unless the conditions of labor are settled, not by Individual Bargaining, but by some Common Rule. But, without the uniform application of some common standard, collective settlement of these conditions, whether by bargain, arbitration, or law, is plainly impossible.[1] Where employer is competing with employer, each will claim that, if he must forego the chances of Individual Bargaining, he should at any rate be made to pay no more for his labor than his rivals. With this contention the Trade Unionist heartily agrees, and thus we get admitted, as the basis of the Common Rule, the principle of identical pay for identical effort, or, as it is usually termed, the Standard Rate. This, as we have seen, is the very opposite to equality of wages. How accurately this principle of identical pay for identical effort can be applied to the varying capacities of different workmen, or to the varying difficulties of particular tasks, whether it can be most precisely carried into effect by payment by time or payment by the piece, depends upon the character of the process and the intelligence and integrity of the parties. But it is obviously futile to settle, by collective regulation of any kind, a Standard Rate of identical pay for identical effort, if an unscrupulous employer is free to evade this by demanding extra work or additional wear and tear; by deducting anything from the wage agreed upon; or by

[1] The dependence of combination among workmen upon the existence of a Standard Rate was well expressed, from the employer's point of view, by Alexander Galloway, the well-known engineer, and friend to Francis Place. "I have always found that in those employments where the wages were uniform . . . there have always been combinations among those men. Now in all those trades where the men have made their own individual engagements, we never see anything like combinations. . . . That which has struck most effectually at the root of all combination among workmen is to pay every man according to his merit, and to allow him to make his own agreement with his employer."—Evidence in *First Report of Committee on Artisans and Machinery*, 1824, p. 27.

obtaining, at the cost of his workmen, by any transaction with them, any other monetary advantage whatever. In short, if the fundamental object of Trade Unionism, the enforcement of a Common Rule, has any justification at all, the principle of the Standard Rate must be conceded, and if a Standard Rate is admitted, the subsidiary regulations which we have described follow as a matter of course.

This general conclusion in favor of a Standard Rate—a point on which every Trade Unionist would unhesitatingly agree—leaves many questions with regard to wages unsettled. One of these is, on what principle, and to what extent, the Standard Rate should, in the same industry, vary from town to town. The employers in the out-of-the-way districts are apt to contend that the workman must put up with a low rate, because of the inferiority of their machinery, their heavy charges for freight, and other local disadvantages. But there seems no reason why the workman should lower his standard of life, and forego his claim to identical pay for identical effort, merely because the capitalist chooses to carry on his business amid unprofitable surroundings. Whether Trade Unionists should go in for equality of nominal wages (a uniform national standard rate), or, making allowance for difference in the cost of living, claim only equality of real wages (involving varying local rates), has never been settled in principle. There are obvious practical difficulties in carrying out the latter idea, as it is impossible to measure with any precision differences in the cost of living in different districts. Accordingly we find most of the "county" unions, especially those of the cotton operatives and coalminers, aiming at a uniform county rate, irrespective of local circumstances. Similarly, the strong old union of hand paper-makers, working entirely in a few small provincial towns, easily maintains a uniform rate for the whole industry.[1] But

[1] A uniform Standard Rate is said to have formed one of the principal demands of the great French strike of 1791, which extended to many trades and to all parts of France (Du Cellier, *Histoire des Classes Laborieuses en France*, pp. 320 322; Decree of the National Assembly of 14th June 1791).

directly the cost of living becomes appreciably different, even the strongest unions admit variations in local rates. The Journeymen Hatters' Fair Trade Union of Great Britain and Ireland, the old-established society of silk hat makers, has a uniform price list, but allows its London branch to add 10 per cent to the general rates. When we come to the larger and more widely distributed unions, we see the widest possible divergence. Thus the 631 branches of the Amalgamated Society of Carpenters in Great Britain and Ireland recognise no fewer than twenty rates, varying from 5d. per hour in Truro to 10d. per hour in London. Here, as in many other cases, we may well doubt whether even equality of real wages has been attained. Not only has there been no attempt by any large union to secure a national uniform rate, but there is a tendency for officers and executive committees to be apathetic with regard to the process of "levelling up," which would be necessary to obtain equality of real wages. The result is that Trade Unionism cannot be said yet to have progressed beyond the securing of a local Standard Rate. This leaves the workmen exposed to the constant attempts of employers to "level down" the rates in the better-paid districts, in order, as they assert, to meet the competition of the lower-paid districts. Our own idea is that the assumed differences in the cost of living, taking one thing with another, resolve themselves practically into differences in the rent of a workman's dwelling. The expedient of the Hatters seems, therefore, the most practical thing to aim at. There would be many advantages in the enforcement of a uniform Standard Rate in all districts of an industry, treating all provincial towns and urban districts on an equality, but adding a percentage for the exceptional high rents payable in London, and, if necessary, deducting a percentage in respect of the very low rents in a purely agricultural district, in the cases in which, as in the building trades, the industry comprises both town and country. These percentages could be calculated on easily ascertained and undisputed facts.[1]

[1] Instead of a uniform Standard Rate for all the establishments in each town

A more obvious problem with regard to wages must be deferred to a subsequent chapter. We can imagine that the reader has had in his mind an uneasy feeling that we are evading what he conceives to be the crucial point, namely, the share of the joint product to be allotted for the remuneration of the manual labor. But the Trade Union Regulation with which we are dealing—the insistence on a Standard Rate—is not an end but a means: not any particular *sum* of money per week, but a *device* for obtaining for the whole body of competitors something better than they would get by Individual Bargaining. Thus the Sheffield Fork-grinders, the Dock Laborers, the Engineers, and the Steel Smelters all insist on the Standard Rate. But if we look at the weekly earnings for which each trade is fighting, we find

or district, we occasionally find attempts to enforce two or three different rates for what are assumed to be different grades of work. Thus the Scottish Tailors recognise in many towns two, and in Glasgow and Edinburgh three classes of shops, those requiring a better quality of tailoring being compelled to pay a half-penny or even a penny per hour more than the lowest Trade Union rate. The custom is for the employers to classify themselves, the union objecting if any attempt is made, for instance, to get "dress goods" (superfine black broadcloth) made at the second-class rate, or (in Edinburgh and Glasgow) "tweeds" at the third class. In so far as these different rates correspond to real and ascertainable differences in the class of work, they are, it is clear, not inconsistent with the principle of a uniform Standard Rate. In some cases, however, the different rates depend more on the custom and tradition of the various shops than upon any definite difference in the work done. Thus the London branch of the National Union of Boot and Shoe Operatives has long recognised three different "Statements," applying respectively to firms deemed first, second, or third class. An establishment which has hitherto paid the first-class "Statement" is not allowed to do any work at a lower "Statement," for fear this should lead insidiously to the reduction of the rates of the first-class men. On the other hand, there is nothing to prevent a firm, hitherto classed as third or second class, from making at these lower rates goods nearly identical with those usually produced at the first-class "Statement." The result is that the first-class firms are always finding themselves undersold (or at any rate, believing themselves to be undersold) by enterprising firms on the second-class statement. The employers and the experienced officials of the union have, for ten years, been urging the abolition of these separate "Statements," and the preparation of the uniform list for all London firms, with carefully gradated piecework rates for every kind of boot. Hitherto all attempts at uniformity have broken down, owing mainly to the rooted belief of the union that no reduction of existing rates ought anywhere to be conceded. As a consequence, the first-class employers are said to find a constantly increasing difficulty in maintaining their position in London. The controversy can be best followed in the *Shoe and Leather Record* for the last ten years.

this varying from twenty-four shillings a week up to three times that amount. One thing will be clear, even to the most superficial observer. There is, in the Trade Union world of to-day, absolutely no trace of any desire for equality of wages. The cardroom operatives in a Lancashire Cotton mill, earning from ten to twenty shillings a week, will unhesitatingly come out on strike to assist the cotton-spinners to maintain a Standard Rate, paid out of the products of the combined labor of the two sections, averaging forty shillings a week. The local federations of the building trades, whose members work side by side at the same job, collectively insist, in their treaties with the employers, on half a dozen different rates per hour for the different crafts, the Stonemason habitually getting fifty per cent more than the Builders' Laborer, and the rates, in the present generation, showing no tendency to approximate. Unanimity of Trade Union policy does not, in fact, extend beyond the use of a common device. How much money each trade will claim, no less than how much each will actually receive, depends, in practice, on the traditions, customs, and present opportunities of the particular trade and section concerned. The expectations and aspirations of the operatives, the arguments adduced in justification of their demands, and, to some extent, the particular Trade Union Method employed to enforce them, will, as we shall show in our chapter on the Assumptions of Trade Unionism, depend principally on the Doctrine or Doctrines as to social expediency by which the policy of the particular union is, for the time being, directed.

CHAPTER VI

THE NORMAL DAY

AFTER the Standard Rate, the most universal of the Trade Union Regulations is what we have termed the Normal Day, the determination of a uniform maximum working time for all the members of a craft.[1] This claim to fix the limits of the working day is peculiar to the manual-working wage-earner. Corporations of lawyers, doctors, architects, and other professional brainworkers insist, with more or less stringency, on scales of minimum fees, below which no practitioner is allowed to undertake work. But the conception of a precise Common Rule as to the hours during which an individual shall work is foreign both to the pro-

[1] By the term "Normal Day" we mean the "maximum working day" of Schäffle (*Theory and Practice of Labour Protection*, London, 1893) and Frankenstein (*Der Arbeiterschutz*, Leipzig, 1896), not the elaborately equated "normal day" of Rodbertus (*Der Normalarbeitstag*, Berlin, 1871), varying according to the assumed intensity of labor in different occupations. The latter academic conception has never penetrated to the minds either of English Trade Unionists or German Social Democrats.

From the economic standpoint there has been as yet little scientific investigation of the results of fixing the maximum working day. *The Eight Hours Day*, by Sidney Webb and Harold Cox (London, 1891), and E. L. Jaeger's *Geschichte und Literatur des Normalarbeittages* (Stuttgart, 1892) give the principal references, to which may now be added Hadfield and Gibbins' *A Shorter Working Day* (London, 1892); C. Deneus, *La Journée de Huit Heures* (Ghent, 1893); H. Stephan, *Der Normalarbeitstag* (Leipzig, 1893); Professor L. Brentano's *Ueber das Verhaltniss von Arbeitslohn und Arbeitszeit zur Arbeitsleistung* (Leipzig, 1893), translated as *Hours and Wages in Relation to Production* (London, 1894); John Rae, *Eight Hours for Work* (London, 1894); and Maurice Ansiaux, *Heures de Travail et Salaires* (Paris, 1896).

pertied and to the brain-working class. Nor has it always characterised the wage-earners. The trade clubs of the eighteenth century claimed a legal rate of wages, or a standard list of prices, they insisted on a limitation of apprentices, or sought to enforce the Elizabethan Statutes; but not until the close of the century do we find any widespread complaints of the length or irregularity of the working day. From the beginning of the present century the demand for a deliberately fixed limit of hours for each day's work, to be arranged either by Collective Bargaining or by Legal Enactment, has spread from one occupation to another, until to-day the great majority of the Trade Unions make the regulation of working hours one of their foremost objects. Nevertheless, there exist even to-day small sections of the working class world who resist any Common Rule as to their hours, and prefer that each individual should be free to labor when and for as long as he may choose. We have, therefore, to seek some explanation, not only of the present popularity of the idea of a Normal Day, but also of its comparatively modern growth, and of its rejection by certain sections of Trade Unionists.

In modern industry the settlement of the hours of labor differs in an essential particular from that of the rate of payment for the work done. In the absence of any form of collective regulation, the rates of wages are determined by Individual Bargaining between the capitalist employer and his several "hands"; and a distinct and varying agreement as to the amount of remuneration is made with each operative in turn. This is seldom the case with regard to the length and distribution of the working day. In all the numerous industries in which work is not done on the employer's premises, but is still "given out" to be done at home, the manual worker, paid "by the piece," is as free as the author, doctor, or conveyancer, to fix the number of hours, and the exact part of the day or week or year, that he chooses to spend in labor. He has, of course, like the professional man, to suit the convenience of his clients.

He must be on the spot to receive work when it comes, and he must finish it by the time it is required. He must be willing to do extra work in the busy season, and even to turn night into day to cope with a special rush of orders. But subject to this condition, each man can settle for himself the exact hours at which he will begin his work, and the intervals he will allow himself for meals and rest. Unless he is driven, by reason of the low rate at which he is paid, to work "all the hours God made" in order to get bare subsistence, he may break off when he likes to gossip with a friend or slip round to the public-house; he may, in the intervals, nurse a sick wife or child; and he can even arrange to spend the morning in his garden, or doing odd jobs about the house. No one acquainted with the daily life of the home-working, skilled craftsman, earning "good money," will ignore the large use that such a man makes of his freedom. For good or for evil his working hours are determined by his own idiosyncrasies. Whether he desires to earn much, or is content with little; whether he is a slow worker or a quick one; whether he is a precise and punctual person governing himself and his family by rigid rules, or whether he is "endowed with an artistic temperament," and needs to recover on Monday and Tuesday from the "expansion" of the preceding days—these personal characteristics will determine the limits and distribution of his working time.[1]

[1] The injurious effect upon the personal character of the "average sensual man" of this freedom to stop working whenever he feels inclined, is referred to in our chapter on "The Implications of Trade Unionism." The axiom that the vast majority of the manual workers, like other men, are the better for a certain degree of discipline, would not find ready acceptance among the rank and file of Trade Unionists, and, therefore, can hardly be given as a Trade Union argument in favor of a Normal Day. But the more thoughtful workmen would concur with the dictum of an early admirer of the factory system, that when operatives were "obliged to be more regular in their attendance at their work, they became more orderly in their conduct, spent less time at the ale-house, and lived better at home" (*Memoirs of the Manchester Literary and Philosophical Society*, Second series, London, 1819, vol. iii. p. 129, in a paper "On the Rise and Progress of the Cotton Trade," read in 1815 by John Kennedy). "I always observed," wrote an old compositor in 1859, "that those trades who had settled wages, such as masons, wrights, painters, etc., *and who were obliged to attend*

Very different is the position of the factory operative. Instead of each individual being able to work as he chooses, the whole establishment finds itself, by the nature of things, subject to a Common Rule. In a textile mill, a coal mine, a shipbuilding yard, an engineering firm, or a great building operation it is economically impossible to permit the individual workman to come or go as he feels inclined. Each worker forms part of a complex co-operative process, needing for its proper fulfilment an exact dovetailing of the task of every machine and every "hand" in the work as a whole. To arrange particular hours of labor to suit the varying desires, capacities, and needs of the different operatives, would be obviously incompatible with the economical use of steam power, the full employment of plant, or the highly organised specialisation brought about by division of labor. There is no longer a choice between idiosyncrasy and uniformity. A common standard, compulsory in its application, is economically inevitable. The only question is how and by whom the uniform rule shall be determined. In the absence of collective regulation, whether in the form of Legal Enactment or Collective Bargaining, this uniform rule is naturally made by the employer.[1] And it is a special aggravation of this subordination, that, under the circumstances of the modern capitalist industry, the employer's decision will perpetually be biassed in favor of lengthening the working day. With regard to his domestic servants, the capitalist is free to determine the amount of toil solely with a view of keeping them in the highest possible efficiency. But the same man investing capital in expensive machines, worked by power, finds, even when he pays by the piece, a

regularly at stated hours, were not so much addicted to day drinking as printers, bookbinders, tailors, shoemakers, and those tradesmen who generally were on piecework, *and not so much restricted in regard to their attendance at work* except when it was particularly wanted."—*Scottish Typographical Circular*, March 1859.

[1] "It should always be remembered," remark the Cotton-spinners in 1860 "that anterior to the introduction of factory legislation, the employers *dictated* the hours of labor to their work-people."—*Rules of the Amalgamated Association of Operative Cotton-spinners*, edition of 1860, preface.

positive profit in every additional moment that his costly plant is being employed. Competition is always forcing him to cut down the cost of production to the lowest possible point. Under this pressure other considerations disappear in the passion to obtain the greatest possible "output per machine." [1]

Between these two historic types of the domestic handicraftsman and the factory operative, there are various intermediate forms in which Individual Bargaining as to the hours of labor is as possible as Individual Bargaining with regard to the rate of payment. In occupations such as agriculture, and even in special departments of the great industries, it is at any rate practicable for an employer to vary the hours of his several workpeople, or, in other words, to make, if he likes, a bargain with each according to his capacity, just as the ordinary capitalist claims to be allowed to pay each man "according to his merit." Where this is the case, the workman's need for a Normal Day depends on considerations strictly analogous to those which cause him to need a Standard Rate. If each workman is free to conclude what bargain he chooses with regard to his working hours, the employer will, it is contended, be able to use the desires or exigencies of particular individuals as a means of compelling all the others to accept the same longer working day.

So far we have considered the Trade Union demand for a Normal Day only in relation to the personal freedom of the operative to take such leisure as he may deem necessary

[1] "The great proportion of fixed to circulating capital . . . makes long hours of work desirable. . . . The motives to long hours of work will become greater, as the only means by which a large proportion of fixed capital can be made profitable. When a laborer," said Mr. Ashworth to me, "lays down his spade, he renders useless for that period a capital worth eighteenpence. When one of our people leaves the mill, he renders useless a capital that has cost £100."— Nassau Senior, *Letters on the Factory Act* (London, 1837), pp. 11-14.

"Hence that remarkable phenomenon in the history of modern industry, that machinery sweeps away every moral and natural restriction on the length of the working day."— Marx, *Capital*, Part iv. ch. xv. sec. 3 (vol. ii. p. 406 of *English Translation* of 1887).

or desirable. But to the Trade Unionist, as to the rank and file of the manual working class, the length of the day's work and the amount left over for leisure is of secondary importance beside the vital question of the sum earned. Keen as is the average workman to secure more time to himself, he is far keener to obtain more money to spend. In all time-work trades in which Trade Unionism exists the operative gets extra pay for extra hours, usually at a higher rate, whilst the whole race of pieceworkers obviously increase their earnings by working overtime.[1] Every progressive lengthening of the working day would therefore seem to bring with it, as a compensating advantage, a corresponding increase in the weekly income of the wage-earner.[2]

[1] In certain unorganised occupations men, and especially women, are still required to work longer hours to cope with a press of orders without getting any additional payment for the extra labor. But this is seldom the case in trades in which there is any kind of organisation.

[2] This is exactly how it appears to the well-to-do literary man. Thus, Mr. Lecky is much concerned at the diminution of earnings which he supposes to be caused by the Factory Acts. "Take, for example, the common case of a strong girl who is engaged in millinery. For, perhaps, nine months of the year her life is one of constant struggle, anxiety, and disappointment, owing to the slackness of her work. At last the season comes bringing with it an abundant harvest of work, which, if she were allowed to reap it, would enable her in a few weeks to pay off the little debts which weigh so heavily upon her, and to save enough to relieve her from all anxiety in the ensuing year. She desires passionately to avail herself of her opportunity. She knows that a few weeks of toil prolonged far into the night will be well within her strength, and not more really injurious than the long succession of nights that are spent in the ball-room by the London beauty whom she dresses. But the law interposes, forbids her to work beyond the stated hours, dashes the cup from her thirsty lips, and reduces her to the same old round of poverty and debt. What oppression of the poor can be more real and more galling than this?"—*Democracy and Liberty* (London, 1896), vol. ii. p. 342.

It is interesting to contrast with this imaginary instance the reports of the responsible women officials who are in actual contact with facts, and conversant with the views of the operatives. Writing in 1894, Miss May Abraham (the Senior Woman Factory Inspector) reports that "by dressmakers and milliners . . . legal overtime is almost universally condemned. A dressmaker's assistant, whose legal working day had, for a considerable period, lasted from 8 A.M. to 10 P.M., said to me in the presence of her fellow-workers, 'The overtime exception just spoils the Factory Act.' The chorus of approval with which her remark was endorsed was a clear indication of general discontent, and further experience showed that this had been but one expression of an almost universal feeling. . . . In factories where the payment is by piecework, or in some districts, as in Dublin, where a stipulated sum is allowed for overtime, the weight of hostile

Now, if Trade Unionists believed that this apparent result was the real result,—that freedom to work longer hours invariably, or even usually, meant a corresponding increase of income,—we doubt whether there would have arisen any general movement in favor of limiting the hours of labor. But, rightly or wrongly, Trade Unionists are convinced that irregular or unlimited hours have an insidious influence upon wages, first upon the Standard Rate and ultimately upon the amount earned by each man per week.

This conviction springs from the personal experience of the manual working wage-earner. At any Trade Union meeting where the hours of labor are discussed, it may happen that a young and energetic member will suggest that he would prefer a larger income to increased leisure. But one old member after another will get up and explain that as a young married man he had felt the same, but that experience of workshop life had taught him that "what was gained in hours was lost in rates"—an assertion which finds immediate and unhesitating confirmation from the bulk of the meeting. If after the meeting the visitor argues the point with the leading men, and suggests that their personal experience may not warrant so large a generalisation as that a lengthening of hours will necessarily lead to a reduction of the rate of payment per hour or per piece, they will retort by asking, why it is that Royal Commissions and official statistics are always laying bare this almost universal coincidence between long and irregular hours, low rates of pay, and small weekly earnings. Nor will they fail to give an explanation, based on actual experience. "Our members,"

opinion is not so pronounced; but even here, with the inducement of a supplementary wage, it is only the most unthinking of the workers who favor the system. . . . The consequent effect on the health of the workers is exceedingly injurious . . . I believe . . . that by the workers [the abolition of all overtime] would be welcomed with feelings of the warmest gratitude" (*Report of the Chief Inspector of Factories* for 1893, C. 7368 of 1894, p. 11). This and other reports contain abundant confirmation of Miss Abraham's view. "Could a secret ballot be taken," says Mr. Cramp, one of the Superintending Inspectors, "of all the workers affected by the overtime clauses of the Factory and Workshop Acts, I am convinced that very few would be found voting for its continuance." —*Ibid.* p. 299.

they will say, "look on thirty shillings as a fair week's wage. If they make it, they are content; if they don't make thirty shillings, they come to the branch and complain. When a master increases the hours, say from fifty-four to sixty, it seems at first a clear gain to the men, who make more money. Presently, on some excuse, the foreman announces a ten per cent cut in rates. The men grumble, but as most of them will still make thirty shillings a week, they put up with a reduction against which they would certainly have come out, if it had meant their only making twenty-seven shillings. After a time the weaker men find they can't keep up their output for such long hours. In a few months, the average weekly earnings of the shop will have dropped, and the men will be wearing themselves out for even less money at the end of the week than they had before. Again and again we have seen this happen, and no amount of middle-class theory will make us believe it is not so."

The Trade Union official who has read his economic text-book will put the argument in more systematic form. When an employer engages a laborer at so much a week, the length of the working day clearly forms an integral part of the wage-contract. A workman who agrees to work longer time for the same money underbids his fellows just as surely as if he offered to work the same time for less money. He sells each hour's work at a lower rate. Among all time-workers, therefore, who are paid by the day, week, or month, the insistence on a Normal Day is a necessary element in the maintenance of their Standard Rate.

Where piecework prevails, or where the time-worker is paid by the hour, the case is, to the Trade Unionist, no less clear. At first sight it would seem that liberty to work for longer hours leaves the Standard Rate unaffected, whilst it increases the amount of the weekly earnings of industrious men. This seems so obvious to the middle-class mind that employers have for generations been honestly unable to understand why a pieceworking Trade Union should concern itself about the hours of labor at all. According to the

Trade Unionists, this is to ignore the plain teaching of economics, as well as the experience of practical men. To them it seems obvious that the actual earnings of any class of workers are largely determined by its Standard of Comfort, that is to say, the kind and amount of food, clothing, and other commodities to which the class has become firmly accustomed.[1] It would not be easy to persuade an English engineer to work at his trade for thirteen shillings a week, however excessive might be the supply of engineers. Rather than do such violence to his own self-respect, he would work as a laborer, or even sweep a crossing. On the other hand, however much in request a Dorsetshire laborer might find himself it would not enter into his head to ask two pounds a week for his work. There is, in fact, the Trade Unionist asserts, in each occupation a customary standard of livelihood, which is, within a specific range of variation, tacitly recognised by both employers and employed. Upon this customary standard of weekly earnings, the piecework or hour rates are, more or less consciously, always based.[2] If there is no limit to the number of hours that each man may work or the employer may require, some exceptionally strong men, able, if only for a few years, to work unceasingly from morning till night, will earn an income far beyond the customary standard of their class. In any bargaining about the Piecework List these large earnings will be quoted by the employer as typical of what every workman might do if only he were industrious, and will be urged as grounds why a reduction

[1] This assumption—that the rate of wages of any race or class of wage-earners is largely determined by the standard of expenditure—enunciated by Adam Smith and generally accepted by later economists, will be further examined in our chapter on "The Higgling of the Market"; and the argument that the bulwark against competitive pressure afforded by this instinctive Standard of Life is enormously strengthened by the Methods and Regulations of Trade Unionism, will be elaborately analysed in the chapter on "The Economic Characteristics of Trade Unionism."

[2] "A price list has always implicitly (and as will be seen sometimes explicitly) a time-basis, *i.e.* it is generally understood that the piece-rates agreed on are such as to enable the average worker with average exertion to earn a certain weekly wage."—Board of Trade (Labor Department) *Report on Wages and Hours of Labour, Part II., Standard Piece Rates*, C. 7567.—I. 1894, p. vii.

in the rate is only reasonable.[1] Nor is this merely a question of successful argument. The exceptional men themselves will not be inclined to hazard, by any dispute, what is to them ample livelihood, and will oppose any attempt on the part of the Union to resist reductions or apply for advances. The hours thus exceptionally worked tend, therefore, insidiously to become customary for the whole trade, and the piecework rates are gradually lowered so as to yield, on the longer hours, a weekly income corresponding to the standard of expenditure to which the class is accustomed. The ultimate result upon the Standard Rate of leaving the hours of labor unlimited is accordingly the same in the case of payment by the piece or hour as it is in the case of payment by the day or week. If, as the Trade Unionists contend, unrestrained competition among the individual operatives tends to lengthen the working day for all alike, it also insidiously lowers the rate of remuneration for the work done. The men who have started longer hours gradually find themselves earning no more than they had formerly done in the customary day, whilst all the rest discover that they can only maintain their old wages by similarly increasing their working time. Thus the whole class gives in return for its customary livelihood increased labor and energy, involving greater wear and tear, and the weaker members, unable to keep up the strain, are forced down to a lower level of subsistence. The same arguments, therefore, which lead the Trade Unionist to insist on a definite Standard Rate, impel him, quite apart from any advantage to be gained from increased leisure and irrespective of the system under which he is paid, vigorously to uphold the Normal Day.[2]

[1] See the instances cited by the Shipwrights and Coopers in the subsequent note.

[2] It might, indeed, be urged that the Trade Unionist argument in favor of collective regulation of the hours of labor, *considered merely as a means of keeping up the price at which the wage-earner sells each unit of energy*, has a broader psychological basis than the argument for a Standard Rate itself. If it be true, as is always asserted both by employers and by Trade Union officials, that the individual manual worker is far keener to maintain and add to his income than to preserve or increase his leisure, it seems to follow that a Trade Union which

The Trade Unionist position with regard to the Normal Day is therefore extremely complicated. So long as we fix our attention solely on the proportion between work and leisure, the wage-earners fall, as we have seen, into three classes. To the "hands" employed in a co-operative process, involving the use of costly plant and machinery, and carried on upon a large scale, the fixing of a Normal Day appears the only alternative to leaving their working hours to be determined, and in all probability gradually lengthened, according to the autocratic judgment of their employer. To the domestic handicraftsman, on the other hand, working in his own garret, any collective regulation of the hours of work is a distinct curtailment of his personal liberty, an evil in itself requiring considerable justification before he will be persuaded to adopt it. For the workmen in the intermediate class of industries, in which the length and distribution of the working day can practically vary from individual to individual, the question will depend partly on the extent to which hours of leisure offer any attraction to them, and partly upon the degree to which they realise the perils of Individual Bargaining. Assuming the Trade Unionist position that the wage-earners can obtain better conditions by collective action, all the workmen in the industries standing between the domestic handicraft and the factory system, who desire to protect or increase the amount of their leisure, will naturally come more and more to insist on a Normal Day as a necessary condition of this collective action. But this simple classification by no means disposes of all the variations. With all classes of workers a second and usually more potent consideration enters into the argument, namely, the result of irregular or unlimited hours of labor upon the weekly earnings. To the time-worker paid by the day, week, or month, the Normal Day is obviously a part of his bargain for a

insisted on a rigid limitation of working time whilst leaving the rate of pay to the chances of Individual Bargaining, would, in the end, secure for its members a higher level of remuneration for a given expenditure of energy, than a Trade Union which insisted on a Standard Rate, but left the length and intensity of the day's labor to individual agreements.

Standard Rate. The worker by the piece or by the hour will be more or less disposed to insist on Common Rules fixing working time, in the degree that the circumstances of his industry and his personal observations convince him that unregulated hours of labor tend to lower the rate of remuneration of the whole class.[1]

This elucidation of the Trade Union argument gives us the necessary clue both to the historical development of the Hours' Movement and to its present position in the Trade Union world. During the eighteenth century the predominant type of Trade Unionist was the handicraftsman working as an individual producer. The weavers and frame-work knitters, whose combinations to enforce a Standard Rate date from the very beginning of that century, worked in their own homes. Out-work prevailed, too, alongside of the employers' workshop in many other of the organised trades, such as the shoemakers, cutlers, woolcombers, and hatters. And even where workshop industry was the rule the familiar relations between the master workman and the journeymen, the absence of machinery and motive power, and the general slackness of discipline enabled the members of such trade clubs as the sailmakers, coopers, curriers, and calico block-printers to put in attendance at irregular intervals. This practical freedom to leave off at any particular moment, though it was not incompatible with what we should now consider excessive hours of toil, gave the operative a sense of personal liberty which naturally disinclined him to suggest any collective regulation of his working day. Eighteenth-century attempts to impose a Common Rule fixing the hours

[1] It will be needless to remind the historical student of the numerous gild ordinances by which the independent master craftsmen of the Middle Ages, though individually at liberty to leave off when they chose, deliberately sought to fix the maximum hours of labor of each trade, mainly in order, as we think, to prevent the working time being insidiously lengthened, and the standard rate of payment undermined, by unfettered competition. Thus the Spurriers, in 1345, fix the maximum working day from dawn to curfew; the Hatters, Pewterers, and many others in the fourteenth century prohibit night-work; and the Girdlers, in 1344, forbid work "after none has been wrung" on Saturdays or festival eves.—*Memorials of London and London Life*, by H. T. Riley (London, 1868).

of labor for all the members of a craft are accordingly confined to operatives paid by the day or week, and working on the premises of their employers. Thus, the establishment of a maximum day of fourteen hours (less meal-times) was a leading demand of that combination of "the Journeyman Taylors in and about the Cities of London and Westminster," which we have cited as one of the earliest Trade Unions. "'Tis certain," runs the workmen's petition, "that to work fifteen hours per day is destructive to the men's health, and especially their sight, so that at forty years old a man is not capable by his work to get his bread." And from the masters' petition we learn that the men "insist upon and have twelve shillings and ninepence per week (instead of ten shillings and ninepence per week, the usual wages), and leave off work at eight of the clock of night (instead of nine, their usual hour, time out of mind)."[1] And turning to other trades, it is significant that while there is, during the whole of the eighteenth century, no trace of any hours' movement among the pieceworking coopers of London, the day-working coopers of Aberdeen are found, as early as 1732, "entering into signed associations among themselves, whereby they become bound to one another under a penalty not to continue in their masters' service, or to work after seven o'clock at night, contrary to the usual practice."[2] The only other cases of eighteenth-century movements that we know of for regular or shorter hours occurred among the saddlers and bookbinders

[1] *An Abstract of the Master Taylors' Bill before the Honourable House of Commons; with the Journeymen's Observations on each Clause of the said Bill* (London, 1720). Similar movements are recorded among the tailors of Aberdeen in 1720 and 1768 (Bain's *Merchant and Craft Gilds*, p. 261), and those of Sheffield in 1720 (*Sheffield Iris*, 8th August 1820). See, for all these instances, the interesting collection of original *Documents Illustrating the History of Trade Unionism*, No. I. *The Tailoring Trade*, by F. W. Galton, published by the London School of Economics and Political Science (London, 1896).

[2] Bain's *Merchant and Craft Gilds of Aberdeen*, p. 246. A similar distinction may be drawn between the pieceworking hatters, who continued to work unlimited hours in their own homes, and the London hat-finishers, who, working by time on the employers' premises, struck in 1777 for a reduction of hours.—House of Commons Journals, vol. xxxvii. p. 192 (18th February 1777).

in the last years of the century,[1] who at that time worked by the day and were in the employers' workshops.

The isolated and exceptional cases of the tailors, hat-finishers, saddlers, and bookbinders emphasise the general indifference relating to the hours of labor which marks eighteenth-century Trade Unionism.[2] This indifference was not wholly due to the greater laxity with regard to hours and workshop discipline possible under a system of individual production. For the protection of their Standard Rate the eighteenth-century handicraftsmen were able to resort to methods no longer open to the modern Trade Unionist. The clubs of town artisans sought to protect their position by the stringent enforcement of the laws requiring a seven years' apprenticeship, and imposing a limit on the number of persons learning the craft. The home-working weavers petitioned Parliament, in some cases successfully, for the legal enforcement of their customary rates of payment. The position of the eighteenth-century Trade Unionist was in many respects analogous to that of the modern solicitor or doctor, who, maintaining his Standard Rate by high educational tests and the exclusion of unauthorised competitors, is unable to understand what justification can be urged for the imposition of a uniform Normal Day.

Very different is the record of the nineteenth century. With the introduction of machinery moved by power, and the rapid development of the factory system, the operatives in the new textile industries lost all individual control over their working day. "Whilst the engine runs," wrote an acute observer of the new industry, "the people must work. Men, women, and children are yoked together with iron and steam. The animal machine—breakable in the best case,

[1] See the Saddlers' "Addresses," preserved in the Place MSS., 27,799-112, 114; and Dunning's "Account of the London Consolidated Society of Bookbinders," in the Social Science Association *Report on Trade Societies and Strikes*, 1860, p. 93.

[2] Adam Smith, as Marx pointed out, habitually treated the working-day as a constant quantity.—*Capital*, Part IV. ch. xix. (vol. ii. p. 552 of English translation of 1887).

subject to a thousand causes of suffering, changeable every moment—is chained fast to the iron machine, which knows no suffering and no weariness." Accordingly we find the combinations of the Cotton-spinners, from the very beginning of their history, eagerly supporting the efforts of philanthropists to obtain from Parliament a legal regulation of the hours of labor. The successive Factory Acts thus obtained applied in terms, it is true, only to women and children. But it was obvious to contemporary observers that the whole strength of the agitation came from the men's desire for a legal restriction of their own working day.[1] In 1867 the leaders of the Lancashire Cotton-spinners' unions summoned a delegate meeting expressly "to agitate for such a measure of legislative restriction as shall secure a uniform Eight Hours' Bill in factories, exclusive of meal-times, for adults, females, and young persons; and that such Eight Hours' Bill have for its foundation a restriction on the moving power."[2] It was, however, impossible to induce the Parliament of these years even to listen to the idea of a direct legal limitation of the hours of adult male workers; and when, in 1872-74, the Lancashire operatives successfully agitated for a further reduction of the working day, they were astute enough to couch their demand in terms of a mere amendment to the Ten Hours' Act of 1847. Twenty years later we find the recognised organ of the same union declaring that "now the veil must be lifted and the agitation carried on under its true colours. Women and children must no longer be made the pretext for securing a reduction of working hours for men. The latter must speak out and declare that both they and the women and children require

[1] Thus, R. H. Greg, citing the Report of the Royal Commission on Factories, vol. i. p. 47 of 1837, observes: "It is obvious, therefore, that the condition of children has been only the cloak for an ulterior object, which object is now frankly avowed to be the same for which the agitation of 1833 took place, namely, the attainment of the Ten Hours' Bill, or a Bill for preventing any factory from working more than ten hours in any one day."—*The Factory Question Considered in Relation to its Effects on the Health and Morals of those employed in Factories, etc.* (London, 1837), p. 17.

[2] *Beehive*, 23rd February 1867; *History of Trade Unionism*, p. 295.

less hours of labor in order to share in the benefits arising from the improvements in productive machinery. The working hours cannot be permanently reduced by Trade Union effort. . . . It is only by the aid of Parliament that working hours can be made somewhat uniform."[1] In another great industry the operatives had found themselves equally at the mercy of their employer's decision as to the working day. The coalminers, working underground, can descend and ascend only when the mine manager chooses to leave the shaft free from coal-drawing, and set the men's cage in motion. Hence the coalminers, as soon as they were effectively organised, began to agitate for a fixed working day. Already in 1844-47 we find Martin Jude, the miners' leader, making "an Eight Hours' Bill" one of the foremost objects of the Miners' Association of Great Britain and Ireland, which in those years covered all the English coalfields. From 1863 to 1881 it was, as we have described,[2] an important plank in the programme of Alexander Macdonald. Finally, in 1885 we find the Lancashire Miners' unions expressly insisting that the legal limit should apply to men and boys alike—a demand which was quickly taken up by all the miners' unions except those of Northumberland and Durham.[3]

Meanwhile the transformation of the building and engineering industries was causing the clubs of artisans and mechanics to insist on a definite limit to the working day also in these trades. The growth of large machine-making establishments, and the coming in of the general "contractor" for building operations, both dating from the first quarter of the present century, resulted in the supersession of the small working master, and the massing together of large numbers of workmen, using expensive machinery and plant, and co-operating under strict discipline in a single undertaking. In the great upheaval of the Building Trades in 1833-34, the prohibition of overtime appears as one of

[1] *Cotton Factory Times*, 26th May 1893.
[2] *History of Trade Unionism*, pp. 284-289. [3] *Ibid.* pp. 378, 379.

the men's demands, and the Builders' Laborers, in particular, insisted on extra pay for working beyond their regular hours on Saturdays.[1] In 1836 we discover the London Engineers engaged in an eight months' struggle with their employers for the establishment by mutual agreement of a definite Normal Day for the whole trade; a struggle which ended in the fixing of a Sixty Hours' week, and, for the first time in the engineering trade, the penalising of overtime by extra rates. Before this strike, though the day's work was nominally ten and a half hours, the constant prevalence of overtime, without any extra rate of payment, gave the men no protection whatever against the systematic lengthening of hours by any individual employer.[2] How soon the building operatives secured the same hours is not recorded, but already in 1846 we find the Liverpool Stonemasons demanding a Nine Hours' Day. From this time forward the records of both the engineering and building Trade Unions show the movement for the more strict observance and progressive shortening of the Normal Day to have been continued without intermission. The elaborate treaty concluded in 1892 between the London Building Trade Unions and the associated Master Builders, by which the working time for all building work within twelve miles of Charing Cross was fixed for

[1] See the Masters' Address, 12th June 1833, in *An Impartial Statement of the proceedings of the members of the Trades Union Societies and of the steps taken in consequence by the Master Tradesmen of Liverpool* (Liverpool, 1833). Also the *Statement of the Master Builders of the Metropolis in explanation of the differences between them and the workmen respecting the Trades Unions* (London, 1834). It may be mentioned that the minute books of the Glasgow Joiners, whose secretary was a leading Owenite, contain, between 1833 and 1836, frequent regulations intended to secure the Normal Day. At the general meeting in March 1833, for instance, they formally adopted the working rules of the Scottish National Union, which penalised overtime by "time and a half" rates. In 1836 we find the Society, after a successful strike, insisting, not only on a standard wage of 20s. a week, but also on the total prohibition of overtime for that season. From 1834 onward they were waging constant war on the practice of working by artificial light, securing its prohibition in 1836 after a prolonged strike.

[2] Article by Mr. John Burnett in the *Newcastle Weekly Chronicle*, 3rd July 1875; Paper read by William Newton on behalf of the Executive of the Amalgamated Society of Engineers at the Dublin Meeting of the Social Science Association, 1861.

every week in the year, with extra rates intended to penalise all overtime, is only one of the latest of a practically unbroken series of collective agreements.

But though the conception of a Common Rule as to the hours of labor has now spread to all classes of Trade Unionists, whether paid by time or by the piece, handicraftsmen or factory operatives, there is, among the different trades, a marked difference in the intensity with which the demand is pressed upon the employers and the public. Here again our analysis of the Trade Union argument helps us to understand the facts. The Cotton Operatives and Coal-miners are the most strenuous advocates of definitely limited and uniform hours of labor. This is not surprising when we remember that, in both these industries, the beginning and leaving off of work depends, not on the will of the operative but on the starting and stopping of the engine; when we realise further that in both cases the trades are "open" to all comers, and that the Standard Rate is protected neither by the Limitation of Apprentices nor the exclusion of laborers from other occupations. The engineering and building operatives follow at some distance the textile operatives and miners in demanding a strictly defined working day. Almost invariably paid by time, they have recognised that some collective agreement as to the hours of work is a necessary part of their bargain for the sale of their labor.[1] But the economic necessity for uniform hours is

[1] We are able to watch the growth of the conception of the Normal Day in some of the handicrafts gradually passing into the system of capitalist establishments carried on upon a large scale. Thus, the Provident Union of Shipwrights of the Port of London, an old trade club which emerged into publicity when the Combination Laws were repealed, resolved, on the 4th of October 1824, "that every member of this Union will not engross a greater share of work than what he can accomplish by working regular hours, viz.: not before six o'clock in the morning, nor later than six in the summer evening; and that no candle work be performed after the people on the outside have left work, so that every opportunity may be given to those out of employ." And it is instructive to notice that the men's main reason for this innovation was declared to be "that it was necessary to regulate a day's work in consequence of the masters stating, when a man had worked for fourteen or sixteen hours, that they earned 10s. per day, although there was one-half as regarded the number of hours." The same motive shortly afterwards impelled the London Coopers, who are pieceworkers, to make a

with them neither so obvious nor so absolute as in the mine or the cotton-mill; and in both these industries the unions have relied, for the protection of their Standard Rates, on their traditional policy of insisting on a period of apprenticeship, limiting the number of boys, and excluding "illegal men." With the disuse of apprenticeship, and the impracticability of maintaining a policy of exclusion, the engineering and building Trade Unions are insisting, with ever-increasing urgency, on the rigid enforcement of a definitely limited Normal Day. Where, on the other hand, the unions still rely for the defence of their Standard Rate upon such apprenticeship regulations as are enforced by the United Society of Boilermakers, and, less universally, by the various unions of Compositors, their policy with regard to the Normal Day is more uncertain. In both these trades, as we have seen, timework and piecework are equally recognised by the union. In both cases the union unhesitatingly insists on a definite Normal Day for all work paid for by time. But owing to the existence of other defences of the Standard Rate, and of the practical freedom of these hand workers to arrange their own rate of speed, and the details of their working time, their faith in any uniform Normal Day for pieceworkers partakes rather of the nature of a pious opinion.

With archaic trades this lukewarmness passes into indifference, if not even hostility. The most important, and in many respects the most typical union of this class, is the Amalgamated Society of Boot and Shoe Makers. This small and highly skilled class of handicraftsmen, some of whom still work in their own homes, have been strongly

similar regulation. Hitherto, as the secretary of the union explained, no limits had been set to the working day, and "some strong young men will work from three in the morning till nine at night." The result was that the men "found there was advantage taken by their employers; and that where there was a difference that was resorted to." And the London Compositors expressly stipulated in the Scale of Prices accepted by the employers in 1810, that the time of beginning work should be formally agreed upon between the master and the "companionship"; that it should be uniform for all the men; and that night or Sunday work should be paid for at higher rates.

combined for more than a century, and have, from the first, strictly maintained a Standard List of prices. But working invariably by hand, paid by the piece, and enjoying a customary privilege of coming in and out of the employer's workshop as they thought fit, they have never troubled to settle a Normal Day. Although the trade has been, for half a century, steadily declining before the competition of the machine-made product, the workmen have not been driven to consider the effect of their irregular hours upon their Standard Rate. In olden times they enforced a strict limitation of apprentices, and during the present generation the number of boys who have learnt the trade has been so small[1] that the highly skilled bootmaker, supplying the perfect workmanship called for by a class of rich customers, has maintained what are really monopoly earnings. A somewhat analogous case is that of the United Society of Brushmakers, a strong organisation of skilled handworkers, whose printed lists of prices have been accepted by the employers from 1805 downwards. In this trade, where handwork has always prevailed, the operatives, who are individual producers, have from time immemorial gone in and out of the employer's workshop when they chose. For the protection of their Standard Rate they have clung to their old limitation of apprentices, and have never yet sought to enforce a Normal Day. But it is the Sheffield trades which furnish the great majority of unions indifferent to the Normal Day. Here we have a system of individual production which dates, as regards its main features, from the last century. The employer gives work out, to be done by the operative, either on his own "wheel" at home, or on one temporarily rented in a public "tenement factory." The unions, unable properly to control the Individual Bargains made by their members, who receive and return their work alone, and at irregular intervals,

[1] This is due, we think, partly to the current impression that hand shoemaking is rapidly dying out, partly to the abnormal demand for boys at relatively good wages in the enormously expanding machine bootmaking industry, and partly to the relatively high degree of technical proficiency now required to obtain employment at the handmade trade.

struggle fitfully to maintain a Standard Rate by the most archaic regulations on apprenticeship. The practical failure of these regulations, and the constant degradation of the rates, leads the more thoughtful workmen to denounce the whole system of individual production, and to urge its supersession by the factory system, where collective regulation, both of wages and hours, would become possible. But the average Sheffield cutler, accustomed to the apparent personal liberty of his present life, is as yet proof against the economic arguments of his leaders.

The demand for a Common Rule determining the working hours for all the members of a trade is therefore, even in the Trade Union world of to-day, neither so universal nor so unhesitating as the insistence on a Standard Rate of payment. On the other hand, the regulation of hours is less complicated and more uniform than the regulation of wages. The most rigid enforcement of an absolutely uniform Standard Rate is not inconsistent, in well-organised trades, with a very large elasticity, specially devised to meet the highly complex conditions and varying circumstances of modern industry. Any such elasticity with regard to the hours of labor is fatal to the maintenance of a Normal Day. We see this illustrated by the actual working of Trade Union agreements with regard to "Overtime." As soon as the employer was precluded from requiring the attendance of his workmen for as long as he might choose, he very naturally made it a stipulation, in conceding a customary fixed working day, that some provision should be made for emergencies. It might any day become important to him, owing to a sudden rush of pressing orders or similar causes, that some or all of his operatives should give more than the usual hours of work. The Trade Union leaders found no argument against this claim. Moreover they saw their way, as they thought, to making the privilege a source of extra wages to their members. It was generally agreed that the overtime so worked should be paid for at a higher rate—frequently "time and a quarter," or "time and a half." This

arrangement appeared a reasonable compromise, advantageous to both parties. The employers gained the elasticity which they declared to be necessary to the profitable carrying on of their business, and were able, moreover, to take full advantage of a busy season. The workmen, on the other hand, were recompensed by a higher rate of payment for the disturbance of their customary arrangement of life, and the extra strain of continuing work in a tired state. The concession involved a deviation from the Normal Day, but the exaction of extra rates would, it was supposed, restrict overtime to real emergencies. For a whole generation accordingly, both employers and workmen regarded the arrangement with complacency.

Further experience of these extra rates for overtime work has convinced nearly all Trade Unionists that they afford the smallest degree of protection to the Normal Day, whilst they are productive of evil consequences to both parties. In spite of the extra rates, employers have, in many trades, adopted the practice of systematically working their men for one or two hours a day overtime, for months at a stretch, and, in some cases, even all the year round. In the engineering and shipbuilding trades in particular, the desire for prompt delivery, in years of good trade, appears to be so great, and the competition for orders is at all times so keen, that each employer thinks it to his advantage to promise to complete the machine, or launch the vessel, at the earliest possible date. The result is that the long hours become customary, and subject to alteration at the will of the employer. Nor has the individual workman any genuine choice. An establishment in which it is a constant practice to work ten or twenty hours a week overtime, does not long retain in employment a workman who prefers his leisure to the extra payment, and who therefore leaves his bench or his forge vacant when the clock strikes.

Whilst the practice of systematic overtime deprives the workman of any control over his hours of labor, the Trade Unionists are beginning to realise that it insidiously affects

also the rate of wages. If there is any truth in the economists' assumption that it is the customary standard of life of each class of workers which, in the long run, subtly determines their average weekly earnings, systematic overtime, if paid for as an extra, must, it is clear, tend to lower the rate per hour. That frequent opportunities are afforded for working overtime is, in fact, often given by employers as an excuse for paying a low rate of weekly wages. Where payment is made by the piece, it is usually impossible in practice to distinguish between "time" and "overtime,"[1] and in such cases a promise of systematic overtime, enabling the men to make up their total earnings to the old standard, is a common inducement to them to submit to a reduction of their piecework rates. But the timeworker is, in reality, as much at the mercy of the employer as the pieceworker. The promise of "time and a quarter" for the extra hours is a powerful temptation to the stronger men to acquiesce in a reduction of the Standard Rate of payment for the normal working day.

Moreover, when bad times come, and the demand for a particular kind of labor falls off, there is an almost irresistible tendency for the amount of the overtime to increase. The employers see in it a chance of reducing the cost of production by spreading the heavy items of rent, interest on machinery, and office charges over more hours of work.

[1] A firm desiring to work overtime has thus a special inducement to introduce payment by the piece, and this has led, in some districts of the engineering trade, to the total destruction of Collective Bargaining.—The *Report specially prepared by the Amalgamated Society of Engineers for the Royal Commission on Labor* (London, 1892), which gives the result of an inquiry made of the branches as to the relative prevalence of Overtime and Piecework in the several towns of the kingdom. It is significant that it is the machine-making centres, Keighley, Colchester, Gainsborough, Ipswich, Lincoln, and Derby that stand out as having the lowest Standard Rates (27s. to 29s. per week). Every one of these branches reports the prevalence of systematic overtime to a large extent, and of piecework. The case would be even stronger if statistics could be obtained from unorganised districts and non-union firms, where competitive piecework and systematic overtime are the invariable accompaniments of low rates. "For many years past," writes Mr. Tom Mann, "it has been the deliberate practice in some of the agricultural machine shops to run a quarter [day] overtime five nights in the week, and in consequence of this the Standard Rate is very low, and the actual working day is one of twelve hours."—*Amalgamated Engineers' Monthly Journal*, January 1897, p. 12.

The workmen are tempted to make up, by extra labor, their drooping weekly earnings. Exactly at the moment when the community needs, perhaps, ten per cent less work from its engineers or its building operatives, a large number of these are pressed and tempted to give ten per cent more work—to the end that nearly twenty per cent of the trade can find no employment whatever! The barrister or the medical man, when the demand for his labor is slack, is not expected or desired to work more hours in the day. The old-fashioned handicraftsman equally reduced his working hours in slack times, and increased them when trade was brisk. In the case of the great machine industries the tendency is, in the absence of a precisely fixed and rigid Normal Day, all in the contrary direction. It is impossible to convince the Trade Unionist of the excellence of an arrangement which periodically results in an extra large percentage of members draining the society's funds by Out-of-Work Pay, at the very moment that other members are working an extra large number of hours overtime. Even the employers are now beginning to object to the arrangement. They feel that it is unbusinesslike to pay higher rates for tired work. And they assert that the men's desire to get these higher rates sometimes leads to dawdling during the day, in order that the overtime may be prolonged.[1]

The necessity for precision and uniformity in the determination of the working hours has been found by experience to be equally absolute where the Normal Day is enforced by the Method of Legal Enactment. The elaborate code which now regulates the hours of labor of women and children in British industry consists of two main divisions, relating respectively to textile manufacture and to other industries, the

[1] The really unprofitable character of systematic overtime was detected by a shrewd German lawyer in 1777. Justus Möser relates that when the building operatives worked overtime on his new house, he saw himself thereby defrauded, as the men in the long hours really got through in the aggregate less work in return for the day's pay. "Public authority," he adds, "should here intervene and forbid overtime, which is a fraud on the employer and the customer alike."—"On the Work done in the Hours of Recreation," in *Patriotische Phantasien* (Berlin, 1858), vol. iii. p. 151, noticed in Brentano's *Arbeitszeit und Arbeitsleistung*.

former dating practically from 1833, the latter, it may almost be said, only from 1867. This difference in antiquity is reflected in the varying degree of rigidity attained.

Dealing first with the Normal Day in textile manufactures, the Act of 1833 (which applied, in express terms, only to persons under eighteen years of age) prescribed a maximum of twelve hours a day, less one and a half hours for meals. But it left it open to the discretion of the millowners to have their factories open any hours between 5.30 A.M. and 8.30 P.M., and to fix the meal-times as they chose, whilst time lost through breakdown of machinery might be made up as overtime. The factory inspectors soon found that this elasticity destroyed the efficacy of the law. We need not relate the incidents of the long struggle waged by the Cotton Operatives' unions to secure a genuine limitation of the factory day. One by one the loopholes for evasion were closed up. The right to make up time lost by breakdowns was (as regards mills worked by steam) expressly abolished, the hours of beginning and ending work were definitely prescribed, the times for meals were fixed, all hours were to be reckoned by a public clock. In short, by the Acts of 1847, 1850, and 1874 the right of the millowner to work any extra, or even any different, hours from those prescribed by law, on any excuse whatsoever, has been absolutely taken away. However much the circumstances of one mill or one district may differ from those of another; whatever may be the nature of their respective trades or the character of their markets; whether they work with cotton or wool, flax or jute, silk or worsted; however pressing may be the rush of sudden orders; whatever time may have been lost by an accident to the boiler; the precisely determined Normal Day for the protected classes in a textile mill must not be encroached upon, and may not even be temporarily varied to suit the convenience either of employer or operatives. In the case of the textile industry sixty years' experience enabled the Trade Unionists to persuade the expert officials of the Factory Department, and even a reluctant House of

Commons, that however specious may be the arguments for elasticity and qualifications, it is only by the rigid enforcement of precisely fixed and uniform hours that the Normal Day can be really protected.

In other trades, in which factory legislation is of more recent introduction, we see the same lesson in process of being learnt. Between 1860 and 1867 the Ten Hours' Normal Day was introduced for the protected classes in other industries. The Act of 1878 systematically applied it to all non-textile factories and workshops. But the House of Commons could not bring itself to make its uniform rule precise and effective. Endeavors were made, by sanctioning overtime under certain conditions, by enabling the hours of beginning and ending work to be varied, by permitting the prescribed meal-times and holidays to be altered, and by exempting particular processes from particular restrictions, to meet the varying circumstances of different industries. So deeply rooted was the feeling against uniformity that the exceptions and qualifications of the 1878 Act commended themselves even to the Chief Inspector of Factories. In spite of his experience in the textile mills, Mr. Redgrave could welcome with complacency the "undulating and elastic" line of the new Act, "drawn to satisfy the absolute necessities and customs of different trades in different parts of the kingdom," especially mentioning the "extension of hours to meet sudden emergencies, as the case of occupations in which the operatives have to meet regular slack seasons."[1] Twenty years' trial of this "undulating and elastic line" has convinced the officials administering the Act that no such uncertain rule can be maintained. The whole experience of the Factory Department proves that no limitation of the working day can really be enforced, unless there are uniform and definitely prescribed hours before and after which work must not be carried on. The overtime regulations,

[1] *Annual Report of H.M. Chief Inspector of Factories and Workshops*, 1878 (C. 2274 of 1879), p. 5.

hailed as one of the sensible advantages of the Act of 1878, have gone far to neutralise any regulation of hours at all. The report of the Chief Inspector for 1894 is full of complaints by his staff of the impossibility of maintaining the Normal Day in face of the "partial, unsound, and piecemeal privilege" thus given to unfair employers, and of the "modifications" which constitute "a most weakening element in workshop inspection."[1] The knowledge that overtime may be "carried on for forty-eight times in a year is often made," says one inspector, "an excuse for working until 10 P.M. for three or four nights every week in the season."[2] "The steady increase of overtime notices which we receive," declares another, "leads me to infer that . . . occupiers of factories or workshops . . . are exercising those privileges without due regard to the spirit of the law, which only regards overtime as an exceptional contingency, only to be used when exceptional circumstances require it. . . . Overtime employment leads to more undetected evasions of the laws than all the other offences under factory and workshop legislation."[3]

Overtime, in fact, is to-day seldom the "exceptional overtime" contemplated by the Act; but, to use the words of one inspector, merely a means of enabling the employers to "keep their shops open late" on Saturday nights, and of causing "females to be kept" systematically late at work "in dressmaking without a farthing of extra remuneration."[4] "I believe, therefore," officially reports Miss May Abraham, Senior Woman Inspector in 1893, "that although a withdrawal of the overtime exception would meet with protest from employers who have developed its use from an exception into a principle, there are some who would welcome, and many who would be indifferent to such an amendment; that the large class of employers engaged in the textile and

[1] *Report of the Chief Inspector of Factories and Workshops*, 1894 (C. 7745 of 1895), pp. 49, 50.
[2] *Ibid.* p. 56 (Mr. Mackie, Assistant Inspector).
[3] *Ibid.* p. 194 (Mr. Dodgson, Inspector).
[4] *Ibid.* p. 191.

allied trades, from whom permission to work overtime has been rigidly withheld, would greet as a measure of justice its withdrawal now from trades logically no more entitled to the exception than their own: and that by the workers its abolition would be welcomed with feelings of the warmest gratitude."[1] When Mr. Lakeman, after a whole generation of work in London factory inspection, has to account for the long and irregular hours still worked in defiance of the Act, he emphatically declares "that overtime is the root of the mischief, for it has choked the law with partiality and modifications."[2]

We have left to the last what is perhaps the most marked distinction between the Trade Union regulation of the Standard Rate and that of the Normal Day. Instead of the bewildering variety which characterises the claim to a Standard Rate, where each trade, and each section of a trade, has its own price, we have, with regard to the Normal Day, comparative simplicity and uniformity. During the last sixty years, the demand for a Normal Day has come in the guise of a succession of waves of popular agitation for a common and uniform reduction of the hours of labor for all trades alike. The Ten Hours' agitation of the Lancashire Cotton Operatives spread, as we have seen, to the builders, engineers, tailors, and other craftsmen, and resulted, between 1830 and 1840, in the very general adoption of Ten Hours as the Normal Day in the larger towns. Similarly, the Nine Hours' Movement, started by the Stonemasons in 1846, spread, during the next thirty years, throughout the whole range of industry, and resulted by 1871-74 in the almost universal acceptance of Nine Hours as the Normal Day of artisans, mechanics, and factory workers and the laborers working in association with any of these classes. And it may perhaps be inferred that we stand, at the

[1] *Report of the Chief Inspector of Factories and Workshops for* 1893 (C. 7368 of 1894), pp. 11, 12.

[2] *Ibid.* p. 50. See also the *Opinions on Overtime* (London, 1894), published by the Women's Trade Union League.

present day, in the first years of a similar general movement which will result in the equally widespread adoption of Eight Hours as the standard working day in all branches of British industry.[1]

Here at last we do come to something like communistic feeling among British workmen. The aristocratic shipwright, pattern-maker, or cotton-spinner, who would resent the idea that the unskilled laborer or the woman worker had any moral claim to as high a Standard Rate as himself, readily accepts, when it comes to a question of hours, the doctrine of complete equality. The explanation is simple. The most rigid class distinctions of the wage-earning world have, in the matter of hours of labor, to bend before the mechanical necessity for a Common Rule. The same economic influences which make it impossible for each weaver in a mill to come in and out as he or she chooses, make it convenient,

[1] The successive reductions in working hours have been very imperfectly recorded. At the beginning of the eighteenth century, the ordinary working day of indoor trades in London seems to have been from 6 A.M. to 9 P.M., whilst men working out of doors left off at 6 P.M., or at dark. We have described the attempt of the tailors in 1720 to shorten the day by one hour, and from a rare work in the Guildhall and Patent Office Libraries, dated 1747 (*A General Description of All Trades*, Anon.), it would seem that, by the middle of the century, a few other trades had followed their example. The bookbinders (1787) and saddlers (1793) secured a further reduction to thirteen hours less meal-times, and in 1794 the bookbinders gained what would now be called a 10½ hours' day (12 hours less meal-times). Our impression is that at the opening of the present century this had become in London the usual working day for all the skilled handicraft trades working by time. By 1834, at any rate, the London building trades had secured a ten hours' day and in 1836, the London engineers obtained the same reduction. Within ten years this became general in most of the large towns, and was adopted for the textile factories in the celebrated Ten Hours' Bill of 1847. The Nine Hours' Movement begins with the Liverpool stonemasons in 1846, but does not become general until 1859-61, nor fully successful until 1871. Meanwhile an agitation had arisen among the skilled artisans for a Saturday half-holiday. The building trades had secured a "four o'clock Saturday" in some towns by 1847, making a 58½ hours' week. By 1861 this had become in London a "two o'clock Saturday," or 56½ hours a week, an arrangement which was adopted for the textile factories by the Act of 1874. When, in 1871, the Nine Hours' Day was won by the engineering and building trades, it took the form of 11 hours less 1½ hours meal-times, for five days, and six hours less half an hour for breakfast on Saturday, thus securing 54 hours with a "one o'clock Saturday." In 1890 the engineering trades on the Tyne and Wear, desiring a more complete half-holiday, demanded and obtained a "twelve o'clock Saturday" (53 hours). On the great general revision of hours in the London building trades in 1892, the week was

if not absolutely necessary, for the hours of beginning and leaving off work to be identical, not for the weavers only, but also for all the different classes of workpeople employed in the establishment. And it has been a special feature of the industrial development of the past thirty years more and more to include, in a single establishment, not merely different sections of one trade, but also the most diverse industrial processes subsidiary to the production of the finished article. In the leading engineering and shipbuilding yards of the Tyne and Clyde, or the great works of the railway companies—to cite only a few out of many examples—we find to-day workmen of a hundred different trades working in a single establishment whose hours of labor are almost necessarily governed by the same "steam hooter," or factory bell.[1] Any regulations relating to the length or distribution of the working day tend, therefore, to be identical for all classes of operatives.

fixed at 50, 47, and 44 hours according to the season, averaging 48⅝ hours through the year, and always securing the Saturday half-holiday. Finally, we have the adoption, between 1889 and 1897, of the Eight Hours' Day in over five hundred establishments, including the Government dockyards and workshops, nearly all municipal gasworks, and a majority of the London engineering and bookbinding establishments, together with isolated firms all over the country.

This progressive reduction relates, it need hardly be said, only to the nominal standard hours of the most advanced districts, and takes no account either of the prevalence of overtime, or of the lingering of longer hours in other districts. In the absence of precise and authoritative statistics as to the amount of overtime worked at different periods per person employed, it is impossible to give any inductive proof of the lengthening of hours by systematic overtime at the moment when, owing to a slackening of demand, less of the work is demanded by the community. But the same tendency may be seen in the recorded changes in the Normal Day itself. In the extraordinarily busy years of 1871-72 the engineering employers had agreed with the Trade Unions that the week's work should be 54 hours, and, on the Clyde, 51 hours only. When the great stagnation of 1878-79 fell upon the industry, and there was much less engineering work to be done, the employers decided "that the time has arrived . . . when the idle hours which have been unprofitably thrown away, must be reclaimed to industry and profit, by being redirected to reproductive work" (Secret Circular of the Iron Trades Employers' Association, December 1878). They therefore made a general attempt to increase the week's work to 57 or 59 hours. A similar attempt was made in the building trades. For an account of this backwardation in hours, see *History of Trade Unionism*, pp. 331, 334.

[1] See, for this tendency to an "integration of processes" in competitive industry, the *Economic Heresies of the London County Council*, by Sidney Webb (London, 1894), a paper read at the Economic Section of the British Association in 1894.

CHAPTER VII

SANITATION AND SAFETY

In the great establishments of modern industry, where large numbers of manual workers are massed together, the wage-contract implicitly includes many other conditions besides those of the time to be spent in labor, and the rate at which this is to be paid for. The wage-earner sells to his employer, not merely so much muscular energy or mechanical ingenuity, but practically his whole existence during the working day.[1] An overcrowded or badly-ventilated workshop may exhaust his energies; sewer gas or poisonous material may undermine his health; badly-constructed plant or imperfect machinery may maim him or even cut short his days; coarsening surroundings may brutalise his life and degrade his character—yet, when he accepts employment, he tacitly undertakes to mind whatever machinery, use whatever materials, breathe whatever atmosphere, and endure whatever sights, sounds, and smells he may find in the employer's workshop, however inimical they may be to health or safety.

On all these points Individual Bargaining is out of the question. The most ingenious employer would find it impossible to bargain separately with individual workers as

[1] "It matters nothing to the seller of bricks whether they are to be used in building a palace or a sewer; but it matters a great deal to the seller of labor, who undertakes to perform a task of given difficulty, whether or not the place in which it is to be done is a wholesome and a pleasant one, and whether or not his associates will be such as he cares to have."—*Principles of Economics*, by Professor A. Marshall (London, 1895), 3rd edit. p. 646.

to the temperature of the workshop or the use of the ventilating fan, the fencing of the machinery or the provision of sanitary accommodation: he cannot make any particular concession to a consumptive weaver in the matter of the amount of steam to be injected into the weaving shed, or give special terms to a cautious miner with regard to the construction of the cage or the thickness of the rope on which his life will depend. These conditions are necessarily identical for all the operatives concerned. The issue, therefore, is not whether there shall be a Common Rule excluding the exigencies of particular workers, but by whom and in whose interest that Common Rule shall be made.[1]

The Trade Unionist demands for safe, healthy, and comfortable conditions of work appear to date only from about 1840, and can scarcely be said to have become a definite part of Trade Union policy until about 1871.[2] This long-continued indifference to the risks of accident and disease was, as we need hardly remind the reader, common to all classes. So long as sickness and casualties were regarded as "visitations

[1] The individual operative "can quarrel no more with the foul air of his unventilated factory, burdened with poisons, than he can quarrel with the great wheel that turns below" (*The Wages Question*, by Francis A. Walker, New York, 1876, London, 1891, p. 359). "Where a large number of men are employed together in a factory . . . all must conform to the wishes of the majority, or the will of the employers, or the customs of the trade."—*The State in Relation to Labour*, by W. Stanley Jevons (London, 1887), p. 65.

[2] The coalminers, however, always asked for safeguards against the perils of the mine. As early as 1662, it is said that 2000 colliers of Northumberland and Durham prepared a petition to the King, asking, among other things, that the mine owners should be required to provide better ventilation of the pits. Already in 1676, the Government, in the person of the Lord Keeper North, was suggesting that a second shaft ought always to be provided (*The Miners of Northumberland and Durham*, by Richard Fynes, Blyth, 1873). Similar desires were expressed by the earliest of the Miners' unions in 1809 and 1825, and in such pamphlets as *A Voice from the Coalmines, or a Plain Statement of the grievances of the pitmen of the Tyne and Wear* (South Shields, 1825), and *An earnest address and urgent appeal to the people of England on behalf of the oppressed and suffering pitmen of the Counties of Northumberland and Durham* (Newcastle, 1831). In no other industry do we trace any request prior to 1840 for more sanitary conditions of employment (as distinguished from higher wages or shorter hours). Neither in the Parliamentary inquiries of 1824, 1825, and 1838, nor in the numerous investigations of the Commissioners connected with the Factory Acts, Poor Law, or Health of Towns, have we found any evidence that the operatives of that time pressed for healthier conditions of work.

of God," to be warded off by prayer and fasting, effective sanitary regulations were not to be expected either from the workmen's combinations or from Parliament itself.[1] And whilst the theologian was attributing the workman's ill-health to the Act of God, the political economist was assuring him that any unusual risk to health or life, like any extra discomfort, inevitably brought with it substantial compensation in the shape of higher wages. We therefore find that in the comparatively few cases between 1700 and 1840, in which Trade Unions made any complaint of dangerous or insanitary conditions, they brought forward the grievance without any idea of establishing regulations to prevent such conditions for the future, but merely as an argument in favor of the concession of shorter hours or higher wages.[2] We need not follow the gradual disappearance of the theological explanation of disease before the progress of science. Of greater interest to the economic student is the growth of an opinion among the Trade Unionists, that the compensation for insanitary conditions brought about by "the free play of natural forces," was of a totally different character from that prophesied by Adam Smith and his followers. To the intelligent Trade Union official it became increasingly evident that the compensatory effect of bad conditions of employment took the form, not of higher rates

[1] Public health legislation dates only from about 1840; see Glen, *History of the Law relating to Public Health*, 10th edition (London, 1888). The first general Public Health Act was not passed until 1848.

[2] Thus, when in 1752, the combination of journeymen tailors of London complained that, by their having to work from six in the morning until eight at night, "sitting so many hours in such a position, almost double on the shopboard, with their legs under them, and poring so long over their work by candlelight, their spirits are exhausted, nature is wearied out, and their health and sight are soon impaired," all they asked for was an extra sixpence a day wages (*The Tailoring Trade*, by F. W. Galton, London, 1896, p. 53; published by the London School of Economics and Political Science). And when, in 1777, the far-sighted and observant Justus Möser was impressed by the injury to health caused by the conditions under which apprentices and young journeymen were put to work, nothing in the nature of factory legislation occurred to him; his remedy was a technical institute which should supersede apprenticeship altogether.—"Is not an Institute required for Artisans?" in *Patriotische Phantasien* (Berlin, 1858), vol. iii. p. 135.

paid by the employer, but of a lower grade of character among the workpeople. When the conditions of safety, health, and comfort in the trade fell below the standard of other occupations, the Trade Union official did not find that his members got higher wages.[1] What happened was that his union was presently made up of workers of coarser fibre, worse character, and more irregular habits. And this result was brought about not entirely, or even mainly, by the refusal of respectable persons to enter trades in which the risks to life, health, and character were exceptionally great. For the great mass of workers, in districts dependent on particular industries, there was practically no choice of occupation, and hence, over large areas of the United Kingdom, physical enfeeblement and moral deterioration became the lot of good and bad alike. Even in the rare cases in which exceptionally strong unions obtained for their members some definite compensation for risk of disease and death, the more thoughtful workmen could not fail to realise that the extra money was no real equivalent for the lives prematurely cut short, the constitutions ruined by disease, or the characters brutalised by coarsening surroundings.

Thus, in the Trade Union world of to-day, there is no subject on which workmen of all shades of opinion, and all varieties of occupation, are so unanimous, and so ready to take combined action, as the prevention of accidents and the provision of healthy workplaces. We do not propose to enumerate, or even to summarise in any detail, the various regulations upon which Trade Unions have insisted for the protection of the life, health, and comfort of their members. These necessarily differ from trade to trade according to the

[1] For over a century economic manuals have reproduced Adam Smith's celebrated analysis of the causes of differences in wages, without any investigation of the facts of industrial life. "There is hardly a grain of truth," wrote Fleeming Jenkin with refreshing originality in 1870, "in the doctrine that men's wages are in proportion to the [un-]pleasantness of their occupation. On the contrary, all loathsome occupations are undertaken by apathetic beings for a miserable hire. . . *The best paid is* [*also*] *the most pleasant life.*"—"Graphic Representation of the Laws of Supply and Demand," by Fleeming Jenkin, in *Recess Studies* (London, 1870), p. 182.

technical processes and particular grievances of the industry. Sometimes it is the prevention of accidents that is aimed at. Thus, the United Society of Boilermakers has insisted, in its elaborate agreement with the Ship Repairers' Federation of the United Kingdom, upon the following clause: "The employers undertake that, before men are put to work on [repairing the great tank ships for carrying petroleum in bulk, in which dangerous vapour accumulates], an expert's certificate shall be obtained daily to the effect that the tanks are absolutely safe. Such certificate to be posted in some conspicuous place."[1] Innumerable other regulations aim at the removal of conditions injurious to the workers' health. Thus, the various Trade Unions of "ovenmen" (potters) have for a whole generation protested against being forced to empty the ovens before these have been allowed to grow cool, on the express ground that this unnecessary exposure to a temperature between 170 and 210 degrees Fahrenheit is seriously detrimental to health. Several strikes have taken place solely on this point, and the Staffordshire Ovenmen's Union now has a by-law authorising the support of any member who is dismissed for refusing to work in a temperature higher than 120 degrees.[2] The Northern Counties Amalgamated Association of Operative Cotton-weavers has repeatedly withdrawn its members from weaving sheds into which the employers insisted on injecting an undue volume of steam, and it succeeded, in 1889, in obtaining a special Act defining the maximum limit to which this practice might be carried.[3] The carelessness of employers

[1] *Payment for repairs on oil vessels: Agreement between the Ship Repairers' Federation of the United Kingdom and the United Society of Boilermakers*, signed at Newcastle, 12th January 1894. Similar agreements have been made by the Amalgamated Society of Engineers (Tyneside District) with the Federation (14th September 1894), and (Newport and Cardiff District) with the Engineers and Shipbuilders Employers' Association of Newport and Cardiff, 21st March 1895, and in other seaports.

[2] Information given to us by the officials; see also Dr. J. T. Arlidge, *The Pottery Manufacture in its Sanitary Aspects* (London, 1892), p. 17.

[3] Royal Commission on Labor, evidence Group C; the Cotton Cloth Factories Act, 1889 (52 & 53 Vict. c. 62), amended by the Factory Acts of 1891 and 1895. See the interesting investigation into the results of this legislation by

with regard to the sanitary condition of the places in which their wage-earners have to work has led to many fitful struggles. Perhaps the most notable, and at the same time significant example is that of the Glasgow tailors. As far back as 1854 we find the union resolving that the members employed in a certain notorious underground cellar "should finish their jobs and leave, until a better workshop was got."[1] In the next year an attempt was made to prohibit all working in underground rooms. The general meeting resolved: "That those employers who have pit-shops at present receive notice to get proper workshops, otherwise the men will be obliged to refuse to work in all shops the same not being above ground."[2] During the following years, the energetic journeymen tailors put into force all the methods of Trade Unionism to attain their end. Mutual Insurance was employed to a remarkable extent, any member choosing to leave an underground workshop being allowed four shillings a week over and above the ordinary Out-of-Work pay. This induced the better class of employers to resume Collective Bargaining, to agree to provide suitable workrooms for their men, and even to submit them to the inspection of the Trade Union officials. But neither Mutual Insurance nor Collective Bargaining availed to put down the evil among the worst employers. The union then turned to the law. An influentially signed memorial was presented to the Town Council in order to obtain a by-law prohibiting the use of underground workshops altogether, and though this request does not appear to have been complied with, the increasing stringency of the sanitary law to some extent served the purpose.[3]

a Home Office Committee of experts, *Report of a Committee appointed to inquire into the working of the Cotton Cloth Factories Act*, 1889 [C, 8348], 1897.

[1] MS. Minutes of Glasgow Tailors' Society, April 1854.

[2] *Ibid.* January 1855.

[3] *Report on Trade Societies and Strikes: National Association for the Promotion of Social Science*, 1860, p. 280, where it is erroneously stated that the clause desired was actually embodied in a local Act of Parliament. We can trace no such provision, and underground workshops are, if properly ventilated, still permitted by law. But the use of premises below the ground-level as dwellings is restricted by the Public Health Acts, and the Factory Act of 1895, sec. 27,

But safety and health are not the only requirements. Many trades enforce a series of regulations designed merely to secure the comfort and convenience of the operatives. In the innumerable "Working Rules" which govern the building trades of the various towns, the Trade Unions generally insist on a clause to compel the employer to provide a dry and comfortable place in which the men may take their meals, lock up their tools in safety, and rest under cover in storms of rain.[1]

It will be unnecessary to give further examples. The long and elaborate code of law which now governs employment in the factory and workshop, the bakehouse and printing office, on sea and in the depths of the mine, is itself largely made up of the Common Rules designed for the protection of the operatives' health, life, or comfort, which have been pressed for by Trade Unions, and have successively commended themselves to the wisdom of Parliament. And the Trade Union Regulations of this class, whether enforced by the Method of Collective Bargaining or by that of Legal Enactment, are constantly increasing in number and variety. Every revision of "Working Rules," or other collective agreements with employers, is made the occasion for new stipulations. Each meeting of the Trade Union Congress sees new proposals under this head formally endorsed by the representatives of other trades. Scarcely a session of Parliament now passes without new Common Rules for the pro-

forbids the occupation of any such premises as bakehouses if they were not actually employed as such on 1st January 1896.

[1] Thus, to give only four instances out of our collection of many hundreds, the London Stone Carvers are found insisting, as early as 1876, "that, as a protection from the weather, and to prevent loss of time, all carvers on outdoor jobs to be supplied with tarpaulins or other suitable covering"; the London Plasterers stipulate (1892) that "employers shall provide, where practicable and reasonable, a suitable place for the workmen to have their meals on the works, *with a laborer to assist in preparing them*"; the Nottingham Bricklayers require (1893) "that there shall be a lock-up shop provided for workmen to get their meals in and put their tools in safety"; and the Portsmouth Stonemasons (1893) insist "that suitable shops and mess-houses be erected on all jobs where necessary." All these Working Rules, it will be remembered, are formally agreed to and signed by the representatives of the employers and the Trade Union.

tection of the health or safety of one or other class of operatives being, amid general public approval, added to our Labor Code.[1]

We attribute the rapid development of this side of Trade Unionism to the discovery by the Trade Union leaders that it is the line of least resistance. Middle-class public opinion, which fails as yet to comprehend the Common Rule of the Standard Rate and is strongly prejudiced against the fixing of a Normal Day, cordially approves any proposal for preventing accidents or improving the sanitation of workplaces. The alacrity with which capitalist Parliaments met these requests came as a surprise to the Trade Union officials. To the sweated journeyman tailor at the East End, the fact that he was compelled to labor in an overcrowded workroom seemed less detrimental to his health than the excessive hours of daily toil that were exacted from him. The girls in a London jam factory are still puzzled as to why the Government should compel their employer to provide them with costly sanitary conveniences, and yet permit him to go on paying wages quite inadequate for their healthy subsistence. It cannot be of more urgent importance to the community to insist on sanitary refinements than to secure the fundamental requisites of healthy life and citizenship. Nor is one set of Common Rules less inconsistent with "freedom of enterprise" than the other. With regard to Sanitation and Safety the law has not scrupled to "thrust a ramrod" into the delicate mechanism of British industry, in the shape of rigid rules enforced on all manufacturers alike. Whether a factory be new or old, large or small, in the crowded slums of a manufacturing town or on the breezy uplands of the country side, gaining huge profits for its proprietor or actually running at a loss, the community insists on the observance of uniform rules as to cubic space, ventilation, meal-times, stoppages for cleaning, fire-escapes, doors opening outwards,

[1] During the ten years, 1887-1896, there were passed no fewer than thirteen separate Acts relating to the conditions of employment in factories, workshops, mines, shops, or railways, besides several general Public Health Acts.

fencing of machinery, degrees of humidity and temperature, water supply, drainage, and sanitary conveniences, separate for each sex. It is in vain that the manufacturers point out to the House of Commons that these requirements constitute as real and as burdensome an increase in their cost of production as a shortening of the hours of labor, and that the Factory Inspector's requisition for a ventilating fan and the erection of additional sanitary conveniences may result in the actual closing of the oldest and least profitable mills.

It is not easy to find an adequate explanation of this state of mind. Something, we think, is to be attributed to the general fear of infectious disease, which the ordinary middle-class man associates more with overcrowding and defective sanitation than with insufficient food or overtaxed energies. Along with this fear of infection there goes a real sympathy for the sufferers, ill-health and accidents being calamities common to rich and poor. More, perhaps, is due to the half-conscious admission that, as regards Sanitation and Safety at any rate, the Trade Union argument is borne out by facts, and that it is impracticable for the individual operative to bargain about these conditions of his labor. And another factor may come into the decision. There still exists a certain scepticism as to whether the wage-earner is capable of wisely expending any larger wages than will keep body and soul together, or of usefully employing any greater leisure than is necessary for sleep.[1] Ventilating bricks and shuttle-guards, whitewash and water-closets cannot be spent in drink or wasted in betting. Mingled with this economic consideration there is even a subtle element of Puritanism—the vicarious asceticism of a luxurious class—which prefers

[1] To the Iron Trades Employers' Association of 1878—an organisation which included the leading captains of British industry—a reduction of wages and a lengthening of hours appeared a positive economic advantage to the community. "It has appeared to employers of labor," said their secret circular urging a return to longer hours of labor and a general reduction of rates of payment, "that the time has arrived when the superfluous wages which have been dissipated in unproductive consumption must be retrenched, and when the idle hours which have been unprofitably thrown away must be reclaimed to industry and profit by being redirected to reproductive work."—*History of Trade Unionism*, p. 331.

to give the poor "what is good for them," rather than that in which they can find active enjoyment.

With public opinion in this state, and a House of Commons predisposed to favor sanitary legislation, it might be imagined that the necessary Common Rules for securing health and safety would have been systematically applied to every industry. This, however, is not the British way of doing things. Neither the permanent officials of the Home Office, nor even the Cabinet Ministers themselves, ever dream of considering it their duty to discover and investigate evils which have not been formally brought to their notice, nor spontaneously to initiate remedial measures which have not been persistently pressed on them by outside agitation. The House of Commons itself has not yet outgrown its traditional attitude of a court, to which suitors must themselves bring petitions if they desire to have their grievances remedied, and must present their case too, in certain prescribed forms, on pain of seeing it, however gross the evil, ignored for many years. The result is that the Common Rules necessary to secure health and safety in particular trades are placed on the Statute Book, not according to the urgency of the need, or the extremity of the evil, but according to the strength of the pressure which is brought to bear. In many individual cases this pressure has come from the philanthropists. The agitations which led to the prohibition of the use of "climbing boys" to clean chimneys (1840),[1]

[1] It took over sixty years' agitation to complete this reform. In 1817 a Select Committee exposed the horrors to which the "climbing boy" was exposed. Legislation followed in 1834, when the employment of boys under ten was forbidden, and it was made a criminal offence for a master to send a child up a chimney when it was actually on fire! This caused the insurance companies to petition against the measure. In 1840 the minimum age for chimney-sweep apprentices was raised to sixteen, and a formal prohibition of their being compelled to ascend chimneys was embodied in the law. This remained largely ineffective until, in 1864, the Chimney Sweepers' Regulation Act punished with imprisonment and hard labor any master who sent a boy up a chimney. The last case of a boy dying in the chimney—once not unusual—occurred in 1875, when another Act was passed increasing the stringency of the law. For a general survey of the progress in this protective legislation, see *The Queen's Reign for Children*, by W. Clarke Hall (London, 1897).

and of the employment of children in theatres (1889), derived their force from the ability with which their advocates appealed to middle-class sentiment. Similar adroit management accounts for Mr. Plimsoll's success in 1876 in extending the Merchant Shipping Acts, though on this occasion the political influence of the organised Trade Unions came effectively into play.[1] The protective rules in the Mines Regulation Acts have, on the other hand, been initiated since 1843 by the Coalminers' leaders themselves, though the direct influence of the Mining Unions has been aided by general public sympathy. But it is in the Common Rules secured by the Cotton Operatives that we see the most striking result of Trade Union pressure. The Factory Acts which their support enabled Mr. Oastler and Lord Shaftesbury to carry between 1833 and 1847 were mainly directed to a limitation of the hours of labor. Since 1870, however, the ingenuity and persistence of the cotton officials have greatly extended the scope of the legal regulation of their trade. The elaborate and detailed provisions of the law as to stoppages for cleaning and protection of machinery, the ventilation of the mills, and the exact space to be allowed between the fixed and moving parts of the mule, the regulation of the temperature and the degree of humidity in the weaving-shed, go far beyond anything that Parliament has yet done in the way of collective regulation of the conditions of labor in the factories and workshops of other trades.[2]

[1] *History of Trade Unionism*, p. 356.

[2] This is the more remarkable in that cotton manufacture is an industry in which the margin of profit has long been steadily declining, and has, according to many authorities, now almost vanished. Foreign competition, too, is admittedly keen and increasing. On the other hand, the wholesale slop clothing trade has, during the present generation, expanded by leaps and bounds, and has notoriously produced colossal fortunes. Yet whilst the cotton operatives secure from Parliament refinement after refinement at the cost of their employers, the unfortunate men and women employed by the wholesale clothiers, whose woes were laid bare by the House of Lords Committee on the Sweating System, 1888-90, are still practically excluded from the protection of the Factory Inspector. See "The Lords' Report on the Sweating System," by Beatrice Potter, *Nineteenth Century*, June 1890; and Fabian Tract No. 50, *Sweating: its Cause and Remedy* (London, 1893).

On the other hand, the genuine public sympathy with the unfortunate chain and nail worker in the Black Country, with the London "fur-puller" and match-box maker, with the laundress or the dock-laborer, has resulted in nothing but sham legislation of an entirely illusory character.[1] Experience proves, in fact, that public sympathy with the worker's desire for Common Rules securing safe and healthy conditions of work leads to effective regulation only when the grievances, besides being graphically and persistently pressed on the House of Commons, are accompanied by proposals for reform which have been worked out in all their technical detail by practical experts. To put it concretely, the factory legislation which each trade has obtained, has, during the last twenty years, varied in stringency and effectiveness, not according to the misery of the workers or the profitableness of the enterprise, but almost exactly with the amount of money which the several unions have expended on official and legal assistance.

So far we have dealt only with the promotion of health or safety by means of specific regulations prescribing the conditions which experience has shown to be necessary to prevent accident or disease. In one direction, however, the Trade Unionists have departed from this, the general line of their policy, and have sought safety in imposing upon the employer, not positive regulations to prevent the evil, but an obligation to pay compensation for it when it has happened. This leads us to the long and bitter controversy connected with "Employer's Liability," in which, during the last twenty years, both workmen and politicians have more than once shifted their ground. To understand the changing features of this controversy, we must examine, in some detail, both its history and its various aspects.[2]

[1] On the futility of the laundry clause in the Factory Act of 1895, see the article, "Law and the Laundries," in the *Nineteenth Century*, December 1896, published by the Industrial Sub-Committee of the National Union of Women Workers.

[2] The best account of this difficult subject is the Home Office Memorandum printed as Appendix CLIX. to the Labor Commission Blue Book, C. 7063,

By the common law of England a person is liable, not only for his own negligence, but for that of his servant acting as such. It does not appear that this law was, in old times, made use of by workmen against their employers—probably no one thought of such an insurrectionary proceeding—but in 1837 an action (Priestley *v.* Fowler) was brought against a butcher by one of his assistants to recover compensation for injuries resulting from the overloading of a cart. It was proved that the overloading was due to the negligence of a fellow-servant. On this ground the judges decided that the injured servant could not recover compensation from the common employer. This decision is now deemed by some scientific jurists to have been bad law;[1] but, good or bad, it founded the distinction which has ever since been made between strangers, to whom the employer is responsible for the negligence of his servants, and the servants themselves.

III. A (1894), pp. 363, 384, and the comments by Sir F. Pollock in the same volume (Appendix clviii. pp. 346-348), with Mr. A. Birrell's *Four Lectures on the Law of Employers' Liability at Home and Abroad* (London, 1897). The Report and Evidence of the Select Committee of 1887 (H. C. No. 285 of 1887) is also important. For a more detailed and technical account of the law and its development, see *Employers and Employed*, by W. C. Spens and R. F. Younger (London, 1887), or *Duty and Liability of Employers*, by W. H. Roberts and G. H. Wallace (London, 1885). The Trade Union view is well given in the pamphlet *Employers' Liability:* "*Past and Prospective Legislation, with Special Reference to Contracting-Out*," by Edmond Brown (London, 1896). This is ably criticised in the *Daily Chronicle* pamphlet, *The Workers' Tragedy* (London, 1897). For another point of view, see Mr. Chamberlain's article in the *Nineteenth Century*, November 1892, and his speeches in Parliament during May and July 1897; *Miners' Thrift and Employers' Liability*, by G. L. Campbell (Wigan, 1891); and *Employers' Liability: What it Ought to Be*, by Henry W. Wolff (London, 1897). The exhaustive report of the French Government "Commission de Travail" for 1892 contains full information on Continental legislation, as to which see the interesting proceedings of the International Congresses on Industrial Accidents, held at Paris, 1889, Berne, 1891, Milan, 1894 (Brussels, 1897); Dr. T. Bödiker's *Die Arbeiterversicherung in den Europäischen Staaten* (Leipzig, 1895); and the elaborate bibliography published in Circular No. 1, Series B, of the *Musée Social* (Paris, 1896).

[1] Sir Frederick Pollock remarks, in the Memorandum already cited, "I think the doctrine of the American and English Courts (for it is American quite as much as English) is bad law as well as bad policy. The correct course, in my judgment, would have been to hold that the rule expressed by the maxim *respondeat superior*, whatever its origin or reason, was general. . . . No such doctrine as that of common employment has found place in the law courts of France or of any German State."

The lawyers explained that the workmen must be held implicitly to have contracted to take upon themselves, as part of the risk incidental to their calling, the possible negligence of fellow-employees, for whose action, therefore, the common employer could not fairly be considered liable.

To the manual worker this distinction, for which Lord Abinger was chiefly responsible, seemed an intolerable piece of "class legislation." The workman, injured in the actual performance of his duty, was at least as fit an object for compensation as the chance passer-by. The exception, moreover, destroyed all real responsibility of the largest employers even for their own negligence. In mines and railways, and in the large establishments characteristic of modern industry, the legal "employer" was seldom present or in personal direction of the operations. He might be guilty of the grossest carelessness in choosing his managers; he might not provide sufficient means for proper appliances; he might worry his agents to increase the speed of working, deliberately bringing pressure to bear on his superintendents and foremen to increase the output or lower the cost of production, to the hazard of the lives of all concerned. Yet because he did not give the specific order, or direct the use of the particular machine, out of which the accident arose, he escaped all liability for compensation to his injured workmen, on the plea that the negligence was that of their fellow-worker, the manager whom he had put in authority over them.

Under these circumstances, a Trade Union agitation for "employers' liability" was sooner or later inevitable. It was started by Alexander Macdonald, the leader of the coal-miners, whose remarkable career we have traced in our *History of Trade Unionism*.[1] At the conference of miners' delegates at Ashton-under-Lyne in 1858, bitter complaint

[1] See the *History of Trade Unionism*, pp. 284-292; the *Report of the Conference of the National Association of Coal, Lime, and Ironstone Miners of Great Britain and Ireland* [at Leeds in 1863] (London, 1864); Macdonald's speech in the similar report for 1881 (Manchester, 1881); and his speech in *Report of the Eleventh Annual Trade Union Congress* (Bristol, 1878), pp. 17, 18.

was made that many of the collieries were without what would now be considered the most ordinary safeguards against accidents. No real effort was made by the Government to enforce the merely elementary provisions of the Mines Regulation Act of 1842. The frequent mine explosions which marked the years 1860-67, culminating in the terrible catastrophes at the Hartley, Edmunds Main, and Oaks Collieries, where hundreds of miners lost their lives, brought the question of the responsibility of the employer prominently to the front. "How long then," asked the miners at their conference in 1863, "shall such conduct and workings be tolerated? To talk of humanity is nothing, and the law as now carried out is useless. To make the result costly is, then, the only present remedy. . . . When men's lives are held to be sacred their safety will be looked to as a matter of vital importance. At present we ask them to be considered costly, and compensation to be awarded accordingly. Many are alive to costs who are dead to all higher feeling, and these should be dealt with accordingly."[1] It is easy to understand the miners' policy. Their industry was already subject to elaborate Common Rules, which were steadily increasing in number and scope. What was lacking, in the absence of any serious Government inspection, was some means of compelling compliance with the rules. Failure to observe them was *primâ facie* evidence of negligence on the part of the manager of the mine. If the Miners' union could recover damages from the mine-owner whenever an accident occurred in a colliery where the law had not been obeyed, the risk of having to pay out several thousand pounds would, it was argued, induce the employer to take the prescribed precautions against accidents. The proposed right of the operative to sue an employer was merely a practical method of enforcing obedience to the Common Rules regulating the industry. Thus, to Alexander Macdonald, employers' liability presented itself only as one of the instruments of his general policy of obtaining legal

[1] *Transactions and Results of the National Association of Coal etc. Miners of Great Britain* (London, 1863), pp. x.-xiii.

protection for the health and life of the underground workers.

This argument was soon reinforced by another. In 1872 the proposal was, at the instance of the newly-formed Amalgamated Association of Railway Servants, taken up by the Trade Union Congress. Inspired, as the Congress then was, by the able men who were fighting the battle for the workmen's freedom of association, it was eager to denounce all laws which excluded manual workers from the personal rights enjoyed by other classes of the community. To the Parliamentary Committee of these years the wage-earner's disability to recover compensation from his employer, in cases in which a stranger could successfully have sued, seemed another of the invidious disabilities to which the law at that time subjected workmen as such. The lawyer's contention that the wage-earner, by entering into a contract of service, had placed himself in a position different from that of the ordinary citizen, was incomprehensible to them. "There seems to be no sufficient reason," declared the Parliamentary Committee in 1876, "for these exceptions to the general law. Negligence in the employer, or in some person for whose conduct he is ordinarily responsible, and whom he has the power to dismiss, must of course be shown. But if that is shown, why should more be required in the case of a workman than in any other case. The present state of the law takes away a motive for the exercise of careful control and supervision by the employer. It even makes it his interest not to examine too minutely into the way in which his work is carried on, lest he should be held to have personally interfered, and to have become personally liable. The proposed alteration of the law would not be any exceptional legislation in favor of workmen: it would be merely the repeal of an exceptional exclusion of them from the ordinary protection of the law."[1]

[1] Parliamentary Committee's *Report to the Ninth Annual Trade Union Congress*, 18th September 1876, pp. 3, 4; see *History of Trade Unionism*, chap. vii. Between 1872 and 1879 no fewer than eight Employers' Liability

The energetic agitation between 1872 and 1880 was entirely based on these two arguments. Almost every session saw the matter brought before Parliament in one form or another; and each Ministry in succession promised to effect an amendment of the law. At last, in 1880, by the skill and persistence of Mr. Broadhurst, an Employers' Liability Act was passed, which went far to meet the contemporary Trade Union demands. The "doctrine of common employment" was not absolutely abolished; but an employer was made liable to compensate his injured workmen whenever the accident resulted from the negligence of any superintendent, manager, or foreman, or from obedience to any improper order or rule. A special clause, put in for the benefit of railway servants, made the employer responsible for the negligence of any person in charge of railway signals, points, or engine.

Though the workmen (and, in particular, the miners and railway servants) thus obtained a large measure of the reform they had demanded, experience soon convinced the Trade Unionists that, even to the extent that the 1880 Act went, placing the workman in the same position as the ordinary citizen did practically nothing to secure his safety from accident. The argument that the wage-earner ought to be placed, as regards compensation for accidents, in the same position as any one else, led also to the conclusion that he should be free to enter into any contract as to his legal rights, whether by way of compromising an accident already suffered or by way of compounding, in advance, for any possible accident in the future. The employers accordingly met the new Act by inventing the device since known as "contracting out."

It was decided in 1882, in Griffiths *v.* The Earl of Dudley,[1] that if a workman continued in employment after receipt of a notice that he must forego all his rights under

Bills were introduced in the House of Commons; see the interesting pamphlet by Mr. C. H. Green, *Employers' Liability: Its History, Limitation, and Extension* (London, 1896), written by an insurance official from an insurance point of view.

[1] 9 Queen's Bench Division, 357.

the Act, and accept, in lieu thereof, a claim on a benefit club to which the employer contributed, he was held to have entered into a contract to relinquish the rights given him by the Act of 1880. The consequences of this decision were soon apparent. It did not suit a large employer to be exposed to the risk of an indefinite liability, or to the worry of being sued for compensation by every aggrieved workman. It became a custom in many collieries, and in some railway and other large undertakings, to establish a special accident fund or benefit society, to which both employer and workmen subscribed, and from which was provided, without litigation, substantial relief in all cases of accident, whether due to proved negligence or not. This enabled the partners or shareholders to satisfy their moral responsibilities to disabled workmen at the least possible expense and trouble to themselves, since their wage-earners directly contributed a portion of the fund, and the total amount of the firm's payment was precisely defined in advance. Such a fund, moreover, tended to attach their workmen permanently to their service by disposing them to abide by the employer's conditions, rather than forfeit, by going elsewhere, their claims on the firm's benefit society. Above all, the existence of such a fund, providing as it did for all accidents whatsoever, enabled the firm confidently to insist that its workmen should "contract out" of the Employers' Liability Act, and thus forego the more limited but legally enforced claims for compensation which they could otherwise make under it.

The vehemence and persistency with which the entire Trade Union world has protested against this practice of "contracting out" has all through been incomprehensible to the middle-class man. To him the whole object of Employers' Liability is compensation to the injured workman or his family. If by a special accident fund this compensation can be provided, not merely for some, but for all accidents whatsoever, and if, moreover, the expense of litigation can thereby be avoided, it seems a clear gain to both parties. What the middle-class man fails to realise is that this is to

remit the all-important question of safety of the workman's life to the perils of Individual Bargaining. The Trade Unionists assert that the workman's consent to forego his legal claim is given practically under duress, since a man applying for employment has no free option whether or not he will join the firm's benefit society, and so relieve his employer from that pecuniary inducement to guard against accidents which the Act was intended to afford. Moreover, it is said that this inability of the individual workman to bargain about the conditions of his employment leads, in certain instances, to his being simply defrauded, the benefit of the employer's fund being inferior to what he could obtain by relying on the Act and paying his contributions to an ordinary friendly society. But the fundamental Trade Union objection is that this "contracting out," even if willingly acquiesced in by each individual workman, is against public policy, as defeating the primary purpose of the Act. If the employer, they say, can avoid all liability for negligence by making an annual contribution, fixed in advance, he has no inducement to take precautions against individual accidents. Macdonald's idea of protecting the workman's life by making accidents costly is, in fact, thereby entirely defeated.

For the last fifteen years the Trade Union leaders have, therefore, waged bitter war against "contracting out," [1] and have persistently forced upon Parliament their demand for an express prohibition of the practice. In 1893 the Cabinet was converted to the Trade Union position. Once again the Trade Unionists found all their demands embodied in a Government Bill, which successfully passed the House of Commons. An amendment was inserted by the House of Lords preserving the liberty of contracting out of the Act, but under certain significant new safeguards.[2] In emphatic condemnation of the practice of the London and North-

[1] The London and North-Western Railway Company, and all but one of the South-West Lancashire coalowners at present (1897), explicitly compel all their operatives to "contract out."

[2] The House of Lords' Amendment, together with the final discussion upon it, will be found in Hansard's *Parliamentary Debates*, 13th February 1894.

Western Railway Company and the Lancashire Coalowners, the House of Lords declared that "contracting out" was in no case to be made a condition of the workman's being given employment. It was not even to be left any longer to Individual Bargaining. No "contracting out" was to be permitted unless the financial basis of the employer's benefit society had been approved by the Board of Trade as fair to the workmen. But this was not all. No "contracting out" was to be allowed, however favorable to the men might be the consideration offered, unless it had been *collectively* agreed to by the workers in the establishment considered as a whole. For this purpose, elaborate provision was proposed for a "secret ballot" of the workers to be taken under authority of the Board of Trade at intervals of not less than three years; and a two-thirds majority was to be necessary for consent. Thus, under no circumstances was it to be within the option of an individual wage-earner, acting as an individual, to forego his legal rights. In spite of this remarkable concession to the central position of Trade Unionism—the objection to Individual Bargaining—the majority of the House of Commons, at the instance of its working-men members, preferred to abandon the Bill rather than accept an amendment allowing the detested contracting out under any conditions whatsoever.[1]

The controversy has now been narrowed down to so fine a point that the Trade Union leaders may any day get from

[1] The bitterness with which the Trade Union officials object to "contracting out," and the underlying reason which led them to refuse even the safeguarded provision of the House of Lords' Amendment, are, we think, connected not with "contracting out" as such, but with the existence of employers' benefit societies. An accident fund or benefit society, confined to the workmen in a particular establishment, is, as we shall see in our chapter on "The Implications of Trade Unionism," in many ways inimical to Trade Unionism. Employers' benefit societies are far older than the Act of 1880, and exist in many firms which do not contract out. Moreover, contracting out may take place, as in the South Wales coalmines, with an accident fund common to the whole area, and thus independent of any one employer. Employers' benefit societies cannot therefore be swept away by a side wind. If public opinion is to be led to agree to their prohibition, this must come, like the removal of other deductions from wages, by an amendment of the Truck Acts.

one party or the other the legislation they desire. We are, however, inclined to believe that just as they were disappointed with the Act of 1880, though it gave them practically what they then demanded, so they will find equally unsatisfying any measure on the lines of the Bill of 1893-94, about which they were so enthusiastic. The fact is there is no reason to believe that the mere prohibition of "contracting out" will do anything to diminish the number of accidents. Attempts have been made to prove that the comparatively few undertakings in which contracting out prevails have a higher percentage of accidents than those in which the Act applies. But no statistical evidence yet adduced on the subject will stand examination.[1] It is said, for example, that in Lancashire and Wales, where the coalminers contract out, the proportion of accidents is appreciably higher than in Yorkshire or Northumberland, where they do not. But this was the case also before the Act of 1880: moreover, the proportion of accidental deaths to persons employed seems to be diminishing more rapidly in Wales and Lancashire than in Northumberland. It is even gravely argued that the London and North-Western Railway Company has eight times as many accidents as the Midland—as if nothing turned on the different definitions of an accident! The truth is, there is no such difference of pecuniary interest as is supposed between the employer who "contracts out," and the one who remains subject to the Act. In the vast majority of cases the employer does not take the trouble to ask his workmen to bargain away their legal rights;[2] he protects himself against the worry of litigation by the simpler device of insurance. On payment of a definite annual premium to an ordinary insurance company he is indemnified against any loss by claims under the Act, the

[1] A well-known barrister, who has been engaged in between three and four hundred Employers' Liability cases, almost exclusively on the side of the workmen, informed us that his experience has convinced him that the legal liability for compensation had no effect whatever in preventing accidents, at any rate in coalmining.

[2] Thus, in 1891, only 119,122 coalminers, out of 648,450, had contracted

company, to boot, taking all the trouble off his hands. The fear of damages may here and there induce a small master to obey, more promptly than before, the factory inspector's order to guard a driving wheel or fence a lift shaft. But in the great staple industries, insurance against accidents, at a rate of premium which is, in practice, uniform for all the firms in the trade, is becoming almost as much a matter of course as insurance against fire. Thus, even where the workmen retain all their legal rights, the employer has usually no more pecuniary interest in preventing accidents than he has where they have been compelled to contract out of the Act. "Contracting out," with its accompanying contribution to an employer's benefit society, is, in fact, itself only a minor form of insurance.

Insurance stands, therefore, in the way of the Trade Union plan of preventing accidents by making them costly. In the case of ships at sea, this fact has occasionally led philanthropists to suggest that insurance should be prohibited. But insurance is merely a private bargain, often indeed only a co-operative arrangement between friends; and no such prohibition could possibly be enforced. Besides, insurance is itself only a device for spreading an occasional lump sum payment equally over a number of years: so that the largest establishments prefer to be their own insurers. Here the setting aside of a few hundred pounds a year to form a fund out of which to pay compensation for occasional workmen's accidents is a flea-bite compared with the cost and trouble of adopting the elaborate precautions that might totally prevent their occurrence. This brings us to the economic centre of the whole argument. What has been discovered is, that in the majority of industries it costs less, whether in the form of an annual

out, the practice being unknown in Northumberland, Durham, Yorkshire, the Midlands, and Scotland. Of railway companies, only the London and North-Western (compulsorily), and the London, Brighton, and South Coast (optionally), employ this expedient. In other industries we know only very few cases—such as Messrs. Chance's great glass works, and Mr. Assheton Smith's Dinorwic slate quarries—where the men contract out.

premium or in that of an occasional lump sum out of profits, to compensate for accidents than to prevent them.[1]

Considered as a method of preventing industrial accidents, the whole system of employers' liability is an anachronism. When Parliament became convinced that no coal mine could be safely worked without a second shaft, it did not seek to mend matters by conceding to the miners a right of recovering compensation from the mine-owner who worked without such a shaft. What happened was that all mine-owners were peremptorily ordered to have a second shaft, under penalty of heavy fines for each day's neglect to comply with the law. When public opinion demanded that the operatives in a crowded factory should not be exposed to the risk of being burnt to death, the House of Commons never thought of removing this risk by any process of compensation; it commanded every mill-owner to provide proper fire-escapes, or be punished by the police magistrate. This is the method of our factory, mines, railways, and merchant shipping Acts, and all our public health legislation. "Imagine, for the sake of illustration," wrote Jevons in 1887, "that there is in some factory a piece of revolving machinery which is likely to crush to death any person carelessly approaching it. Here is a palpable evil which it would be

[1] Thus, to take only one industry, there can be little doubt that the large number of accidents to railway servants (on an average, over forty every day, a quarter of which are connected with moving vehicles) could, as regards shunters, be at once diminished by the universal adoption of such appliances as automatic couplings; and that in particular, the almost daily sacrifice of platelayers could be avoided by the rigging-up of temporary signals. But to adopt such precautions throughout the extensive English railway system would be extremely expensive, and possibly irksome.

The trifling amount of the premium that suffices to meet all compensation and costs under the Act of 1880 is, in this connection, very significant. The Iron Trades Employers' Association covers the liability of firms employing 28,000 men in engineering and shipbuilding by a premium varying from fifteen to twenty-seven pence per £100 paid in wages. In the building trade it is four shillings per £100. In Northumberland and Durham the coalowners have a mutual insurance association, to which they pay annually a sum sufficient to meet all damages and costs which any of their members have to pay under the Act of 1880. Their total payments during five years were only £400 a year, a sum which would not have gone far in providing any safeguards in all their collieries. See Evidence before Select Committee on Employers' Liability, 1887 (H. C. No. 285).

unquestionably well to avert by some means or other. But by what means?" And he concluded that there was one "mode of solving the question, which is as simple as it is effective. The law may command that dangerous machinery shall be fenced; and the executive government may appoint inspectors to go round and prosecute such owners as disobey the law."[1]

This sounds simple; but it involves two troublesome preliminaries. First, an elaborate technical investigation to ascertain exactly what practical precautions should be adopted; and, second, to induce a capitalist Parliament to enforce them against negligent employers. In 1872 the latter condition was so hopeless that the Trade Union leaders of that day could see nothing for it but to fall back on the indirect method of making accidents costly to the employer. But public opinion has made a prodigious stride during the last twenty years. Parliament no longer refuses to regulate, in minute detail, the processes of particular industries. Though both the scope and the administration of our industrial legislation still leave much to be desired, it now takes only a few years' agitation for a group of philanthropists or a well-organised Trade Union to get embodied, either in an Act of Parliament or in a "special rule" of the Home Secretary, any well-considered regulation for promoting health or safety which has been approved by the scientific experts. Meanwhile, in one industry after another, the inspection necessary for the enforcement of the law is steadily becoming a reality. By the Coal Mines Regulation Act of 1887 the miners in any pit are enabled to appoint two inspectors of their own, who are empowered to inspect, once a month, every part of the workings, and formally to record their report upon them. In 1858 there were only eleven Government inspectors of mines, all told. By 1896 this number had been increased to thirty-nine (including assistant inspectors), and the service made much

[1] *The State in Relation to Labour*, by W. S. Jevons (London, 1887), pp. 1-4.

more efficient. In the ten years 1884-1893 over four thousand railway workers lost their lives by accidents without the Board of Trade troubling even to inquire into more than a dozen of the cases ; now, with the appointment of two railway workers as assistant inspectors, about half the fatal accidents that take place are made the subject of elaborate official investigation, with a view of suggesting precautions to prevent their recurrence.[1] In short, the protection of the worker against industrial accidents has now become part of the acknowledged work of Government. An avoidable casualty in a factory or a mine is no longer regarded merely as an injury to the individual, to be atoned for by the payment of money compensation : under modern legislation it is an offence against the community punishable by the magistrate. From this public obligation to provide for health and safety there can obviously be no "contracting out." Nor is it possible for the employer to evade his liability by any payment to an insurance company. The inspector and the magistrate are empowered to see, not only that the fine is paid, but also that the law is complied with. The idea of relying for the protection of life and health upon the chance activity of interested plaintiffs in search of personal compensation, seems, to the modern jurist, archaic. Like murder, theft, and embezzlement, the unnecessary risking of the workers' lives has passed from the domain of civil to that of criminal law.

Let us now leave the arguments used in support of employers' liability by the Trade Union officials, and consider why it secures the suffrages of the rank and file. What the individual workman sees in the proposal is, not so much a vague chance of lessening the risk of accidents, as the certainty of a lump sum down when one occurs, to enable him or his widow to set up a little shop. To the miner or the railway servant it seems an intolerable hardship that his family should be reduced to beggary through no

[1] *Report of General Secretary to Annual General Meeting of the General Railway Workers' Union* (London, 1897), pp. 12-17.

fault of his own. What he wants is, not to find out whose fault the accident is—as likely as not it is nobody's fault—but to be compensated for his misfortune. That is also the concern of the community, which has an admitted interest in fulfilling for him that "established expectation" upon which foresight and deliberateness in life depend. Here all inquiries as to whether the accident is caused by the personal negligence of the manager or the carelessness of a fellow-workman, or whether it is the result of a fog or an inexplicable explosion, are quite beside the question. Whether from the standpoint of the community or from that of the injured workman, the notion of making compensation in any way dependent on such considerations is pure inconsequence. Accordingly, wherever the community itself undertakes public services, it is every day compensating more equitably those who suffer bodily injury in the performance of their duties. In the army and navy, the Civil Service, and the police, in the Fire Brigade, and other branches of municipal administration, though the treatment of weekly wage-earners is still far from being as favorable as that of salaried officers, we see constantly a fuller acceptance and more generous interpretation of their right to compensation. Private individuals and corporations sometimes show a sense of the same responsibility. In many particular instances large industrial undertakings will give a "light job," or even a pension, to a clerk or workman disabled in their service. Whenever a sensational accident occurs at sea or in the mine, subscriptions pour in to save the sufferers or their widows and orphans from the workhouse. In short, in all those cases in which public opinion can now be directly appealed to, it is found to be largely in agreement with the workman that it is intolerable for his livelihood to be cut short through no shortcoming or fault in his own character or conduct.

We have said above, parenthetically, that an accident is as likely as not to be nobody's fault. It is necessary to emphasise this, because most accidents are, to use the traditional phrase of the bill of lading, "the act of God."

In the great majority of industrial casualties—probably in three cases out of four—it is impossible to prove that the calamity has been due to neglect on any one's part. A flash of lightning or a storm at sea, a flood or a tornado, irresponsibly claim their victims. The greatest possible care in buying materials or plant will leave undiscovered hidden flaws which one day result in a calamity. In other cases, the accident itself destroys all trace of its own cause. In many, perhaps in most, of the casualties of the ocean or the mine, the shunting yard or the mill, the difficulties in the way of bringing home actual negligence to any particular person are insuperable.[1]

Here, then, we discover a fundamental objection to the doctrine of employers' liability—its irrelevance to the issue between the community and the injured workman, and its practical inapplicability, even as an arbitrary makeshift, to most of the cases it is aimed at. Actual experience indicates that it neither prevents accidents, nor insures their victims. And it has the further drawback that to compel the workman to extract his compensation from the employer is inevitably to plunge him into litigation. Even where compensation can now be recovered the law costs are a serious evil. Moreover, unless the sufferer happens to belong to a strong and wealthy Trade Union, which takes his case up, it is usually quite impossible for him to fight it at all, from lack of both knowledge and funds; so that he is practically driven to accept any compromise offered by the employer. The Home Office itself admits the failure. In

[1] The proportion of industrial accidents for which actual or constructive negligence by the employer can be shown has been variously estimated at from one-tenth to one-half of the whole. The Employers' Liability Assurance Corporation, which insures employers against their liability under the Act of 1880, found that, in this class of policies, claims were made on them for only 24 per cent of the accidents reported; and estimated that, in another class of policies, where all accidents whatsoever were insured against, only 3026 out of 26,087 admitted claims (or less than one-eighth) represented accidents for which the employer might have been held legally liable. See evidence before Select Committee on Employers' Liability, 1887 (H. C. No. 285), pp. 4165-4308, and Appendices.

its official memorandum on the state of the law it goes so far as to say, "the truth is that to the workman litigation under the Act of 1880 has more than its usual terrors. It is not merely that litigation is expensive, and that he is a poor man and his employer comparatively a rich one: it is that when a workman goes to law with his employer, he, as it were, declares war against the person on whom his future probably depends; he seeks to compel him by legal force to pay money; and his only mode of doing so is the odious one of proving that his employer or his agents—his own fellow-workmen — have been guilty of negligence." Finally, such migratory workers as seamen find legal remedies against their employers absolutely illusory, owing to the impossibility of collecting and keeping together their witnesses, if these are fellow-seamen, during the law's delays.

Let us now examine the question from the employer's point of view. Why should he bear the cost of an accident which is the "act of God," merely because it happens to have occurred on his premises, especially when the same unavoidable calamity which has injured his employees may have crippled, or even ruined, his own business? And even in the case of accidents due to his own neglect, how can any proportion be depended on between the degree of his culpability and the penalty of adequately providing for all the sufferers? One accident may involve the payment of a five-pound note to a man who has been laid up for a week with a scalded hand: an exactly similar accident, caused in an exactly similar way, may kill or disable for life a score of people. The most criminal negligence may lead only to a breakdown which hurts nobody, whilst a very venial oversight may make an employer liable to fabulous compensation. Thus there is injustice in making him liable for avoidable accidents, and no justice at all—no sense, in fact —in making him liable for unavoidable ones. Is it to be wondered at that employers resolutely resist Liability Bills in Parliament without regard to party exigencies?

We now see why the provisions of the Employers'

Liability Act of 1880, like those of the score of Bills which have since been introduced for its amendment, are inadequate and even illusory. It was, no doubt, pleasant to get, under the Act, some pecuniary compensation for a comparatively small class of cases, which would otherwise have remained unprovided for. It would no doubt have been a boon to a larger number of sufferers if the Bill of 1893-94 had been passed. But such measures, however useful they may be to particular sections of wage-earners, deal only with a small proportion of the cases of hardship, and do not discriminate in their favor on any logical or permanently tenable ground.

Abandoning, then, the idea that systematic provision for the sufferers from industrial accidents can be got out of any possible penalties for negligence, however widely the lawyers may stretch the term, what shall we say to the suggestion, as yet scarcely whispered by Trade Unionists, that the law should be so extended as to make provision for sufferers from all industrial accidents, whether due to the proved negligence of any superior or not. Both in Germany and Austria this idea has been already embodied in elaborate schemes of universal provision for accidents, which rank among the most remarkable of social experiments. In England the proposal has appeared as a natural outcome of the Trade Union idea of maintaining the continuity of the worker's livelihood. At the Trade Union Congress of 1877, universal provision for all industrial accidents, the funds to be provided by a tax on commodities, was suggested by a London compositor, as an alternative to the usual employers' liability resolution. It was vehemently denounced by Thomas Halliday, a leader of the coalminers, who said "they wanted no tax upon coal. What they wanted was that their lives and their bodies should be preserved. The best way to secure this was to make the employers responsible, and make them pay the cost. What they wanted was not money, but their lives and limbs preserved." This view was endorsed by Alexander Macdonald and accepted by the Congress amid loud cheers. Thus, the

rooted belief in employers' liability as a means of preventing accidents, coupled, perhaps, with the fear of a deduction from wages for compulsory insurance, brushed aside a proposal which deserved more careful consideration. By it we are, indeed, taken outside the domain of anything that can be called employers' liability, however much the phrase may be strained. This involves a reconsideration of the incidence of the burden. To compel employers to incur the liability implied by adequate compensation for all accidents whatsoever, would, whether done directly or by insurance, involve a serious burden upon every enterprise, which would certainly be shifted, though not without friction and expense, on to the customers, in the form of higher prices. What is more, it would fall unequally upon different industries according to their risk, and would thus be transferred unequally to different classes of consumers, not at all in proportion to their ability to bear this new burden, but partly at haphazard, partly in proportion to their actual consumption. At every "repercussion" of the tax, there would be an additional "loading," so that the ultimate charge on the consumer would, as in the case of excise duties on raw materials, far exceed the original sum. As soon as public opinion is prepared to decide that all accidents ought to be compensated for, it will be at once easier, fairer, and more economical to provide the necessary annual sum from public funds, and to raise a corresponding revenue in accordance with the recognised canons of taxation.

Upon the question likely to interest politicians—how soon public opinion will arrive at such a point—all that can be said is that the electors are rapidly becoming aware that accidents are an inevitable part of the cost of modern industry; indeed, statistically considered, they are not accidents at all, but certainties. And, as we have seen, the public conscience, which has never been perfectly easy on the subject—how could it be in a great mining, manufacturing, and seafaring community like ours?—grows perceptibly more sensitive from decade to decade. The question

cannot be let alone: some solution must be found. At present what stands most conspicuously in the way of public provision for all sufferers from accidents, coupled with factory legislation for their prevention, and criminal prosecutions for the punishment of negligence, is the belief in Employers' Liability. And Employers' Liability, as we have seen, breaks down at every point. The conclusion is obvious.

It would be an incidental, but very advantageous, result of any scheme of public provision that every accident would have its inquest. There would be many gains in extending the present system of public inquiry into casualties. Such an inquiry is now held, (*a*) by the coroner, if death has resulted, or (in the City of London) if there has been a fire; (*b*) by an officer of the Board of Trade, in cases where a ship has been wrecked or a railway accident involving injury to passengers has occurred; and (*c*) by an officer of the Home Office in mining accidents. Industrial accidents of every kind must at least be notified to a public office. If a public "inquest" were held, by a duly qualified public officer (with or without a jury), whenever an accident caused loss of life or limb, or other serious bodily harm, to a wage-earner in the course of his employment, the investigation and publicity would probably do much to secure compliance with the Factory or Mines Regulation Acts, and so diminish the number of accidents. If any system of public provision for the sufferers were established, such an inquest would serve a useful purpose in determining whether a casualty had been caused by somebody's negligence or by carelessness on the part of the sufferer himself, or whether it was, in the strict sense, an accident. Where the casualty had arisen from the employer's failure to comply with the law, or from any other gross negligence, a criminal prosecution would naturally follow, any fine imposed thus indirectly reimbursing the State for the expense caused. When the sufferer himself had, by carelessness, brought about his own calamity, his compensation could be

wholly or in part withheld, though if death had ensued there would be no public advantage in making his widow and orphans go short of necessary maintenance. The compensation itself should in all cases be payable by the Government out of public funds. Whether there is any practical advantage in the Government, as in Germany and Austria, then levying the amount on corporations of employers (and through them upon the consumers and wage-earners), instead of directly upon the taxpayers as such, seems to us extremely doubtful. Such a system of finance contravenes, like an excise duty on raw materials, all the orthodox canons of taxation. It is perhaps more to the point to say that any attempt to levy an insurance premium upon the workman's weekly wage would, in this country, encounter the unrelenting opposition of the whole Trade Union and friendly society world.[1]

If now we look back on the whole Trade Union argument from the workman's point of view, it is easy, we think, to see running through it one simple idea. Whether we study the regulations imposed by the Collective Bargaining of the iron and building trades, or the elaborate technical provisions of the Factory, Mines, and Merchant Shipping Acts; whether we disentangle the complicated issues of "common employment" or those of "contracting out," we always strike the same root principle, a resolute protest by the manual worker against being required to sell his life or health, in addition to his labor. The individual wage-earner knows that he may always be bribed or terrorised into accepting conditions of employment injurious to health or dangerous to life or limb. He therefore seeks, through his Trade Union, to prohibit Individual Bargaining on these points, and to enforce, in all establishments, those conditions of employment which experience has shown to be necessary for sanitation and safety. It is in vain that the economists

[1] See, on this point, the significant Minority Report by Mr. Henry Broadhurst, M.P., in the *Report of the Royal Commission on the Aged Poor*, 1893-95, C. 7684, p. xcviii.

have assured him that extra risks bring higher wages; or the employers offered him liberal inducements in return for "contracting out" of protective legislation. What the Trade Unionist has, for a whole generation, uniformly answered, is that he will not "coin his blood for drachmas." Hence his persistent hankering after Common Rules, which shall definitely prescribe how much cubic space shall be allowed, what safeguards against accidents shall be adopted, and what provisions shall be made for protection against disease and discomfort. What is remarkable is that, in this resolute determination to lift out of the sphere of "personal freedom" the option to suffer disease, maiming, or death, public opinion has emphatically endorsed the Trade Union view. It is no longer permitted to the sailor to decide whether he will, for extra wages, accept the risk of going to sea in an overloaded ship, or to the cotton operative whether, in order to get employment at all, he will put up with a weaving-shed dripping with steam. We do not now leave it to the white lead worker or the enameller to bargain with their employers as to the extent to which they will risk their health by dispensing with costly precautions; or allow the coalminer the option of earning high wages by foregoing the elaborate ventilation of an exceptionally perilous pit. And it is not only in the ever-lengthening Factory, Mines, Railways, and Merchant Shipping Acts that this conversion of the public is apparent. The Employers' Liability Act of 1880 was itself a proof that Parliament overrode the lawyers' contention that the workmen must implicitly accept, as part of the wage contract, whatever risk to life or health was incidental to their industry. When, in order to evade this law, employers invented the device of "contracting out," a Liberal House of Commons decided actually to prohibit the risk of accident being made a matter of contract at all, whilst even the Conservative House of Lords resolved that under no circumstances could it be left to Individual Bargaining. Finally, the slackness which has now come over the whole controversy of Employers'

Liability is, we think, to be attributed largely to a half-conscious appreciation by the public that the mere making of accidents costly—a liability which can always be insured against—is not the way to prevent them, and that to foist an illusory liability on the employer for constructive negligence is not the way to provide for the sufferers. As far as the United Kingdom is concerned, the practical conclusion is to prescribe, by definite technical regulations, the precautions against accident and disease which experience and science prove to be necessary; to punish any breach of these regulations whether any accident has happened or not; to hold a public inquiry into every serious case of accident, and (as part of the punishment) make the employer pay a forfeit to the State according to the degree of his guilt, whenever the accident has resulted from any breach of the rules or other clear negligence; and to provide from public funds for the injured workman and his family, however the accident has happened, according to the extent of their needs.

The foregoing analysis of the Trade Union controversy upon Employers' Liability was written in August 1896, and published in January 1897.[1] Since that date the whole situation has been changed by the introduction and passage into law of Mr. Chamberlain's revolutionary "Workmen's Compensation Bill." This measure is admittedly no final solution of the problem, and we prefer, therefore, to leave intact our detailed examination of the position in which the controversy stood in 1896, rather than attempt a hasty reconstruction on the basis of an Act as yet untested by experience.

The measure which the Conservative Government of 1897 has passed as an alternative to the Liberal Govern-

[1] *Progressive Review.*

ment's proposal of 1893-94, seems, in an almost dramatic manner, to give the go-by to all the old controversies.[1] Instead of quibbling over the degree to which the employer's liability for negligence can be stretched, the new law makes him, in most of the great industries of the country, individually liable to compensate his workmen for all accidents suffered by them in the course of their employment, whether caused by negligence or not. Thus, without expressly abolishing the doctrine of "common employment," the law, by securing a certain limited compensation for every accident whatsoever, now puts the workman in an altogether different position from the injured stranger, who can claim only in case of the employer's real or constructive negligence. And although "contracting out" is nominally permitted, provided that the scheme is certified by the Chief Registrar of Friendly Societies as being not less favorable to the workman than his position under the Act, so wide is now the scope of the law and so stringently is this exception guarded, that most of its attractiveness to the employer will have disappeared. The Trade Unionists were, accordingly, well advised in accepting Mr. Chamberlain's bill, notwithstanding its limitations and defects. The right to compensation for all accidents, now granted to about a third of the manual workers, cannot permanently be withheld from the other two-thirds, and the numerous flaws that will certainly manifest themselves in the working of so novel and so far-reaching a statute, may be confidently left to the amending bills to which one Government after another will find itself committed.

The particular employers upon whom the new law imposes a large and indefinite pecuniary liability have, we think, a real grievance. Certain industries have been thus burdened, whilst others, no less liable to accidents,[2] have

[1] For a bitter attack on this measure from the Conservative employer's point of view, see J. Buckingham Pope's *Conservatives or Socialists* (London, 1897).

[2] Besides all the processes of agriculture, the building or repairing of houses less than 30 feet high, and all workshop industries, the Act excludes seamen and

been left free. Even within the bounds of a single trade, establishments using one process are made liable to pay compensation for casualties which no care or precaution could prevent, whilst others, using a different process, escape any but the illusory liability of the old law. The novel penalty for accidents to which some employers are thus subjected bears no relation to the degree of their guilt in trying to prevent them; a casualty due exclusively to the "act of God" will cost them no less than one due to their own personal negligence. In practice the liability to compensation is simply insured against, and employers within the scope of the new Act find themselves saddled with an extra insurance premium, constituting an addition to the cost of production from which other capitalists are exempt.

The two-thirds of the manual workers whom the Act now excludes are suffering from an injustice which cannot easily be redressed on the lines of the present law. It may be practicable to put a liability to pay compensation for all accidents upon a railway company, a coalowner, or the registered occupier of a steam factory. Even in these cases, if the employer neglects to insure, the sufferers in an extensive accident may sometimes find their claims baulked by the firm's bankruptcy. But a large proportion of the excluded workmen are employed by small masters, themselves often little removed from the status of wage-earners, or by migratory contractors of one kind or another, only just living from hand to mouth. Insurance in such cases would be unusual, if not even impossible. Any serious accident in their little industry would, on the one hand, reduce them to bankruptcy, and, on the other, deprive the sufferers of any real chance of extracting compensation from them. Yet the two-thirds of the wage-earners thus employed cannot permanently be denied the compensation for all accidents now granted to the other third. If it is socially expedient to compensate the workers in the great

fishermen; carmen and drovers and others dealing with horses and cattle; and such riverside occupations as boatmen and lightermen.

industries for all accidents, there is neither equity nor good sense in withholding a like compensation from those who suffer accidents in other trades.

In our opinion, there must inevitably be a development, either towards the formation of compulsory trade groups, collectively responsible for the accidents occurring in the establishments of their members, or else towards simple State compensation. The former plan, adopted in Germany and Austria, has the economic advantage of making each industry self-supporting, and thus avoiding the disastrous consequences of the growth of "parasitic trades," on which we dwell in the subsequent chapter on "The Economic Characteristics of Trade Unionism." It would, moreover, emphasise the Trade Unionist principle that an industry should be regulated not by the will of individual employers, but by its own Common Rules. Organisation among employers, and therefore Collective Bargaining, would be greatly promoted, with the result that a great impulse would probably be given to Trade Unionism itself. But the necessary regimentation of employers and their control by rigid rules would be extremely distasteful to English capitalists, whilst there would be real difficulty in adapting any such organisation to the remarkable variety, complexity, and mobility of English industry. Simple State compensation avoids all these difficulties, and requires no more regimentation or registration than is already submitted to by every mine or factory owner. If it is desired, as the Marquis of Salisbury declared in the House of Lords in support of Mr. Chamberlain's bill, to create a great life-saving machine, State compensation affords the most effective means to this end. The fact that the Treasury paid for every casualty would change the official bias about dangerous trades, and we should promptly have the Government setting its scientific advisers and factory inspectors to work to devise new means of preventing accidents, to be enforced by the Factories, Mines, Railways, and Merchant Shipping Acts. The public inquests into all serious cases would themselves do much to make the capitalists take

every possible precaution, and the Factory Inspector's criminal prosecution of careless employers, which could not be "insured against" or avoided by bankruptcy, would do the rest. Nor would the employers object. Now that Mr. Chamberlain has, in most of our staple trades, made them individually liable for all accidents, a Government which proposed, as the only practicable way of extending compensation to the other industries, to place the liability directly on the State, and to spread its cost impartially over the whole body of income-tax payers (requiring, perhaps, an additional threepence in the pound), might count on the powerful support of the great capitalists in the coal, iron, and railway industries, who would find themselves relieved of the special and exceptional burden now cast upon them.

CHAPTER VIII

NEW PROCESSES AND MACHINERY

A GENERATION ago it was assumed, as a matter of course, by almost every educated person, that it was a cardinal tenet of Trade Unionism to oppose machinery and the introduction of improved processes of manufacture. "Trade Unions," said a well-known critic of the workmen in 1860, "have ever naturally opposed the introduction of machinery, such introduction tending apparently to reduce the amount of manual labor needed, and thus pressing on the majority. No Trade Union ever encouraged invention."[1] In support of this opinion might have been quoted, for instance, the editor of the *Potters' Examiner*, an influential leader of the Potters' Trade Unions, who in 1844 could still confidently appeal to experience in ascribing all the evils of the factory operatives to this one cause. "Machinery," he wrote, "has done the work. Machinery has left them in rags and without any wages at all. Machinery has crowded them in cellars, has immured them in prisons worse than Parisian bastilles, has forced them from their country to seek in other lands the bread denied to them here. I look upon all improvements which tend to lessen the demand for human labor as the deadliest curse that could possibly fall on the heads of our working classes, and I hold it to be the duty of

[1] "Trades Unions and their Tendencies," by Edmund Potter, F.R.S., in the *Transactions of the National Association for the Promotion of Social Science* (London, 1860), p. 761.

every working potter—the highest duty—to obstruct by all legal means the introduction of the scourge into any branch of his trade."

Nowadays we hear no such complaints. When in 1892 Professor Marshall published a careful criticism of Trade Union policy and its results, he deliberately refrained from taking into account or even mentioning, the traditional hostility of Trade Unions to inventions or machinery.[1] And when in 1894, the Royal Commission on Labor reported the result of its three years' elaborate and costly inquiry into the claims and proceedings of the workmen's organisations, it found no reason to repair this significant omission. The Commissioners heard the complaints of employers in every trade, and certainly exhibited no desire to gloss over the faults of the workmen. But if we may trust the summary of evidence embodied in the lengthy Majority Report, resistance to machinery no longer forms part of the procedure of British Trade Unionism. Although the Commissioners analysed the "rules and regulations" of hundreds of separate Trade Unions, in none of them did it discover any trace of antagonism to invention or improvement.[2]

The fact is that Trade Unionism on this subject has changed its attitude. It is quite true that during the first half of the century the Trade Unionist view was that so forcibly expressed in the *Potters' Examiner.* But in 1859 it was noticed by a contemporary scientific observer that neither the Trade Unions in general, nor even those in the same industry, showed any real sympathy with the Northamptonshire bootmakers' strike against the sewing-machine, "deeming it neither desirable nor practical to resist the extension of mechanical improvements, although very sensible of the inconvenience and suffering that are sometimes caused by a rapid change in the nature and extent of the

[1] *Elements of the Economics of Industry* (London, 1892), Book VI. ch. xiii. "Trade Unions."

[2] See, in particular, the voluminous analysis of *Rules of Associations of Employers and of Employed*, C. 6795, pp. xii. 513. 1892.

employment afforded in any particular trade."[1] In 1862 the Liverpool Coopers, who had formally boycotted machinery in 1853, resolved "that we permit any member of this society to go to work at the steam cooperage."[2] During this decade the *Monthly Circular* of the Friendly Society of Ironmoulders contains numerous earnest exhortations by the Executive Committee to the members not to resist "the iron man," the new machine for iron moulding. "It may go against the grain," they say in December 1864, "for us to fraternise with what we consider innovations, but depend upon it, it will be our best policy to lay hold of these improvements and make them subservient to our best interests."[3] The United Society of Brushmakers, which had in 1863 and 1867 supported its members in refusing to bore work by steam machinery, and had formally declared that they must "on no account set work bored by steam by strangers,"[4] revised its rules in 1868, and decided "that should any of our employers wish to introduce steam power for boring, no opposition shall be offered by any of our divisions, but each division shall have the discretionary power of deciding the advantage derived from its use."[5] These conversions gain in emphasis and definiteness from decade to decade, until, at the present day, no declaration against innovations or improvements would receive support from the Trade Union Congress or any

[1] "Account of the Strike of the Northamptonshire Boot and Shoe-makers in 1857, 1858, 1859," by John Ball, F.R.S., Irish Poor Law Commissioner and (1855-1858) Under-Secretary of State for the Colonies; better known as the founder of the Alpine Club. Printed in the *Report of Social Science Association on Trade Societies and Strikes*, 1860, p. 6. The same volume refers (p. 149) to the fact that the organ of the Chainmakers' union "did not hesitate to condemn as foolish the strike of the shoemakers in the Midland Counties against the introduction of machinery."

[2] MS. Minutes of the Liverpool Coopers' Friendly Society, July 1853 and September 1862.

[3] Friendly Society of Ironmoulders, *Monthly Circular*, December 1864.

[4] Annual Report of the United Society of Brushmakers for 1863. See also Report for 1867.

[5] *Rules of the United Society of Brushmakers*, edition of 1869. Such few disputes as have since occurred in this society have arisen (like that at Norwich in 1892) over the exact amount of the piecework rate to be paid on machine work.

similar gathering.[1] Among all the thousand-and-one rules of existing Trade Unions we have discovered only a single survival of the old irreconcilable prohibition, and that in a tiny local industry, which is rapidly fading away. The Operative Pearl Button and Stud Workers' Protection Society, established at Birmingham in 1843, and numbering about 500 members, enjoys the distinction of being, so far as we are aware, the only British Trade Union which still prohibits working by machinery. Its latest "Rules and Regulations" declare "that the system of centering by the engine be annihilated *in toto*, and any member countenancing the system direct or indirect shall be subject to a fine of two pounds. Any member of the society working at the trade by means of mill-power either direct or indirect, shall be subject to a fine of five pounds."[2]

But every newspaper reader knows that the introduction of machinery still causes disputes and strikes; and no doubt many excellent citizens still pass by the reports of such disputes as records of the old vain struggle of the handworker against the advance of industrial civilisation. An examination of the reports would, however, show that the dispute now arises, not on the question whether machinery should be introduced, but about the conditions of its introduction. The change has even gone so far that there are now, as we shall show, instances of trouble being caused by Trade Unions

[1] The latest case in which a union has ordered a strike simply against the introduction of machinery into a hand industry is, so far as we know, that of the Liverpool Packing Case Makers' Society in 1886. The strike failed, and the men have since worked amicably with the machine, and have now become completely reconciled to it on finding, as their secretary informed us, that it had largely increased the trade.

[2] *Rules and Regulations to be observed by the members of the Pearl Button and Stud Workers' Protection Society*, held at the Baptist Chapel, Guildford Street, Birmingham (Birmingham, 1887), Rule 26, p. 14.

We believe that two or three of the old-fashioned trade clubs in branches of the Sheffield Cutlery trades, such, for instance, as the File Forgers and the Table-blade Forgers, still refuse to recognise the new machines which are largely at work in their trades, and which are therefore operated by a new class of workmen. On the other hand, other local unions such as the File cutters, Sawsmiths, and the Pen and Pocket Blade Forgers, have made no objection to the machines, and have encouraged their members to take to them.

putting pressure on old-fashioned employers to compel them to adopt the newest inventions. The typical dispute to-day is a dispute as to terms. The adoption of a new machine, or the introduction of a new process, in superseding an old method of production, usually upsets the rates of wages based on the older method, and renders necessary a fresh scale of payment. If wages are reckoned by the piece, the employers will seek to reduce the rate per piece ; if by time, the workers will claim a rise for the increased intensity and strain of the newer and swifter process. In either case the readjustment will involve more or less higgling, in which the points at issue are seldom confined merely to the amount of remuneration. The degree of difficulty in any such readjustment will depend on the good sense of the parties to the negotiations ; and in this as in other matters good sense has to be acquired by experience. Some industries, cotton-spinning for example, have had a century of experience of readjustments of this kind, which have accordingly become a matter of routine. But in trades in which the use of machinery, and even the factory system itself, are still comparatively new developments, the readjustments are seldom arrived at without a struggle.

As a typical instance of a trade in this stage, take the modern factory industry of boot and shoe manufacture, which is notorious for incessant disputes about the introduction of machinery. In this trade the compact little union of handicraftsmen, working for rich customers, has long since been outstripped by its offshoot, the National Union of Boot and Shoe Operatives, formed exclusively of factory workers, and numbering, at the end of 1896, 37,000 members. We have here an industry which is being incessantly revolutionised by an almost perpetual stream of new inventions and new applications of the old machines. The workmen are noted for their turbulence, want of discipline, and lack of education. The employers, themselves new capitalists without traditions, exposed to keen rivalry from foreign competitors, are eager to take the utmost advantage of every chance. The disputes

are endless, and the prolonged conference proceedings, the elaborate arguments before the arbitrators, and the complicated agreements with the employers are all printed in full, affording a complete picture of the attitudes taken up by the masters and the men.

The employers' indictment of the operatives has been graphically summed up by their principal literary spokesman. "It is true," says the editor of the employers' journal, "that objection does not take the form of rattening or direct refusal to work with the machines; experience has taught the union a more efficacious way of marshalling the forces of opposition. To say openly that labor-saving appliances were objected to would be to estrange that public sympathy without which Trade Unionism finds itself unable to live. So other methods are adopted. The work done by the machines is belittled; it is urged that no saving of labor is effected by their use; the men working the machines exercise all their ingenuity in making machine work as expensive as hand labor. There exists among workmen what amounts to a tacit understanding that only so much work shall be done within a certain time, and, no matter what machines are introduced, the men conspire to prevent any saving being effected by their aid. It is of no use to mince words. The unions are engaged in a gigantic conspiracy to hinder and retard the development of labor-saving appliances in this country. The action of their members in failing to exercise due diligence in working new machines is equivalent to absolute dishonesty. It is, indeed, positively painful to any one who has been accustomed to see, for example, finishing machinery running in American factories, to watch English operatives using the same machines. In America the men *work*, they run the machines to their utmost capacity, and vie with each other in their endeavor to get through as much work as possible. But in an English factory they seem to loaf away their time in a manner which is perfectly exasperating. If they run a machine for five minutes at full speed, they seem to think it necessary to stop it and see that no breakage has

occurred. Then they walk about the shop, and borrow an oil-can or a spanner, wherewith to do some totally unnecessary thing. This occupies anywhere from five minutes to an hour, and then the machine is run on again for a few minutes; and if the operator is questioned, he says, 'machines are no good; I could do the work quicker and better by hand.' And so he could, for he takes care not to allow a machine to beat a shopmate working by hand on the same job, and, in short, does all he can to induce manufacturers to abandon mechanical devices and go back to hand labor. The spirit of comradeship is carried to a ridiculous extent, and no man dare do the best he can, lest his fellow-workmen should be, as he foolishly thinks, injured. . . . It seems to be a settled policy with the men, not to try to earn as much money as possible per week, but as much as possible per job, in other words, to keep the cost of production as high as possible."[1]

Assuming all this to be true in fact—and, so far, at any rate as times of strained relations are concerned, there is no reason to question its accuracy—let us supplement it by two other facts which would hardly have been inferred from it. First, that in the American boot factories which work at such high pressure, the high pressure is invariably paid for by piecework rates. Second, that in England it is the workmen who demand that, in conjunction with the new machines they should be allowed to work by the piece, as they have hitherto been accustomed, and that it is the employers who have resolutely insisted on taking the opportunity of changing to fixed day wages.[2] Here lies the clue to the whole difficulty. We have already explained, in connection with the Cotton-spinners, how piecework is the only possible protection of the Standard Rate for men who are working machines of which

[1] *The Shoe and Leather Record*, 19th February 1892.

[2] Thus one of the so-called "Seven Commandments"—the ultimatum of the employers against which the great strike of 1895 took place—was the following "That the present is not an opportune time for the introduction of piecework in connection with lasting and finishing machinery" (*Labour Gazette*, November 1894). The lasters and finishers have been accustomed to work by the piece ever since the beginning of the factory boot industry.

the rate of speed is always being increased. On such machines payment by the hour, day, or week involves the exacting from the operative an ever-increasing task of work in return for the old wages. In the case of the boot operatives the question is complicated by the fact that the new machines have introduced a new organisation of the factory, the workman steadily becoming less and less of an individual producer, working at his own speed, and more and more a member of a "team," or set of operatives each performing a small part of the process, and thus obliged to keep up with each other. This enforced "speeding up" would be all very well if the old plan of paying by the piece were continued. But when the "more efficient organisation of labor" is coupled with the introduction of a fixed day wage, the workmen see in it an attempt to lower the Standard Rate of remuneration for effort, by getting more labor in return for the old payment.

This position the employers fail even to comprehend. "I know," said the President of the Employers' Association in 1894, "that it will be said it is slavery, pace-making, and driving, and that sort of thing. . . . But the manufacturers contend that that is not so. For instance, when men are put to work in a team, they are waited on hand and foot, and they are never kept waiting for anything, whereas when they have to 'shop' their (own) work a waste of time is involved. That time is saved under the team system."[1] It is part of the brainworker's usual ignorance of the conditions of manual labor that the leaders of the employers could naïvely imagine that, to be "never kept waiting for anything," is an advantage to the man paid a fixed daily wage. To the workman it means being kept incessantly toiling at the very top of his speed for the whole nine hours of the factory day. When this high pressure is demanded for the old earnings, it amounts to a clear attempt to lower the Standard Rate. How this attitude strikes an employer in the same trade,

[1] Report of the National Conference between employers and employed, 6th-8th January 1894; reprinted in *Monthly Report of the National Union Boot and Shoe Operatives*, January 1894.

conversant with American conditions, may be judged from the following instructive letter written in reply to the editorial first quoted. "Let us take a look into an English machinery-equipped factory. What do we see there? Precisely what you state, only much worse. The workmen, or very often boys, who work on weekly wages, try how little work they can do and how badly they can do that little. They don't seem to care a scrap so long as they get the time over, and are glad when the time comes to clear out of the factory and the day's monotony is over. They are continually meddling with their machines and throwing them out of order. Then the engineer has to be called in. The result is a loss of time, a loss of work, and expense also. *All this to my mind arises from a mistaken policy which English manufacturers adopt in employing so much boy labor and the weekly wages system.* If the piecework system were adopted, and only expert men employed on the machines, better work would be the result, at less cost, and the workman would earn higher wages. Is not that the secret why an American manufacturer can produce his goods at a lower labor cost than similar goods can be produced in this country, while at the same time the American operative is earning much higher wages than his English brother?"[1]

It will not unnaturally be asked why the English employers should wantonly raise difficulties by choosing the awkward moment of the introduction of new machinery, to compel their workmen to abandon the piecework system of remuneration, which has for several generations been customary, and to substitute for it a fixed daily wage. The manufacturers explain that, if piecework rates were conceded in connection with the new machines, and if the scale were calculated on the basis of the workmen's weekly earnings at the old process, the men would very soon so increase their skill and quickness as to earn £3 or £4 per week, instead of the time rate of 26s. as at present. But this, as every cotton manufacturer would recognise, is, economically speaking, no

[1] Letter in *Shoe and Leather Record*, 25th February 1892.

argument at all. The able secretary of the Boot and Shoe Manufacturers' Association has repeatedly urged upon his members that such a result would in no way raise the cost of production per pair of boots, and, on the contrary, would positively lower it, by enormously increasing the output per machine. Unfortunately, such arguments are thrown away on untrained employers, who even when they are contemplating the widest extension of their profits, can seldom view with equanimity the prospect of paying their workmen any larger amount per week than that to which they are accustomed.[1]

The workmen in the factory boot trade, equally untrained in industrial policy, are no less unreasonable than the employers, and on a cognate point. They, too, are so scandalised at the prospect of an increased reward being gained by any one else, that they propose unreasonable and impossible courses in order to prevent it. When, in 1894, the Leicester Branch of the National Union of Boot and Shoe Operatives appointed a committee to draw up a Piecework List for work done in conjunction with the new machinery, these workmen naïvely proceeded on the basis of retaining the "Statement" of piecework rates under the old process, merely deducting, for each article, a percentage estimated to produce a saving to the employer exactly equivalent to the interest he would pay on the cost of the new machinery.[2] Thus, whilst the terms proposed by the

[1] An American observer notes the same feeling among German employers. "In Berlin even, I found this narrow-minded begrudging of a working-man's higher earnings. In piecework they reduce the rate of pay of the greater output which brings higher earnings than the general rate. . . . The manufacturers returned to the day rate. . . . because the masters found that the men made too much money under the piecework system."—*The Economy of High Wages*, by J. Schoenhof (New York, 1892), p. 400.

The same struggle took place between 1850 and 1860 on the introduction of the factory system and steam power into the Coventry ribbon trade, the operatives demanding piecework rates and the employers insisting on introducing fixed day wages, "partly because the piecework system is a more troublesome one than that of weekly wages, but chiefly because it would work a forfeiture to them of the benefit from the increase of the productiveness of their machinery."—Social Science Association, *Report on Trade Societies and Strikes*, p. 325.

[2] Minutes (in MS.) of the "Piecework Committee," which sat from April to

employers would leave the workmen no incentive to use the new machines, those proposed by the workmen would leave the employers no incentive to introduce them.

The feeling of the workmen in this matter is a superstition from the era of individual production. The operative bootmaker has inherited a rooted belief that the legitimate reward of labor is the entire commodity produced, or its price in the market. This idea was the economic backbone of Owenite Socialism, with its projects of Associations of Producers and Labor Exchanges.[1] In the first number of the *Poor Man's Guardian*, a widely-read journal of 1831, it was expressed in the following verse :—

> Wages should form the price of goods;
> Yes, wages should be all,
> Then we who work to make the goods,
> Should justly have them all;
> But if their price be made of rent,
> Tithes, taxes, profits all,
> Then we who work to make the goods,
> Shall have, just none at all![2]

When the operative bootmaker proceeds to draft a piece-work list for the new machines, the rates that he proposes really express in figures his economic assumption that "wages should be the price of goods." This state of mind leads him calmly to suggest, in effect, that he should receive the entire net advantage of every new invention. The employer puts in an equally untenable claim to enjoy the whole benefit

September 1894. This Committee was attended by the prominent workmen of the Leicester Branch and the Branch officials. It is only fair to say that when it was seen that the rates proposed worked out to an increase of wages in some cases amounting to as much as 40 per cent, the more experienced officials of the union protested against its proceedings as likely to bring the whole policy of the union into disrepute.

[1] *History of Trade Unionism*, ch. iii.

[2] Place MSS., 27,791-240. The verse is now reprinted in *Dictionary of Political Economy* under "Chartism"; and in the *Life of Francis Place*, by Graham Wallas (London, 1897). The same idea inspired the proposals of Lassalle, and most of the inferences drawn from Karl Marx's *Theory of Value*, whilst it still lingers in the declarations and programmes of German Socialism and its derivatives. It is, of course, inconsistent with present economic views as to the "unearned increment," arising from the progress of invention and organisation

of the improvement, and regards the workmen's claim as an attack, not on the community, but on himself. But whatever the employer may desire, the community believes that, in the majority of cases, competition quickly transfers his new gains to the consumer in the shape of reduced prices. In all these contentions, therefore, public opinion is apt to be against the workmen's claim, even to the extent of ignoring their legitimate demand for an increase of earnings commensurate with the greater strain of the new process. The employers have sometimes known how to use this argument with great effect on public opinion. The London Master Builders' Committee complained, in 1859, that the men's argument in favor of a shortening of hours "implied that the benefits to be derived from machinery are not the property of society, of its inventors, of those who apply it, but are to be appropriated by those whose labor it is alleged it will displace."[1]

When the increase in production does not depend on a new machine, but arises merely from a further division of labor, even the experienced leaders of the operatives are honestly unable to conceive how any one can dispute the men's claim to enjoy the whole increase. In 1894 a Bristol firm was charged before the "National Conference" (the central joint-board) "with having introduced a new system of working in Bristol," the so-called "team system," which resulted in the men collectively producing more boots per

of population and capital in dense masses, upon which the modern English Socialist bases his demand for collective ownership of the means of production, and the subordination of the producer to the citizen, and the individual to the community. See Fabian Tract, No. 51, *Socialism, True and False*, and the *Report on Fabian Policy*, presented by the Fabian Society to the International Socialist Congress, 1896 (Fabian Tract, No. 70).

Though the Owenite assumption here referred to was formerly accepted by large masses of English workmen, and though it still lies at the root of the desire for Co-operative Associations of Producers, it cannot be said to characterise the Trade Unionism of the present day, and it will accordingly not be discussed in our chapter on "The Assumptions of Trade Unionism." The student should consult, besides the works of Owen, Hodgskin, Thompson, Lassalle, and Marx, Dr. Anton Menger's *Das Recht auf den vollen Arbeitsertrag*.

[1] *Report on Trade Societies and Strikes, Social Science Association*, 1860, p. 62.

day than before. As the charge was coupled with an alteration from piecework to fixed wages, there would have been some justification for a complaint that the Standard Rate was being imperilled, by the exaction of ever-increasing exertion for a fixed weekly wage. But instead of taking this point, the union claimed that unless the day wage was so fixed that the *cost of each boot to the employer* remained no less than before, the alteration should be regarded as a reduction of wages.[1] The men's case was so prejudiced by this argument that the President (Alderman Sir Thomas Wright) not only rejected their claim, but also went so far as to say that, provided the mere weekly earnings were undiminished, the change of process was not an alteration of conditions, thus altogether ignoring the question of the increased effort and strain involved.

The student of this remarkable series of disputes will not fail to notice that the employers and the workmen both take up positions which are inconsistent with their own arguments. The employers have, in the fullest and most unreserved manner, given in their adhesion to the principle of Collective Bargaining with regard to all the conditions of labor. They have emphasised their adhesion to this principle by insisting on the establishment of a most elaborate machinery for carrying on this Collective Bargaining, of which they make constant use. It is therefore inconsistent of them to claim that any employer has a right to "introduce machinery at any time without notice," and that changes in "the internal

[1] The claim and argument will be found in the *Report of the National Conference of the Boot and Shoe Trade*, August 1893. "Supposing," asked the President, "the alteration from piecework to daywork resulted in the worker receiving more money, would you say that was an alteration of which he had a right to complain?" To this question the obvious answer was that if the new process involved greater exertion or strain than the old, an actual increase of weekly earnings might well mean a lowering of the Standard Rate (of remuneration for effort), and thus involve a grievance to the workmen. But instead of taking this line the men's spokesman said, "I should say that if a particular individual got that money and the employer got eleven dozen of work done at the price of ten dozen provided by the Statement, that that involved a reduction of wages." The same confusion of ideas appears in the cases of "team system" discussed at the National Conference of January 1894.

economy of the factory or the manipulation of the workmen" are matters for the autocratic decision of each individual factory owner. It is no doubt a question for each employer to determine whether or not he will introduce a particular machine, just as it is for him alone to decide whether or not he will engage twenty additional workmen. But the regulations and conditions under which the men will be engaged, or will change their habits of work, are obviously matters which, on the assumption of Collective Bargaining, cannot be settled by the will of one party to the wage contract, or even by the agreement of particular employers and particular workmen, but must be arranged as a Common Rule by negotiation between the authorised representatives of both sides. The employers, moreover, have repeatedly adopted in their negotiations the principle of the Standard Rate, that is, the uniform maintenance throughout the trade of identical payment for identical effort. It is therefore inconsistent of them to insist on fixed time wages, on a change of process which must inevitably result in progressively increasing the intensity of effort imposed on the workmen. Unless there is some arrangement by which the operatives are ensured progressively increasing earnings, proportionate to this progressively increasing intensity, the employers are undermining the Standard Rate, that is, insidiously diminishing the rate of payment for a given amount of effort. The operatives, on the other hand, whilst recognising that their very existence as factory bootmakers depends on the supersession of the individual hand bootmaker, are always resenting the further division of labor and the increased use of machinery. And though they take their stand on the fundamental principle of maintaining the Standard Rate, and therefore of insisting on a Piecework Statement, they yet cannot bring themselves in the new processes to propose rates which would work out, even at the start, to earnings equivalent only to their present wages. If the men frankly asked for an increase in their Standard Rate of so much per cent, to be worked out in detail by a revision of the

"Statement," the claim would be discussed on its own merits, as an incident in the perennial higgling between employers and employed. It may well be that the moment when profits are being largely increased by a change of process, is a specially opportune occasion for a rise of wage. But, when the demand for an advance is disguised in an assumption that any departure from the old "Statement" is to be resisted as a positive reduction, the employers get into a state of inarticulate rage at what seems to them the intellectual dishonesty of the men's proceedings. If the operatives desire to maintain the modern Trade Union principle of the Standard Rate, they must abandon, once for all, the diametrically opposite assumption that "wages should be the price of goods," and at once set about the compilation of a new piecework list applicable to the great variety of machines and diversity of conditions in the various factories. Such a list would, no doubt, cost trouble, especially in view of the survival of many small manufacturers, each using only one or more of the new machines. But similar difficulties were met and overcome twenty years ago when the trade became a factory industry, and American experience shows that they are not insuperable to-day.[1]

The gradual introduction of composing and distributing machines into the English printing trade affords an instance of somewhat similar difficulties in another industry. These machines began to be used about 1876, but, owing to the imperfections of the earlier inventions, it was not until the

[1] The experience of the English Co-operative Wholesale Society, whose colossal boot factory remained unaffected by the general stoppage of 1895, is interesting in showing how an exceptionally able manager, himself once an operative, has (in anticipation of the agreement of a piecework list for the new processes) partially solved the problem, by making the weekly wages roughly proportionate to the increasing output. On a certain "lasting machine" the output varies from 666 pairs per week to as much as 1270, according to the skill and zeal of the operator. Mr. Butcher has known how to encourage zeal and skill, by refusing to adhere to the uniform rate per week given by many of the employers to all their workmen in each process; paying as much as 40s. to the principal operator, and (instead of taking on boys) giving 35s. a week even to his "followers." He declares his intention, on the output rising to 1500 pairs a week, to increase the wages to £2 : 10s.

last decade of the century that their competition with the old hand compositor came to be seriously felt. The advent of the machine has throughout been most distasteful to the men. But the Compositors' Trade Unions have from the first disclaimed any desire to prevent its introduction, or to forbid the members to work it. Their policy has been to secure the new employment to their own members on terms which protected their Standard Rate. No pretension on their part to receive the whole advantage of the Linotype machine is on record, but it is asserted that they have claimed a share of it. The Chairman of the Linotype Company, speaking to his shareholders in 1893, declared that "Nearly all the offices which have taken the Linotype are union offices—in some cases working by day, and in other cases working by piece. Surely that is sufficient proof that the labor difficulty is not a very serious one. The union [men] have, in my opinion, acted very fairly towards us. All they have said is this: 'Our men think you have an invention which is a great advantage to the trade—saves a great deal of money and labor—and the men should have their fair share of the advantages.' Let the masters pay them fairly, and then I believe there will be no difficulty whatever in introducing this machine."[1] In 1894, the London Society of Compositors was able to come to a satisfactory agreement with the newspaper proprietors, who have up to the present been the chief users of the machine, and it is now at work in the London newspaper offices under conditions formally accepted by both parties.[2]

[1] Speech of the Chairman of the Linotype Company, at the Ordinary General Meeting of Shareholders, Cannon Street Hotel, London, 11th May 1893.

[2] New and amended rules agreed to at a Conference between the Representatives of the London Daily Newspaper Proprietors, and of the London Society of Compositors, held at Anderton's Hotel on 7th June 1894.

Composing machines.

1. All skilled operators—*i.e.* compositors, justifiers, and distributors, as distinct from attendants or laborers—shall be members of the London Society of Compositors, preference being given to members of the Companionship into which the machines are introduced. Distribution to be paid at a minimum rate of 38s. per week of 48 hours, day-work.

2. A Probationary Period of three months shall be allowed, the operator to

Now let us turn from the trades in which the introduction of new machinery is recent enough to be a source of continual friction to those in which this has long ceased to be the case. In the great industries of cotton-spinning and cotton-weaving every part of the machinery employed has, during the last hundred years, been enormously improved. In the early stages of this mechanical progress each step was the subject of furious strife between masters and men, on much the same lines as the battles now being fought in the boot and shoe industry. For the last thirty years, however, the unions have genuinely abandoned all idea of opposing improvements, or of exacting the whole advantage of their introduction. The conditions under which any improvements in machinery shall be introduced have, by common consent, long since been taken out of the hands of the individual employer, or the particular group of operatives. Any change whatsoever in "the internal economy of the factory, or the manipulation of the workmen by the employer"—which, to the new class of boot manufacturers, seems a matter for their own autocratic decision—is, in the cotton industry, referred as a matter of course for prior deliberation and agreement between the expert salaried officials of the Trade Union and the Employers' Association. As the basis of negotiation, the principle of maintaining intact the Standard Rate of payment for a given quantity of effort is unreservedly accepted by both sides. The employers

receive his average weekly earnings for the previous three months. During this period he shall not undertake piecework.

3. In all offices when composing machines are introduced, the operators and case hands shall commence composition simultaneously. . . . Compositors and operators in such offices to be guaranteed two galleys per day of seven working hours on Morning papers, and on Evening papers twelve galleys per week of 42 hours.

4. The scale of prices for machine work shall be, Linotype, $3\frac{1}{4}$d. per one thousand ens for day-work in Evening paper offices, $3\frac{3}{4}$d. per thousand ens for work done in Morning paper offices, $\frac{1}{4}$d. per one thousand extra on all types above brevier; Hattersley, 4d. per one thousand ens for Evening paper work, and $4\frac{1}{2}$d. per one thousand ens for Morning paper work.

This agreement was, in 1896, superseded by a more elaborate one, framed on similar lines.—See *Labour Gazette*, August 1896.

recognise that any increased speed or complexity of the process means increased intensity of effort to the operative, which must therefore be remunerated by progressively increasing earnings. They would never dream of suggesting the substitution of fixed time rates of wages, and they agree, without demur, to a Piecework List which, definitely fixed in advance, completely secures to the workmen these progressive earnings. On the other hand, the operatives have unreservedly abandoned any idea that "wages should be the price of goods." We can imagine the amusement with which such experienced Trade Union officials as Mr. Mawdsley or Mr. Wilkinson would listen to the suggestion that any lowering of the cost per yard to the employer must necessarily be a reduction of wages to the operative. They would reply that, so long as the cotton operative was assured of his Standard Rate, he had no concern with the cost of production at all, except that any reduction resulting from wise administration or improvement of process was positively advantageous to the workmen, by securing for their product an ever-extending market. The Trade Unions of cotton operatives actually meet the innovating employers half-way, by agreeing to a piecework rate which decreases with every rise in the productivity of machinery. The employer therefore knows that every improvement that he can introduce will bring him a real, though not an unlimited, saving in his cost of production. The operatives, on the other hand, have the assurance that the graduated piecework rates, already settled by mutual agreement, after careful consideration by their expert officials, will not only protect their present weekly earnings, but will also immediately remunerate them for any increased effort involved. They have learnt, moreover, by experience, that any consciousness of the increased effort will soon disappear as the closer attention and quicker movement become habitual. It is true that by accepting a lower piecework rate they give up any claim to monopolise for themselves the "unearned increment" of the new invention. On the other hand, they

are secured by the employers' concession of a predetermined Piecework List, in all the "rent" of the new dexterity which practice at the new process inevitably produces. Thus, the steadily rising speed of working, which to the boot operative, compelled by his employer to labor at a fixed time wage, is "pace-making and slavery," means to the cotton-spinner a welcome addition to his weekly earnings, and a permanent rise in his Standard of Life.

The United Society of Boilermakers and Iron-shipbuilders base their agreements with their employers on similar principles. Thus the internal economy of the vast shipbuilding industry of the North-East coast of England is governed by the following formal treaty as to new appliances, etc.: "Notwithstanding any of the above clauses the shipbuilders are to be entitled to a revision of rates on account of labor-saving appliances, whether now existing and not sufficiently allowed for, or hereafter to be introduced; for improved arrangements in yards; for rates to be paid in vessels of new types where work is easier, and for other special cases. The terms of these revisions to be adjusted by a committee representing employers and the Boilermakers' and Shipbuilders' Society. The men shall in like manner be entitled to bring before the said committee any jobs, the rates of which may require revision due to new conditions of working, structural alterations in vessels, or any other cause." This agreement met with some opposition from a section of the workmen, who objected to any allowances being made for machinery, etc. To this complaint the Executive Committee of the union replied: "It is well known to the oldest shipyard plater in our society that he can go into some yards and plate a vessel at 10 per cent per plate less in one yard than he can in another on account of the difference in machinery. The employer therefore who has the best machinery is being paid for his machines through having his work done at a cheaper rate. . . . This is done all over, and rightly so. It is well known to our platers that, on account of the difference of facilities

for doing work in the different yards, we have never been able to get a standard list of prices for plating."[1]

We may now sum up what seems to us the outcome of Trade Union experience in dealing with new processes and machinery, and what, judging from the general tendency and the example of the Cotton Operatives, may be expected to become the universal policy. We see, in the first place, that the old attempt of the handicraftsman to exclude the machine has been definitely abandoned. Far from refusing to work the new processes, the Trade Unionists of to-day claim, for the operatives already working at the trade, a preferential right to acquire the new dexterity and perform the new service. In asserting this preferential claim to continuity of employment, they insist that the arrangements for introducing the new process, including not only the rates of wages but also the physical conditions of work, are matters to be settled, not solely by one of the parties to the wage contract, but after discussion between both of them. Moreover, on the principle of Collective Bargaining, the matter is not one which can be left even to agreement between any particular employer and his workpeople, but one which must be settled by negotiation, as a Common Rule to be enforced on all employers and operatives in the particular trade.[2] When this Collective Bargaining takes place, the Trade Union always proceeds on the fundamental assumption that under no circumstances must the "improvement" be allowed to put the operative in any worse position than he was before. The change of technical process, which may revolutionise all the conditions of this working

[1] *Monthly Report of the United Society of Boilermakers and Iron-shipbuilders*, January 1895.

[2] This claim, to make the circumstances under which a change of process shall take place a matter for Collective Bargaining, has only lately been admitted, or even comprehended by employers; and the demand would, in many trades, still be regarded as preposterous. Until 1871, indeed, combination for any other objects than improvement in wages or hours was a criminal offence, and it never occurred, even to a good employer, that the most momentous change in the method of working could be a matter for mutual arrangement between his workpeople and himself.

life, is calculated greatly to increase the productivity of his labor, and should, it is claimed, at any rate not be made the occasion of any encroachment on the privileges or advantages which he has hitherto enjoyed. This involves, not only that his weekly earnings shall be maintained, but also that the length of the working day, the amount of physical or mental exertion required by his task, or the discomfort or disagreeableness of his work shall either not be increased, or else that any increase shall be fully paid for by extra rates. It will, moreover, be demanded that any defensive or other regulations, which have hitherto been accepted, shall be continued and made applicable to the new conditions. The pieceworker will expect a definitely settled detailed list of prices; the timeworker will require any accustomed protection against being "driven" beyond the normal speed, whilst in trades in which apprenticeship has hitherto been regulated a continuance of the regulation will be insisted on.[1] All this merely comes to a demand that the condition and status of the workman should not be deteriorated by the change which is to bring a new profit to the employer. To this there will sometimes be added the further claim which stands, it is obvious, on a different footing, that the wage-earner should receive some of the advantages to be derived from the improvement, and that he should therefore take the opportunity of obtaining, as a condition of his acceptance of the new process, some positive increase in his Standard Rate.

[1] Comfort and habits of life often play an important part in these negotiations, leading sometimes to obstruction, sometimes to encouragement of a change. Thus the Yorkshire Glass Bottle Makers' Society refused in 1875 to work with a new gas furnace, because they declared it would involve a three-shift system; an objection paralleled by the Northumberland and Durham miners' refusal to shorten the hours of boys, because it will probably involve a change from two to three shifts. In both cases the men assert that the alteration of hours would be inconvenient and unpleasant to them. On the other hand, when in 1876 a new system of "pot-setting" was invented in the glass trade, which was safer and more rapid than the old process, the Yorkshire Glass Bottle Makers' Society passed a resolution demanding its adoption, and insisting on those firms which still retained the old plan paying 2s. per man for the operation, as compared with only 6d. for the new system.—See the Annual Reports of the Yorkshire Glass Bottle Makers' Society for 1875 and 1876.

It is interesting to observe that, with the acceptance of this new policy by the employers, and its complete comprehension by the workmen, it is not the individual capitalist, but the Trade Union, which most strenuously insists on having the very latest improvements in machinery. In the English boot and shoe trade, every improvement is, as we have seen, made the occasion of a prolonged wrangle between employers and workmen. In Lancashire it quickly becomes a grievance in the Cotton Trade Unions, if any one employer or any one district falls behind the rest. The explanation of this difference is obvious. No employer takes any trouble to induce the laggards in his own industry to keep up with the march of invention. Their falling behind is, indeed, an immediate advantage to himself. But to the Trade Union, representing all the operatives, the sluggishness of the poor or stupid employers is a serious danger. The old-fashioned master spinners, with slow-going family concerns, complain bitterly of the harshness with which the Trade Union officials refuse to make any allowance for their relatively imperfect machinery, and even insist, as we have seen, on their paying positively a higher piecework rate if they do not work their mills as efficiently as their best-equipped competitors. Thus, the Amalgamated Association of Operative Cotton-spinners, instead of obstructing new machinery, actually penalises the employer who fails to introduce it! This remarkable difference, in the attitude of both workmen and employers, between the two great English industries of cotton-spinning and bootmaking, goes far to explain their very different standing as regards technical efficiency. The English boot manufacturer is always complaining of the far higher efficiency of the splendidly-equipped factories of Massachusetts and Connecticut. The Lancashire cotton mill, in the amount of output per operative, easily leads the world.

There remains one other type of case to be dealt with, namely that in which the new process, instead of being worked by the old skilled hands, supersedes them by a class

of entire novices. As this happens to be the very type which, from its association with tragic episodes in industrial history, strikes the public imagination most forcibly, and has accordingly become a commonplace in the denunciations of our industrial system from the more extreme platforms of social reform, its omission, so far, may have struck the reader as an unexpected oversight. It is possible for the introduction of a new machine or process to annihilate the utility of a workman's skill as completely as the photograph has annihilated the miniature, the railway train the stage coach, or petroleum the snuffers. The heart-rending struggle of the handloom weavers against the power loom is perhaps the best-known instance. Let us follow, step by step, or rather stumble by stumble, the road to ruin of an insufficiently organised trade supplanted by machinery.[1]

When the handicraftsman begins to find his product undersold by the machine-made article, his first instinct is to engage in a desperate competition with the new process, lowering his rate for hand labor to keep pace with the diminished cost of the machine product. This is obviously the "line of least resistance." No newly-devised machine, worked by novices, and not yet perfectly adapted to the process, can convince a skilled handworker that it will ever succeed in turning out as good an article as he can make, or that the saving of time will be at all considerable. The very fact that a lad or a girl at ten or fifteen shillings a week can perform the new process with ease, only confirms him in his attitude of disparagement and incredulity.

[1] The struggle of the small hand industry against the factory system can be best studied at present in Germany and Austria, where the position is being described in detail by scores of competent observers. See, among other studies, Professor Gustav Schmoller's *Zur Geschichte der Deutschen Kleingewerbe im 19th Jahrhundert* (Halle, 1870); Dr. Eugen Schwiedland's *Kleingewerbe und Hausindustrie in Oesterreich* (Leipzig, 1894), 2 vols.; and his two Reports *Ueber eine gesetzliche Regelung der Heimarbeit* (Vienna, 1896 and 1897); Dr. Kuno Frankenstein's *Die Deutsche Hausindustrie*, 4 vols.; the article "Hausindustrie" by Prof. Werner Sombart in Conrad's *Handwörterbuch der Staatswissenschaften*, vol. iv.; and the magnificent series of monographs on particular trades or districts, published by the "Verein fur Sozial Politik" as *Untersuchungen über die Lage des Handwerks in Deutschland* (Leipzig, 1894-97), 12 volumes.

In such a mood a man does not throw away the skill which is his property and staff of life, to consent to become either a machine-minder at one-half or one-third of his accustomed wages, or else begin life afresh in some entirely new occupation. He confidently pits his consummate skill against the first clumsy attempts of the undeveloped machine, and finds that a slight reduction in the Standard Rate for hand labor is all that seems required to leave his handicraft in full command of the market. His well-intentioned friends, the clergyman and the district visitor, the newspaper economist and the benevolent employer, combine to assure him that this—the Policy of Lowering the Dyke—is what he ought to adopt. But, unfortunately, this is to enter on a downward course to which there is no end. The machine product steadily improves in quality, and falls in price, as the new operatives become more skilled, and as the speed of working is increased. Every step in this evolution means a further reduction of rates to the struggling handworker, who can only make up his former earnings by hurrying his work and lengthening his hours. Inevitably this hurry and overwork deteriorate the old quality and character of his product. The attempt to maintain his family in its old position compels him to sacrifice everything to the utmost possible rapidity of execution. His wife and children are pressed into his service, and a rough and ready division of labor serves to economise the use of the old thought and skill. The work insidiously drops its artistic quality and individual character. In the losing race with the steam engine, the handwork becomes itself mechanical, without acquiring either that uniform excellence or accurate finish which is the outcome of the perfected machine. Presently, the degraded hand product will sell only at a lower price than the machine-made article. The worse the work becomes the more irregular grows the demand. Those select customers, who have remained faithful to the hand product, find, by degrees, that its former qualities have departed, and they one by one accept the modern substitute.

And thus we reach the vicious circle of the sweated industries, in which the gradual beating down of the rate of remuneration produces an inevitable deterioration in the quality of the work, whilst the inferiority of the product itself makes it unsaleable except at prices which compel the payment of progressively lower rates. The handworker, who at the beginning justifiably felt himself on a higher level than the mechanical minder of the machine, ends by sinking, in physique and dexterity alike, far below the level of the highly-strung factory operative. There is now no question of his taking to the new process, which has risen quite beyond his capacity. He passes through the long-drawn-out agony of a dying trade.

This, in main outline, is the story of the handloom weavers in all the branches of the textile industry.[1] We see the same grim evolution going on to-day in the chain and nail trade in the Black Country, and among the unorganised sections of the tailors and cabinetmakers. We need not dilate on the misery to which these unfortunate workers are reduced. But it is important to observe how the interests of the consumers are affected by this "Policy of Lowering the Dyke." It is, in the first place, to be noted that it in no way stimulates the spread of machinery or the perfecting of the new process. The constant yielding of the handworker even diminishes the pressure on his employer to adopt the newest improvements, and positively tempts him to linger on with the old process. So long as he can compete with his rival by another cut off wages, it will not seem worth while to lay out capital and thought in new machinery. Thus, the transition from the old system of production to the improved methods is delayed, to the loss of the consumer for the time being. But what is perhaps of greater importance to the community is the disappearance of any real

[1] "Heartbroken and objectless in their squalid poverty, their insight into the active stirring world beyond them, with its various moving springs and wires, became perverted, and they stuck to their falling trade with a kind of obstinate fatalism."—John Hill Burton, *Political and Social Economy* (Edinburgh, 1849), p. 29.

alternative to the machine product. The degradation of the handworker's craft, resulting, as we have seen, directly from the forcing down of his Standard Rate, deprives the nation of the charm given to the old country stuffs and furniture by their artistic individuality. Even the machine-made product is the worse for the deterioration of the handicraft. It gradually loses the ideal of perfect workmanship and artistic finish, to which the inventor and operative were perpetually striving to approximate. It is, indeed, difficult to discover any advantage whatsoever, either to the handicraftsman or to the community, in a policy which, whilst failing to stimulate the use of labor-saving machinery, neither saves the handworkers from misery, nor preserves to the community what is of value in their handicraft.

Here, then, we have the dramatic instance as it actually occurs; and certainly the reality is as harrowing as the most fervidly descriptive platform orator can make it appear. And yet its tragedy is incomplete without the final demonstration that the really cruel stages of all this suffering are needless, and are caused not by the iron march of industrial evolution, but simply by the adoption on the part of the workmen and their employers of this "Policy of Lowering the Dyke." We have failed to discover a single instance of supersession by machinery, in which it would not have been possible for the superseded handicraft at least to have died a painless death. There are industries which have been changed by machinery as thoroughly as weaving, but in which, owing to the enforcement of a different policy by the Trade Unions concerned, the handworkers have not only survived, but are to-day busier, more highly paid, and more skilful than ever they were before.

The Amalgamated Society of Cordwainers, an organisation dating from the eighteenth century,[1] had, up to 1857, enjoyed a complete immunity from any invasion by machinery

[1] See *History of Trade Unionism*, p. 51, where a circular of 1784 is quoted. The organisation was reformed in 1862, and in 1874 it took the name of the Amalgamated Society of Boot and Shoe Makers.

or new processes. The application of the sewing-machine to bootmaking, and the successive introduction of new inventions led, between 1857 and 1874, to a complete revolution in the trade. At first the rank and file of the workmen bitterly resented the change of conditions, and the employer introducing a new machine was often met by the most unreasonable demands. But the Executive Committee of the Trade Union, whilst maintaining intact the established scale of prices for handwork, steadfastly refused to sanction any resistance to the new processes. On the contrary, it persistently advised all its members who failed to get handwork at the established high rates, to accept employment at the new factories at whatever they could get, and gradually to work out a new piecework list adapted to the altered conditions. In order to secure this fresh "Statement" these members were advised to join hands with the new men whom the factory brought into the trade, and freely to admit them into their branches. Thus, already in 1863, it was resolved "that men employed in the rivetting and finishing peg-work, and those working in factories, be recognised, and can belong to any section, or form sections by themselves."[1] This policy, pressed on the members at every opportunity, was quickly accepted, with the result that the union found itself, in a very few years, composed of two distinct classes of members, handicraftsmen and factory workers. When

[1] *The Trade Sick and Funeral Laws of the Amalgamated Society of Cordwainers* (London, 1863). The "rivetters" became a separate class, when, about 1846, rivetting was introduced in place of stitching. See the manifesto of the Leicester shoemakers, quoted by Marx, *Capital*, Part IV. chap. xv. sec. 7 (vol. ii. p. 457 of English translation of 1887). The operatives in the factory boot manufacture are at present divided into the following classes: (1) the "clickers," the men and lads who cut from skins the sections of the boot and uppers; (2) "rough-stuff cutters," the men who cut the bottom material by knives set in powerful machines; (3) "fitters," men who place the upper leathers in position for "closing"; (4) "machinists" (often women) who "close" or stitch the uppers; (5) "lasters," men or boys who place the closed uppers over the last and attach the bottom material (in hand-sewn work these are known as "makers," in "pegged work," now nearly obsolete, they are called "pegmen" or "rivetters"); (6) the "finishers," who blacken the edges, clean the soles, and generally polish up the boot. The two latter classes form a large majority of the whole.

the latter began actually to outnumber their old-fashioned colleagues, it was found convenient, as we have already mentioned, that they should break off, and form a society of their own, the National Union of Boot and Shoe Operatives. The Amalgamated Society of Cordwainers, now again confined to the handicraftsmen, has ever since continued to pursue the same line of policy. It has remained on amicable terms with the new society, neither competing with it for members, nor in any way obstructing its remarkable growth. But what is more important, it has steadfastly refused to allow its own members to compete in cheapness with the new process. If a handmade boot is desired, the old scale for handwork must be paid. Many consequences have resulted from this policy, some of which might not, at first sight, have been expected. As the employers found no way of getting a commoner class of boots made by inferior hand labor at low rates, machinery has gone ahead by leaps and bounds. But it has created an entirely new trade for itself. The keeping up of a high level of price for the handmade article has not destroyed the demand, but has, on the contrary, given it permanence and stability. The employers, finding themselves bound in any case to pay the old scale of rates, have had to concentrate their attention on obtaining the finest possible workmanship, as only in this way were they able to tempt their customers to prefer the necessarily expensive handmade product. Those persons who are prepared to pay well for first-class workmanship find therefore that they can still obtain exactly what they require, and hence remain faithful to the handmade boot. Meanwhile, the handicraftsmen have become a select body, not because they have closed their ranks, but because none but men of long training and exceptional skill can find employment at the recognised scale, or do the highly-finished work which the employers require in return for such high rates. Competition between the handicraftsmen takes, in fact, the form of a continuous elimination of the less skilled among them, who are encouraged, in their youth, to go into the machine

trade. The result has been that the skilled hand bootmakers, whilst somewhat diminishing in numbers, have positively improved their scale of prices and average earnings, and more than maintained their level of skill. Finally, notwithstanding a continuous improvement in the efficiency of bootmaking machinery, the handmade boot still remains an ideal to which inventors and factory managers are perpetually striving to approximate their commoner product.

This analysis of the policy of the Amalgamated Society of Boot and Shoe Makers finds a remarkable confirmation in the analogous case of the paper manufacturers. A generation ago this old trade of skilled handworkers, closely combined since the middle of the eighteenth century,[1] was seriously menaced by the rapid spread of machine-made paper. Foreign competition, too, began, on the repeal of the paper duty in 1861, to cut into the trade of the English manufacturers, and the United Kingdom, from being a large exporter of paper, gradually became a large importer. The hand papermakers, who had, from time immemorial, enjoyed wages 15 or 20 per cent higher than those even of skilled artisans in other trades, made no attempt to prevent or to discourage the introduction of paper-making machinery, or even to secure the new work for their own members. The machine-workers were at first admitted to membership of the handworkers' union, but few of them joined, and (as in the analogous case of the boot and shoe operatives) it was afterwards found more convenient for the new class of workmen to form organisations of their own.[2] The highly-paid

[1] "Our Society," said the spokesman of the Original Society of Papermakers in 1891, "can go back, according by the records, to 150 or 160 years." Its very archaic rules, preserved in the appendix to the *Report of the Committee on Combinations of Workmen*, 1825, are referred to in the *History of Trade Unionism*, p. 80.

[2] It was stated in evidence in 1874 that "the Society is composed of some 700 men, of whom 420 are employed in vat mills," the former comprising a very large proportion of the entire handmade trade, and the latter only a trifling proportion of the machine trade (*Report of Arbitration on the Question of an Advance in Wages* . . . 10th July 1874, Maidstone, 1874, p. 53). At present (1897) the machinemen are organised in two separate unions, the Amalgamated Society of Papermakers, a strong body in the South of England, and the National

handworkers were incessantly advised to moderate their demands, so as to enable their employers to compete with the new machine mills, which started up in every county. As early as 1864 a leading employer gave them an ominous warning. "When you see . . ." he said, "regular machine mills (such as I intend to stand by, if driven from the vats) rising up around you . . . remember the old fable of 'The Goose with the Golden Eggs' . . . lest . . . you lose the position in which you now stand."[1] "How can we compete with the machine paper unless wages are reduced?" asked a millowner in 1891. "I say the best course for you to adopt," replied the spokesman of the operatives, "is to keep up the quality and the price of handmade paper."[2] This policy has been consistently pursued by the Trade Union. Far from consenting to lower its members' rates of pay, it has taken every opportunity to raise them. "We have never had a reduction of wages in the paper trade," declared the men's secretary in 1874.[3] "In 1839," a leading employer told the arbitrator, "there was an increase of wages, in 1853 a slight modification, in 1854 a slight increase, another increase in 1865, in 1869 a slight increase, when beer money was given instead of beer. . . . So we went on from 1838 to 1872, giving these three or four rises, and, in 1872, a rise of sixpence per day was conceded by the employers without any great fuss";[4] the pay of a first-class vatman for a "day's work" in a Kentish mill being now 6s. 5d., as compared with 4s. 7d. in 1840.[5] It is interesting to find the workmen expressly comparing their own attitude with that of the

Union of Paper Mill Workers of Great Britain and Ireland, a weaker society with membership chiefly in the North of England and in Scotland.

[1] *Notes of Proceedings at a Meeting of Paper Manufacturers and Journeymen Papermakers Relative to an Advance in Wages* (Maidstone, 1864), p. 34.

[2] *Report of Arbitration Meeting between Employers and Employed in the Handmade Paper Trade* . . . on 29th January 1891 (Maidstone, 1891), p. 65.

[3] Arbitration Report of 1874, pp. 14, 17. "Never once in the history of the trade had there been a reduction of the prices."—*Report of Meeting of Employers and Employed* . . . on 15th September 1884 (Maidstone, 1884), p. 18.

[4] Arbitration Report of 1891, pp. 45-46.

[5] See table of rates in the Arbitration Report of 1874, p. 33.

Amalgamated Society of Cordwainers, and justifying it on the same grounds. "There is no doubt," declared their spokesman in 1891, "that handmade paper will continue to hold its own in the market. There are now many branches of industry where machines play a very important part in the production of various goods. . . . [But] if you want a splendid article in those materials, you must have handmade. . . . The same remark applies to the shoemaking trade. Handmade shoemakers now command higher wages than ever they did in the history of the trade. Their services have become much more important and valuable since the introduction of machines, which now manufacture all parts and all kinds of shoes. The people know that if they want a good boot they must have handmade. It seems to me . . . that handmade paper is precisely in the same position. If people want the genuine article they will, notwithstanding the cost, go in for handmade paper."[1] That this policy has, in the paper trade, been attended by success is admitted on all sides. The rigid maintenance of high rates for handmade paper has given the utmost possible encouragement to the introduction of machinery, wherever machinery could possibly be employed. The production of machine-made paper has accordingly advanced by leaps and bounds, to the great advantage of the public in the cheapening of the article for common use. But this enormous increase of production has in no way injured the trade in the superior handmade paper. No attempt is made to compete in cheapness with the machine-made product, the manufacturers, like their operatives, preferring to concentrate their attention on turning out as different a grade of quality as possible. The result has been in the highest degree remarkable. Instead of handmade paper mills having "to be closed all over the country," as was expected in 1860, it was reported to the arbitrator that by 1874 there were actually considerably more vats at work than had ever formerly existed; that by 1891 the number of vats and the amount of the sales had

[1] Arbitration Report of 1891, p. 10.

still further increased ; and that "the last sixteen years have been the most successful sixteen years that we have ever known in the trade."[1] All this is fully conceded by the employers. "The masters," declared their spokesman in 1891, "never made such large profits in the old days as they have made since. I admit [that] my father, for instance, who had a good mill, could only make a bare living."[2] Meanwhile the speed and continuity of the work has been steadily increased, until the actual output in pounds of paper per man per year in the best-equipped mills is now greater than it has ever been in the history of the craft. The prosperity of the employers, as their leading representative explained in 1891, "has been due to two causes. In the first place there has been—and I think the other gentlemen present will bear me out in this—a great increase of sobriety and steadiness on the part of the men. There was a time when they did not work, sometimes for weeks together, five days a week. . . . That is one great cause to which I attribute our prosperity. . . . The other cause is the introduction of improvements by the masters. The mills are very different from what they used to be. . . . It is easier for the men to make seven days a week now than it was years ago to make six days. . . . Formerly there were many breakdowns at our mills. . . . All these things have been changed."[3] We see, therefore, that in spite of the adverse influence exercised, as we shall show in a later chapter, by the Trade Union Restriction of Numbers and the monopoly enjoyed by the old-established employers, the enforcement of a high Standard of Life in the handmade paper trade, far from destroying the livelihood either of masters or men, has been accompanied by a marked advance in their prosperity, and a distinct differentiation between the old product and the new. The policy of maintaining simultaneously the quality and the price of the hand-

[1] Arbitration Report of 1891, p. 30. [2] *Ibid.* p. 46.

[3] *Ibid.* pp. 50-51. In the handmade paper trade "a day's work" is a definite quantity of paper, varying according to size and weight. It has no relation to the period of employment.

made article, whilst it has given a positive encouragement to the introduction of machinery into the trade, has proved, in fact, the salvation of the hand papermaker's craft.

Much the same policy has been pursued by the Amalgamated Association of Operative Cotton-spinners with regard to the introduction of "ring-spinning," an ingenious application of the old "throstle-spinning," which dates from about 1881. By the substitution of the "ring frame" for the "mule," it has been found possible, in the manufacture of certain "counts" of cotton (the coarser "twist" up to about "50's"), greatly to diminish the amount of skill and effort required. What formerly demanded the concentrated attention of a highly-skilled man is now within the capacity of an untrained woman. Had this invention been made fifty years ago, the mule-spinners would undoubtedly have done their utmost to prevent its adoption, and to exclude women from any participation in cotton-spinning. But no such action has been taken, or even suggested. Although the Cotton-spinners' Trade Union, especially in its close alliance with the Weavers and Cardroom Operatives, now exercises a far more effective control over the industry than at any previous period, ring spinning by women has, during the last fifteen years, been allowed to grow up unmolested.[1] It was practically impossible for the adult male spinners, earning two pounds a week, to insist on claiming for themselves work which could be done by women at fifteen shillings a week. But they might have attempted to stave off the innovation by lowering the rates for their own work, and thereby discouraging their employers from making the change. This, as we have seen, was the policy followed two generations ago by the handloom weavers. The Amalgamated Association of Operative Cotton-spinners adopted an entirely different course. When an employer complained that he could no longer compete with rivals who

[1] The ring-frame spinners were even received into the Amalgamated Association of Card and Blowing Room Operatives, with the full assent of the Spinners' officials, as being the most suitable textile organisation for them to join.

had adopted the ring frame, unless his mule-spinners would accept a lower rate, he was told that under no circumstances could any "lowering of the dyke" be permitted. What he was offered was, as we have described, a revision of the piecework list so arranged as to stimulate him to augment the rapidity and complexity of the mule, in order that the mule-spinners, increasing in dexterity, might simultaneously enlarge the output per machine and raise their own earnings. The cotton-spinners in short, like the hand bootmakers, preferred to meet the competition of a new process by raising their own level of skill, rather than by degrading their Standard of Life. The result has been that, except under certain circumstances, the mule has, up to now, fairly held its own. The number of mule-spinners, like the number of hand bootmakers, remains about stationary, and this without the slightest attempt or desire to close the trade to newcomers. Like the bootmakers, indeed, the mule-spinners are subject to a constant process of selection, the employers naturally refusing to engage, at such high rates, any but the most skilled men.

There is, however, one point, on which the policy of the cotton-spinners with regard to the ring frame, and that of the papermakers with regard to the machine, has fallen short of the policy of the hand bootmakers with regard to the factory system. The Amalgamated Society of Cordwainers did its utmost, as we have seen, to organise the new class of factory workers,[1] so that these could, as quickly as possible, secure a new Standard Rate commensurate with the skill and effort required. This, it will be obvious, is really a necessary corollary of the maintenance of a Standard Rate. The adoption of a new process must, on the whole, be deemed an advantage to the community when it effects a real saving of labor or economy of skill. But it is a very

[1] "That clickers, stuff-cutters, pegmen, finishers, and machinists working at the shoe trade are admitted into society. That all women working at the shoe trade be admitted into the Association upon the same terms, and entitled to the same rights of membership as the men."—Resolution of the National Union of Boot and Shoe Operatives' Conference, 16th September 1872.

different thing when the attractiveness of the new process to the employer is due, not to any real economy of human labor, but to the chance of employing a helpless class of workers at starvation wages. Unless the workers at the new process are paid wages sufficient to maintain them at the required new level of skill and efficiency, the new process must be, in some way, parasitic on the community. To give a concrete instance, if the daughter of a mule-spinner, reared in a comparatively comfortable household, and maintained at home at a cost of fifteen shillings a week, offers her services as a ring-spinner at ten shillings a week, the competition between the mule and the ring frame may reasonably be deemed "unfair." If the woman had to live on the ten shillings, her strength, her capacity of attention, her regularity of attendance, and possibly her respectability, would inevitably degrade. She could, moreover, not bring up, on her wages, a new generation of ring-spinners to replace her. So long as the underpaid worker is otherwise partly maintained—perhaps the most usual case with women and children—the employer is, in effect, receiving a bounty in favor of a particular form of production, and the community has no assurance that the competition between the processes will lead to the survival of the fittest. "Whole branches of manufacture," to use the weighty words of the Poor Law Commission of 1834, "may thus follow the course, not of coal mines or streams, but of pauperism: may flourish like the fungi that spring from corruption, in consequence of the abuses which are ruining all the other interests of the place in which they are established, and cease to exist in the better administered districts in consequence of that better administration."[1] From the point of view of the community, therefore, it is vital that, however low may be the standard of skill and strength required by the new process, there should be maintained such a level of wages as will, at any rate, fully sustain the new operatives at that standard.

[1] *First Report of Poor Law Commissioners*, 1834, p. 65 of reprint of 1884 (H. C. 347).

From the point of view of the workers at the old process, it is clearly of the utmost consequence that the new process should get no false stimulus by such a "bounty" as we have described.

This argument, to which we shall recur in our chapter on "The Economic Characteristics of Trade Unionism," is only slowly penetrating into the minds of the mule-spinners. Unlike the Amalgamated Society of Cordwainers, the Amalgamated Association of Operative Cotton-spinners took no trouble to organise their new competitors, the women ring-spinners, to whom the employers were allowed to pay as little as they pleased. After fifteen years' experience, however, this idea is beginning to dawn on the officials of the Cotton-spinners' Union, though no positive action can yet be recorded.[1] But it has never yet occurred to the old-fashioned close corporation of hand papermakers that they are in any way called upon, in their own interest, to assist the comparatively unskilled operatives in the machine paper-mills of the North of England to secure a proper Standard Rate. And the Amalgamated Society of Tailors never dreams of taking steps to organise the ill-paid women of the clothing factories.

We see, then, that where skilled labor is replaced by unskilled, the paramount importance of maintaining the Standard of Life warns off the handworker, both from any claim to work the new process and from any attempt to compete in cheapness with machine work. The hand bootmakers, the hand papermakers, and the cotton mule-

[1] Thus, in May 1896, we find the following warning note in the organ of the Amalgamated Association of Operative Cotton-spinners. In the ring-frame spinning, "employers and their agents have practically had the whole field to themselves in the matter of fixing prices and wages, as they have had no opposition from Trade Unions and their officials, and under the circumstances they have taken great care to pay little enough for the labor of the operatives who are employed on the frames. . . . The rapid increase of this class of spinning is preventing the extension of mule-spinning, and so damaging the future prospects of the little piecers of to-day. The Spinners' Union have made a mistake in not paying attention to getting ring-spinners as members of their association, and framing a list of wages to govern this class of labor."—*Cotton Factory Times*, 15th May 1896.

spinners have, in their several ways, discovered another policy, viz.: rigorously to enforce the old high rate of pay for the old work, frankly to abandon to the machine any part of the trade within its scope, and more and more to concentrate attention on maintaining and differentiating the peculiar qualities of their own special article. But this enlightened self-interest requires, from the economic standpoint, to be supplemented by a consideration of the claims of other classes of operatives. The Trade Unionist is beginning to recognise that he has a deep interest in maintaining the Standard Rates of other sections of workers. The logical outcome of Trade Union experience in all these difficult cases seems, indeed, to be a minimum standard of remuneration for effort, whatever the grade of labor, so that, under no circumstances, would any section of workers find itself reduced below the level of complete maintenance.[1] Whenever an employer seeks to substitute a lower for a higher grade of labor, it is only by some such enforcement of a minimum that the community can avoid the pernicious bounty to particular occupations or processes, irrespective of their social advantageousness, that is involved in the labor being partially maintained from other sources than its wages.[2]

[1] We must refer the reader for a full explanation of this difficult point of Trade Union theory to our chapter on "The Economic Characteristics of Trade Unionism."

[2] The employers' proposal that one operative should attend to two or more machines falls economically under the head of "speeding up," rather than under that of a change of process, and has therefore been implicitly dealt with in our chapter on "The Standard Rate." The wage-earner's traditional resentment of any labor-saving innovation is here mingled with his even stronger objection to what is commonly an attempt to evade the Standard Rate, by exacting more bodily exertion or mental strain for the same money. Thus the Carmen, paid by time, at a rate for which they are accustomed to mind one horse and cart, strongly protest against one man being required to attend simultaneously to two vehicles. The same feeling influences pieceworkers unless they are sufficiently protected by a Standard List to have confidence that the increase in the day's task and earnings will not be followed by a reduction of rates. The women cotton-weavers of Glasgow, who are practically unorganised, and whose piecework rates, unprotected by any effective list, are always going down to subsistence level, stubbornly refuse to work more than one loom each. The cotton-weavers of Lancashire, on the other hand, whether men or women, relying confidently on their strong Trade Union and their Standard Lists, willingly work as many

looms—two, four, and even six—as they can manage (see "The Alleged Difference between the Wages of Men and Women," by Sidney Webb, *Economic Journal*, December 1891). The employers' attempt to induce engineers to attend to more than one lathe or other machine has led to much friction. In this instance it is not clear to us what is the exact issue. If it is suggested that the engineer should, for the weekly wage hitherto paid for one machine, in future mind two, the case is merely one of an attempted reduction of the Standard Rate, which the men naturally resist. We are unable to gather whether the employers have made it plain that they propose to increase the time wages—say to time and a half—when two machines are minded, or whether they are prepared to establish and bind themselves to adhere to a Standard List of piecework rates, which would automatically secure to the operative an increase in earnings proportionate to the increase in strain. If either of these courses were adopted, we see no reason why the engineers should not, like the cotton-weavers, willingly mind as many machines as they can without undue strain. If the employers claim the right to assign an operative to as many machines as seems fit to them, without arranging special rates with the Trade Union officials, this is simply a denial of the elementary right of Collective Bargaining, and will be fought as such.

CHAPTER IX

CONTINUITY OF EMPLOYMENT

THE Trade Union Regulations which we have described in the foregoing chapters have dealt exclusively with the maintenance and improvement of the conditions of employment: they have left untouched the problem of unemployment. A Standard Rate, a Normal Day, and safe and healthy conditions of work are of no avail if there is no work to be got. "We are willing to admit," said the Engineers of 1851, and the Cloggers of 1872, "that whilst in constant employment our members may be able to obtain the necessaries of life. Notwithstanding all this, there is always a fear prominent in the mind of him who thinks of the future that it may not continue; that to-morrow may see him out of employment, his nicely-arranged matters for domestic comfort overthrown, and his hopes of being able, in a few years, by constant attention and frugality to occupy a more permanent position, proved only to be a dream. How much is contained in that word 'continuance,' and how necessary to make it a leading principle of our society!"[1] "In a fluctuating trade," say the Tailors, "many who depend for the necessaries of life on their daily toil are often deprived of employment in the most inclement season. They wander through the

[1] Preface to *Rules and Regulations of the Amalgamated Society of Engineers* (London, 1851), and also to *Rules of the Rochdale Operative Cloggers' Society* (Rochdale, 1872). The same sentence occurs, with verbal variations, in other Trade Union rules. (The cloggers make the "clogs," or wooden shoes, commonly worn in the streets by the Lancashire operatives.)

country from city to town, and from town to village, in search of employment, but, alas, in vain. This continues until, upon the mind of an honest man, the thought rests like an incubus, When and how shall I relieve myself of this degradation?"[1]

We touch here the "dead point" in our analysis of Trade Union Regulations. In spite of the vital importance of the question to men dependent on weekly wages for their whole livelihood, no Trade Union has hitherto devised a regulation which secures continuity of livelihood as a condition of employment.

At first sight it would seem as if the best way to obtain Continuity of Employment would be to require the employer, as a condition of getting the workman's service at all, to enter into a contract of hiring for a specified long term. This is not the course which the Trade Unionists have followed. Engagements for long terms were once common in many trades, and farm-servants in some parts of the country are still engaged for the year. But the mobility and vicissitudes which characterise modern industry are hostile to such permanence, and employers have come to prefer the shortest possible engagements, often insisting on freedom to discharge their operatives at a few hours' notice. This tendency, far from being resisted by the Trade Unions, has invariably been encouraged by them. The Coalminers of Northumberland and Durham fought hard to get rid of their "yearly bond"; the Staffordshire Potters in 1866 enthusiastically threw off the "annual hiring"; the "monthly pays," once common in all occupations, have been replaced by weekly, or at most, fortnightly settlements; and many Trade Unions have, at one time or another, expressly prohibited their members from entering into longer engagements, a prohibition now generally omitted as the practice has become obsolete.[2]

[1] Preamble to *Rules of the Amalgamated Society of Tailors* (Manchester, 1893).

[2] Thus the Scottish Ironmoulders' Society has, since 1838, forbidden engage-

This policy needs no explanation for any one who understands the Trade Union position. The "yearly bond" or annual hiring always meant, in practice, the conclusion of a separate agreement between the employer and each individual workman, and especially when the various terms of service did not expire on a uniform date, was incompatible with Collective Bargaining. Moreover, once the agreement was entered into, the wage-earner found himself, at any rate for the specified term of notice, practically at the mercy of the employer's interpretation of the conditions. The wage contract seldom contains express stipulations with regard to any other points than the amount of remuneration, and perhaps the hours of labor, and it is always implied that the wage-earner binds himself to obey all lawful and reasonable commands of his "master." It is in the wage-earner's power to throw up his job when he likes that his status differs most essentially from that of a slave, and if he foregoes this power, and binds himself for a long term to put up with practically whatever conditions, outside those expressly stipulated for, the employer may choose to impose, it is obvious that the Trade Union loses all power of protecting him against economic oppression.[1] The briefest possible term of service, terminable at a day or a week's notice on either side, has accordingly come to be preferred, for different reasons, by both employers and Trade Unionists.[2] This

ments longer than "from pay to pay," the rule now in force (1892) providing "that no member of this association shall enter into any engagement, either directly or indirectly, for any given time longer than from pay to pay, unless specially authorised by Executive." The United Kingdom Society of Coachmakers, whose rule on the subject dates from 1840, now ordains (1896 edition) that "no member be allowed to article himself under penalty of expulsion." The Tinplate Workers of Glasgow had a rule in 1860 that no member should so engage himself as to prevent his leaving his employer with two weeks' notice; the Liverpool Painters said one week.—*Report on Trade Societies and Strikes*, by the Social Science Association (London, 1860), pp. 133, 297.

[1] We recur to this aspect of the wage contract in our chapter on "The Higgling of the Market."

[2] It was a special aggravation of the "yearly bond" among the Coalminers that, whilst the workman bound himself for a whole year to hew coal whenever required by a particular employer, that employer did not guarantee to find him continuous employment, and could lay the pit idle whenever he chose

does not mean, as regards the great majority of industries, that the employers are incessantly changing their workmen, or workmen their employers. Wherever costly and intricate machinery is used, and wherever the processes of different workmen are dovetailed one into the other, it pays the employer to retain, even at some sacrifice, the services of the same body of men, accustomed to his business and to each other. In these trades accordingly, a well-conducted workman may rely on retaining his employment so long as his employer has work to be done.

In other industries this absence of any permanent engagement between master and man leaves the employer free to get his work done to-day by one set of workers, and to-morrow by quite another set. Whenever work is "given out" to be done in the workers' own homes, the employer can dole out the jobs as he chooses, sometimes to one family, sometimes to another. A wholesale clothing contractor in East London has thus hundreds of different families looking to him for work, amongst whom his foreman will, each week, arbitrarily apportion his orders. The London Dock Companies maintain what is essentially the same system with regard to their casual labor, the foreman, at certain periods of the day, selecting fresh gangs of men from among the crowd of applicants at the dock gates. Both outworkers and dockers are nominally free to seek work elsewhere, when not engaged by their usual employer. But as they are expected, under pain of being struck off the list, to present themselves to ask for work at certain hours, they practically lose any real chance of obtaining other employment.[1] This extreme discontinuity of employment

(R. Fynes, *The Miners of Northumberland and Durham*, Blyth, 1873). A similar one-sidedness is found in other old contracts of hiring. The chief examples of genuinely bilateral agreements for long terms relate to indoor servants, seamen, and mechanics sent on jobs abroad.

[1] "The Docks," by Beatrice Potter (Mrs. Sidney Webb), in Charles Booth's *Life and Labor of the People* (London, 1889), vol. i. of first edition; and H. Llewellyn Smith and Vaughan Nash, *The Story of the Dockers' Strike* (London, 1889). This system of engaging casual labor by the hour still prevails in the London docks, but it has, since 1890, been modified by an increase in the

is not confined to unskilled laborers or low-paid home workers. In many skilled handicrafts, where the work is done individually and by the piece, the operative is required to remain in the employer's workshop, or at his beck and call, without being guaranteed either work or pay. "There are firms," reported to the Royal Commission on Labor the representative of the Sheffield trades, "which require their workpeople to present themselves to the managers to receive work at certain times during the day. When they have entered the place in the morning the gates are closed, and whether they have work or not they cannot leave the premises till noon, except by special permit from the firm, and so from noon to evening. . . . I know of a case in the steel trade where the men were expected to be in the firm from 9 A.M. to 6 P.M., if they had but five shillings' worth of work during the week. The men struck against it."[1] The Macclesfield Silk-weavers are in an even worse position. The employers "give out" work to be done in the weavers' own homes, and distribute it so irregularly that a workman may be kept idle for days or even weeks. Nevertheless, as the handloom belongs to the employer, the operative has to pay loom-rent for it week by week with absolute continuity, whether any work has been given to him or not, and he is forbidden by the owner of the loom to use it for any other manufacturer who might offer work.

To capitalists concerned only for present profit, this extreme discontinuity of employment offers several ad-

number of men who are given preferences for employment. The dockers are now divided into three registered classes (permanent men, A list, and B list, each man being numbered in his own class), and one unregistered class (C or casuals). No guarantee of employment is given to any man, but each day's work is allotted, as far as it will go, strictly according to the order of the classes and the numerical order of the men in each class. Thus, the regularity of employment of the preference men has been increased at the expense of making the work of the casual docker less continuous than before. In so far as the change is a step towards the total abolition of the casual system, it must be regarded as an improvement.—See Charles Booth, *Life and Labor of the People*, vol. vii. (London, 1896); and the chapter on "Les Unions de Dockers" in *Le Trade Unionisme en Angleterre*, edited by Paul de Rousiers (Paris, 1897).

[1] Evidence of C. Hobson, Q. 19,029, before Royal Commission on Labor (Group A), 24th March 1892.

vantages. Where the industry is seasonal or otherwise irregular in volume, as in the case of dock labor and the clothing trade, the employer is able, without expense to himself, to expand or contract his working staff in exact proportion to the state of the weather or change of tides or seasons. The giver-out of work can at any moment quadruple his production to fulfil a pressing order, and then drop back to the current demands of a slack season, without incurring factory-rent or other standing charges. The army of men and women standing at his beck and call cost him nothing except for the actual hours that they are at work. And the very existence of such a "reserve army" places each member of it more completely at his mercy with regard to all the conditions of employment. Wherever this "reserve army" exists in conjunction with home-work, or otherwise under circumstances making Individual Bargaining inevitable, the employer can practically dictate terms. How disastrously the whole arrangement operates for the workers concerned has been described by every observer of the sweated trades.

To oppose such a disastrous irregularity of work is a fundamental principle of Trade Unionism. Unfortunately, where the system prevails, the workers are seldom in a position to combine for their own protection. We see a feeble attempt to cope with the evil in the regulation of the Dock, Wharf, and Riverside Laborers' Union, that any man taken on in the London docks shall be guaranteed at least four hours' continuous work. Certain classes of railway servants complain that, whilst they are forbidden by the railway company to take any other employment, they are given only casual and intermittent work, and paid only by the job. To remedy this grievance the General Railway Workers' Union is proposing that it should be enacted by law that every person who is required "to give the whole of his time to the service of the company shall, unless legally dismissed from such service, before his employment is terminated, be entitled to a week's notice, or a week's wages in lieu

of notice, and he shall be entitled to full weekly wages while in such employment."[1] But examples of Trade Union policy on this point must be sought in the more strongly organised trades in which, though so dangerous a discontinuity does not actually exist, there is some danger that it might, if not resisted, insidiously creep in. Thus, the highly-paid compositors in London daily newspaper offices who must stand by waiting for copy to come in, and then work at lightning speed to catch the press, insist on all the men in attendance being guaranteed "a galley and a half"—that is, being paid 5s. 9d. on a morning paper, or 5s. 4½d. on an evening paper—whether they are actually required to do as much work or not.[2] The old-fashioned union of hand-working Papermakers goes farther, and rigidly enforces the Regulation known as the "Six Days' Custom," which ensures that not less than six days' work, or the equivalent payment, shall be found each week for all the men employed. If an accident occurs, or an engine breaks down, the employer no more thinks of depriving his workmen of their livelihood during the stoppage than he does that of his clerks or manager. He can discharge his men by giving them the customary fortnight's notice, or by paying them the customary forfeit of one guinea, but so long as he retains their services he must pay them at least the agreed minimum of weekly wages.[3]

[1] *General Secretary's Report to Annual General Meeting*, 1897.

[2] The minimum used to be "one galley"; then the rule ran, in mystic phrase, "one galley four hours' work, and extra pay for more than a quarter galley an hour when asked to pull out." We are indebted to Mr. C. Drummond for the following explanation. The newspaper compositors, being paid by the piece, and guaranteed a minimum of work, can do it at their own speed. But in order that the "printer" (*i.e.* manager of the department) may have some control over the time taken, it is agreed that the maximum within which one galley must be completed is four hours, though the compositor will, for his own sake, seldom take so long. It happens very occasionally, when the "printer" is compelled to insist on the utmost possible speed, that he will order the men to "pull out," *i.e.* use every effort. Men working under such an order are entitled to extra pay for all over a quarter of a galley done in an hour.

[3] "That the Six Days' Custom be as follows: Twenty-two post per day and ten on Saturday" (*Rules and Regulations of the Original Society of Papermakers*, Maidstone, 1887), Rule 28. The French papermakers in the eighteenth century

Similarly, the Flint Glass Makers have a binding custom by which the employer is required to find his men a minimum of "eleven moves a week," being thirty-three hours' work, or pay a corresponding amount in wages.[1]

In other trades where work is irregular, the Trade Union objection to its being arbitrarily distributed by the employer—leading, as this does, to the extreme dependence of the wage-earner—has led to regulations for "sharing work." If the workmen know that, however scanty may be the work to be done, it will be fairly distributed among them all, there is much less temptation for the poorer or more grasping members to seek to secure themselves by offering to accept worse conditions of employment.[2]

The most primitive form of sharing work is seen in the "turnway" societies of the Thames watermen, for regulating the "turns," or order in which the men plying at any particular "stairs" serve the passengers who present themselves.[3] What is essentially the same arrangement is presented by the "House of Call" system, under which, among the Tailors, Compositors, Bakers, Upholsterers, and sometimes Joiners and Painters, the employer wanting a

required six weeks' notice on either side.—Du Cellier, *Histoire des Classes Laborieuses en France* (Paris, 1860), p. 292.

[1] This custom is recognised in the trade, and is enforced by County Court judges, if the wage contract includes no express stipulation to the contrary. See the cases reported in the *Flint Glass Makers' Magazine*, August 1874 and March 1875, in the Birmingham and Rotherham County Courts.

[2] The growth of the great industry and the world commerce led to a similar development in French Trade Unionism. Du Cellier (*Histoire des Classes Laborieuses en France*, p. 385) notes that, after 1830, the workmen's associations were occupied in devising means to mitigate the evils of unemployment. Where the work was individual in character, the employer was obliged to give the jobs in succession to the several workmen in their order on the roll. Where the work was done in concert, it was shared equally by the whole staff, instead of the number being reduced.

[3] These "turnway societies," incidentally described in Mayhew's *London Labour and the London Poor* (London, 1851), are probably of great antiquity. There were societies of watermen at Rotherhithe in 1789, and of those "usually plying at the Hermitage Stairs" in 1799, whilst already in 1669 we read that "our Gravesend watermen, by some temporary and mean pretences of the late Dutch war, have raised their ferry double to what it was, and finding the sweet thereof, keep it up still" (Thomas Manley's *Usury at Six per Cent Examined*, London, 1669). See the *History of Trade Unionism*, pp. 11, 20.

workman is encouraged or required to send to a place of resort for the unemployed, and the man who has been longest on the list is, if suitable, deputed to fill the vacancy.[1] This arrangement, which is in some trades worked for the mutual convenience of both parties, may degenerate into a refusal to the employer of any power of selection. Thus the Flint Glass Makers insist on the employer taking the member who has been the longest out of work,[2] whether he is competent, or suitable, or not; and the Silk Hatters expressly arrange so that the employer may not even see the man assigned to him, before he is engaged.[3] This is, in effect, to maintain a craft monopoly, having all the economic characteristics of

[1] The Compositors at London, Glasgow, Manchester, etc., use the Trade Union Office for this purpose; and the Engineers at Manchester keep a "vacant book" in their local office. Most of the smaller trades use particular public-houses as their "House of Call," the publican often himself keeping the register of the unemployed. For incidental descriptions of the "House of Call" system, see *The Tailoring Trade*, by F. W. Galton.

In France the practice of sharing employment was carried so far in some of the incorporated handicrafts that the member who had been longest in continuous work ceded his place in favor of any who had remained a certain time unemployed.—Du Cellier, *Histoire des Classes Laborieuses en France*, p. 289.

[2] *Rules and Regulations of the National Flint Glass Makers' Sick and Friendly Society* (Manchester, 1891). Rule X. is as follows: "When a man falls out of employment the F[actory] S[ecretary] shall inform the D[istrict] S[ecretary] who shall at once write to the C[entral] S[ecretary] for an unemployed certificate; and when a man is applied for by an employer the F.S. shall apply to the D.S., and should there be no one suitable in the district, he shall write to the C.S. stating what kind of man is wanted, wages, etc., so that there be no mistake as to the man sent to fill the situation. When an employer applies for men the unemployed roll shall be consulted before any promotions be granted either to journeymen or apprentices. Note.—Rule X. is not intended to compel a master to engage any man to whom he has a reasonable objection, the same to be considered by the District Committee." *The Flint Glass Makers' Magazine* contains many references to employers' complaints of this procedure.

[3] The Silk Hatters' custom is so universal that it is only incidentally referred to in the rules. As explained to us by officers of the union it is as follows: "Employers are not allowed to choose, or even to see, workmen whom they engage. A member out of work calls at a hatter's workshop, and sends in a small card (the 'asking ticket'), showing that he is a financial member (*i.e.* not in arrear with his contribution), and what branch of work he does. The journeymen in each workshop take it in turns to attend to such cards. On its being sent in, the man whose turn it is goes in to the employer and asks, 'Do you want a bodymaker?' (or a shaper, as the case may be). This is called 'asking for' the unemployed member. If the employer says 'yes,' the man is told to come in and commence. If 'no,' his card is returned, and he goes off to the next shop."

a drastic restriction of numbers, with which it is invariably combined.[1]

Any such restriction on the employer's freedom of choice between one workman and another is, however, quite exceptional. More generally, the Trade Union seeks to promote the sharing of work by regulations directed against the greed or selfishness of its own members. Thus the Shipwrights' Provident Union of the Port of London retains to the present day the substance of its original rule of 1824 that "no member shall engross a greater quantity of work than he can accomplish by working the regular hours of the trade, viz. not before or after the recognised working hours per day throughout the year; and that no work be performed inside after the men on the outside of the ship have left work, so that every opportunity may be given to those who are out of employ."[2] The same intention inspires the regulations in many handwork trades against "smooting" or "foxing" or "grassing," that is, working for a second employer after putting in a full day elsewhere. Thus the Manchester Union of Saddlers provides that "no member of this union shall be allowed habitually to work for any other employer than the one by whom he is regularly employed, except there are none out of work in the branch. And no member shall be allowed to obtain any work at this trade whilst in a situation, to do after his working hours for any person except his own employer."[3] And the Wool Shear Benders and Grinders, a tiny Sheffield handicraft, absolutely prohibit their members from working in any other wheel or factory than the one in which they are regularly employed.[4] An

[1] We recur to this subject in our chapter on "The Economic Characteristics of Trade Unionism."

[2] Rules of the Shipwrights' Provident Union of the Port of London; see the original wording in a note to the chapter on "The Normal Day."

[3] *Rules of the Union of the Saddlers, Harness Makers, etc.* (Manchester, 1889). Similar rules exist in many other trades, such as the Compositors, Brushmakers, Coachmakers, etc.

[4] The Yorkshire Glass Bottle Makers' Society has a signed agreement with all the employers, which is renewed annually. Among other matters, it provides that "in the event of any furnace being out for repairs, slack trade, or stopped for

extreme case is presented by the Scythe Grinders' Trade Protection Society, which arranges for its members a definite year's engagement, in all cases terminating on the 6th of July (Old Midsummer Day), by which it is understood that no man is ever discharged during the year for slackness of trade, the ebbs and flows of the work of each establishment being shared among the staff with which it started the year. But these are archaic survivals. In the great modern unions any desire to promote the sharing of work by regulations of this type is merged in the general objection to Overtime, and the maintenance of the Normal Day.

The common Trade Union desire to maintain the Normal Day, especially in its manifestations against Overtime and in favor of a Reduction of the Hours of Labor, has at all times been strengthened by the belief that a strict regulation of the working time would incidentally cause employment to be more continuous. Thus, the Amalgamated Association of Operative Cotton-spinners, in supporting Lord Shaftesbury's "Ten Hours' Bill," gave as one of their objects, "a more equitable adjustment or distribution of labor, by means of shortening the hours of labor."[1] And when, in 1872, there was a new movement for reducing the Normal Day, the same idea recurs in the argument that this would "secure

any other cause, the workmen shall, as far as practicable, share the work; provided, nevertheless, that if after a furnace has been out for four months, and there is no probability of its being started again, the master to be at liberty to discharge the surplus workmen."

[1] Circular of 19th January 1845, in Minute Book. Fifteen years later the Cotton-spinners thus referred to their successful agitation: "It should always be remembered that anterior to the introduction of factory legislation, the employers dictated the hours of labor to their workpeople; and in the various localities those hours varied accordingly, ranging from seventy-four hours and upwards. As, however, in some instances the mills were kept running night and day, we shall certainly be under the mark in assuming that the average hours worked at that time, throughout the country, were 75 per cent per week. It is obvious that sixty people working seventy-five hours per week would produce nearly as much as seventy-five now do working sixty hours, and thus from 20 to 25 per cent of the factory population would be thrown destitute upon the streets. It is equally clear, moreover, that it is the scarcity or redundance of labor in the market which regulates the rate of wages; and, as under the circumstances we have named, some of the workpeople would be almost worked to death, while those thrown out would be reduced to a state bordering on starvation from the

them moderate but constant employment."[1] In so far as this means only that a reduction of the hours of those in employment would, other things being equal, cause the work to be shared among a larger number of operatives, and so prevent some from being wholly unemployed, the case is, like that of the Shipwrights whose rule we have quoted, merely one of sharing work. As unemployed men have to be maintained somehow, generally by their fellow-members, it may well be more convenient to the whole body that the largest possible number should be employed for the normal hours, than that some should be working abnormally long days, and others walking the streets in search of a job. In times of general depression of trade, or of temporary contraction of demand for a particular industry, such an arrangement seems to the Trade Unionist obviously reasonable. The employer, on the other hand, more than usually eager in bad times to reduce the cost of production, would prefer to lengthen the hours of labor, so as (at time wages) to get more work for the same weekly wage, or (at piece rates) to get a larger output in proportion to his standing charges. Hence we arrive at the paradox that it is generally in times of depression, when the world requires less carpentering or engineering work to be done, that attempts are made to lengthen the Normal Day of those carpenters and engineers who are in employment at all, with the result that the number out of employment is unnecessarily increased. In 1879, for instance, at a time of exceptional contraction of

want of it, the wages of labor would, as a matter of course, from the intense competition to obtain employment, come down to starvation point; and all our efforts, whether exerted singly or in concert, would be utterly powerless to arrest their downward course. It is clearly then the duty and interest of every worker in the factories of this country to resist, by every legitimate means in his power, not only any attempt to violate the law by overworking women, young persons, and children, but to treat with contempt all overtures by which it is sought to induce him to work more than sixty hours per week, inasmuch as this righteous law is the palladium of his success in his endeavour to improve his social condition." — *Rules of the Amalgamated Association of Operative Cotton-spinners*, edition of 1860, preface.

[1] Circular of 7th January 1872, *ibid.* See, for other examples, *The Eight Hours' Day*, by Sidnev Webb and Harold Cox (London, 1891).

business, the Clyde shipbuilders insisted on increasing the working hours from fifty-one to fifty-four per week, and the Manchester builders added from two to three hours to the working week.[1] It is in face of attempts of this sort that the Trade Union Regulations for maintaining the Normal Day seem incidentally to protect the workers from an unnecessary discontinuity of employment.

The reader will see on closer examination that these Regulations, though apparently directed towards Continuity of Employment, are in reality designed primarily to prevent the evils of Individual Bargaining, and to save the workmen, especially in bad times, from falling into personal dependence on the employer or his foreman. Thus the Trade Union objection to the conditions of employment being fixed in advance for long periods completely disappears, as we may learn from the little example of the Scythe-grinders, when this fixing takes place by the Method of Collective Bargaining. The "Working Rules," for which all sections of the building trade persistently struggle, habitually determine the rates of wages, hours of labor, and many other conditions for an indefinitely long period, from which neither employers nor workmen can depart without giving six months' notice. The Miners' Federation in 1893 willingly bound themselves to continue to accept the then existing rates of wages for a year, in return for a corresponding pledge from the associated employers not to seek a reduction during that period. In like manner, the Trade Union objection to the doling out of work in slack seasons ceases when this distribution is made in accordance with any such collective arrangement among the operatives themselves as those that we have just described.[2] *None of these regulations secures, or even attempts*

[1] *History of Trade Unionism*, pp. 332-334.

[2] The workers may even resort to the primitive expedient of casting lots; thus the Rules and Regulations of the Warpers' True Benevolent Sick and Burial Society (Rochdale, 1884) prescribe "that when a mill stops working where our members are employed, and it is obvious that such stoppage will be for some time, when all the men are finishing their work within two days, they shall cast lots whose name shall be first on the list."

to secure, to the workmen a full week's work or a full week's wage for every week in the year. They have little real bearing on Continuity of Employment and are, in substance, only incidents of the Method of Collective Bargaining, required to maintain the Standard Rate and the Normal Day.

There are, in fact, no Trade Union Regulations placing upon the employer the obligation of providing continuous employment for the wage-earners whom he chooses to engage. Wisely or unwisely the Trade Unions have tacitly accepted the position that the capitalist can only be expected to find them wages so long as he can find them work. Continuity of employment becomes, therefore, contingent upon continuity of the consumer's demand, or more precisely, upon an exact adjustment of Supply and Demand. Both employers and workmen wish this adjustment made and continuity secured. But capitalists and manual workers have, with a few exceptions on both sides, advocated diametrically opposite ways of obtaining it. When business becomes slack and sales fall off, the employer's first instinct is to tempt customers by lowering prices. He assumes that, whatever may be the cause of the depression, he can still get orders, and so keep his mills going full time, if only he is enabled to quote a sufficiently low price for his product. For this reduction he looks mainly to the rate of wages. The landlord insists on his fixed rent or royalty, and the mortgagee or debenture holder on his fixed interest. It would be fatal to economise on buildings, machinery, or plant, which must either be kept up to their highest efficiency or replaced earlier than need be at serious cost to himself. It is not worth while, and it is contrary to the brainworker's tradition, to nibble at the salaries of managers or clerks. The conclusion seems inevitable. The alternative to stopping altogether is, whilst the employer temporarily foregoes some of his profits, the workman shall forego some of his wages.

The Trade Unionists entirely dissent from this policy.[1]

[1] Thus, the factory bootmakers, in a time of great depression of trade, emphatically protested against the employers' policy "When in consequence

They point out that, to them, it is not a question of temporarily diminishing surplus profits; what is at stake is their weekly livelihood, the actual housekeeping of their families and themselves. To the vast majority of workmen, a ten per cent reduction of wages means an actual diminution of food and warmth, an actual privation in the way of clothing and house-accommodation, which they declare to be physically exhausting and detrimental to their industrial efficiency. No manufacturer would think it wise to let his buildings and machinery fall into disrepair, or to reduce the ration and stable accommodation of his horses; why, asks the Trade Unionist, should he adopt this suicidal policy with regard to the most important factors of his productive efficiency,—the human laborers whom he employs?[1] If the employer, under the pressure of competition in slack times, tempts the consumer to buy his particular commodity by indefinitely worsening the conditions of employment, he is, in thus deteriorating the physique and character of successive relays of workers, giving away what does not belong to him, the capital value of the human beings in his service.

It is a further aggravation to the Trade Unionist that he believes the sacrifice demanded of him by the employer to be worse than useless. Merely to offer commodities at a lower price in no way increases the world's aggregate demand

of the reckless unscrupulous competition among capitalists we find our commerce becoming less day by day, banks stopping payment, firms which had become bywords in the past for their supposed stability found to be in a state of hopeless insolvency, we protest against that doctrine which would find a panacea for these evils in a general reduction of the wages of the workers or an increase in their hours of labor."—*Monthly Report of the National Union of Boot and Shoe Operatives* (December 1879).

[1] The acceptance by employers of contracts at prices which cannot possibly be made to pay at the existing rates of wages is a subject of constant complaint. The preface to the *Bylaws, Order of Business, and Rules of Order of the Window-Glass Workers of England* (Sunderland, 1886) declares, "Whilst admitting that sometimes pressure is brought to bear on the capitalists or employers, [that] in too many instances, instead of offering any resistance, they accept terms that are disadvantageous to themselves, trusting to their power of remunerating themselves by legally pilfering a portion off each of their workers' weekly earnings; and there is no limit to the extremes to which labor can be pushed, unless it be that fixed by the Poor-Law authorities and the price paid for their test labor."

for commodities. It may suit the immediate purposes of a single employer, by undercutting his rivals, to engross their trade. It might conceivably suit all the employers in a particular trade, by cheapening their wares, to engross more of the aggregate demand for commodities than would otherwise come their way.[1] But in either case the total demand remains the same, being, in fact, identical with the total product, and all that has happened is a gain in continuity in one direction, balanced by an equivalent loss somewhere else. Thus, the Trade Unionist declares a lowering of price to be no real cure for a general depression of trade. When such a policy is adopted all round, the aggregate income of the producers is no greater than it would have been if they had kept up their rates and done less work. The only result is that the workers have to do more work for the same money, and though the wage-earners share, as consumers, in the benefit of the lowered prices, the fact that they only consume a third of the product makes the operation a net loss to their class.[2] If it is retorted that one country may, by a judicious cheapening of its products, engross more than its normal share of the diminished trade of the world, and so keep its own wage-earners employed at the cost of

[1] It must not be forgotten that a fall in the wages of any particular section of workers would, at best, produce a much less than proportionate fall in the retail price of their product. Thus, when the Northumberland coal hewers are urged to submit to a ten per cent reduction, in order to stimulate the demand for their coal, they may well reply that, receiving as they do on an average about 15d. per ton of coal hewn, this ten per cent reduction of wages, which would mean a serious shrinking of their family incomes, could not possibly result in lowering the price to the London consumer to a greater degree than from 24s. to 23s. 10½d. per ton, or by about a half per cent.

The actual variations of price have, in most industries, little connection with variations of wages. "During the last twenty years the retail price of cotton thread has varied from a penny to twopence per spool of 200 yards—that is, 100 per cent—following, more or less closely, the variations of manufacturers' prices. All this time the wages of women workers, who constitute the great majority of operatives in the thread mills, have scarcely varied."—Prof. W. Smart, *Studies in Economics* (London, 1896), p. 259.

[2] In the United Kingdom from three-fifths to two-thirds of the annual product of commodities and services are consumed by the one-fifth of the population above the wage-earning class; see the reference to official statistics given in *Facts for Socialists* (Fabian Tract, No. 5).

foreigners, the Trade Unionist has the reply that, according to the orthodox Theory of International Trade, any such artificial stimulus to national industry must necessarily be as powerless to increase the total volume of the trade as a Protective Tariff or a system of Bounties on Exports. We shall examine the whole of this argument in our chapter on "The Economic Characteristics of Trade Unionism." It concerns us here only as explaining the persistent Trade Union policy of fighting their hardest against any lowering of wages, and submitting only to superior force.[1]

But certain sections of the Trade Union world do not stop at this negative attitude. They have propounded, as a means of coping with depression of trade, a diametrically opposite policy, which they have done their best to press their employers to adopt. The Cotton Operatives and Coal-miners — trades which we are always having to couple together—have repeatedly met their employers' demands for reduction of wages by an equally confident demand for a restriction of the output. This policy dates from the very beginning of the century. Thus, to quote an official report of 1844, "It can scarcely be credited by one calmly investigating the state of this large body of laborers, that many thousands of them—in fact, the whole of the colliers and miners in Lanarkshire, with a few exceptions, amounting to 16,000 men—have, for many years past (since the repeal of the Combination Laws in 1825), placed themselves under regulations as to the amount of their labor, which, had they been attempted to be enforced by the authority of any government whatsoever, in any country calling itself civilised, would have roused the indignation of every thinking man, as against an act of the most intolerable despotism. And yet

[1] In our *History of Trade Unionism* we have described how, for a few years, a small number of unions, mainly in the coal and iron industries, accepted the employers' arguments, and agreed to the celebrated arrangement of the Sliding Scale, which the Coalminers have now practically abandoned. We refer to this method of adjusting wages in our chapter on "The Assumptions of Trade Unionism." Particulars of all known Sliding Scales are given in Appendix II. of the *History of Trade Unionism.*

these regulations were intended by the working colliers . . . for the maintenance of wages at a fair level, for their protection against overwork, and against an overstocking of the market of labor and the market of coal. . . . A certain day's work, called the 'darg,' is fixed, which the colliers themselves allow no one to exceed."[1]

The policy of regulating the output of coal in proportion to the demand for it at the current price has always remained a leading principle of the Coalminers. The "darg," or limit to the day's product of the individual hewer, has at no time extensively prevailed, and is to-day characteristic not of good Trade Union districts, but only of the half-organised Ayrshire and Lanarkshire pits. In England restriction of output has taken the form only of a counter proposal, justifying the miners' refusal to lower wages.[2] When the coalowners have pleaded their accumulating stocks of coal as a reason why wages and prices should be lowered, in order to stimulate demand, the miners have suggested that Supply and Demand

[1] Report of Commissioner to inquire into Coalmining, No. 592 of 1844, vol. xvii. p. 31, quoted in J. H. Burton's *Political and Social Economy* (Edinburgh, 1849). In one or two old piecework trades—notably some branches of the Potters and Glass Bottle Makers—a similar limitation of individual output has prevailed under the name of "stint" or "tantum." "In our light metal shops," wrote the secretary of the North of England Glass Bottle Makers' Society in 1895, "the Society has a tantum fixed, which the men are not allowed to exceed: if they do it is paid into the Society, as a reference to the reports will show. . . . I give you a copy of the tantum for light metal in our district as mentioned :—

Reputed Quarts	110 dozen.
10 oz. Codd's	105 ,,
5 oz. Codd's	115 ,,
Imperial Pints	115 ,,
Reputed Pints above 12 oz. . . .	115 ,,
Do. under 12 oz., no restriction.	

All bottles made in excess of the above the money is paid into the funds of the Society."—*Report of the Rates of Wages, Lists of Numbers, etc., of the Glass Bottle Makers of Great Britain and Ireland* (Castleford, 1895), p. 49.

[2] *The Rules of the Miners' United Association of the County of Fife* (Dunfermline, 1868) refers in the preamble to "the fearful stocks of coal which have accumulated in the county, which evil stands out like a bold monster, to defy us in having our just rights." The *Articles of Regulation of the Operative Collieries of Lanark and Dumbarton* of 1825 declared "that there should never be allowed to be any stock of coals in the hands of any of the masters."—See Huskisson's *Speeches* (London, 1831), vol. ii. pp. 369, 371.

should be adjusted rather by diminishing the output than by forcing coal upon unwilling buyers. In one recent instance the Trade Union gave a practical illustration of this policy. In March 1892 the Miners' Federation saw its members threatened with a reduction of wages by coal-owners unable to keep up their sales. The men resolved to "take a week's holiday," with the result that the stocks were temporarily diminished, and the reduction was not insisted on.[1]

[1] This policy of restricting the output has, under the name of "Limitation of the Vend," long been characteristic of the coal trade. From 1771 to 1844, a period of seventy-three years, there existed, almost continuously, a systematic organisation among the coalowners of the Tyne and Wear for fixing price and output. "The colliery owners met annually and agreed upon what was called the 'basis,' that is, the proportion which each colliery should sell of the total 'vend.' They met monthly, and sometimes fortnightly, to fix what was called the 'issue' for the following month. There was an understanding as to the price at which each colliery should sell. A fine of from 3s. to 5s. per Newcastle chaldron was paid by those who at the end of the year had exceeded their quantity, and this was received by those who were short' (D. A. Thomas). The result was that prices were greatly and continuously raised. It appears that so long as the arrangement effected an actual restriction of the total output, it worked satisfactorily enough to the coalowners. But eventually each coalowner strove, by opening new pits and increasing their capacity, to increase his own "basis." The arrangement then ceased to restrict the total output, and became only one of "sharing work," which came to an end in 1844 by the revolt of the larger collieries, who desired to work their pits to the full capacity. Particulars are to be found in the Reports and Evidence of the Parliamentary Committees of 1800, 1829, 1830, and 1873 on the coal trade (G. R. Porter's *Progress of the Nation*, London, pp. 283-286 of 1847 edition; Cunningham's *Growth of English Industry and Commerce*, vol. ii. p. 463; *Some Notes on the Present State of the Coal Trade*, by D. A. Thomas, M.P., Cardiff, 1896). Mr. Thomas proposes to institute a similar "Limitation of the Vend" for South Wales, urging that if each colliery agreed to produce only its allotted quota of the total output, prices would be automatically maintained, without the need of any concerted action among the sellers as to price, and without actually limiting the total supply below the demand for it at existing prices. This proposal seems to contain, in not providing against a reckless increase in the number and capacity of pits, the same inherent weakness that eventually broke up the Tyne and Wear arrangement.

The coalowners in Westphalia and Pennsylvania have gone farther. The Rhenish Westphalian Coal Syndicate has, since 1893, conducted all sales for the Westphalian coalowners, fixing both price and output. The Coalowners' Association of Pennsylvania, in conjunction with the great railway companies, has an essentially similar arrangement for the supply of anthracite. Sir George Elliot's bold proposal (described in the *Times* of 20th September 1893) of an amalgamation of all the coalmines of the United Kingdom into a single company of £110,000,000, subject to a government control over rises in price, may eventually be adopted in preference to a merely capitalist trust.

For twenty years a similar policy has been urged by the Cotton Operatives at each recurring period of contraction of trade. In the great depression of 1878, when the value of English exports of cotton piece-goods fell no less than 17 per cent below those of 1872, the employers insisted that only by a 10 per cent reduction could they continue their trade. The weavers denied that any such reduction would "remove the glut from an overstocked cloth market," especially in view of the fact that the quantity of piece-goods exported was no less than before, but offered to give way, provided that the employers would, on their side, consent to put all the mills on short time, so as to stop the over-production.[1] Again, in the depression of 1885, the employers pressed for a reduction, and the operatives—this time the spinners—formally offered to "accept a reduction of 10 per cent and four days a week; 5 per cent and five days; or full rates with full time."[2] "The employers," as their able secretary explains, "looked upon this as a fallacy, knowing from experience that short time meant increased cost of production."[3]

We do not propose to enter into the complicated economic arguments which are urged for and against this policy of meeting the vicissitudes of demand by a deliberately regulated production.[4] Whatever may be said in favor of Restriction of Output, any systematic use of this device is out of the reach of mere associations of wage-earners. They can, of course, temporarily stop all production by simultaneously refusing to work, as in a strike or in the week's holiday arbitrarily taken by the Miners' Federation in 1892. But

[1] See the Cotton-weavers' manifesto of June 1878, given in the *History of Trade Unionism*, pp. 329, 330.

[2] Minutes of Sub-Committee, Executive Committee, and Representative Meeting of the Amalgamated Association of Operative Cotton-spinners, June 1885.

[3] *Fifty Years of the Cotton Trade*, by Samuel Andrew (Oldham, 1887), p. 10.

[4] The Trade Union position in the controversy of 1878 was ably maintained by Mr. (now the Right Hon.) John Morley, in his *Over Production; an address delivered at the Trade Union Congress*, 1878 (Nottingham, 1879).

when the industrial machine is in motion, any direct limitation of output is beyond the power of the Trade Union. A strongly-organised union might insist that no member should produce more than a given quantity per day (the Coalminers' "darg"), or that all the establishments in the trade should work only a limited number of hours per week (the Cotton Operatives' "short time"). But neither of these expedients has, in practice, any effective result in diminishing the total amount of production below what the employers desire. It is always possible to employ more miners in the pit, to work additional seams, or even to open up new pits. The millowner puts in additional machines, and directly prices rise owing to the rumour of restriction, old mills are reopened and new ones erected. Any attempt on the part of the wage-earners to limit the output of the individual operative, though it may cause inconvenience, or increase the expense of carrying on the industry, has, therefore, no practical effect in restricting the total amount that will be produced. Hence, though the English Coalminers and Cotton Operatives remain firmly convinced that it would be desirable for their employers to restrict production, they have taken no steps to effect this restriction by Trade Union Regulation.[1] The Trade Unionists in short, like the majority of English employers, have hitherto stood helpless before the inscrutable ebb and flow of demand, and have accepted as inevitable the corresponding fluctuations of work.

Thwarted in their efforts to secure continuity of employment, either from the employer or from the consumer,

[1] Restriction of output is, in fact, an employer's device, not a workman's, and it is usually practised (as in the Coalowners' "Limitation of the Vend" or an ordinary Trust) without the help of the wage-earners, though occasionally (as in the "Alliances" of the Birmingham bedstead manufacturers hereafter described) with the co-operation of the Trade Union. Its economic effect is incidentally referred to in our chapter on "The Economic Characteristics of Trade Unionism." We may say at once that, from the workman's point of view, it is of no avail in maintaining wages unless it is accompanied by the Common Rule of the Standard Rate, and that with such a Common Rule it is unnecessary and useless.

particular Trade Unions have turned their force in another direction. If they cannot protect themselves against the fluctuating demands of the capitalist and the consumer, they can at any rate build up barriers against their fellow-workmen. Hence, we find certain sections of the Trade Union world of to-day clinging to the mediæval expedients of apprenticeship and limitation of the recruits to a trade, the exclusion of women, and the maintenance, as against other workmen, of a vested interest in an advantageous means of livelihood.

It is significant that it is only at this point in our analysis of Trade Union regulations that we find ourselves face to face with the idea of "monopoly." The Standard Rate, the Normal Day, and a safe and healthy place of work can be simultaneously enjoyed by the entire wage-earning class of the country. So far from there being any desire that these conditions should be a privilege of any class or section, the Trade Unionists claim that, on any of these points, a successful stand made by one union renders it positively easier for other grades of workmen to put forward similar claims. When the contractors and master builders in any town have been induced to agree to definite Standard Rates for all the bricklayers, stonemasons, and carpenters in their employment, they are predisposed to complete the arrangement by conceding a Standard Rate even to the laborers. And when the leading unions in a town press the Town Council either itself to pay "Trade Union wages," or to compel its contractors to do so, this demand is always intended to apply equally to all classes of wage-earners. Still more is this the case with regard to the Normal Day, which almost inevitably tends, as we have seen, to become identical for all classes of operatives in the same establishment. Finally, all the regulations for securing the sanitation of the workplace and the prevention of accidents necessarily benefit the wage-earners without distinction of grade, merit, or sex. But in the regulations with which we deal in the next two chapters, based upon the idea of a vested interest in a trade, asserted

by one set of workmen to the exclusion of others, we have a claim of an entirely different nature, akin to those put forward by the holders of "free-hold offices," ecclesiastical benefices, or Civil Service appointments, when these are threatened with abolition or reorganisation.

END OF VOL. I

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