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## PART XCII.

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### PRESIDENT'S ADDRESS.

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#### **LABOUR ASSOCIATIONS IN THEIR RELATION TO THE STATE.**

[Read, November 28th, 1911]

IN the August of the year 79 A.D. the town of Pompeii was destroyed by an eruption of Mount Vesuvius. A few months before the disaster the municipal magistrates were elected. Some eighteen hundred years later the walls of the buried town were laid bare by the excavations of antiquarians, and there were still legible on them what, in modern speech, we should call the "posters" of the several candidates. Among the appeals to the electors were many from the trade unions of the day; the activity of the trade unions in politics is not a wholly modern phenomenon. The passions which raged through that election were stifled in the rain of death which poured upon the town a few months later, and, in any case, are of little importance to the historian. But the memorials of them which were preserved on the ruined walls throw a light upon the social and economic conditions of the time of which we may avail ourselves in studying the cognate phenomena of our own day. Labour associations are a prominent feature of civilized society at the present moment, and their action counts for much in the changes through which we are passing. To the student of history there is nothing of novelty in this. The structure of the association may change, but the institution itself belongs to every stage of civilisation in which industry has been organised and different functions in the production and distribution of wealth assigned to different men. The individuals who engage in the same industry are drawn together by the force of common interests, and where they are not dominated by a power strong enough to prevent combination among them they will unite to defend and promote the interests common to their class. It was so in Greece and Rome; it was so in the mediaeval

states, and it is so to-day. And wherever this phenomenon has manifested itself it has given rise to problems which have caused grievous perplexity to statesmen. These problems are with us now, and it is not exaggerating their gravity to say that their solution will tax to the full whatever resources of statesmanship we possess.

I propose to offer in this paper a brief account of some forms in which this problem has presented itself in earlier stages of the economic evolution of Europe, selecting one from Rome, another from a typical mediæval state, and a third from our own country within the modern period which begins with what has been styled the Industrial Revolution.

The election at Pompeii, to which I have alluded at the beginning, shows us the Labour Associations of the Roman State in a highly developed condition. Amongst the unions which appeal to the electors are those of the carters, the muleteers, the fruiterers, the cooks, the bakers, the confectioners, the poulterers, the fishermen, the dyers, the fullers, the porters, the barbers, and others besides. These and similar unions were widely spread through the Empire. But the origin of Labour Associations belonged to the early Republican period; it has even been traced back to the legendary Numa Pompilius. From the earliest times associations existed in Rome for almost every purpose which men could promote by combination. Societies for religious objects, for the cult of a particular god, were amongst the first of these institutions, and in subsequent centuries, societies for secular purposes put themselves under the protection of some divinity, and frequently took their title from their protector. Burial societies were in special favour. A Roman funeral was a costly ceremony, and the poor could not secure for themselves the sacred funeral rites, and a place for their ashes in a columbarium, otherwise than by common contribution to a common fund. The idea of mutual benefit societies, of societies for insurance against sickness or destitution, does not seem to have occurred to the Romans, nor did the notion of a federation of societies—a development which would have added materially to their power. A society was always confined to the town or city in which it was established. It may be added that all societies had a convivial as well as a religious character, their feasts were as much a matter of rule as their religious observances.

Like all other associations, the Labour Unions were designated *collegia*. Their purpose was to promote by combination the welfare of their members. The means employed for this end differed widely from those adopted by the guilds of the Middle Ages, and from those in use among the unions of our own time. There was no question of improving the standard of workmanship, of securing for a limited number the monopoly of any trade, or of pressure put on employers

to raise wages. The contributions of the members formed a fund which defrayed the expenses of the religious observances of the association, of the feasts which were connected with these observances, and of the distribution of gifts which accompanied such celebrations. The strength derived from combination was employed to protect the trade against rivals in the field of industry, to secure consideration for it from the public authorities owing to the influence it could exert in public affairs. The claims of the trade were not enforced by the methods familiar to us in modern disputes between Labour and Capital. The strike was rarely adopted as a means to obtain redress of grievances. We find mention of two bakers' strikes, one at Magnesia, in Asia Minor, the other in Paros. In each case the strike was dealt with by the Roman governor in Roman fashion. Consulting for the interests of the town, the governor of Magnesia declares in his edict that he will not punish the strikers, as he would be warranted in doing. He hopes that the measures he takes will render them wiser in future. He forbids them to form or maintain an union, and commands them to furnish the regular supplies of bread to the town. Any baker who takes part in a meeting of the trade, or excites public disturbance, any baker who goes into hiding, and any person who conceals him, will be severely punished.

The strike, as I have said, was an expedient rarely resorted to. To protect their interests the unions adopted, as a rule, a more effectual and less dangerous policy—they placed themselves under the patronage of some man of high rank and potent influence; they paid him honour during his life by erecting statues and other memorials to perpetuate his fame, and in return they enjoyed his protection while he lived, and often benefited by substantial bequests after his death. To cite one example out of hundreds—the fishermen of the Tiber, an inscription tells us, decided by a vote of their union to erect a statue to their patron, who had secured to them the privilege of free transit upon the river, and had, furthermore, contributed 20,000 sesterces to their funds.

During the Republican period the unions were allowed to pursue their ends by these non-contentious methods without interference by the Government. But with the troubled years in which the Republic came to an end the era of their disasters began. They had become a power in the State, and their support was eagerly sought by candidates for the higher public offices. In the turmoil of the times they were led to identify themselves too frequently with the dangerous factions which threatened the safety of the Commonwealth; in the year 64 B.C. all the *Collegia* of Rome—with the exception of a small number which rendered important public services—were suppressed by a decree of the Senate. The legality of this procedure was challenged by the Demagogue

Clodius, and when, six years later, he was elected tribune of the people he carried a law restoring the *Collegia*, and giving the widest liberty of association. The liberty thus granted was sadly abused. The trade organisations were revived, but, side by side with them, a number of political clubs which took their name sprang into existence, and, contributing a large share to the disorders of the time brought discredit on the industrial bodies. When Cæsar became master of Rome he again suppressed all the unions, except those which the Senate had previously spared. This measure was confirmed by the legislation of Augustus, it prohibited all *Collegia* except those tolerated by the previous decrees, and forbade the creation of new ones without express authorisation by the Senate. Henceforth no labour association could be formed without the sanction of the Senate, and this sanction was not accorded unless it could be proved that the organisation would serve some purpose of public usefulness. Under this legislation Labour Unions free from the suspicion of seditious tendencies, multiplied in every department of industry. Rome depended for her food supplies upon the wheat-fields of Africa and the East; the transport industries were of prime importance to the city, and the colleges connected with these industries were accordingly in high favour. So too were the colleges of the pork dealers and cattle merchants. The members of these and other organisations similarly recognised as useful were exempted from the onerous burdens which the State laid on other citizens, and their services were well recompensed in their contracts with the Government. In these conditions the labour associations prospered, their membership was easily recruited, they were left free to regulate their own affairs as their own interests dictated.

Alliance with the Government is, however, a danger for free industrial associations, and of this the Roman *Collegia* had experience in due time. By the end of the second century they had come to be an essential part of the State mechanism. The functions which they discharged as purveyors of the food supplies of the city rendered them indispensable, and the privileges which the State accorded them gave them a certain official character of which the Government took advantage in its difficulties.

As the task of feeding an idle population, and of supporting a luxurious court, strained more and more the resources of the Empire the burdens placed upon the unions became more and more exacting. The privileges granted them were no longer a compensation for the gratuitous services they were required to render, usefulness to the State had now come to mean that they should, as one of the Emperors expressed it, "labour for the people" in the measure which the Government saw fit to prescribe. From this subjection the members

of the unions had but one avenue of escape—the renunciation of membership. But this avenue was promptly closed to them; their capital was invested in their industry, and the withdrawal of their capital was forbidden by Imperial decrees. Not only was the individual held to the service of the State, but all his property as well; his entire possessions were, as the phrase ran, subsidiary to the duties laid upon him (*obnoxia functioni*). He might sell his property to another, but only on condition that that other took his place in the *Collegium*, and rendered his service to the public. As the grasp of the State upon the unions tightened, even this small liberty was refused him. To be a trade unionist now meant to be a bondsman; members of the union were eager to escape, and non-unionists would not come in. The Government took extreme measures to deal with this danger to the associations; it declared membership of a *Collegium* to be perpetual and hereditary; once incorporated a member could never withdraw, and the son of a member became by the circumstance of birth a member of the union. But even this device was ineffectual. The deserters from the unions became more and more numerous, and of those who remained many would not marry and rear children for the slavery which they themselves endured. The Government had then to fall back on its last resource—enforced enrolment in the *Collegia*. Individuals deemed “apt” for the functions of a *Collegium* which was dwindling in numbers were enrolled among its members by a decision of the magistrate, and willing or unwilling; had to undertake its burdens. When “apt” subjects failed a like constraint might be applied to any citizen high or low who was not already a *corporatus*; and when no other recruits were available the Emperors “assigned” condemned criminals to the union, which “being necessary,” as an Imperial decree puts it, “had to be maintained.” Wholesale desertions were the natural consequence of such enslavement, and this though severe penalties were inflicted upon the fugitives and upon those who harboured them. In vain was it forbidden to the trade unionist to settle outside the limits of the city to which his union belonged; in vain was he branded on the arm with a hot iron in order to make recognition easier; the slavery to which he was reduced had become intolerable, and he was ready to face death rather than endure it.

The Empire which maintained itself by these devices of statesmanship was evidently near its end. The once proud structure was powerless against the assaults of the hardy barbarians of the North; it fell, and with it the enslavement of labour in the West. The system was transplanted to the new capital on the shores of the Bosphorus, to work for evil there as it had done in Italy.

Commenting on the chapter in the history of Trade

Unionism which I have briefly sketched, Mr. Flinders Petrie remarks:—"Slavery was by no means the destruction of Rome, it flourished in the centuries when the government was strongest, and diminished in advance of the social decay. Vice was by no means the destruction of Rome, it was worst when Rome was most powerful, and was lessened in the decline. The one movement which grew steadily as Rome declined, and which was intimately connected with every stage of that decline, was the compulsion of labour and the maintenance of the wastrel as a burden on society. It was that which pulled down the greatest political organism, by the crushing of initiative and character, and by the steady drain on all forms of wealth. The free Goth was the welcome deliverer from social bondage."

These reflections are, no doubt, justified by the facts; they may be commended to those who see in the socialistic organisation of Labour by the State the one assured remedy for existing social evils. Here I would draw a moral of less ample range. In the history of the Roman trade unions is illustrated the danger to the free industrial organisation of alliance with the State. Ordered liberty is as necessary to corporate as to individual life; the industrial association which surrenders its freedom to State officials will not long retain its economic efficiency, it will eventually cease to serve alike the interests of its members and the interests of the nation.

We turn now to a development of Trade Unionism long subsequent in point of time to the last of the Roman *collegia*, and which ran its course on widely different lines. When the Western Empire had been overthrown, all the new nations which rose out of its ruins exhibited in their constitution the system which we know as feudalism. Feudalism was concerned chiefly with rights in land, and there was no room within it for labour organisation. But as towns grew to importance, and the arts and crafts were concentrated in them, men following the same trade were brought together, and here, as in ancient Rome, a community of interests led to the formation of industrial associations. These associations were the famous guilds which played such an important part in the history of every mediæval town. They were the nurseries in which the notions of labour rights and civic liberties were fostered and developed; and as their power grew, the towns of which they were the mainstay purchased or extorted charters of independence from the feudal lords in whose territories they were situated. The guild, unlike the Roman *collegium*, promoted the welfare of its members by industrial and economic methods. They concerned themselves with the training of the artisan, and strove to raise the standard of workmanship; they defined the relations between master and apprentice; regulated admissions to the trade, fixed the hours of labour and the rate of wages; maintained

arbitration courts for the settlement of disputes; raised benefit funds for their sick, and for the widows and orphans of their dead; and made loans to members straitened for lack of capital. Controlling, as they did, the industry and commerce of the town, it was inevitable that they should take an important part in its government. That their influence, exerted within due limits, in civic affairs made for the general good may be admitted without question; that their dominance in city government was equally salutary must be as readily denied. The guilds formed a system admirably suited to the times. They raised the character and developed the skill of the artisan; they created a spirit of fellowship, and established schemes of mutual assistance among the members of a trade; and they undertook and carried out the enterprises of commerce as no other institutions could have done. But they represented, after all, only the interests of a class, and the supremacy of a class in the government of the State is always a peril to the community. Government exists for the welfare of all; it misses its purpose when its organs are controlled and employed for the benefit of a section. A one-sided government is necessarily unstable, and the instability is none the less because it is due to the preponderance of an industrial interest.

I take as exemplifying these principles the Florentine Republic during the period of democratic government. Florence emerged from the feudal thralldom at a comparatively early date, the beginnings of its liberty reach back to the eleventh century. Even then it had made progress in the arts and in commerce; its gold coin—the florin—struck about this time, was imitated all over Europe, and the name, with altered signification, remains with us still. Its inhabitants were divided broadly into two classes—the nobles who had residences in the city, but drew their revenues from estates in the surrounding country; and the citizens, or commons, who followed the avocations of industry and commerce. At first the government was entrusted to consuls, six in number, selected from the ranks of the nobility, and assisted by a council of one hundred “good men.” The Council was elected by the *Parlamento*, or general assembly of the citizens; how the Consuls were chosen does not appear. Towards the end of the twelfth century the guilds make their appearance, we find their representatives taking part in the transaction of important public business. They were already organised for the purposes of industry and commerce, but as yet they had no status formally recognised by law. At the beginning of the thirteenth century a new form of government was introduced, the consuls were superseded by a supreme magistrate, called the Podestà. It is evidence of the suspicious caution of the Florentines, where their civic liberties were concerned, that in the new constitution it was

ordained that the Podestà should be a foreigner, and that he should hold office for one year—a term subsequently abridged to six months. Some few years after this change the strife between the Guelphs and Ghibellines broke out into sanguinary feuds which seriously troubled the peace of the city. The people took little part in these quarrels, but they availed themselves of them to establish their own ascendancy. About the middle of the century the guild organisation was formally established, or at least received formal legal recognition. The Guilds were given chiefs, called Consuls, with Assessors (*collegi*), and captains of military companies, and the right to carry gonfalons or banners with armorial bearings of their own. The guilds thus recognised were twelve in number, seven of the higher or wealthier order—the judges and notaries, the merchants of French woollens, the exchangers, the wool workers, the physicians and druggists, the silk weavers and mercers, and the furriers; and five of the middle order, incorporated somewhat later—the butchers, the shoemakers, the carpenters, the wood and stone workers and the drapers. Below these were nine inferior crafts which had to wait many years for their share of public power and their place in the public administration.

The privileged guilds soon made their influence felt in public affairs. Within twenty years they had placed at the head of the government a Board called the Priors of the Crafts. The change meant more than the remodelling of the constitution, it was a transfer of power from the general body of citizens to the wealthier guilds. To strengthen the new government the nine inferior arts were organised under appointed heads and furnished with banners and the other insignia of recognised rank. The arts in question were the wine dealers, the taverners, the salt, oil and cheese dealers; the wholesale tanners; the corslet and sword makers; the lock and iron smiths; the carriage, target, and shield makers the wholesale cabinet makers, and the bakers.

The government of the Priors at once undertook to deal with the *grandi*, or magnates, whose feuds disturbed the peace of the Republic. They executed their task in such thorough fashion that to be a *grande* “became equivalent to an incapacity for holding political office, and to be made such was one of the penalties with which prominent citizens were visited by their political enemies.” We have not far to go to find a parallel for this policy.

The principal guilds prospered exceedingly, and for the three-quarters of a century during which they held undisputed power the wealth of the city grew, and art and literature flourished. But, then as now, the organisations of industry included only the *élite* of the industrial classes, and the discontent of the poor found justification under their rule as largely as under that of an aristocracy or a monarchy. In

1378 disputes broke out between the higher and lower guilds, and the poorer classes, the *Ciompi*, seized the opportunity to assert themselves. They overturned the government, placed a wool-carder at the head of the State, added three new guilds from the lower orders of the people to those already recognised, and ordained that of the nine priors three should henceforth be taken from the new guilds. The inferior guilds were now masters of the State, and made use of their power to condemn their enemies to banishment or death. After a time the upper classes recovered their ascendancy, but the constitution had been weakened and dislocated, and after a further period of selfish and dishonest administration by the representatives of wealth, the Medici, the champions of the mere people, became masters of Florence and eventually Grand Dukes of Tuscany.

This brief outline of an interesting period in the history of a famous city shows us the trade organisations masters of a State. On the whole it does not prove that such a government is one from which we might confidently expect the best provision for the welfare of a nation. In this Italian city it involved war upon the great and neglect of the lowly, and we have no reason to believe that Trade Union rule would work more beneficently or more successfully elsewhere than it worked in Florence.

I have presented to you the trade combination in bondage to the State, and the trade combination master of the State, in neither situation was it found to tell ultimately for the benefit of its members or the welfare of the community. We may study it now in the condition of absolute liberty, in which it has no specifically defined legal status, nor, consequently, any specific corporate responsibility. It exists within the State on the same terms as any other voluntary association, without special privileges or special burdens.

Trade combinations of this independent type belong to the period subsequent to the French Revolution. Their modern form has, however, been determined not so much by political changes or new political theories as by the Industrial Revolution which began in the latter half of the eighteenth century, and continued its developments far into the century which followed. The inventions of machinery led to the concentration of capital, and the process was stimulated by the facilities granted for the formation of Joint Stock companies. Of the two factors of production—Labour and Capital—the Labour factor came to be represented by one body of men, the capitalistic factor by another. Both concurred in the production of wealth—so far both had a common end, but when the product came to be divided, their interests were at variance. If Labour associations were to fulfil their purpose of protecting the worker and securing him a due reward of his labour, they had now to

assume a militant attitude, to strengthen him against the other claimant to the wealth produced by both. Strictly speaking, it was not in the nature of things that it should be thus. But a short-sighted political economy taught masters and men that free competition was the supreme law of industrial life, the inexorable condition of industrial progress; and unrestrained competition, substituted for the kindlier and more human relations which had prevailed in the older economy, made war chronic and the methods of war a standing necessity. In the long struggle which ensued both parties to the conflict too often forgot that their relations to one another was not a question wholly for themselves. The interests of the nation at large were intimately concerned. The nation is maintained by the ordered activities of all its citizens—by the exercise of labour, and the use of capital among others. Neither labourer nor capitalist can be absolved from the duty which every citizen owes to the community of which he is a member and whose social institutions make the exercise of labour and the use of capital possible. That Labour had its wrongs to redress we must cordially allow; that Capital could legitimately claim its reward we must also admit. But no tolerable theory of personal freedom or property rights will concede that the grievances of any body of citizens may be redressed or the claims of any body of citizens enforced by methods which imperil the well-being, or, it may be, the existence, of the nation.

How completely these obvious principles could be forgotten may be shown by some examples taken from the industrial history of our own city in the early years of last century. The laws against combination among workmen, to which the Irish Parliament contributed its full share, had been in force from the beginning of the Industrial Revolution. They were relaxed in 1825, but the combinations had existed previously in spite of the law, and their conflicts with capital had had disastrous effects upon the industries of Dublin. In 1838 a Select Committee was appointed "to inquire into the operation of the Act 6 Geo. IV., and generally into the Constitution, Proceedings, and Extent of any Trades' Union or Combination of Workmen or Employers of Workmen in the United Kingdom." Of this committee O'Connell was a member. In Ireland evidence was taken as to a variety of trades. In almost every case the employers represented the action of the Unions as injurious if not disastrous to the trade; the workmen examined were equally emphatic in denouncing the injustice of the employers. It is not possible to cite here, even in outline, the charges and counter-charges which make up the larger part of the bulky report presented to the House of Commons by the Committee. What these labour disputes cost the city of Dublin may, however, be gathered from the testimony of one witness in reference to the ship-building

industry. The witness, Mr. Morton, was examined at great length by O'Connell.

Mr. Morton, who had served his apprenticeship as a ship-builder, had come from the Tyne to Dublin in 1803. In 1812 he commenced business. There were then four other ship-building firms in Dublin. By the year 1825 the ship-building industry of Dublin was practically extinct. No large vessel was built after that year; what remained of the shipwrights' trade was employed on smacks and other small craft, and on repairs to small coasting vessels. This rapid decline was attributed by the witness wholly to the action of the unions. When his business was first established he could have employed 100 men, but the union would allow him only three apprentices. To the other employers, who were of longer standing, it allowed eight. How a ship-building industry could expand under these restrictions it is not easy to conceive. Mr. Morton had the temerity to defy the ordinances of the union; he accepted as apprentice a country lad named Andrew Merchant. The lad was beaten to death on the public thoroughfare, at half-past eight o'clock in the morning, as he was proceeding to his lodgings for breakfast. The assassins all escaped. They probably belonged to a gang of desperadoes known as "Welters," who undertook the office of enforcing the decrees of the Unions, and of whom four were hanged a few years later for the murder, perpetrated in open daylight, in Thomas Street, of a sawyer who had refused obedience to the rules laid down by the union of his trade. The question of wages did not occupy a prominent place in these disputes. The wages of the skilled artisan were from 4s. 6d. to 7s. a day, while those of the rural labourer were 10d. and 9d. The main subject of controversy was the number of apprentices to be allowed to the employers. Twenty-seven for the whole ship-building trade of Dublin offered a poor prospect of development for this important industry. The same question formed the bone of contention with the builders, carpenters, printers, plasterers, and sawyers. In these trades, however, it was not fought out with such disastrous results. Mr. Morton closed his yard, and the other ship-builders soon followed. The number and efficiency of the hands had so diminished that even the repairs of larger vessels could not be undertaken. If a disabled vessel put in at the port of Dublin, she was merely patched up sufficiently to enable her to be towed across to Liverpool or the Clyde for the necessary substantial repairs. It was calculated that the loss to Dublin during ten years of this quarrel was not less than £1,000,000. But, worse than this, the whole industry deserted the city; and this at the time when the construction of iron ships had begun, and the maintenance and development of the industry might have given to Dublin what Belfast has since contrived to secure.

I pass over the other trades in which the battle between Capital and Labour was waged with equal heat, and by the same methods of violence. The single case I have cited illustrates sufficiently the danger to society which may arise from leaving combinations of Labour—and the same may be said of Capital—to follow their own courses irrespective of the social interests which their operations may affect. How that danger is to be met it is for the statesman to discover. We may say here, however, that it will not be met by ignoring the problem altogether, or by applying feeble and haphazard palliatives when the danger becomes acute. Again, if there is any force of instruction in the historical facts I have brought under review, it will not be met either by making the industrial association the slave of the State or allowing it to become its master.

Within the State, and subordinate to the interests of the community, the Labour Association may be a fruitful agency for good to its own members and to the nation. It was this in the early years of the Roman Empire; it was this in the mediaeval cities which it raised to opulence and dowered with liberty. To fulfil its beneficent functions adequately it must be free. But free with an ordered freedom, with a liberty which cannot be abused to the prejudice of the general well-being.

How shall these requirements be satisfied? It is true that if the old relations of human sympathy and Christian kindness between master and man could be re-established the statesman's intervention would be superfluous. But that consummation is not within view, and so there remains to us only the barriers and checks of positive law. What are these to be? It has been suggested that the incorporation of all Labour Associations—let the same apply to all combinations of employers—and their consequent corporate responsibility, would be a guarantee against the misuse of the strength which unity of action gives. I will not criticise the suggestion. It has at least the merit of going to the root of the problem. In this it differs from the policy of securing State control of the Labour Associations by compounding their benefit funds.