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EMPLOYERS' ORGANIZATIONS IN MID-VICTORIAN ENGLAND*

Despite the attention paid by economic and labour historians to mid-Victorian trade unionism, the development, organization and objectives of the employers' counter-organizations have been neglected. Research on this subject has tended to concentrate on the post-1880 period and has to a great extent overlooked the origins of the employers' offensive tactics.¹ The two major lines of attack which were to be adopted by employers in the 'eighties were already taking shape in the mid century. Employers' industrial organizations had been formed to counter unionism, while employers' pressure groups attempted to resist what employers described as "grandmotherly" governmental interference. The aim of this article will be to conduct a preliminary investigation of the origins and strategy of employers' organizations, and to evaluate their impact in the industrial and legal fields.

The period 1850-80 witnessed the development of well-organized anti-union employers' organizations, and their history in some respects forms a close parallel to that of trade unions. Like the unions, their development

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¹ Information on employers' industrial organizations can be found in J. H. Richardson, *Industrial Relations in Great Britain* (London, 1933), R. Smith, "A History of the Lancashire Cotton Industry between the Years 1873 and 1896" (Ph.D. thesis Birmingham, 1954), H. A. Turner, *Trade Union Growth, Structure and Policy* (London, 1962), A. R. Griffen and C. P. Griffen, "The Role of Coal Owners' Associations in the East Midlands in the Nineteenth Century", in: *Renaissance and Modern Studies*, XV (1973), pp. 95-119, E. H. Phelps Brown, *The Growth of British Industrial Relations* (London, 1959), and H. F. Gospel, "Employers' Organizations; Their Growth and Function in the British System of Industrial Relations in the Period 1918-1939" (Ph.D. thesis, London School of Economics, 1974), but generally these deal with the post-1880 period. The most recent and useful study is K. Burgess, *The Origins of British Industrial Relations* (London, 1975).

was characterized by an increase in the number of local associations which was followed by amalgamation and confederation. Employers clearly perceived that the steadily growing amalgamated unions presented a more serious challenge than the ephemeral unions of the 'thirties. Under these circumstances, trade unions were regarded as pernicious institutions, while industrial relations were looked upon as a power struggle. Many employers offered independent resistance; others took a lesson from the workers and formed employers' organizations. In their objectives, a majority of these organizations were determined to destroy unionism in order to preserve the employers' prerogatives.

Industrialists were also concerned over the number of legislative changes which favoured the workers. This fear of state interference with the economic interests of railway, mine and textile proprietors led to the development of separate protective associations within these trades.² At a time when pressure groups were rapidly becoming an integral part of the political system it was natural that employers should form associations to watch over legislation affecting their respective trades. However, by 1873 a significant number of employers felt that a national organization was necessary to resist the Trades Union Congress's active campaign to alter labour laws, and they formed the first national employers' federation. Whenever legislation threatened the employers' legal position, employers' associations independently and, at times, collectively applied pressure on the government through propaganda campaigns, deputations, petitions and other lobbying techniques. A number of associations also benefited from the presence of "interested" MPs within their membership and were therefore able to apply direct pressure within the House of Commons. Furthermore, the confluence of capitalist ideology with the liberal principles of *laissez-faire*, private enterprise and orthodox political economy assisted their campaign.

In their earliest form employers' associations were primarily commercial in character, but with the increase in trade-union activity separate industrial associations were established as counter-organizations. Eighteenth-century trade associations, such as the Birmingham Standing Commercial Committee and the numerous associations within the mining and metal-

² Legislative associations have received even less attention than the industrial organizations. Recent research by G. Alderman, *The Railway Interest* (Leicester, 1973), has provided useful information on the Railway Association, but other important interest groups such as the National Association of Factory Occupiers, the Mining Association, the National Federation of Associated Employers of Labour and the Association of British Chambers of Commerce have been overlooked.

producing industries, had been formed to obtain commercial advantages through price-fixing and production-quota arrangements. While the history of these commercial combinations has been preserved to some degree, very little is known of the eighteenth-century associations and agreements between employers for the regulation of labour.³ Their secrecy and informality has left little trace of their activity. While the evidence is sparse, it is known that industrial organizations were formed by cotton masters in 1745, colliery owners in 1780, and master bookbinders in 1786.⁴ With the repeal of the Combination Laws in 1824 and the consequent increase in union activity, a corresponding rise in the number of employers' organizations occurred. Employers' associations which had also operated in secrecy now openly opposed the unions while, at the same time, new local masters' societies emerged.⁵ Before the mid century formal masters' associations for the regulation of labour were in existence in the cotton, carpet, building, bookbinding, coal and iron industries.

A majority of the new masters' societies were established during periods of strike activity and had as their single objective the suppression of unionism. Once the dispute which had instigated the combination among employers subsided, a great number of these coalitions became moribund or dissolved as a consequence of inherent weaknesses. Generally, the formation of industrial associations was handicapped by conflicts of interest and by the strong competitive spirit which existed between individual employers. In the cotton trade, for example, incompatibility arose out of differences between localities, between large and small firms, and between different structures of production. Their one cohesive element was the force of unionism, which acted to dissolve the differences between cotton masters, and led to the formation of associations at Manchester, Bolton, Ashton, Preston and Glasgow in the 1820's.⁶ When confronted by the establishment of a wool-combers' union in 1825, the Bradford worsted spinners and manufacturers also overcame their competitive differences and formed an association. They now held it to be "their duty, by every

³ The early history of trade associations is reviewed in T. S. Ashton, *The Industrial Revolution, 1760-1830* (Oxford, 1964), pp. 88-91.

⁴ Turner, *Trade Union Growth*, *op. cit.*, p. 370; H. A. Clegg, H. Fox and A. F. Thompson, *A History of British Trade Unions since 1889, I* (Oxford, 1964), p. 22; T. J. Dunning, "Some Account of the London Consolidated Society of Bookbinders", in: *Trades' Societies and Strikes. Report of the Committee on Trades' Societies*, appointed by the National Association for the Promotion of Social Science (London, 1860), pp. 94-95.

⁵ Employers' associations were also illegal under the Combination Laws, but there is no evidence of their prosecution. See S. J. Chapman, "An Historical Sketch of Masters' Associations in the Cotton Industry", in: *Transactions of the Manchester Statistical Society*, 1901, p. 79.

⁶ Turner, *Trade Union Growth*, pp. 371-75.

means in their power, to counteract a Combination, which, if not suppressed would strike at the Root of this Town”, and pledged themselves “not to employ any comber who shall continue to be a member of a union”.⁷ At Manchester, a strike of the carpenters and joiners in 1835 also led to the formation of a masters’ association, which immediately imposed a lock-out and defeated the men after a six-month struggle. Under similar circumstances twenty-six firms in the carpet trade formed the Yorkshire and Durham Carpet Manufacturers’ Association in 1839, while in the same year the master bookbinders re-instated their association and agreed to suspend all trade unionists.⁸

Industrial unrest in the early decades of the century had led to the establishment of a large number of masters’ societies in the mining industries. Originally, many of these associations had been constituted for the purpose of price-fixing or meeting competition from other districts, but soon became the co-ordinators of employers’ tactics during strikes. Among the organizations to be established in this period were the Lothian Coal Owners’ Association, Durham and Northumberland Coal Owners’ Association, Cambrian Coal Owners’ Society, Monmouthshire and South Wales Coal Owners’ Association, West Riding of Yorkshire Coal Masters’ Association, the South Staffordshire Ironmasters’ Association, and the Ironmasters’ Association of the North of England.⁹ During years of discordant industrial relations, particularly between 1832 and 1834, the masters overtly exhibited their intentions by frequent lock-outs accompanied by the use of the “document”. Their unity was temporary and, in general, the early alliances remained few in number, unstable and ephemeral, their main cohesive bond being the pressure of trade-union activity.

After the mid century employers’ associations, like those of the workers, increased in number and strengthened their position by centralization. At this time the capabilities for association were assisted by the increase in the scale of manufacturing concerns. Consolidation into large firms created

⁷ Minute Book of the Associated Masters, 8 June 1825, Bradford Combers and Weavers Strike, Deed Box 3, Case 38, No 6, Central Library, Bradford.

⁸ See S. Smiles, *Workman’s Earnings, Strikes and Savings* (London, 1861), p. 137; *Organization and Rules of Trade Unions and Other Associations*, Royal Commission (hereafter Royal Commission), First Report [Parliamentary Papers, 1867, XXXII, 3873], q. 2582; *Masters and Operatives (Equitable Councils of Conciliation)*, Select Committee [PP, 1856, XIII, 343], q. 1134; Dunning, “The London Consolidated Society of Bookbinders”, loc. cit., p. 100.

⁹ See W. A. Lee, “The History of Organization in the Coal Industry”, in: *Historical Review of Coal Mining* (London, 1924), pp. 364, 369; J. H. Morris and L. J. Williams, *The South Wales Coal Industry* (Cardiff, 1958), pp. 33, 274; Royal Commission, Fifth Report [PP, 1867-68, XXXIX, 3980-I], qq. 9393, 9825-29.

more unified trades by reducing the number of industrial structures and instilled a greater feeling of equality amongst the large capitalists. Furthermore, the larger firms now had sufficient capital to enable them to endure periods of non-productivity, and were therefore able to come to agreements to support one another in a lock-out. Trades which contained a great number of small employers, on the other hand, were hampered by their inability to enforce a lock-out without themselves becoming bankrupt.¹⁰ As a result, the promoters and leading members of combinations were generally the large industrialists who shared determined convictions to establish a countervailing power to the growing effectiveness of unionism.

In the engineering trade the combined effect of the formation of the Amalgamated Society of Engineers in 1851 and its new demands for restrictions on labour led to the establishment of the Manchester Association of Employers of Operative Engineers. Under the leadership of John Platt, a partner in the largest engineering factory in Europe, this association comprised thirty-four firms who employed 10,000 workers.¹¹ The Manchester association then convinced forty-six firms in London to organize the Central Association of Employers of Operative Engineers, with whom they established a close working alliance. Among the leaders of the London association were the following influential capitalists: Joshua Field, H. Maudsley, John Penn, J. D'A. Samuda and John Rennie. In 1866, the engineering firms further consolidated their strength by the establishment of the Clyde Shipbuilders' and Engineering Association, while in the 'seventies local masters' associations were formed in Sheffield, Liverpool, Bristol, Bolton and Derby. The local associations were developed to protect the separate interests of the producers of machine tools, railway rolling stock, textile machinery, steam engines and locomotives. Their diversity made co-operation difficult, and as a result a general association was not formed until 1896 with the creation of the Employers' Federation of Engineering Associations.¹²

¹⁰ Reason given by J. Robinson, secretary to the Manchester Engineers' Association, for the difficulties of association among masters. Royal Commission, Tenth Report [PP, 1867-68, XXXIX, 3980-VI], qq. 19067-69.

¹¹ Th. Hughes, "Account of the Lock-Out of Engineers, &c., in 1851-2", in: *Trades' Societies and Strikes*, op. cit., pp. 177-78. For more detailed studies of the lock-out, see K. Burgess, "Trade Union Policy and the 1852 Lock-Out in the British Engineering Industry", in: *International Review of Social History*, XVII (1972); P. J. Murphy, "The Origins of the 1852 Lock-Out in the British Engineering Industry Reconsidered", *ibid.*, XXIII (1978).

¹² J. B. Jefferies, *The Story of the Engineers 1800-1945* (London, 1945), pp. 37, 94. A degree of unity had been achieved in 1871 with the formation of the Iron Trades Employers' Association. Clegg, Fox and Thompson, *British Trade Unions*, op. cit., p. 12.

In the cotton and building industries a similar pattern evolved. The formation of trade unions among power-loom weavers followed by a series of disputes induced the cotton masters of Blackburn to establish a local association in 1852, while other combinations were either revived or formed during the 1854 Preston strike and the 1859 Padiham dispute. By the end of the 'seventies there were at least twelve permanent district organizations in Lancashire towns.¹³ Centralization had been partially achieved in 1859 by the formation of the Lancashire Master Spinners' and Manufacturers' Defence Society, but an effective amalgamation was not implemented until 1866, when Burnley's leading manufacturer, R. Raynsford Jackson, instigated the federation of the United Association of Master Cotton Spinners' and Manufacturers' of Preston and East Lancashire. It was subsequently re-constituted as the North-East Lancashire Spinners' and Manufacturers' Association in 1872.¹⁴ Local organizations between masters in the building trade emerged during the 'fifties to counter the union pressure for a nine-hour day, and the most famous of these was the Central Association of Master Builders set up in 1859, which included among its members the largest contractors in London: Charles Lucas, Walter Kelk, Sir M. Peto, G. F. Trollope, W. Cubitt, A. Mault and T. Piper. An attempt towards general association had already been made in 1857, when the National Master Builders' Association was contrived, but its unstable organization led to its collapse. It later re-emerged as the more powerful general Builders' Association in 1865 with members in approximately eighty towns, but this combination did not have a long history either and was succeeded by the National Association of Master Builders in 1878.¹⁵

Coal-owners, railway companies and farmers were also forming associations for the purpose of controlling their labour-force. District organizations were perhaps most common among coal-owners, and their number continued to increase during the 'sixties and 'seventies with new bodies being set up in the Aberdare, Rhondda, Fife, Clackmannan, Ayrshire, Durham, Derbyshire, Nottingham and Yorkshire.¹⁶ Combi-

¹³ Turner, *Trade Union Growth*, pp. 372-73. For further details on the development of cotton employers' associations in the post-1870 period, see Smith, "The Lancashire Cotton Industry", *op. cit.*, pp. 262-310.

¹⁴ See *The Times*, 10 August 1859, p. 12; Smith, "The Lancashire Cotton Industry", pp. 294-95.

¹⁵ See Royal Commission, *First Report*, qq. 340, 2951-60; "National Association of Master Builders", in: *Capital and Labour*, 27 February 1878, p. 133.

¹⁶ See Morris and Williams, *The South Wales Coal Industry*, *op. cit.*, pp. 276-77; Lee, "Organization in the Coal Industry", *loc. cit.*, pp. 360, 366, 370, 375; Richardson, *Industrial Relations*, *op. cit.*, pp. 69-70.

nations among railway companies to regulate wages had tacitly existed in the first half of the century before the men had formed unions, but the United Railway Companies' Committee was not established until 1867 after the railwaymen's strikes had become more effective. Although the association's primary purpose was political, some of the members immediately co-operated to defeat a strike by the enginemmen.¹⁷ In agricultural districts, the establishment of farmers' associations followed upon the unionization of agricultural labourers. District compacts, such as the Essex and Suffolk Farmers' Defence Association and the Newmarket Agricultural Association, paralleled the growth of combinations among labourers, but when the workers formed the National Agricultural Labourers' Union in 1872, the farmers felt their organizations to be inadequate. In response, the first National Farmers' Association was formed at Leamington in 1874 to extend the power of the lock-out.¹⁸

Basically, the impulse to form associations derived from the employers' exaggerated sense of the need to defend abstract individual rights and to protect their managerial prerogatives. Employers held that individual freedom of action, which had been won after a long struggle, was now being challenged by trade-union restrictions. Counter-organizations had therefore become a necessary evil to prevent further trade-union encroachment in their business affairs. Ardent individualists such as Edmund Potter remained sceptical, and he was "not yet willing to think that by counteracting unions of masters such [trade-union infringements] should be prevented".¹⁹ There was a danger that employers' associations would neutralize the employers' independence of action and compel them to act with the decisions of the trade. He maintained that the same dead-levelling which had occurred when the workers joined unions would equally affect them. The good employer would be indistinguishable from the unscrupulous, and the collective action of the society would replace personal relations. While those who advocated associations admitted these dangers, most agreed with T. Piper, secretary to the London Master Builders' Society, who held that a degree of liberty would have to be sacrificed in order that "each master [. . .] be the master of his own business".²⁰ A similar argument was used by W. Stewart to unite the South Yorkshire and North

¹⁷ P. W. Kingsford, "Labour Relations on the Railways, 1885-1875", in: *The Journal of Transport History*, I (1953-54), p. 76.

¹⁸ R. Groves, *Sharpen the Sickle. The History of the Farm Worker's Union* (London, 1949), pp. 71-72, 76.

¹⁹ Quoted in J. G. Hurst, *Edmund Potter and Dinting Vale* (Manchester, 1948), p. 46.

²⁰ Royal Commission, *First Report*, q. 2634.

Derbyshire colliery owners into an association. "Everything", he argued, "depends on united action. If we fail, we may look for a long continuance of trouble from the men. If we succeed we shall have broken the back of the Union."²¹

Frequently the formation of employers' associations succeeded the establishment of trade unions and enabled employers to justify their associations as the only effective defence against the highly successful "rotating strikes" and "strikes in detail". While employers remained unorganized and where a combination of workers extended outside an individual firm or district, the union was provided with opportunities to achieve its objective by distributive action. Suffering under these disadvantages, employers in the coal, flint-glass, building and engineering trades formed respectively the South Yorkshire Colliery Association, the Midland Association of Flint Glass Manufacturers, the Manchester Master Builders' Society and the Clyde Shipbuilders' and Engineers' Association for the purpose of self-defence.²²

Once associated, employers applied what were principally trade-union tactics to counter sectional struggles. Defence funds or strike-insurance schemes were established to protect those members faced with a strike. Subscriptions were normally levied according to the number of workers employed or on the basis of the number of machines within a firm, and compensation was allotted in a similar manner. The coal and iron-masters' associations which established insurance funds generally fixed the premiums according to the tonnage of ore raised. The rate for the South Yorkshire and North Derbyshire Coal Owners' Association, for example, was set between 1/- to 2/6d per ton. Perhaps the most substantial strike-insurance scheme of the period was that of the Clyde Shipbuilders' and Engineers' Association, whose thirty-five members subscribed four pounds per worker and had an accumulated defence fund of £90,000.²³ Whenever

²¹ W. Stewart to Earl Fitzwilliam, 4 June 1874, Wentworth Woodhouse Muniments T 29 d, Sheffield City Library.

²² See Royal Commission, Seventh Report [PP, 1867-68, XXXIX, 3980-III], q. 14436; Tenth Report, qq. 18306-12; Ninth Report [PP, 1867-68, XXXIX, 3980-V], q. 17247; W. R. Hopper, "An Iron-master's View of Strikes", in: *Fortnightly Review*, Old Series, I (1865), p. 743. Evidence, however, indicates that industrialists were not always on the defensive, and in a number of districts they were the first to initiate combinations. For examples of cotton and coal masters' associations which preceded union development, see G. Howell, *The Conflicts of Capital and Labour* (London, 1878), p. 101; J. M. Ludlow, "Account of the West Yorkshire Coal-Strike and Lock-Out of 1858", in: *Trades' Societies and Strikes*, pp. 26-29.

²³ For the Coal Owners' Association, see *The South Yorkshire and North Derbyshire Coal Owners' Association, Ltd, Minutes of Meeting*, 30 June 1874, p. 7, Wentworth

questioned on their use of union tactics, employers insisted that these funds were allocated for purely defensive purposes.

The isolated and independent position of employers, it was argued, had led to the surrender of their autonomous control over the trade rules governing their respective industries, and to the loss of their complete command over the questions of wages, hours and systems of payment. Employers complained that the fixing of trade rules had now become a union monopoly. Associations were therefore regarded as the *sine qua non* for the re-establishment of the employers' autonomy. With this objective in mind, the first step taken by the General Builders' Association was to arbitrarily draft and impose a new set of trade rules on the union. The other primary concern of employers' organizations was the enforcement of wage policies, and trade unionists, such as George Potter, maintained that employers were solely "organized to try to keep down wages while we are organized to try to keep them up".²⁴ In the rules stating the objectives of the North of England Iron Manufacturers' Association provisions were made for the exchange of information on wage rates, while the Glasgow Master Brickbuilders' Association forged an agreement not to pay higher wages than the current rate fixed by the association. Any alteration in wage rates was to be submitted to the executive committee, who decided whether an increase was warranted. Again, these policies were imposed upon the workers without their consultation or agreement. Given the opportunity and sufficient strength the masters' associations, J. McDonald admitted, would unhesitatingly have imposed restrictions comparable to the trade-union restraints which had initially aroused the employers to combine.²⁵

The autocratic attitudes of individual employers were reflected in their associations, and characteristically the majority of masters' societies would neither recognize trade unions nor participate in collective bargaining. Determined to retain unilateral control, the only deputations which employers within a majority of associations would meet were those consisting

Woodhouse Muniments T 29 d. For the Clyde Shipbuilders' and Engineers' Association, see Royal Commission, Ninth Report, q. 17456. The funds raised by other associations were not as substantial, e.g., the Iron Manufacturers' Association's strike fund was £47,575, while the Midland Association of Flint Glass Manufacturers' was only £100. See Royal Commission, Fifth Report, q. 9400, and Tenth Report, q. 18374.

²⁴ Royal Commission, First Report, q. 3068. For the General Builders' rules, see *ibid.*, q. 3612.

²⁵ Information derived from the rules of the North of England Iron Manufacturers' Association, Royal Commission, Eleventh Report, Vol. I [PP, 1868-69, XXXI, 4123], Appendix H. For the Glasgow association, see First Report, q. 3477, and for McDonald's statement, see *ibid.*, q. 3612. McDonald was the secretary to the Glasgow Master Brickbuilders' Association.

of men who were directly in their employ.²⁶ There were exceptions: for instance, the North of England Ironmasters accepted “the holding of free and friendly communications with the representatives of the ironworkers’ union”, while collective bargaining between the cotton masters’ association and the union led to the formation of the Blackburn Standard Lists.²⁷ Gradually employers would come to realize that industrial relations were more harmonious where comprehensive reciprocal organizations existed and co-operated to regulate the trade, but for the present the bulk of the employers’ associations agreed with the London Master Builders’ Society that all disputes were “a question between the employer and his men”.²⁸ This refusal to acknowledge trade unions was a subtle indication of the employers’ ambition to destroy or at least subdue unionism. Those associations which were less inhibited about their fundamental purpose declared their intention outright. The third rule of the Master Plasterers’ Association, for example, stated that “this society shall, by all legal and fair means, endeavour to bring to a speedy termination the unjust influence and mischievous action of the National Association of Operative Plasterers.”²⁹ The determination of employers’ associations to nullify the effect of unionism, however, often led them beyond legality and into coercive activity.

While condemning the dictatorial practices of unions, the masters evolved analogous techniques for the purpose of weakening union strength by the victimization of their members. Discharge notes, blacklists and evictions were among the principal weapons applied by employers’ associations to intimidate unionists. Discharge notes made it mandatory that any worker seeking employment must submit a character reference from his previous employer. While J. P. Smith, the secretary of the Clyde Shipbuilders’ and Engineers’ Association, maintained that the discharge note posed no obstacle to the employment of men provided they were free of their previous engagement, trade unionists held that it debarred any man who had a disagreement with his employer from future employment within the trade.³⁰ Even more damaging was the use of the discharge note to indicate whether a worker was a unionist and therefore unsuitable for employment. The secretary to the Operative House Carpenters and Joiners’ Society, Robert Last, asserted: “The sole meaning of the discharge note

²⁶ See, e.g., evidence given by Charles Mark Palmer, secretary to the Shipbuilders’ Association, Ninth Report, qq. 17847-48.

²⁷ Fifth Report, q. 9539; W. A. Jevons, “Account of the Weavers’ Strike at Padiham in 1859”, in: *Trades’ Societies and Strikes*, p. 433.

²⁸ First Report, q. 2691.

²⁹ *Ibid.*, q. 1858.

³⁰ Ninth Report, qq. 17488-89.

was to break up our union, and to build their own upon our ruins.”³¹ Another effective method of ostracizing obnoxious unionists was through the circulation of blacklists. After compiling a blacklist of union members, a Yorkshire coal-owners' association distributed it to its members and announced that “the men whose names given below, active members and promoters of the [union], are now under notice of discharge from their works in consequence.”³² Trade-union leaders were naturally high on the list of undesirable employees, and E. Coulson, W. Allen, R. Applegarth and others all complained of victimization, but these claims were hard to substantiate as this activity was shrouded in secrecy. On the other hand, Alfred Mault, secretary to the General Builders' Association, freely admitted that blacklists were circulated to exercise “coercive power” over unionists.³³ In mining districts, the dependence of the workers on company housing provided the masters with still another powerful means of persuasion. The frequent use of these oppressive methods by employers' organizations led Frederic Harrison, Thomas Hughes and the Earl of Lichfield, members of the 1867 Royal Commission, to conclude that the only difference between the opposing associations was that the masters' methods were “more powerful, less public and less easy of detection”.³⁴ When blacklists, discharge notes and evictions failed to impede union activity, the employers still had in reserve their most powerful weapons — the lock-out and “document”.

The increase in employers' organizations in the latter half of the nineteenth century was marked by greater use of the lock-out, and, like strikes, its effectiveness and duration enlarged with the development of better communications and the centralization of associations. Disputes were no longer confined to a confrontation between the independent manufacturer and the unionists, since the lock-out indiscriminately excluded all workers from employment. For the employer the “inexorable logic of facts” made the use of the lock-out the only effective means of meeting the sectional struggles initiated by unions. W. R. Hopper, an ironmaster, explained the employers' position.

³¹ First Report, q. 2534.

³² Royal Commission, Eighth Report [PP, 1867-68, XXXIX, 3980-IV], q. 16470.

³³ For unionists' complaints, see Royal Commission, First Report, qq. 1627, 869, and Fourth Report [PP, 1867, XXXII, 3952], q. 7337. For Mault's statement, see Second Report [PP, 1867, XXXII, 3893], q. 4021. Mault conceded that blacklists were opposed to the principle of freedom of labour, but held that this policy was forced upon employers by trade unions. First Report, q. 3147.

³⁴ Eleventh Report, Vol. I, Dissent to Final Report, p. xlix. The Commission's Majority Report had concluded that the employers' organizations were defensive in nature and free of intimidation, see *ibid.*, pp. xvi-xviii.

In a general strike, arranged by a Union to be carried out in detail, a lock-out, unhappily, is the only effectual measure of defence; that whereas the workmen only require to have the equivalent of their wages found them by their co-unionists, no loan of money, no contribution of estimated profits, no guarantee of current contracts, can compensate an isolated manufacturer or body of manufacturers left alone to fight out the battle of the trade.³⁵

There was no alternative but to commence an employers' strike in the form of a lock-out. Vehement criticism of lock-outs was forthcoming from the ranks of labour sympathizers such as Harrison, who described them as a "flagrant act of tyranny", while J. M. Ludlow condemned their use to be a "terrible measure [...] by which the moneyed man endeavours to starve the worker into submission". On their behalf, employers' associations insisted that lock-outs were defensive and "merely the attending shadows of strikes".³⁶

The vindication of employers' associations by the argument of self-defence broke down as the true intentions behind lock-outs were revealed. The frequent use of the "document" or "declaration" clearly indicated that the masters' societies had a further objective in mind than the breaking of strikes. The "declaration" issued by the Central Association of Master Builders during the 1860 lock-out read:

I declare that I am not now, nor will I during the continuance of my engagement with you, become a member of or support any society which directly or indirectly interferes with the arrangements of this or any other establishment, or hours or terms of labour, and that I recognize the right of employers and employed individually to make any trade engagements on which they may choose to agree.³⁷

With the imposition of the "document" the issue at question immediately became the trade unions' right to combine. Where the unionists refused to return to work on these terms, blackleg labour was attracted from other districts and the Continent through newspaper advertisements, circulars and recruitment campaigns organized by masters' associations. Some

³⁵ Hopper, "An Iron-master's View of Strikes", loc. cit., p. 749. Not all members of masters' societies agreed with the policy of lock-outs. Lady C. Schreiber, proprietor of Dowlis Ironworks, argued that lock-outs threatened to destroy the good relations which had been created by the provision of welfare benefits. Lady Charlotte Schreiber, *Extracts from her journal, 1853-1891*, ed. by the Earl of Bessborough (London, 1952), pp. 2-13.

³⁶ For the various opinions expressed, see F. Harrison to E. Beesly, 1865, *Frederic Harrison Manuscripts*, Box 1, Section A, British Library of Political and Economic Science; Ludlow, "Account of the West Yorkshire Coal Strike", loc. cit., p. 30; "Trade Union Inquiry", in: *Capital and Labour*, 30 December 1874, p. 1038.

³⁷ *The Times*, 8 August 1859, p. 12.

employers also obtained workers from the Free Labour Registration Society, a body of non-unionists set up in the 'sixties which acted as an employment agency.³⁸ Together, the danger which the "document" and the replacement of union members by blacklegs represented to trade unions may be assessed by examining their inflexible resistance during the 1851 engineers' strike and lock-out, the 1854 Preston cotton dispute, the 1860 builders' lock-out and the agricultural labourers' strike, which comprised the most protracted industrial ruptures of the third quarter of the century.

The submission of the trade unions within these major conflicts was, at best, temporary, and was counterbalanced by the gains being made by the workers' movements for factory reform and improvements in the legal rights of the worker and the trade union. Industrial activity on the part of employers' associations was capable of enforcing the "document" and thereby weakening the unions, but as soon as the pressure was relaxed the unions re-asserted their previous positions. In the case of the engineers the "document" was abrogated, while its cancellation in the builders' dispute allowed the unions to regroup their forces. Employers, therefore, continued to feel that their individual rights and liberty of action were being encroached upon by trade unions, and became more anxious when the pressure the workers exercised on the government to improve their conditions of work and their legal status showed signs of success. To impede this agitation, employers within various trades formed pressure groups.

Although the activity of employers' pressure groups was not a new feature to the political scene in 1850, it was not until the latter half of the century that they made their impact in politics. The propaganda campaigns and lobbying activity carried out by commercial and industrial associations before the mid century, such as that of the local chambers of commerce, were, for the greatest part, ineffective. The chambers concerned themselves with local commercial problems, while employers' associations, in general, remained primarily concerned with resisting trade unionism. It was only when an entire industry was threatened by government interference that they were capable of forming more effective organizations like the Mining Association of Great Britain and the National Association of Factory

³⁸ E.g., the secretary of the Master Builders' Association toured Germany to obtain blackleg labour. "End of the Mason Strike", in: *Capital and Labour*, 20 March 1878, p. 178. For information on the Free Labour Representation League, see G. Alderman, "The National Free Labour Association. A Case-Study of Organised Strike-Breaking in the Late Nineteenth and Early Twentieth Centuries", in: *International Review of Social History*, XXI (1976).

Occupiers. During the 'fifties and 'sixties, the optimism generated by economic prosperity helped to ease legislation through Parliament without serious reaction. But as the fear of economic depression and foreign competition increased in the 'seventies, the business interest's anxiety towards government meddling in their affairs intensified. In succession, the United Railway Companies' Association, the National Federation of Associated Employers of Labour, the British Iron Trades' Association, the Chamber of Shipping and other associations were formed to protect vested interests.

In the textile trades, the employers' Parliamentary associations were predominantly organized to resist alterations in the factory acts. A meeting of factory masters at Manchester in 1854, for example, set up the Factory Law Amendment Association to relieve the trade of "undue restrictions and mischievous interference", which was soon followed by the establishment of a number of local bodies. The first step taken by the association was to lobby the Home Secretary and request the repeal of factory inspection and overhead-fencing requirements. The general deputation which represented the Manchester group and other local associations formed in the woollen, worsted, silk and linen districts consisted of eighty-five delegates from forty-two towns, and included Richard Ashworth, Titus Salt, W. E. Forster, E. Akroyd and a number of other influential Liberals.³⁹ Its composition demonstrated the extent to which the organization had developed, but despite their growth they failed to make an impression on the government. Their ineffectual attempts to influence government policy revealed the disparities and weakness of these associations, and compelled factory masters to form a more united front in 1855 by consolidating their local societies into the National Association of Factory Occupiers. Sarcastically described by Charles Dickens as the "Association for the Mangling of Operatives", the NAFO claimed the participation of the largest factory occupiers in the country, who collectively employed not less than 250,000 work people. From its subscribers in over seventy towns in England, Scotland and Ireland the association expected to raise a campaign fund of £5,000 by a levy on each member of "two shillings per nominal horse power".⁴⁰ No doubt, it also expected the support of those MPs who were textile manufacturers. With a national

³⁹ General Deputation from the Cotton, Woollen, Worsted, Silk and Linen Trades, 25 February 1854, Home Office Papers 45, Old Series 5209, Public Record Office.

⁴⁰ National Association of Factory Occupiers, Special Report of the Executive Committee, 1855, pp. 4-5. See also Joint Report of Factory Inspectors, 31 October [PP, 1856, XVIII, 2031]. For Dickens's comment, see B. L. Hutchins and A. Harrison, *A History of Factory Legislation* (London, 1903), p. 116.

organization, money and direct representation in Parliament, the NAFO represented a serious challenge to the growing acceptance of factory legislation.

Soon after its commencement, the association engaged in an active campaign to resist legislation for the fencing of horizontal shafting and to modify the factory acts. Over £1,500 was spent in the support of deputations to the Home Secretary, in advertising, management, and in the defence of employers against prosecution for failing to enclose overhead shafting. Its effect on the government and law courts proved to be of negative value. After meeting a NAFO deputation, Sir G. Greg, the Home Secretary, accused the association of being a "combination to resist the law", while the courts decided against the two defendants the NAFO had supported and imposed costs.⁴¹ Greater success was achieved through its advertising campaign which encouraged employers to ignore the new safety regulations on shafting. By March 1856, the association felt opinion to be sufficiently in its favour to bring the issue before the House of Commons. J. Wilson Patten MP, acting for the association, successfully carried a bill to amend the factory act by placing the fencing of overhead shafting on the same basis as the fencing of machinery, and thereby requiring it to be fenced only if women and young persons came in contact with it. For the textile manufacturers it was a minor victory, but it served as a valuable lesson in the effectiveness of organization.

During the next two decades other local factory occupiers' associations were formed but offered no major resistance until 1872, when A. J. Mundella introduced his Factories Act Amendment Bill. In that year the NAFO was re-activated, and a committee was established to sit in London in order to lobby MPs and keep a close watch on the progress of Mundella's bill. Its efforts were assisted by other associations, such as the Leeds and District Factory Occupiers' Association, which sent deputations to the Home Secretary. The NAFO's argument that legislation which affected 849,000 textile workers and so many large economic interests should be re-examined by a Royal Commission failed to impress a government looking for working-class votes.⁴²

With the general growth in the pace of commercial and economic development during the mid century, an increase occurred in the number of chambers of commerce, and in 1860 these consolidated into the

⁴¹ NAFO, Special Report, *op. cit.*, pp. 6, 9; Joint Report of Factory Inspectors, 1 June 1855 [PP, 1854-55, XV, 1947], p. 49.

⁴² Minutes of the Leeds and District Association of Factory Occupiers, 26 April 1872, pp. 30-31, and 4 March 1873, pp. 44-45, Marshall Manuscripts 200/58, Brotherton Library, University of Leeds.

Association of British Chambers of Commerce. It soon became an effective pressure group for commercial interests. The strength of the associated chambers may be estimated by examining the list of honorary members, which included E. Baines, M. T. Bass, W. E. Forster, W. L. Brocklehurst, H. Bölekow, R. Kell, A. J. Mundella, J. Cowen, Jr, J. Bright, E. Akroyd, George Dixon and Sir Francis Crossley. Emphasis was placed on securing the favour of MPs, the press and the public in order to promote commercial and fiscal matters.⁴³ By 1865, the success which the association had achieved in advancing its interests led Sir F. Crossley to rejoice “heartily that the Chambers were beginning to have so much political power”, while four years later S. Morley assured the members that “this little commercial parliament” was capable of exercising even greater influence.⁴⁴ John Bright also praised the accomplishments of the association but felt that, like the House of Commons, it needed a more extended suffrage and a wider representation. The association’s confinement to narrow commercial issues and its failure to deal with the major questions respecting the conditions of the working classes deprived the association of its full potential.⁴⁵ Bright’s criticism, however, went unheeded and the association continued to direct its attention to commercial questions. Campaigns to promote technical education and to consolidate the Workshops Act with the Factory Act Extension Act were undertaken, but these were self-interested attempts to protect profits. Although the association avoided taking direct action in legislation governing labour relations, the issues were not entirely ignored.

The large number of manufacturers within the association made it certain that discussions on the relations between capital and labour would take place. On several occasions, its annual meetings served as a forum for discussions on trade unions, strikes and arbitration. Committees were set up to investigate these issues, while, at the same time, individual members advocated schemes for the promotion of better industrial relations. Nor should it be overlooked that the meetings of the individual chambers and the association also provided employers with ample opportunities for the exchange of ideas, the establishment of agreements and the formulation of policies in order to resist trade unions. No doubt, this co-operation within the chambers served, in a number of cases, as the first stage in the development of employers’ associations. This aspect remained in the background, while the association’s committees endeavoured to harmonize relations by investigating the benefits to be obtained from the various

⁴³ Association of British Chambers of Commerce, London, Records of Annual Meetings, Eighth Annual Meeting, 1868, p. 70.

⁴⁴ *Ibid.*, Fifth Annual Meeting, 1865, p. 96, and Ninth Annual Meeting, 1869, p. 96.

⁴⁵ *Ibid.*, Ninth Annual Meeting, p. 96.

conciliation projects in existence and the feasibility of Lord St Leonard's bill for the organization of councils of conciliation.⁴⁶ On most occasions, however, the association avoided involvement in labour legislation until the late 'seventies, when the question of employers' liability came before Parliament. Generally, the association left the defence of free enterprise, liberty and managerial prerogatives to the trade associations which had specific interests to protect.

The pressure-group activities of coal, iron and railway companies had remained limited in scope until the 'seventies. The Mining Association of Great Britain, which had been set in 1854 as a commercial organization, kept mine-owners informed on new developments in trade patterns and scientific improvement in mining procedure. Its other and more important objective was to watch over all legislation affecting its members. After 1867 its Parliamentary activity was to be strengthened by the North of England United Coal Trade Association, which rendered further support to the interests of mine-owners.⁴⁷ Within the railway industry associations had been formed in the 'thirties, but these were designed to watch over the specific objectives of the united companies rather than to act as general guardians for the industry. When their objective had been achieved or lost, these associations often dissolved. An attempt to develop a general association, the Railway Clearing House, was made in 1842, but by 1855 it had collapsed. Once again, pressure groups such as the Railway Companies' Association set up in 1858 concentrated on obtaining private bills to authorize new railway lines for its members. A decade later the United Railway Companies' Committee was established to counter the impending legislation on railway accounts. Then in 1870 the growing strength of unionism among railwaymen and the determination on the part of the Liberals to legislate on railway traffic and safety led the companies once again in the direction of a general association. In that year the Great Northern, London and North Western, Lancashire and Yorkshire, Midland and North Eastern companies founded the United Railway Companies' Association for the purpose of considering questions affecting "the whole railway Interest".⁴⁸

Together, the mining and railway associations exerted pressure on the government through petitions, deputations to the Home Office and other lobbying techniques, while the presence of a number of their members within the House of Commons gave them additional influence. To ensure

⁴⁶ See "Prevention of Strikes", *ibid.*, Fifth Annual Meeting, pp. 90-93, and "Strikes", *ibid.*, Sixth Annual Meeting, 1866.

⁴⁷ Lee, "Organization in the Coal Industry", p. 375.

⁴⁸ For further details, see Alderman, *The Railway Interest*, *op. cit.*, pp. 14-27.

that legislation which affected the industry did not escape notice, the Mining Association appointed a solicitor to act as a secretary and a Parliamentary watchman. Whenever a government committee was appointed to examine conditions within the industry, the secretary's duties were extended to include the organization and presentation of the members' objections to state interference in the management of their works.⁴⁹ While the railway associations also appointed Parliamentary agents to increase their effectiveness, their strength was derived from their representation in Parliament. By 1868 it had become evident that a number of railway directors in the House of Commons were placing the protection of their interests above party policy. In the latter half of the 'seventies, the major concern of these two industries was the TUC's campaign for an Employers' Liability Bill. In this issue the Railway Association became the principal opponent. In opposition to the measure it sent deputations and petitions to the government, organized the appearance of witnesses to testify before a Select Committee and called upon railway MPs to block the impending legislation. The unity of objectives, the wealth and the influence of the member companies made this association the most influential employers' interest group of the period.⁵⁰ One other association, the National Federation of Associated Employers of Labour, had the potential for becoming an even more powerful association, but it never reached this status.

In the early 'seventies the combined pressure of the workers' demands for a fifty-four-hour week and the further restrictions outlined within Mundella's Nine-Hours Bill led to the formation of new local mill-owners' associations which consequently formed alliances and became the nucleus for the NFAEL. Employers in the building and engineering trades had already been forced to concede a reduction in hours, and it now appeared that the textile industry was about to meet a similar fate if the employers remained unorganized. As a consequence, a strike for a fifty-four-hour week at Messrs Marshall's flax mills at Leeds in 1872 soon acquired greater significance than that of a local strike. The first step taken by H. C. Marshall, E. B. Padgett, J. Croft, R. Briggs and other leading flax manufacturers was to form the Leeds and District Association of Factory Occupiers, "to watch and influence public opinion and legislation on

⁴⁹ See, e.g. the case prepared by the secretary in 1874 during the Labour Laws Commission. First Report of the Labour Laws Commission on the Working of the Master and Servant Act, 1867, and the Criminal Law Amendment Act 34 and 35 Vict. c. 32 [PP, 1875, XXIV, C. 1094], qq. 737-45.

⁵⁰ Alderman, loc. cit.

questions affecting the relations of employers and employed, and to co-operate with other associations having the same object".⁵¹ A lock-out was immediately imposed and other associations were asked to assist it in resisting a demand which threatened the entire textile trade. The Lancashire-based NAFO promptly provided assistance as it feared that, once the hours concession was granted in any district, the demands would rapidly spread to their own area. To ensure that the "cause of capital" was not lost through lack of organization, the NAFO gave moral support and advice to the Leeds association, encouraged other local associations to assist it and advocated the formation of new societies. The Leeds mill-owners soon had support from an association at Batley and from the Heavy Woollen District Masters' Union, which comprised employers from Bradford, Halifax and Huddersfield. After a meeting between the Leeds association and the leading manufacturers of the Bradford district: Sir Titus Salt, John Lister, Christopher Ward and others, the Bradford Factory Association was established and resolved not to employ any flax worker who was subject to the lock-out.⁵²

Co-operation in industrial activity was accompanied by increased collaboration among associations to prevent further factory legislation. The Leeds Association, for example, sent a deputation to London to support the NAFO's committee in its attempts to lobby MPs and present the masters' case against Mundella's bill. It was this reciprocal activity which led the NAFO to believe that the time had arrived to form a single consolidated association. In March 1872 between six and seven hundred circulars were sent to manufacturers requesting them to become members of a unified association, but the poor response with 140 approvals out of a mere 166 replies was not sufficient to initiate a national body.⁵³ A year later success was obtained when the NAFO and the General Association of Master Engineers, Shipbuilders, Iron and Brass Founders formed a joint committee for the purpose of establishing a national association.

The rapid growth of the trade-union movement and especially the formation of the Trades Union Congress, with its active campaign to secure the repeal of the Criminal Law Amendment Act and all penal legislation which discriminated against workmen, had by the 'seventies alarmed a number of employers and led the activists to support the formation of the NFAEL. In comparison to the TUC's lobbying power and the propagandist activity of the *Bee-Hive*, employers felt that their ability to influence

⁵¹ Minutes of the Leeds and District Association of Factory Occupiers, 24 November 1872, p. 4.

⁵² *Ibid.*, pp. 5-7, 17-19, 27.

⁵³ *Ibid.*, p. 32.

Parliament and public opinion was insignificant. The few Parliamentary employers' associations in existence were concerned with the interests of specific trades, while the organizations formed to combat strike activity remained limited in their objectives. In most cases, the legislative interests of the various trades had been left to the "voluntary and intermittent" efforts of individual employers, and even when organizations such as the NAFO were formed, their administration was still conducted on a voluntary basis. Generally, they lacked the literary, Parliamentary and oratorical techniques which had brought success to the TUC. The lack of a general employers' association charged with the special duty of "vindicating employers' interests" meant that every agitation commenced by the workers required that the employers first form an association and then organize their arguments against the workers' proposals. Although this method was effective on certain issues, it was felt that there were many other important issues which were not receiving sufficient attention from employers. It was argued that these conditions allowed the TUC to promote the "class legislation" which was endangering the position of the non-unionist, the capitalist and the true interests of the country. This threat could only be countered by the establishment of a national union of employers.⁵⁴

On 11 July 1873, a joint committee of the NAFO and the General Association of Master Engineers, Shipbuilders, Iron and Brass Founders initiated the National Federation of Associated Employers of Labour as a "consequence of the extraordinary development — oppressive action — far-reaching, but openly-avowed designs, and elaborate organization of Trade Unions".⁵⁵ Among those present at the first meeting held on 11 December were representatives of the following industries: cotton (Sir T. Bazley, R. Raynsford Jackson), flax (S. A. Marshall), worsted (Sir T. Salt, E. Potter, Edward Akroyd), silk (Charles Brocklehurst), carpet (John Crossley), engineering (John Robinson), shipbuilding (John Laird), and building (G. F. Trollope). The organizations which joined the new federation included the Manchester Cotton Spinners' and Manufacturers' Association, the United Bleachers' Association of Lancashire and Cheshire, the Engineers' Association of Manchester, the Master Bootmakers' Association, the Master Worsted Spinners' Association of Halifax, the Master Builders' Associations of London, Birmingham, Manchester and West Yorkshire, and the Iron Trades Employers' Association.⁵⁶ Their

⁵⁴ "The National Federation, Statement as to its formation and objects", in: *Capital and Labour*, 31 December 1873, pp. 1-2.

⁵⁵ *Ibid.*, p. 1.

⁵⁶ *Ibid.*

representatives felt that there was now a need to develop masters' societies beyond the district level. A federated body was required to co-ordinate the policy of employers on matters common to all trades. Being the employers' counterpart to the TUC, it was recommended that it avoid industrial disputes and instead offer a centre for the instruction of public opinion, the mobilization of electoral support and the acquisition of Parliamentary influence. The success of the Federation as a political pressure group would depend on its ability to "collect and disseminate throughout the country information bearing upon industrial questions" and to "watch over, with a view to influence all legislation affecting industrial questions and the relations of employers and employed".⁵⁷

The formation of the NFAEL met with mixed reactions from the public, press and trade unionists, but all agreed that the new association had the potential of becoming a major catalyst in the relations between capital and labour. Recalling the event in 1902, George Howell, a trade-union leader, gave the following evaluation of the new federation.

The two parties, representing capital and labour respectively, were face to face. Never before, no, nor since, were employers of labour in all the great industries so well organized, so united, so powerful in wealth, influence, and numbers, as then.⁵⁸

L. Levi, a political economist, feared that combination on both sides would lead to large-scale conflicts, while *The Times* speculated that the emergence of the federation marked a new phase in the prolonged struggle between capital and labour, and expected to see develop a transformation in social relations. The social and political standing of its members: Crossley, Ashworth, Marshall, Salt, Bazley and Potter, suggested that it was "a movement tending politically to put asunder forces which have been long allied, and tending socially to draw Capitalists and Labourers into two hostile camps".⁵⁹ Employers who had been acclaimed for their benevolence towards their workers were now found to be members of a federation whose objective was to oppose the ambitions of working-class movements. Other contemporary journalists agreed with the writer in *The Times* and castigated the employers for supporting a federation which in all probability would drive a wedge between capital and labour, dislocate social relations from their natural vertical basis to the horizontal and force the

⁵⁷ *Ibid.*, p. 2.

⁵⁸ G. Howell, *Labour Legislation, Labour Movements and Labour Leaders* (London, 1902), p. 318.

⁵⁹ *The Times*, 16 December 1873. For Levi's opinion, see L. Levi, *Work and Pay or Principles of Industrial Economy* (London, 1877), p. 69.

workers to socialism.⁶⁰ Not all evaluations of the NFAEL were adverse; for instance, the *Standard*, the *Daily Telegraph* and the *Morning Post* defended the capitalists' right to meet combination with combination. The *Morning Post* credited the NFAEL with the capacity of opposing force by reason, of neutralizing the false economic doctrines advocated by trade-union leaders, and of protecting the individual from intimidation, coercion and violence.⁶¹ As the guardian of personal freedom, the federation stood to benefit the labourer, the capitalist and the country.

In its propagandist activity the federation achieved a degree of success with the establishment of the newspaper *Capital and Labour*, which collected and published information bearing upon industrial questions. The subtitle held the objective of the paper to be "The Freedom of Labour – The Sanctity of Contract and Law", and under the skillful editorship of W. H. S. Aubrey the paper presented strong arguments for the masters' case. The federation held it absolutely necessary to have a special organ to promote their affairs and to counter the influence of the *Bee-Hive*, which they regarded as a fomentor of strife by its misrepresentation of industrial relations and its propagation of erroneous economic doctrines. Another objective of *Capital and Labour* was to refute the "deceptive representations" made by trade unions to the government in order to alter labour legislation. By the advocacy of just and moderate laws it was hoped that *Capital and Labour* would oppose the class legislation of the TUC and augment the freedom of the independent worker.⁶² From 1873 to 1882, *Capital and Labour* worked for those aims even though it ceased to be the property of the federation in 1876.

Although the Parliamentary activity of the NFAEL was, for the greater part, a rearguard action against the more effective lobbying of the TUC, it gained strength from its confluence with liberal ideology. The tactics employed were those of a typical pressure group. Propaganda campaigns launched by *Capital and Labour* were supported by letters to other newspapers, notably *The Times*, and by the publication of pamphlets stating their objections to the proposed alterations in legislation. Lobbying techniques were adopted to influence MPs, while numerous deputations were sent to the Home Secretary. Primarily, the federation's attention was devoted to preserving the existing labour legislation, and it was on this issue that it demonstrated its ability to influence governmental bodies. A

⁶⁰ For a summary of contemporary opinions, see "The Federation and its Critics", in: *Capital and Labour*, 31 December 1873, p. 5.

⁶¹ *Standard*, 17 December; *Daily Telegraph* and *Morning Post*, 15 December.

⁶² "The National Federation of Employers", in: *Capital and Labour*, 14 March 1877, pp. 148-54.

deputation of influential employers which met the Home Secretary in December 1873 outlined their fear that the growing power of trade unionism was a threat to liberty, and claimed that, if the TUC succeeded in its requests for the repeal of the Criminal Law Amendment Act, the amendment of the 1871 Trade Union Act, the Master and Servant Act and the law of Conspiracy, "a period of legislative change adverse alike to employers and to the individual workman and to the interests of the whole community will be brought in with the next Parliament."⁶³ This argument was in agreement with the government's established beliefs towards liberty and individualism. While the government accepted combinations, it believed that it was necessary to restrain their power in order to protect the freedom of the individual.

In the Royal Commission on Labour Laws (1874-75), the federation ensured that its opinions would be heard by appointing a sub-committee to watch over the proceedings and to organize witnesses from the various trades. When the Commission met, the NFAEL was well prepared with witnesses from the Liverpool Master Builders' Association, the General Builders' Association, the Leeds Master Builders' Association, the Association of Master Tailors, the Iron Trades Employers' Association, and the North and North-East Lancashire Cotton Spinners' Association, while John Robinson represented the NFAEL.⁶⁴ Collectively, the evidence was skilfully presented to impress upon the Commission the protection offered to individual liberty under the Criminal Law Amendment Act. The Commissioners' report delivered in February 1875 favoured the employers by recommending that only minor alterations be made to this act and the Master and Servant Act. The political climate of the period, however, was unfavourable to the employers' claims, and their campaign suffered a major defeat when the original Employers and Workmen Bill and the Conspiracy and Protection of Property Bill, which had followed the Commission's report, were radically altered to favour the unions. The defeat experienced by the federation combined with the removal of its most unifying cause was sufficient to bring a decline in its strength.

The federation would have a brief resurgence during the unionist agitation for an Employers' Liability Bill, but the death knell had already been heard. The importance of this issue to the various trades acted to unify the employers and kept the federation in existence. In this campaign it was assisted by other powerful interest groups such as the Mining

⁶³ *The Times*, 16 December 1873. For the deputation, see Howell, *Labour Legislation*, op. cit., p. 324.

⁶⁴ For the employers' representatives, see First Report of the Labour Laws Commission, op. cit.

Association, the Railway Association and the Association of British Chambers of Commerce. The challenge to the employers' immunity from liability came in 1877, when Alexander MacDonald MP introduced his bill which advocated the abolishment of the doctrine of "common employment". When a Select Committee was appointed to examine the issue, the determination of the employers' associations to resist legislation was demonstrated in their ability to place a number of their members on the Committee and in their organization of witnesses. The Railway Association was successful in obtaining the presence of three nominees, while the coal and shipping interests each had one representative on the committee. The NFAEL nominee was unsuccessful, but it ensured that its opinions would be heard by appointing a sub-committee to watch over proceedings and to organize witnesses. Again, the employers no longer stood as individuals but as representatives for their particular association.⁶⁵ Through their combined effort they were able to convince the Committee to produce a report which favoured the employer. There was no time for self-praise at their accomplishments, for they were now faced with a more radical bill which had been introduced by MacDonald and Bass. At this stage the Associated Chambers of Commerce entered the campaign to ensure that legislation was not imposed upon them.

The Liberal victory in 1880 brought the employers' liability question into a position where the passing of the act was to have not only social but political implications. The Liberals' need to regain the confidence of the working-class electorate had committed them to bringing in a definite solution. The deputations to the Home Secretary organized by various employers' associations failed to reverse the government's intention of passing the Employers' Liability Act. At one point, a deputation which included representatives from twelve employers' associations met Gladstone, and his desire to avoid an open breach with these powerful interest groups helps to explain the moderate nature of the government measure.⁶⁶ The effect of the act, however, should not be underestimated. At the time it was considered a substantial measure which challenged the accepted individualist theory of relations between capital and labour. The rights of property were no longer held to have priority over the welfare of workers. It was a basic alteration in Liberal ideology, and the economic interest groups took it as a signal that the Liberal Party could no longer be counted on as

⁶⁵ Information on the members and witnesses of the Committee was derived from Report from the Select Committee on Employers' Liability for Injuries to their Servants [PP. 1877, X, 285].

⁶⁶ "Employers' Liability Bill", in: *Capital and Labour*, 9 June 1880, p. 358.

the defender of private enterprise and began to shift their alliance to the Conservatives.

With the failure of the employers' interest groups to block the bill, the NFAEL lost its initiative and dissolved in 1881. Its inherent weakness had surfaced. Different economic interests, apathy and the employers' antipathy towards association in favour of individualism hindered the federation. After several unsuccessful attempts to entice new members, the federation had learnt the trite lesson that "it is only in the presence of some extraordinary circumstances that employers can be induced to associate themselves together for any mutual effort which has not in its near prospect a pecuniary result".⁶⁷ At its formation in 1873 the federation appeared a formidable opponent and embraced associations of employers who collectively controlled nearly two million workers. This membership, however, was concentrated in the Lancashire and Yorkshire districts, and outside these areas it was unable to make any inroads. And yet its major weakness was not numbers, but the heterogeneous composition of its membership, with representatives from the textile, iron, coal and engineering trades, which made a unified resistance to the TUC's Parliamentary programme difficult. Moreover, the TUC campaign was managed with skill by men who had given up their vocations and devoted their exclusive attention to the legislative interests of the workers. In comparison, the NFAEL executive was composed of industrialists whose primary concern was their private affairs and who could only spare a small amount of time to the management of the federation.⁶⁸ Attempts were made to establish a London-based Parliamentary committee to co-ordinate its activity, but the lack of members and the consequent meagre expenditure of £1000 *per annum* made this unpractical.⁶⁹ These factors weighed heavily against the federation and restricted its potential political strength. When the federation collapsed its objects were unfulfilled and the record of its career punctuated by defeat.

Among the industrial employers' organizations, power rather than negotiation was the determining factor in labour relations, while managerial prerogatives and trade-union recognition were the issues at stake. The choice of tactics generally depended on whether the union or the employer had the superior bargaining position. While the employer had remained independent, the unions' tactics of "rolling strikes" had placed

⁶⁷ "The Late Employers' Federation", *ibid.*, 28 September 1881, p. 533.

⁶⁸ "The National Federation of Employers", *loc. cit.*, p. 151.

⁶⁹ "The Late Employers' Federation", *loc. cit.*

them in a favourable bargaining position for achieving recognition, better conditions and higher wages. Employers' organizations were the natural outcome of the anti-union employers' obsession with the preservation of their managerial rights. In order to re-establish their authority, independence and control over working conditions, and to re-instate wages to their proper place under the natural laws of political economy, employers resolved to meet the power of combination with combination. Inherent weaknesses, lack of interest and neglect disabled the employers' organizations from carrying out their objectives. Diverse productive structures, the wide range of economic interests between large manufacturer and petty factor, and the general fear that lock-outs would lead to bankruptcy kept the employers' associations weak. These disadvantages were increased by the capitalists' preference for individualism and the distrust owing to competition. Together, these factors prevented the masters' societies from establishing the same unity of purpose from which trade unions derived their power. The ineffectiveness of the employers' associations was, in most cases, a fortunate occurrence, as those organizations with sufficient strength implemented adverse policies of struggle, which further disrupted industrial relations. Their general unwillingness to recognize unions and attempts to destroy their power led to the major confrontations of the period. Throughout, the main issue remained the defence of managerial rights and they conceded trade-union recognition only when necessary. Once an organization had been formed, its collective power could be used to defend any member threatened by the third-party interference of "professional agitators" who were subjecting the nation to an "industrial tyranny".⁷⁰ These engrained prejudices and reactionary attitudes ensured that the opportunities for peaceful co-existence between reciprocal organizations would be ignored. Instead the employers' organizations sought to destroy the workers' right to combine.

Unlike the employers' industrial organizations, their legislative associations lacked power and therefore pursued defensive rather than confrontation policies. Nevertheless, the resistance of the NAFO, the Mining Association, the NFAEL and the Railway Association had an important political role in the labour legislation of the period. Like their industrial counterparts, the employers' interest groups were weakened by differences between employers and general opposition to association. Attempts to form a national body were weakened by the heterogeneous composition of the members, but where associations represented a single trade, such as the

⁷⁰ Opinions of this nature were expressed in "Master and Workmen", in: *Capital and Labour*, 20 May 1874, pp. 266-67.

Railway Association, concerted action was easier and more effective. The strength of these associations rested on the support of the "efficient" MPs and dogmatic opponents of state intervention within the House of Commons. The "efficient" MP, however, had not come of age, and the continued belief in the ideal of the independent member and loyalty to the party restrained the influence of the associations. While the associations failed in most of their campaigns, their collective effect was to drive a wedge in the traditional Lib-Lab alliance.