

**LABOR IN ITS RELATIONS TO
LAW: FOUR LECTURES
DELIVERED AT THE PLYMOUTH
SCHOOL OF ETHICS, JULY 1895**

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Labor in Its Relations to Law: Four Lectures Delivered at the Plymouth School of Ethics, July 1895 by F. J. Stimson

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School of Ethics, July, 1895

F. J. Stimson
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LABOR IN ITS RELATIONS TO LAW

I

HISTORY OF THE LAW OF LABOR

Earliest Employment Relation was Slavery.

Logically, the simplest relation of employer and employee is that of slavery, and it is convenient, in sketching the history and tendency of this employment relation—certainly the second in importance of human relations—that this is so; for historically, also, it came first; the simplest came first.

The greatest ethical lesson of modern historical research has, I think, been to destroy the fiction of the Golden Age. For all classical writers refer to an actual time when all things were perfect, and whence humanity has deteriorated to modern faults and modern laws. Perhaps there is a survival of this classic tradition in the rhetoric of the modern demagogue, who usually assumes that mankind, and more specifically the growing gen-

eration, are naturally perfect, and would always seek the better reason were it free to them to choose. Unhappily, neither the age of gold nor the heart of gold is a reality. They are to be won by hard work, and by training of character, consciously directed; and the solace lies in this, that we have now put them in the future rather than the past.

The earliest and simplest relation, then, of human labor is that of slavery; and the conflicts of this day are nothing new, but are to be found in history, particularly in the history of our own race. Perhaps, even, we shall not find the remedies new, or new in principle, at least, though we may have better hope of them in our time than of old, now that the coarsest work is done for us by natural agencies, and humanity has, or should have, leisure for reason and kindness.

Present Altruistic Tendency to Favor Labor.

The writings of Kidd and others are not necessary to tell us that the universal tendency among people who think to-day is one of allowance for presumption in favor of the laborer as against his employer. Possibly this is solely due to the fact that the great sins of the employer of labor are all past. As Herbert Spencer has pointed out, complaints only become audible when the serious danger of their cause has been removed. So, women

never complained of dependence until the law began to make them independent. But I think we are all glad of this fact—glad that our newspapers, our speakers, and our writers are easily led to take a side, where they can, for the cause of labor. The world has been organized always in the interest of the clever few. No greater interest lies in life to-day than how so to regulate it as to give the multitude their chance. I assume that we all come here predispositioned to that side. I shall frankly take that position in these lectures. But if we so put ourselves in the place of the laborer, or the laborer's friend, our first duty is clearly to see that no fault, no unfairness, no back-sliding into older, worse conditions be on our side. As the advocate of more equitable treatment for workmen we should come into our court with clean hands. I say this at the start lest you should later think me over-scrupulous in showing where modern labor agencies are unjust, where they overstep the mark, where they restrict liberty—Anglo-Saxon liberty; the kind that our race alone has won—and where they show a tendency to go back to the cruder remedies of earlier times, or to the less ennobling social order of inferior races.

Agricultural Labor Peculiar in its Conditions.

I shall not delay to speak of agricultural labor. The farmer and the husbandman have their own

problems to solve ; they are affected by peculiar conditions, by necessary peculiarities in the ownership of the soil, the nature and proprietorship of the land, their raw material, being the land itself. So far as their conditions can be altered by anything we can do, they are benefited by the general advance of other laborers as they are injured by their general degradation. But the fact that the problems of agricultural labor are peculiar is shown as clearly in the latest statutes of our Western States—in Nebraska, for instance, whose drastic eight-hour law did not pretend to extend itself to the people on farms—as in the earliest known condition of things in England, where the villain was appendant to the land like a tree and could only be severed from it by death or sale. Still he was never a slave. It is important to remember this, as for a long time the contrary theory was maintained ; but even the agricultural laborer was never a slave in England. There was a real bargain, says Thorold Rogers, between lord and serf. The serf may have had few rights of property, but he had more rights of person, and he was at least secure from dispossession. Although he was disabled from migrating to any other habitation than the manor of his settlement, and could not bear arms in the militia, he always could bear arms in the army of the king ; and, so long as he stayed at home, his relation to the lord was a definite