History and Industrial Relations

Edited by
Greg Patmore

History and Industrial Relations

Edited by
Greg Patmore

ACIRRT Monograph No. 1

Front cover: Eight Hour Day March, Lithgow, NSW, c. 1910. Macleay
Museum, University of Sydney.

Contents

Preface

This monograph is based on papers presented at the 'History and Industrial Relations' Conference held at the University of Sydney on 29 June 1990. The Australian Centre for Industrial Relations Research and Teaching provided the financial support for the conference and this publication. The conference had the objectives of highlighting the importance of historical research and teaching in industrial relations and reinforcing those industrial relationists who call for more a holistic approach to the understanding of work relations.

I thank the contributors, Sue Edwards and Mark Bray for their assistance in producing this monograph.

The Archives of Business & Labour, Australian National University, provided the cartoons in Chapter 3.

Notes on Contributors

BARRIE DYSTER teaches economic history at the University of New South Wales in Sydney.

RAE FRANCES teaches history at the University of Auckland.

MARGARET GARDNER teaches industrial relations at Griffith University in Brisbane.

STEPHEN GARTON teaches history at the University of Sydney.

GREG PATMORE teaches industrial relations at the University of Sydney.

MICHAEL QUINLAN teaches industrial relations at Griffith University in Brisbane.

TOM SHERIDAN is currently the Head of the Department of Economics, University of Adelaide.

Chapter 1

History and Industrial Relations:
An Overview

Greg Patmore

Industrial relations and history have been criticised for being concerned with facts and showing little regard for explicit theorising. Industrial relations has a 'contemporary' focus, while history deals with the 'past'. However, there are tendencies within both towards theorising and even the questioning of the distinctions between history, industrial relations and other 'disciplines'. This paper explores this shift towards a more theoretical and holistic view of research in industrial relations and history and relationship between the two subjects.

Industrial Relations

Industrial relations has been defined in a variety of ways. It can be a study of the relationship between workers and employers. Industrial relations can be the study of the institution of job regulation, which are the decisions determining work tasks and their consequent rewards. Some define industrial relations as the study of human behaviour in the context of work.[1]

While definitions vary, there is a strong case for a broad definition of industrial relations, which examines work relations. Static definitions and definitions that are based on particular national experiences are questionable on historical and comparative grounds. Definitions that emphasise trade unions, reduce the relevance of the study of industrial relations for periods of low levels of unionisation and for contemporary cases such as the United States, where less than 20 per cent of the workforce is organised. The increased focus on gender, which highlights the unpaid labour of women in the home and its interrelationship with paid labour in the public sphere, raises questions about definitions of industrial relations that highlight the conventional employment relationship.

There is also confusion over the academic status of industrial relations. It is seen as multidisciplinary subject, where economists, lawyers, historians and others jointly focus on labour problems. Some argue that industrial relations is a 'discipline' in its own right, with a distinct paradigm and territory in the academic terrain. They believe that established disciplines cannot and do not explain work relations.[2]

In Australia the confusion over the status of industrial relations is reflected in the educational backgrounds of the 90-100 academics that teach industrial relations at colleges and universities. At one extreme some industrial relations academics have not undertaken industrial relations at either an undergraduate or postgraduate level. They obtained industrial relations positions on the basis of their expertise in either labour economics or labour history or other labour specialisms in established disciplines. At the other extreme are the academics that have both undergraduate and graduate qualifications in industrial relations. They were taught industrial relations alongside economics and other established disciplines and may be less sympathetic to the multi-disciplinary view.

In Australia and overseas some industrial relations academics have adopted an anti-disciplinary perspective. They question both the multidisciplinary and disciplinary views of industrial relations. Disciplines, with their distinct paradigms, divorce human behaviour from the total social context and explain behaviour within the narrow confines of the discipline. For example, one British industrial relations academic has explained levels of unionisation in terms of `the extent and depth' of collective bargaining and the support for union security devices such as the closed shop. Little consideration was given to class consciousness, the level and rates of economic development and other variables.[3]

These critics emphasise a holistic perspective that explores the 'totality'. Totality means that 'different social phenomenon are interrelated, and that no area of social life can therefore be satisfactorily analysed in isolation'.[4] They call for a political economy of industrial relations, which 'requires that attention be given to the economic sphere, to the ideological and cultural spheres, to the part played by the state apparatus and to the historical dynamics of the situation'.[5]

The concept of 'totality' involves more than designing theories of industrial relations that recognise broader political and economic factors, but treats these factors as exogenous variables that do not require explanation. As Thomas Kochan and his colleagues in the United States have recently suggested, industrial relations research 'should start with a broad analysis of the economy and politics and then work inward to understand how developments in those sectors shape and interact with industrial relations'.[6] Industrial relations becomes a field of study informed by broader social theory.

Australian industrial relations research is characterised by an emphasis on prescriptive public policy and a limited interest in developing general theory. The origins of industrial relations in Australia and overseas lay in the managerial concerns with organised labour and forms of industrial regulation such as collective bargaining and compulsory arbitration. Politicians, public servants and business leaders expect that industrial relations academics will help minimise industrial discontent and ensure that wage demands fit the needs of government macroeconomic policy. In Australia the linking of

research funding and 'national priorities' in recent years continues the preoccupation of industrial relations scholars with solving problems as defined by the state.[7]

This concern with applied public policy encouraged industrial relations academics to adopt a pluralist frame of reference. While there are many variants of pluralism, it generally assumes that power is shared equally among competing interest groups and ignores class analysis. Industrial relations pluralists believe that trade unions are legitimate interest groups and that conflict between management and workers is inevitable and indeed constructive. Conversely, public policy concerns minimised the role of radical analysis in academic industrial relations. Marxism is denigrated by some industrial relations academics as an 'orthodox religion' rather a alternative theory. Radical critiques of the economic system and the public policy that sustains it are likely to be ignored and certainly not attract vital public funding. The infatuation of some industrial relations academics with current policy 'relevance' and 'usefulness' makes them less tolerant of abstract theorising and forays into the distant past.[8]

Industrial relations is not devoid of theory. However, there is an emphasis upon empiricist epistemology - theory is drawn from the practitioner defined 'real world' of industrial relations. Industrial relations academics adopting this approach accept the 'real world' uncritically, ignore the ideological assumptions underlying the selection of the 'facts' and abstract industrial relations phenomena from their social context. While there has been little formulation of general theories by Australian industrial relations academics, there is a great deal of interest in partial theories. For example, industrial relations academics have considered theories of trade union growth, structure and government.[9] However, as Bray and Taylor have argued, 'there is rarely any attempt made to locate the partial theory within a metaframework'.[10]

While industrial relations academics have benefited from their concern with public policy, there is a long term problem. What if industrial relations is no longer a central concern of public policy? The decline of academic industrial relations in the United States since the 1950s is directly linked to the removal of mainstream industrial relations from the legislative agenda, the routinisation of collective bargaining and the declining strength of organised labour. To survive, industrial relations academics in the United States have called for changes that include the greater use of econometric techniques to establish 'academic legitimacy', a broader focus that includes issues such as race relations, and a 'renewed cross-fertilisation' among the various academic disciplines and fields of study. The American experience highlights the importance of re-evaluating the public policy emphasis of Australian industrial relations.[11]

Although the federal Labor government's concern with the Accord and microeconomic reform ensures that industrial relations remains an important focus of public policy in Australia in the short term, Australian industrial relations academics feel threatened. There is concern over the growth of human resource management (HRM), particularly at business schools and

faculties in Australian tertiary institutions. HRM challenges the traditional pluralist perspective of industrial relations by ignoring trade unions and assuming that conflict is pathological. Its unitarist framework promotes the firm as one big family with the manager or employer as the patriarchal head. It emphasises techniques, reduces analysis the level of the individual and ignores the social context of the firm. HRM has highlighted the over-emphasis by industrial relations academics on trade unions in their search for solutions to labour problems and has encouraged them to show a greater interest in managerial labour practices. The distinction between industrial relations and HRM (or its predecessor, personnel management) is ludicrous since both affect the relationship between labour and capital at work. Industrial relations educators should put on Human Resource courses to pre-empt the further growth of HRM, challenge the managerialist bias of this approach and place the human resource techniques in their broader social context.[12]

However, the rise of HRM reflects trends in Australian society that may ultimately weaken the Australian trade union movement and pluralist academic industrial relations. The growth of the New Right in Australian conservative politics has renewed calls for the abolition of compulsory arbitration and for direct negotiations between employers and employees at the workplace. While some unions would survive the abolition of arbitration tribunals, many unions would not. Underlying the calls for the direct negotiations at the workplace is the assumption that unions hinder labour market flexibility or are no longer relevant in a 'classless' society. Ironically, the Hawke Labor Government's support for deregulation of the finance sector and product markets has only reinforced the calls by the Business Council of Australia and other organisations for labour market deregulation. Although the Australian Council of Trade Unions and the federal government are encouraging unions to pool their resources through amalgamation, there is the danger that the further centralisation of union government may alienate workers. Amalgamations should ensure the participation of union members, not only in formal channels of union government, but also at the workplace. Otherwise the decline in Australian trade union membership may continue.[13]

History

History may be defined as 'the study of human societies, with the emphasis on the differences between them and on the changes which have taken place in each one over time'.[14] A popular and crude stereotype of historians is that they 'are amateurish, myopic fact-collectors without a method, the vagueness of their data matched only by their incapacity to analyse them'.[15] As the debates concerning historiography since the 1960s indicate, this stereotype has to be questioned.

Before the 1960s British and Australian academic historians did believe that history was a positive science composed of facts. Once the historian had collected the empirically verifiable facts, it was his or her duty to judge them. They could not study class or modes of production as these concepts were not empirically verifiable. British historians also adopted a

'whig view' of history, which was the study of great men and the English constitution - Britain's gift to the world. They argued that theories of humanity had to be drawn from great men rather than 'dwarfs and cripples'.[16]

The expansion of universities in Australia, Britain and the United States in the 1950s encouraged academic historians to specialise. They became economic historians, business historians, military historians and labour historians. For example, labour history focussed on the institutions of the labour movement such as trade unions and labour parties. The specialist historians still operated within a positivist paradigm and claimed that their particular specialisation was contributing to the construction of a broader picture of society.[17]

While English-speaking historians chose specialisation, their French counterparts showed an interest in 'total history'. From the 1920s the Annales School emphasised history that included all human activities and focused more on analysis than narrative. Fernand Braudel's *Mediterranean World in the Age of Philip II*, first published in 1949, dealt with geography, politics and society. There was a dialogue between French historians, sociologists, anthropologists and geographers.[18]

During the 1960s four British historians led a challenge to traditional historiography in the English-speaking world. They were E.H. Carr, Gareth Stedman Jones, E.P. Thompson and Eric Hobsbawm. In *What is History?* (1961), Carr attacked the positivist methodology of British historiography. He argued that historians did not simply 'show how it was', with facts providing interpretation. The political and cultural values of historians determine their choice of 'significant' facts. Further, documentary sources, even if they survive fires, flood and vermin, are the selective thoughts of their authors.[19]

Gareth Stedman Jones continued Carr's critique of British historiography in his essay, 'The Pathology of English History' (1967). He claimed that British historiography had ignored the contribution of Marxism, psycho-analysis and classical sociology, and was a 'spectacular case of arrested intellectual development...'. Following Louis Althusser, the French philosopher, Stedman Jones rejected Carr's belief in progress as the source of a historian's values, arguing that there is no abstract thing as history which bestows meanings on events. History was a theory - therefore historians had to construct concepts. He called upon socialist historians not to 'retreat into the safe pastures of labour history', but instead establish the theoretical foundations of history, examine the history of the ruling class and interpret the structure of whole cultures.[20]

Thompson influenced historians through his book, *The Making of the English Working Class* (1963), and an article in *The Times Literary Supplement* (1966). His book re-examined the meaning of class. He rejected the crude Marxist notion that economic base determined the social and political superstructure. Class was not an objective category derived from the capitalist mode of production - class in itself. He argued that class is 'defined by men as they live their own history' and that 'the working class made itself as much as it was made' - class for itself. The industrial revolution did not

create the working class, which had its own political and social traditions. Thompson also claimed that a class arose from a historical relationship and was not distinct. The working class only existed if there was a ruling class and vice-versa. Class is a fluid relationship and evades static analysis of its structure. Thompson challenged historians who focussed on people and movements that shaped the future. He argued that the 'lost causes' and 'losers' were 'valid in terms of their own experience' and may provide 'insights into social evils which we have yet to cure'. In his article, Thompson observed that the boundaries of labour history were blurring. There was a shift from the institutions and leaders of the labour movement to the 'culture of labouring people' - 'history from below'. He gave qualified support to the application of sociology to history and argued that labour history would have to incorporate 'non-labour' history to reach its full potential.[21]

In an article in *Daedalus* (1971) Hobsbawm supported social history - the history of society - and dismissed specialisms such as economic history. Hobsbawm argued that separating the social, economic and intellectual aspects of men and women's being occurred at the 'cost of tautology or extreme trivialization'. He called upon historians to construct new models of society or at least develop existing sketches into new models. While he believed that historians could borrow the techniques of social science, he cautioned against the backward projection of existing sociological and economic theory. He argued that these 'disciplines do not at present provide us with useful models or analytical frameworks for the study of long-run historical socio-economic transformations'.[22]

In Britain, these historians' arguments culminated in the first issue of *Social History* in January 1976. The inaugural editorial of this journal proclaimed that social historians were not another specialisation in history such as labour history, but were 'a new kind of history'. It stated that the essential task of history was to explain 'the total social process' and analyse 'the whole range of forces promoting change and transformation, stability and continuity in past societies'.[23] Social historians were also concerned with the use of 'explicit theories and detailed models in the arduous task of constructing a history of societies'.[24]

These critiques had a major impact on the New Left in Australia. The background of Australian New Left was the protests over the Vietnam War, the demands for the civil and land rights of Aborigines, and the growth of the women's liberation movement in the late 1960s and early 1970s. Tertiary students were involved in these movements and they attacked Australian universities for failing to develop courses that dealt with power, imperialism, race and gender. The radical ideas of Althusser, Antonio Gramsci and others influenced the dissidents, and journals such as *Arena* and *Intervention* became the focal point for their critique of Australian society. New Left historians included Humphrey McQueen, Stuart Macintyre and Terry Irving. They criticised the established labour historians for failing to define concepts such as class, ignoring issues such as racism and not developing an alternative historical methodology.[25]

A major work arising from the Australian New Left was Bob Connell and Terry Irving's *Class Structure in Australian History* (1981). The first chapter of their book dealt exclusively with the concept of class. They adopted the Thompsonian view of class and its emphasis upon the historical creation of class relationships. However, they did not believe that a high degree of class consciousness is a necessary condition for the creation of a class. Their historical analysis focussed on the development of the capitalist mode of production in Australia from 1788 to 1975 and emphasised hegemony - 'a situation of cultural dominance held by one class in society as a whole'. While reviewers criticised the book for neglecting women, aborigines, working class agitators and capitalist accumulation, it remains the most ambitious attempt to combine theoretical concepts with historical narrative.[26]

The New Left and social history also influenced history journals in Australia. The editorial committee of *Labour History* produced two special issues appeared: *Women at Work* (1975) and *Who are Our Enemies? Racism and the Working Class in Australia* (1978). The range of articles widened to include convict protest, nineteenth century feminism, the political consciousness of the unemployed and juvenile deliquency. In May 1981 the journal adopted the subtitle, *A Journal of Labour and Social History.*[27] However, John Merritt, the editor, noted that, 'We have no intention ... of simply jumping on a social history bandwagon ... Nor do we intend to abandon the older style labour history, which always has covered far more than labor parties and unions'.[28]

Since Merritt's editorial the subject matter of *Labour History* has expanded. From May 1981 to November 1989, Labour History published 116 articles dealing with Australian topics and general historiography. Slightly less than half examined the traditional fare of Australian labour history - the Labor Party, the Communist Party, trade unions, strikes and radical movements. Approximately fifteen per cent of the articles dealt with gender. There were also contributions on homosexuality, housing, health, aborigines, labour markets, immigration, convicts and managerial labour policies. Two examples are Peter Cochrane's examination of scientific management in post-war Australia (May 1985) and Jenny Lee and Charles Fahey's questioning of the benefits of the long boom from 1870 to 1891 for Australian workers (May 1986).

During the 1980s there has a greater interest in the development of explicit theoretical constructs by historians. Feminist concern with the neglect of women in Australian history has fuelled interest in theory of patriarchy. Historians have adopted labour process theory to explore the workplace and managerial strategies to transform the potential for work (labour power) into work effort (labour). Raelene Frances's article on the Victorian clothing industry in *Labour History* (May 1986) is an example of the merging of labour process and feminist theory. Some Australian historians have continued the call for the merging of sociology and history to form 'historical sociology', ending 'atheoretical history' and 'ahistorical sociology'.[29]

Although some Australian historians have attempted to apply explicit theoretical constructs, empiricism remains a strong feature of Australian history. Conservative historians such as Geoffrey Blainey remain committed to the narrative presentation of history. At least one labour historian has defended the absence of explicit theoretical discussion on the grounds of 'subtlety of style', assuming that the reader will immediately recognise the implicit theorising of the historian. Theoretical references may be assigned to the footnotes rather than the text in order not to interrupt the flow of the narrative. Some historians minimise the impact of social history by portraying it as another historical specialism. Where others claim that their colleagues have adopted theories from other disciplines, they refer to the uncritical acceptance of definitions. Academic historians writing official histories of unions, employers and government agencies avoid explicitly theoretical discussions to make their subject matter 'readable'. Similarly 'safe' topics for Phd. theses emphasise institutional arrangements rather than an explicit examination of theoretical issues and ideas. Despite these problems, it is important to emphasise that within Australian history there are academics committed to a total view of their subject matter and exploring the explicit application of theory to history.[30]

History and Industrial Relations

In the United Kingdom and the United States the relationship between history, particularly labour history, and industrial relations dates from the 1890s. Sidney and Beatrice Webb, the authors of a *A History of Trade Unionism* (1897) and *Industrial Democracy* (1902), are cited as the founders as both areas of study in the United Kingdom. They were concerned with the 'labour problem', which encompassed both the rise of trade unionism and the extent of poverty among the British working class. The Webbs adopted a 'scientific' approach to their research, believing that they could extract new laws from facts. Their empiricism excluded concepts such as working class ideology, which was 'non-factual'. They saw trade unions as a rational response by workers to the problems of industrialisation and charted in great detail the history of the organised labour movement to justify their views.[31]

In the United States John R. Commons and his colleagues at the University of Wisconsin pioneered both labour history and industrial relations through the eleven volume *Documentary History of American Industrial Society* (1910-11) and the first two volumes of *The History of Labour in the United States* (1918). They rejected the static assumptions of classical economics and saw historical research and statistics as a dynamic means of studying 'industrial life'. Commons and his colleagues wanted demonstrate to orthodox economists that union rules and wages were compatible with a capitalist economy. They were concerned at the growing conflict between labour and capital at the end of the nineteenth century and looked for practical solutions for 'labour problems'. Like the Webbs, the 'Wisconsin school' emphasised highly detailed research findings and inductive theorising.[32]

Since the Second War World labour history and industrial relations have drifted apart in the United States and the United Kingdom for several reasons. Although post-war labour problems in both countries encouraged the

growth of academic industrial relations, there was an increasing emphasis on labour economics and organisational behaviour. Industrial relations researchers questioned the 'historical-institutional' approach and sought to establish a rigourous social science with quantitative and theoretically grounded analysis. Also from the 1950s historians showed a greater interest in the history of workers and placing labour history in a broader context. The critiques of Thompson, Hobsbawm and other British social historians broadened the horizons of labour historians in both countries. In the United States American labour historians defined labour history as the history of the working class and explored issues such as working class culture and the shopfloor. Where industrial relations academics did show an interest in labour history, they remained primarily concerned with trade unions and collective bargaining. H. Clegg, A. Fox and A. F. Thompson's histories of British trade unionism (1964, 1985) explicitly continued the work of the Webbs. There was an emphasis on empirical detail and a reluctance to incorporate unverifiable concepts - even the notion of a 'labour movement'.[33]

In Australia labour history and industrial relations have different origins. Participants in the labour movement wrote celebratory histories of trade unions as early as 1888. Like the United States and the United Kingdom there was little interest in the labour movement in university history departments until the 1950s. Labour historians formed the Australian Society for the Study of Labour History in 1961 and launched the journal *Labour History* in 1962. Labor problems arising from a full employment economy in the 1950s and the 1960s fuelled the growth of academic industrial relations. Industrial relations courses commenced at the University of Sydney in 1953 and industrial relations academics and practitioners founded *The Journal of Industrial Relations* in 1959. By the early 1980s there were chairs in Industrial Relations at the Universities of New South Wales, Sydney and Western Australia. Australian and New Zealand academics formed an association in 1983, which holds regular conferences on industrial relations research and teaching.[34]

Although Australian industrial relations continues to be primarily concerned with contemporary public policy research, there has been a growing interest in history, especially labour history. John Hill's history of the Australian Bank Employees' Union (1982) and Mark Bray and Malcolm Rimmer's history of the New South Wales Branch of the Transport Workers' Union (1987) are examples of major trade union histories written by industrial relations academics. David Plowman has also written a history of national employers' organisations and compulsory arbitration (1989). Industrial relations academics have combined with historians to produce an important collection of essays on the 'foundations of arbitration'(1989). They have had articles published in *Labour History* and *Australian Historical Studies*, the mainstream history journal in Australia, and researched the history of the labour process and shop committees. Since 1987 labour history has been a compulsory part of the undergraduate programme at the University of Sydney, while labour history has been an optional undergraduate course at the Universities of Melbourne, New South Wales and Western Australia during the 1980s. There have been significant number of honours and postgraduate

theses in industrial relations examining historical questions. Industrial relations academics have also played an active role in the Australian Society for the Study of Labour History.[35]

Why has Australian academic industrial relations shown an increased interest in history? At a basic level industrial relations academics have become interested in history because of the absence of prior studies on the development of industrial relations in a particular industry or because industrial relations practitioners have engaged them to write histories of their organisations. More fundamentally, the growth of historical research reflects increased dissatisfaction within the Australian academic industrial relations community with the descriptive and institutional orthodoxy. Historical research has been viewed as a way of broadening the traditional preoccupation of industrial relations academics with institutions and industrial regulation and developing more dynamic theories of industrial relations processes. Historians have also directly influenced industrial relations research and teaching in Australia during the 1980s through obtaining academic appointments in industrial relations departments and schools and through publications such as Jim Hagan's *History of the ACTU*.[36]

What are the problems with industrial relations academics undertaking historical research? Some industrial relations academics have written histories of industrial organisations, which provide a thorough review of historical sources, but ignore the economic and political context and/or fail to develop a thorough explicit theoretical framework. Although many academic historians adopt a similar approach to their research, these histories by industrial relations academics are disappointing because they reinforce the empiricist tradition within mainstream industrial relations.[37]

There has also been calls for the establishment of industrial relations history, which is the study of the changing relationships between workers, employers, unions, employer associations and the state. Concern with the narrowness of institutional labour history and a view that social history has moved the analysis of the working class away from the workplace motivates the advocates of industrial relations history. One view calls for the re-definition of labour history in terms of industrial relations history, while another perceives it as an immediate level of analysis between institutional labour history and social history. There are several problems with industrial relations history. Advocates may apply static contemporary industrial relations theories to dynamic historical relationships and ignore the importance of class, gender, family, migration, leisure and housing - issues that influence industrial relations. While the call for industrial relations history may appeal to those industrial relations academics concerned with establishing a distinct discipline, it can be viewed as another barrier to those advocating a holistic view of industrial relations.[38]

Ray Markey has argued that researchers with backgrounds in industrial relations and other fields of study are insensitive to the 'craft' of historical research. The historian's learned skills include the 'ability to weigh up evidence, compress a range of events into a general trend, hold evidence up to 'a dark Satanic light' of evaluation', 'fill in gaps with innovative detective

work' and critically evaluate secondary sources.[39] However, these 'skills' are not the exclusive domain of historians, but characterise all innovative research in the social sciences. At the University of Sydney, research students in industrial relations are exposed to the epistimological debates that underlie history and other disciplines. They also examine documentary research, quantitative analysis, interviews and sample surveying and are even taken on a tour of a major archive. Markey's criticism of industrial relations highlight how disciplinary divisions not only attempt to divorce human behaviour from its social context, but deny the common problems of theorising and research across the social sciences.

In conclusion history and industrial relations are not homogeneous fields. Although empiricism remains an important feature of history, the debates over social history and historical sociology reveal a sophisticated awareness of the need for theoretical insight into historical processes. There are debates within industrial relations over its academic status and a questioning of its preoccupation with public policy relevance. While historical analysis can provide a more dynamic understanding of industrial relations at even the most basic level, the greatest potential for cross-fertilisation lies with industrial relationists and historians who question disciplinary analysis and call for a more holistic understanding of society.

Schema of the Monograph

The following papers develop some of the themes raised above. The first two papers examine how historians deal with issues such as social history and gender and raises the implications for industrial relations research. Stephen Garton traces the shift from labour history to social history. Rae Frances examines the question of gender. Narrow definitions of industrial relations that focus on the public sphere of paid employment limit the ability of industrial relationists to understand the impact of patriarchy on work relations. The analysis of the impact of gender on work relations remains poorly developed in Australian industrial relations teaching and research.

The next two papers deal with historical research being undertaken by industrial relations academics. Tom Sheridan draws upon his research of industrial relations during the Chifley and Menzies period to consider the importance of myths in industrial relations practice. Michael Quinlan and Margaret Gardner elaborate on their study of nineteenth century Australian trade unionism. The papers highlight the general question of the relevance of historical research for industrial relations.

The final two papers deal with historical courses offered to students within an industrial relations programme. These can take several forms. Students can undertake historical courses taught by industrial relations academics alone or jointly with historians. Industrial relations history or labour history can be offered by a history department or school as a service course for industrial relations students. I look at the courses available at

Sydney University, which the Department of Industrial Relations has offered directly to its students since 1976. Barrie Dyster looks at the experience at the University of New South Wales, where Economic History has offered labour history as a service course for industrial relations students.

Endnotes

1. N. F. Dufty and R.E. Fells, *Dynamics in Australian Industrial Relations*, Prentice Hall, Sydney, 1989, pp. x-xi.

2. D. Plowman, 'Industrial Relations Teaching and Research: Trends, Pressures, Strategies', in M. Bray and D. Kelly (eds.), *Issues and Trends in Australasian Industrial Relations. Proceedings of the 4th Biennial AIRAANZ Conference, University of Wollongong, 1-4 February 1989*, The Association of Industrial Relations Academics of Australia and New Zealand, Sydney, 1989, p. 9.

3. M. Bray and V. Taylor, 'Introduction: Directions in Industrial Relations Research', in M. Bray and V. Taylor (eds.), *Managing Labour? Essays in the Political Economy of Australian Industrial Relations*, McGraw-Hill, Sydney, 1986, pp. 1-2; H. Clegg, *Trade Unionism under Collective Bargaining. A Theory based on Comparisons of Six Countries*, Basil Blackwell, Oxford, 1976, p. 27; H. Guille, 'Industrial Relations Theory: Painting by Numbers', *The Journal of Industrial Relations*, vol. 26 no. 4 1984, pp. 490-1.

4. R. Hyman, *Industrial Relations. A Marxist Introduction*, Macmillan, London, 1975, p. 4.

5. Bray and Taylor (1986), *op. cit.*, p. 3.

6. T.A. Kochan, H.C. Katz and R.B. McKersie, 'Review Symposium. The Transformation of American Industrial Relations. Reply by the Authors', *Industrial and Labor Relations Review*, vol. 41 no. 3 1988, p. 454.

7. Bray and Taylor (1986), *op. cit.*, p. 1; S. Frenkel, 'Industrial Relations in Australia: Is There a Need for More Sociology?', in J. Benson (ed), *Industrial Relations Teaching and Research in Australia and New Zealand*, The Association of Industrial Relations Academics of Australia and New Zealand, 1983, pp. 109-10; A. Giles and G. Murray, 'Towards an Historical Understanding of Industrial Relations Theory in Canada', *Relations Industrielles*, vol. 43 no. 4 1988, pp. 791-6; R. Hyman, *The Political Economy of Industrial Relations. Theory and Practice in a Cold Climate*, Macmillan, London, 1989, pp. 3-10; G. Strauss and P. Feuille, 'IR Research: A Critical Analysis', *Industrial Relations*, vol. 17 no. 3 1978, pp. 260-5.

13

8. Bray and Taylor (1986), *op. cit.*, pp. 8-9; Dufty and Fells (1989), *op. cit.*, p. xii; Plowman (1989), *op. cit.*, p. 8; V. Taylor, 'Australian Industrial Relations Research and the Need for Heretics', Paper presented to Section 28 of the 52nd ANZAAS Conference, Macquarie University, May 1982, pp. 21-9.

9. Bray and Taylor (1986), *op. cit.*, pp. 6, 8-9; R. Marsden, 'Industrial Relations: A Critique of Empiricism', *Sociology*, vol. 8 no. 2 1982, pp. 232-6; Plowman (1989), *op. cit.*, pp. 6-7.

10. Bray and Taylor (1986), *op. cit.*, p. 6.

11. P. Cappelli, 'Theory Construction in IR and Some Implications for Research', *Industrial Relations*, vol. 24 no. 1 1985, pp. 97-8; Frenkel (1983), *op. cit.*, p. 110; Plowman (1989), *op. cit.*, pp. 3-4; Strauss and Feuille (1978), *op. cit.*, pp. 265-9.

12. H. Guille, D. Sappey and M. Winter, 'Can 'Industrial Relations' Survive Without Unions?', in Bray and Kelly (1989), *op. cit.*, pp. 31-42; N. Haworth, 'HRM: a Unitarist Perspective', in Bray and Kelly (1989), *op. cit.*, pp. 407-22; Plowman (1989), *op. cit.*, pp. 9-10; G. Strauss, 'Industrial Relations as an Academic Field: What's Wrong With It?', in J. Barbash and K. Barbash (eds.), *Theories and Concepts in Comparative Industrial Relations*, University of South Carolina Press, Columbia, 1989, pp. 248-50.

13. Guille, Sappey and Winter (1989), *op. cit.*, pp. 31-42; Plowman (1989), *op. cit.*, pp. 4-6.

14. P. Burke, *Sociology and History*, George Allen & Unwin, London, 1980, p. 1.

15. *Ibid.*, p. 2.

16. Gareth Stedman Jones, 'The Pathology of English History', *New Left Review*, no. 46 1967, pp. 30-1; S. Macintyre, 'Radical History and Bourgeois Hegemony', *Intervention*, no. 2 1972, pp.49-50.

17. J. Merritt, 'Labour History', in G. Osborne and W.F. Mandle (eds.), *New History. Studying Australia Today*, George Allen & Unwin, Sydney, 1982, pp. 117-18.

18. Burke (1980), *op. cit.*, pp. 26, 94-102.

19. E.H. Carr, *What is History*?, Penguin, Harmondsworth, 1964, pp. 10-19.

20. Gareth Stedman Jones (1967), *op. cit.*, pp. 29-43.

21. E.P. Thompson, 'History from Below', *The Times Literary Supplement*, 7 April 1966; E.P. Thompson, *The Making of the English Working Class*, Victor Gollancz, London, 1963, pp. 9-13, 194.

22. E.J. Hobsbawm, 'From Social History to the History of Society', *Daedelus*, no. 100 1971, p. 27.

23. Editorial, *Social History*, vol. 1 no. 1 1976, p. 1.

24. *Ibid.*

25. Merritt (1982), *op. cit.*, pp. 123-4; A. Wells, 'The Old Left Intelligentsia 1930 to 1960', in B. Head and J. Walter (eds.), *Intellectual Movements and Australian Society*, Oxford University Press, Melbourne, 1988, pp. 228-9.

26. R.W. Connell and T.H. Irving, *Class Structure in Australian History. Documents, Narrative and Arguments*, Longman Cheshire, Melbourne, 1980; A. Curthoys, 'Class Structure in Australian History', *The Journal of Australian Political Economy*, no. 9 1980, pp. 86-94; S. Macintyre, 'Connell and Irving I', *Labour History*, no. 40 1981, pp. 107-15; 'Symposium on R.W. Connell and T.H. Irving's Class Structure in Australian History', *Intervention*, no. 16 1982, pp. 7-36.

27. Merritt (1982), *op. cit.*, p. 138.

28. J. Merritt, 'Editorial', *Labour History*, no. 40 1981, pp. v-vi.

29. R. Kennedy, 'History and Sociology', *Australian Historical Bulletin*, no. 61 1989, pp. 29-30; C. Lloyd, 'Structural History and Action History: Separate Methodologies or Convergences', *Australian Historical Bulletin*, no. 61 1989, pp. 31-42; P. Love, 'Labour Relations', in D.H. Borchardt and V. Crittenden, *Australians. A Guide to Sources*, Fairfax, Syme and Weldon, Sydney, 1987, p. 303.

30. Lloyd (1989), *op. cit.*, pp. 32-5; R. Markey, 'Labour History and Industrial Relations in Australia', in K. Hince and A. Williams (eds.), *Contemporary Industrial Relations in Australia and New Zealand: Literature Surveys*, The Association of Industrial Relations Academics of Australia and New Zealand and Industrial Relations Centre, Victoria University, Wellington, 1987, pp. 172, 177; M. Roe, 'Social History', in Borchardt and Crittenden (1987), *op. cit.*, p. 310.

31. Hyman (1989), *op. cit.*, pp. 3-6; M. Sampson, 'Recent criticism of labour history in Britain and Australia', *Labour History*, no. 36 1979, pp. 70-4; B. Webb, *My Apprenticeship*, 2nd ed., Longmans, Green & Co., London, n.d., pp. 356-372; J. Zeitlin, 'From Labour History to the history of industrial relations', *Economic History Review*, 2nd ser. vol. xl no. 2 1987, pp. 159-61.

32. D. Brody, 'Labor History, Industrial Relations and the Crisis of American Labor', *Industrial and Labor Relations Review*, vol. 43 no. 1 1989, pp. 7-11; D. Montgomery, 'To Study The People: The American Working Class', *Labor History*, vol. 21 no. 4 1980, p. 499.

33. Brody (1989), *op. cit.*, pp. 9-11; Markey (1987), *op. cit.*, p. 176; Sampson (1979), *op. cit.*, p. 74; Zeitlin (1987), *op. cit.*, pp. 162-3.

34. Love (1987), *op. cit.*, pp. 301-3; Merritt (1982), *op. cit.*, pp. 113-19; J. Wanna, 'Groups in Contention: Industrial Relations Theory', *Arena*, no. 64 1983, p. 101.

35. Examples of historical research by industrial relations academics include:- M. Bray and M. Rimmer, 'Compulsory Arbitration vs Managerial Control: Industrial Relations in Sydney Road Transport, 1888-1908', *Historical Studies*, vol. 22 no. 87 1986, pp. 214-31; M. Bray and M. Rimmer, *Delivering the Goods. A History of the NSW Transport Workers Union 1888-1986*, Allen & Unwin, Sydney, 1987; A. Coolican, 'Solidarity and Sectionalism in the Sydney Building Trades: the Role of the Building Trades Council 1886-1895', *Labour History*, no. 54 1988, pp. 16-29; J. Hill, *From Subservience to Strike. Industrial Relations in the Banking Industry*, Queensland University Press, St Lucia, 1982; S. Macintyre and R. Mitchell (eds.), *Foundations of Arbitration. The Origins and Effects of State Compulsory Arbitration 1890-1914*, Oxford University Press, Melbourne, 1989; R. Morris, 'Mr. Justice Higgins Scuppered: The 1919 Seamen's Strike', *Labour History*, no. 37 1979, pp. 52-62; G. Patmore, 'A History of Industrial Relations in the N.S.W. Government Railways: 1855-1929', Phd. thesis, University of Sydney, 1985; G. Patmore, 'Systematic Management and Bureaucracy: The NSW Railways Prior to 1932', *Labour and Industry*, vol. 1 no. 2 1988, pp. 306-21; D. Plowman, *Holding the Line. Compulsory arbitration and national employer co-ordination in Australia*, Cambridge University Press, Melbourne, 1989; M. Rimmer and P. Sutcliffe, 'The Origins of Australian Workshop Organisation, 1918 to 1950', *The Journal of Industrial Relations*, vol. 23 no. 2 1981, pp. 216-39.

36. Bray and Taylor (1986), *op. cit.*, p. 15; Markey (1987), *op. cit.*, pp. 171-2.

37. N. Dufty, *Federation - Sweet and Sour. A History of the ABEU in Western Australia, 1921-1981*, Action Press, Perth, 1987; M. Hess, *From Fragmentation to Unity. A History of the Western Australian Branch of the Federated Miscellaneous Workers Union*, Federated Miscellaneous Workers' Union of Australia, Perth, 1989; Plowman (1989), *op. cit.*.

38. Markey (1987), *op. cit.*, p. 177; G. Patmore, 'Labour History and Industrial Relations', in J. Benson (ed.), *Industrial Relations Teaching and Research in Australia and New Zealand*, The Association of Industrial Relations Academics of Australia and New Zealand, 1983, pp. 73-82; Zeitlin (1987), *op. cit.*, pp. 159-84.

39. Markey (1987), *op. cit.*, p. 177-8.

Chapter 2

From Labour History to Social History

Stephen Garton

Labour history has had a long genealogy in Australia, stretching back to the late nineteenth century reports on work and the labour movement by T.A. Coghlan and later his four volume study *Labour and Industry in Australia* (1918), the early twentieth century work by Sutcliffe and others on trade unions in Australia and the interwar studies of economic dependency and the labour movement by Brian Fitzpatrick.[1] But as a movement with institutional force, labour history did not emerge until the 1950s and 1960s with the work of historians such as Robin Gollan, Ian Turner and Russel Ward. In 1961 the Australian Society for the Study of Labour History was established to further research in the field; an aim that had its most concrete form in the Society's journal *Labour History*, which first appeared in 1962. One of the two Victorian correspondents for the first committee of the Society was a young labour history advocate - R.J. Hawke. These Australian developments parallelled the establishment of similar societies and journals in Britain, Europe and North America.

The first issue of the Australian journal carried an address by Robin Gollan which attempted to define the scope and direction for Australia's labour history. It was an ambitious agenda which deliberately sought to move beyond a narrow focus on labour biography and political history. Drawing on the arguments of British labour historian Asa Briggs who had recently visited Australia, Gollan argued that labour history would involve:

> . . . a study of the working class situation taken in terms of
> health, leisure. . . social history in the fullest sense, including
> politics. . . class relations, the impact of other classes and class
> organisations on the workers. . . economic history of labour. . .
> individual histories of major unions, the history of ideas and
> opinion and the history of popular culture.[2]

This is a surprisingly modern statement - not out of place even if it was uttered today. I say surprising because much of our perspective on these early proponents of labour history, commonly dubbed the 'Old Left', has been shaped by later critics such as Humphrey McQueen and Stuart Macintyre who accused these labour historians of being narrowly nationalistic, obsessed with the history of trade unions divorced from wider social relations, influenced by a crude form of Marxism and of being empiricist in their methodology. In the place of labour history they advocated a radical Marxist history that placed

class relations as the central dynamic in the theorisation of history. At the same time other groups emerged, critical of labour history. Social, black and women's historians pointed to important absences in the labour history agenda.

This paper attempts to examine the nature of these criticisms and their implications for the historical analysis of labour and industrial relations in Australia. It attempts to paint, in rather broad brush strokes, some of the central ideas, problematics and questions of historians of labour since the 1950s. In doing so the paper suggests that the emergence of new questions on the historical agenda, characterised by the phrase - 'from labour history to social history' - is more complex than this formulation suggests. Nonetheless this phrase has a certain critical purchase by highlighting that analyses of labour are conditioned by broader social, economic, political, cultural, theoretical and professional contexts. It is important to explain why new perspectives and questions about the history of labour have emerged in recent years and to assess their impact on understandings, both for historical and contemporary analysis, of the relations between labour and industrial relations.

The Old Left and Labour History

Ian Turner argued that his generation of radical historians grew up in the shadow of the Russian Revolution, developed as adults in the Depression and the Second World War and became historians in the age of Menzies. They were part of a generation that joined the Communist Party in the 1930s and 1940s believing it to be the only force capable of defeating fascism. They found their cultural roots in Australian writers and artists such as Henry Lawson and Tom Roberts who strived to find and maintain a distinctive and genuine Australian culture free of the burdens and constraints of cultural forces intent on maintaining colonial dependency on Britain. They found their teachers in historians such as Brian Fitzpatrick and Manning Clark who believed that the Australian story was worth telling. And they wrote their own histories against the background of post-war prosperity, serious dissension in the labour movement, the conservatism of the Menzies era, the Cold War and widespread claims in Britain, North America and Australia that political ideologies and the working class were no longer relevant to the modern world.[3]

Coming out of these shared contexts the leading figures of the 'Old Left' - notably Gollan, Turner and Ward - developed distinct concerns and approaches in their early and most significant works. In *Radical and Working Class Politics* (1960) Gollan traced the emergence of a distinctive radical and nationalist labour movement and its influential role in the achievement of colonial liberal democracy in late nineteenth century Australia.[4] Gollan's work was an innovative study that paid due regard to the importance of labour but methodologically it operated within the parameters of established political and intellectual history. Turner's work was a more thorough application of Marxist theory, with its emphasis on class as an objective social category and his critique of Pareto's theory of elites. In *Industrial Labour and Politics* (1965) Turner examined the troubles which beset the labour movement in the early

twentieth century, charting the tensions within the movement; between the rank and file and the leadership, between the political and industrial wings, between socialist and labourist trade unionists, between conscriptionists and anti-conscriptionists - tensions which undermined the capacity of the movement to press for radical social change.[5] Russel Ward's *Australian Legend* (1958), probably the most distinctive work, pioneered the use of popular literary and folk culture evidence to uncover the origins of Australia's national identity in the culture of the bush workers of the nineteenth century.[6]

These works, particularly Ward's, were remarkably different in approach, scope and focus, belaying attempts to unite them into a single school of history. But despite their differences there were some shared concerns.[7] Each attempted to place the labour movement, generally ignored by the mainstream profession, at the centre of the historical stage. If one was going to understand Australian economic, political and social development it was impossible, as so many historians had done before, to overlook the history of labour. Gollan and Ward went further. Each attempted, in different ways, to position Australian and labour as virtually synonymous terms. If one was to speak about Australia then one also had to speak about labour and the radical nationalist culture that it fostered. The Australian nation and our shared sense of identity was what labour had made it. This represented an important critical response to Cold War discourses about the end of ideology and the 'embourgeoisment' of the working class.

Labour history then, was in part an effort of recovery; an attempt to restore labour to its rightful place at the centre of Australian history and culture. But there were divisions and tensions over the important questions and directions for labour history. Would its major focus be the history of work, the ideologies of the movement, political organisation, working class culture or, in Fitzpatrick's influential formulation,[8] the history of the organised working class? Gollan's opening address in the first issue of *Labour History* attempted to mark out a very broad field for future research and the diverse works of Gollan, Turner and Ward provided rich soil for the proposed harvest. And the harvest was rich. In the 1960s and 1970s a series of important works by such historians as Gollan, Turner, Hagan, Buckley, Nairn, Murphy and Sheridan, to name but a few, and many articles in *Labour History* (too many to enumerate), charted the histories of the labour movement, the labor parties, individual trade unions, important labour leaders, vital strikes and protests and the ideas and philosophies that shaped the movement.[9]

Out of these works came a series of important reflections on the strengths and weaknesses of the labour movement, the moments of its success, the crises of failure, the central industrial and political disputes that shaped Australia and the contribution of labour to social, political and economic progress. Arbitration, and industrial relations more generally, were central themes in many of these works. This was the institutional arena for Australian class conflict, mediated by an important third party - the state. Arbitration fostered the growth of unionism in Australia and disputes in the system, fought out over such principles as 'the living wage' versus 'the capacity of industry to pay', equal pay versus the family wage, margins for skill, hours and conditions, were the means by which capital and labour strived to

advance their own interests. Out of these concerns flowed a whole range of questions. Why did labour support arbitration? Did it serve labour's interests? Did it deliver real wage justice? Did it diffuse more radical social and political programs? Did it foster unity or division? For many labour historians these questions were a vital guide to contemporary industrial relations struggles. They argued that lessons could be drawn from the historical experience of labour and arbitration.[10] The answers to these and other questions were diverse. What is striking is how relevant these questions remain and despite the vast amount of work on these themes much more work still needs to be done here. Today important unions, industrial disputes and struggles of the labour movement remain relatively neglected in the historical record. Institutional histories of labour and industrial relations remain an important part of the historical agenda.

In hindsight, however, despite the important efforts of labour historians their focus was generally more narrow than the charter first proposed by Gollan. In the 1960s, 79 per cent of all articles in *Labour History* were focussed on unions, union leaders, the labor parties, labour ideologies, strikes and industrial disputes. In the 1970s this figure remained high at 65 per cent.[11] Both the strength and fundamental weakness of Australian labour history has been its institutional focus on unions and the labor parties. This is the occasion of envy amongst some North American labour historians, where the institutional approach is particularly weak.[12] But the costs have been significant. The history of work and working class culture central to British and North American labour history, has been sadly neglected in the Australian tradition. Many of the important union histories such as those of Gollan, Hagan and Buckley devoted a short chapter at the beginning of their books on the particular industry concerned, be it mining, printing or engineering, but these were usually prefaced with a statement that the nature of work and working conditions was beyond the scope of this study.[13] Thus often the daily grind of the rank and file was pushed aside by the priority accorded the leadership. More importantly most attention was focussed on the organised working class, notably the strongest unions, usually those of skilled workers, at the expense of the weaker unions and the non-unionised. The labour history tradition tended to inherit Fitzpatrick's damaging slippage; equating the organised working class with the working class as a whole.

The reasons for this are complex. Let me suggest a few without necessarily asserting any priority. A number of prominent labour historians adopted the Marxist theory of class in itself and class for itself.[14] In other words, class was an objective social phenomenon defined by its relationship to the means of production but the working class did not become an active historical subject until it became conscious of its own interests. In Australia trade unions were important vehicles for achieving this consciousness. Equally important within this framework was the need to understand why unions, more often than not, had fostered a 'false' labourist rather than socialist consciousness. In addition the very strength of the trade union tradition in Australia in comparison to Britain, Europe and North America was also an historical phenomenon deserving of explanation - and many labour historians embarked on this task. Trade unions also left a rich volume of archives - gold mines for the labour historian that could not be ignored.

Here the professional demands of being an historian had an important influence. In the 1960s the Phd. became a very necessary professional qualification, the universities were expanding and a new cohort of graduate students emerged eager to do substantial projects in three or four years to equip them for academic employment. A union history was an ideal project and many of the best labour histories in the 1960s and 1970s began their life as postgraduate theses.[15]

By the early 1960s labour historians such as Robin Gollan, Eric Fry and Russel Ward secured academic posts and were able to foster postgraduate work in labour history. Ian Turner, Jim Hagan and others soon followed. The new institutional location in the academy stimulated research but reinforced the narrow institutional focus of labour history. It gave labour historians the time and facilities to pursue their research and a group of postgraduates to further develop the discipline. But it also locked academic labour historians into their profession and, in the context of the profession at that time, their response was understandably defensive. Labour historians suffered considerable discrimination at the hands of the mainstream profession. Some like Russel Ward were denied appointments because of their political affiliations. Some established historians, holding high professional office believed that labour history was potentially narrow, subjective and biased.[16] A number of labour historians responded by asserting that labour history could be 'good history' but the criteria for such an assessment were those of their critics. Gollan argued that labour history had to have a 'scrupulous regard for evidence'.[17] Ian Turner's argument that good labour history was partisan[18] was soundly rejected by other labour historians such as Bede Nairn and D.W. Rawson, who argued that labour historians 'had to pursue the highest levels of scholarship' and that their subject could be just as objective as any other type of history. Turner's view, Nairn argued, only supplied the 'head waggers with ammunition to aim at the whole enterprise'.[19] Many of the rising generation of labour historians thought it was essential that they conform to mainstream standards to ensure their place in the academy and the legitimacy of their research.

This was not a context for departures from the accepted historical agenda. But in the 1960s a new generation of students emerged which challenged the whole nature of the academy, questioned the validity of traditional disciplines and remained sceptical about the idea of the labour movement as a progressive social force. Within this movement labour history also came under critical scrutiny.

The New Left, Class, Social History

The contexts for the emergence of the New Left, as it has come to be known, are diverse and complex. It was a movement characteristic of all western nations in the 1950s, 1960s and 1970s and one which had important relations with civil rights movements and later provided the seed bed for the sexual liberation, gay and women's movements. The section of the New Left that most concerns us here was the left elements of the student movement which provided the leading critics of labour history.

In the context of this paper it would be impossible to explain or even describe the full range of protest movements which emerged in the West in the 1950s and 1960s. They in part reflected post-war prosperity which increased the numbers of people with the leisure and educational qualifications to pursue radical social protest. They also reflected post-war anxiety about living in the shadow of the bomb at a time of increasing Cold War tension. What occurred were many and varied challenges to established authorities and perceived wisdoms. It is possible to list only a few. The bohemian and cultural protests and the beat generation of the 1950s and hippies of the 1960s with their emphasis on drugs, jazz, folk and rock music and sexual liberation were the most visible protests against the ubiquity of suburbia and its associated culture of social and sexual conformity. The campaigns for nuclear disarmament in the 1950s directly challenged Cold War rearmament policies. The growing black civil rights movements in America and Aboriginal rights movement in Australia revealed the entrenched racism in Western societies. The decolonisation movements in the third world highlighted the oppressive nature of western imperialism. The anti-psychiatry movements protested the social control role of the medical profession. The faith of the left in traditional Soviet communism declined after the Russian invasion of Hungary in 1956 and the revelations of Stalin's atrocities. In the 1960s there were significant protests by students in universities about the conservatism of university administration and courses. There were massive protests against the Vietnam war. In the late 1960s and early 1970s the gay liberation movement emerged as an important cultural force critical of sexual conformism. Growing dissatisfaction with the sexism of New Left men gave renewed vigour to the women's liberation movement with its significant critique of social relations and the organisation of knowledge.[20]

Australia was equally caught up in these global transformations. In the 1950s Australians joined organisations to support disarmament, oppose the White Australia Policy and support Indonesia's struggle for independence. In 1965 students from Sydney University joined Charles Perkins on freedom rides to highlight racism and the plight of Aborigines in rural Australia. There was a large and influential anti-Vietnam War movement. In the late 1960s radical staff and students, dissatisfied with the conservative curicula at Sydney University, began running their own courses establishing the Free U-movement to study subjects and ideas denied them in the formal academy. In the 1970s students at Sydney went on strike in a series of campaigns to allow the teaching of Marxism, feminism and political economy on campus.[21]

This was a context in which established ideas and structures were being challenged and part of that challenge involved the critique of traditional disciplines. History was one of those disciplines.In the first half of the twentieth century a few historians focused on social themes, or in the words of English historian G.M. Trevelyan, 'history with the politics left out'. The most prominent of these were labour historians such as John and Barbara Hammond and G.D.H. Cole in England and Brian Fitzpatrick in Australia.[22] The most sophisticated and sustained alternative to political history was developed by French historians such as Lucien Febvre and Marc Bloch, who founded the Annales School. The Annales theorised different rhythms of historical change through a focus on the economic, geographic, environmental

and technological determinants of total social formations. The ideas of the Annales school were largely ignored in Anglophone countries until the 1970s.[23] Instead social history in Britain, North America and Australia had a different point of departure. In the 1950s and 1960s a growing number of radical historians began to question the preoccupation of the discipline with formal politics, foreign policy, 'great men' and significant ideas and events. In their view this was a narrowly conceived, elitist and partial history. They advocated 'social history', sometimes known as 'history from below' - later 'people's history'. What was required, according to social historians, was the history of groups normally excluded from established historical narratives - workers, the unemployed, the poor, the sick, the insane, criminals, women, children, ethnic groups, blacks, Aborigines and local communities; and histories of these groups not written from the perspective of those in power - politicians, doctors, lawyers, owners, fathers, missionaries, philanthropists and capitalists, but from the perspective of the marginalised groups themselves. The social texture of everyday life needed to be recovered - the daily grind of work, the pleasures and pains of family life, sexuality, parenting, leisure and the pressures leading to conflict and breakdown - poverty, illness, violence and crime.[24]

In the 1960s social history began to achieve a small measure of institutional presence in British and American universities. The first Chair of Social History was established at a British University (Lancaster) in 1967 (and there are now seven or eight) and two years later the first journal devoted solely to social history, the *Journal of Social History* was published in North America. Social history spawned a number of related concerns - black history, family history and women's history to name but a few. Social historians also pioneered the use of new sources - such as oral history.[25] Some also developed sustained critiques of professional historians - preferring to pioneer local, community histories of popular memory, disdaining the formal and elitist scholarship of the academy.[26]

Social history developed in uneasy relationship to radical Marxist critiques of history. While many young Marxists critical of the vulgar determinism of Stalinism turned to social history many others, following Althusser, turned away from history altogether in favour of a rigorous scientific structuralism.[27] A number of Marxists hoping to develop a radical social history were perturbed at the growing diversification of social history and its attraction for conservative historians hoping to challenge Marxist theories of class struggle and to reinforce established social relationships. Radical Marxist social historians insisted that social history was relevant but only when it situated class relations as the central dynamic of social causation. For this later group much social history was antiquarian and descriptive. Eric Hobsbawm urged that social history had to explain the total social process not just its marginal elements.[28] In the late 1970s, Tony Judt in England and the Genovese's in America, developed sustained critiques of social history for failing to theorise class relations.[29] Judt threw up his hands in horror at claims by social historians that 'menarche was just as important as monarchy'. But such critiques failed to stem the tide of social history. In fact a number of social historians of racism and women's historians countered that Marxist

history, by its exclusive focus on class, failed to accord sufficient significance to other structures of power and oppression, such as race and sex, which were equally important in determining social relations.[30]

These reconsiderations, debates and tensions had a significant effect on debates about labour history in Australia. In 1967, Terry Irving, in an early contribution, lamented that too much labour history had been concerned with institutions to the exclusion of culture and consciousness.[31] Together with Bob Connell, Irving mapped an ambitious program of research culminating in their book *Class Structure in Australian History* published in 1980. Connell and Irving took E.P. Thompson's notion of class as an historical relationship as the starting point of their enterprise. Other historians such as John Rickard also adopted Thompson's theorisation of class relations. In doing so they were critical of the mechanistic theories of class advanced by Turner and others and the focus of labour history on a single class to the exclusion of complex class relations. In other words they argued, historians had to examine capital just as much as labour and map the relations between them for an adequate understanding of the structure of social relations and the forces that shaped the experiences of labour. Further to this it was equally important to theorise the role of the state in structuring the relations between capital and labour.[32]

Humphrey McQueen and Stuart Macintyre were more forthright. For them labour history was defensive, narrow and empiricist.[33] McQueen in particular criticised labour historians for ignoring the racism, xenophobia, nationalism and conservatism of the labour movement. For him the Australian labour movement was petit-bourgeois not socialist and racism was its central platform. Like Connell and Irving, McQueen accused labour historians of focusing on the history that business history left out, not on a total reconsideration of the nature of class relations or an analysis of the situation of Australia within a wider imperialist system. Feminists were equally critical. In the 1970s, women's historians such as Summers, Dixson and Kingston criticised labour historians for their romanticised radical nationalism which both excluded and oppressed women. The labour movement and the ideas they espoused were part of a wider patriarchal system that colonised women.[34]

These criticisms had a profound effect on labour history in Australia. Increasingly postgraduates were turning away from traditional labour history themes and exploring social history projects on work, leisure, women, blacks, the family and other groups excluded from established labour history narratives. The journal, *Labour History* began to report on social history and women's history developments overseas.[35] In the 1970s and 1980s the Society sponsored special publications focusing on women and work, racism and the working class and the state and social order in Australia.[36] By the 1980s there were significant changes in the publication policies of the journal. Traditional labour history topics were now only 39 per cent of the journal. Articles on women jumped from 2 to 14 per cent from the 1960s to the 1980s, work and the labour process rose from 4 to 15 per cent, race and racism rose from 3 to 5 per cent and a number of themes ignored in the 1960s, by the 1980s had a distinct place in the journal's offerings; including social history unrelated to work (8 per cent), Aboriginal history (2 per cent) and popular culture (2 per

cent). In the fortieth number of *Labour History* in 1981 the editors of the journal responded to these developments by adding a new subtitle; it was now a journal of labour and social history.

Problems and Possibilities

Social history has presented a real challenge for historians concerned with analysing the history of labour. While some studies have ably demonstrated that an institutional focus for labour history is still illuminating and relevant,[37] it is hardly sufficient to encompass the range of themes highlighted as significant by social historians. As a number of social historians have shown, forms of work, working class culture, leisure, community and family life have a crucial influence on the development of working class mobilisation, resoluteness during strikes and lock-outs, resistence to managerial demands and other themes central to the traditional concerns of labour history. Some labour historians have attempted to marry labour history themes with new social history perspectives. John Merritt, in his important history of the Australian Workers' Union, fruitfully combines labour and social history by examining the culture of work alongside the problems of union mobilisation and struggle.[38] Markey also raises important issues about the character of the Labor Party by analysing the nature of work in the colonial labour market.[39] Others, notably Firth, Mcewen and Metcalfe, have demonstrated the importance of situating unions and working class struggle within the social, economic and political contexts of local communities.[40]

Many of these new concerns have involved a reconsideration of the traditional domains of labour history, among these, arbitration. Social history opened up new perspectives on unions and the labour movement. Were they institutions for the advancement of working class interests or organisations which divided the working class along lines of skill, race, ethnicity and sex? If this was the case then new questions had to be asked about the operation of arbitration.[41] Was it an arena where capital and labour negotiated their differences and struggled for advantage, refereed by the state, or was it a place where unions and employers also agreed on ways of cementing particular social relationships? Was its arena where the unskilled were disadvantaged in relation to the skilled and were unions complicit in this process? And if we need to focus on skill to what extent have other social processes been implicated in these struggles. Mike Quinlan and others have shown that debates about skill reinforce and are reinforced by ethnic divisions.[42] Ryan and Conlon, Raelene Frances, Laura Bennett and others, have shown that skill also has a gender dimension and arbitration was an important institution for the articulation and reinforcement of gender divisions.[43] Male unionists struggled to cement their role as breadwinner by defining women's work as unskilled and thus poorly paid at considerable cost to women workers and their dependents.

The growth of new theories and questions and the demand to situate labour and industrial relations in broader social and cultural contexts poses real problems for the development of future research agendas. Much historical research in these areas is conducted within the academy but with increasing teaching loads, more targeted research funding creating a research elite to the

exclusion of other researchers, and demands for quicker completion times for postgraduate these, it is increasingly difficult for individual researchers to encompass the demands of a broader research agenda. The most likely result will be that researchers will continue to work in specialised areas of institutional, union, social, community and cultural history drawing on questions of gender skill, race, ethnicity and mobilisation where appropriate. The products of this research will be shared through books, journals and conferences. But it is important to explore other possibilities. One is to seek alternative sources of research funding through unions, local councils and community organisations. Another will be to explore the possibilities of large co-operative research projects, combining the theories and methods of labour, social and cultural history and the skills of historians, postgraduate researchers, industrial relations experts, lawyers and sociologists.

An important factor in developing and maintaining more comprehensive research agendas will be the demonstration of the relevance of historical research for contemporary public policy formation. Social perspectives on industrial relations have been opened up in the last fifteen years through such concepts as the guaranteed minimum income and the social wage. Historical research promises to further develop our understanding of the nature of labour and industrial relations, the social arrangements historically structured by industrial relations institutions and hence the possibilities for reconsidering the social effects of these institutions and the policies worth pursuing for future efforts at reform.

There are complex issues and debates around all these issues. But what social history has opened up is the idea that the working class historically has been divided, and that unions have generally represented a privileged section of that class. Through arbitration unions have sometimes cemented that privilege at the cost of other more disadvantaged sections of the working classes. If we are to adequately understand arbitration as a social process, then we need to situate it in a broad social context and ask what are the social effects of industrial relations decisions, not just for the parties round the table but also for other parties excluded from the decision making process. Considerations of social justice demand a broader, historically nuanced perspective for our understanding of the social effects of industrial relations.

Endnotes

1. The best general coverage of the historiography of labour history is J. Merritt, 'Labour History', in G. Osborne and W.F. Mandle (eds.), *New History : Studying Australia Today*, Allen & Unwin, Sydney, 1982.

2. R. Gollan 'Labour History', *Labour History*, no. 1 1962, p. 4.

3. I. Turner, 'Australian Nationalism and Australian History', in I. Turner, *Room for Manoeuvre : Writings on History, Politics, Ideas and Play*, Drummond, Richmond, 1982, pp. 3-16.

4. R. Gollan, *Radical and Working Class Politics : A Study of Eastern Australia 1850-1910*, Melbourne University Press, Melbourne, 1960.

5. I. Turner, *Industrial Labour and Politics : The Dynamics of the Labour Movement in Eastern Australia 1900-1921* (1965), 2nd ed., Hale & Iremonger, Sydney, 1979.

6. R. Ward, *The Australian Legend*, Oxford University Press, Melbourne, 1958.

7. Two important overviews of the Old Left and their impact on history are A. Wells, 'The Old Left Intelligentsia 1930 to 1930', in B. Head and J. Walter (eds.), *Intellectual Movements and Australian Society*, Oxford University Press, Melbourne, 1988, pp. 214-34 and M. Finnane 'Labour, Class and Culture', in J. Walter (ed.), *Australian Studies : A Survey*, Oxford University Press, Melbourne, 1989.

8. B. Fitzpatrick, *A Short History of the Australian Labor Movement* (1940), Macmillan, Melbourne, 1968, p. 62.

9. See R. Gollan, *The Coalminers of New South Wales : A History of the Union 1880-1960*, Melbourne University Press, Melbourne, 1963; I. Turner, *In Union is Strength*, Macmillan, Melbourne, 1976; J. Hagan, *Printers and Politics*, Australian National University Press, Canberra 1966; K. Buckley, *The Amalgamated Engineers in Australia 1852-1920*, Australian National University Department of Economic History, Canberra, 1970; B. Nairn, *Civilising Capitalism : The Labor Movement in New South Wales 1870-1900*, Australian National University Press, Canberra, 1973; D. Murphy (ed.), *Labor in Politics : The State Labor Parties in Australia 1880-1920*, University of Queensland Press, St Lucia, 1975; T. Sheridan, *Mindful Militants : The Amalgamated Engineering Union in Australia 1920-1972*, Cambridge University Press, Cambridge, 1975.

10. J. Hagan, 'Writing Australian Trade Union History', *Labour History*, no. 14 1968, pp. 46-8.

11. These figures are drawn from a fairly rough categorisation of articles in the journal, the important fact is the undoubted decline in traditional labour history articles.

12. G. Friesen, 'A Comment on the Australian-Canadian Labour History Conference', *Labour History*, no. 57 1989, p. 93.

13. For example Gollan (1963), *op. cit.*, p. vii.

14. Most notably Turner (1979), *op. cit.*, pp. xvii-xx.

15. These themes are extensively discussed in Merritt (1982), *op. cit.*, pp. 117-22; Wells (1988), *op. cit.*, pp. 220-30 and Finnane (1989), *op. cit.*, pp. 207-12.

16. J.A. La Nauze, 'What is Labour History?', *Labour History*, no. 12 1967, pp. 66-7.

17. Gollan (1962), *op. cit.*, p. 4.

18. Turner (1979), *op. cit.*, p. xviii.

19. B. Nairn, 'What is Labour History?' and D.W. Rawson, 'What is Labour History?', *Labour History*, no. 12 1967, pp. 70-2 and pp. 73-7.

20. These contexts are discussed in Merritt (1981), *op. cit.*, pp. 122-39 and Finnane (1989), *op. cit.*, pp. 211-19.

21. For an insight into the Australian New Left from its adherents see R. Gordon (ed.), *The Australian New Left*, William Heinemann, Melbourne, 1970. See also J. Docker, 'Those Halcyon Days : The Movement of the New Left' and D. Altman, 'The Personal is the Political : Social Movements and Cultural Change', in Head and Walter (1988), *op. cit.*

22. For a discussion of some of these developments see D. Sutton 'Radical liberalism, Fabianism and social history', in R. Johnson, G. McLennan, B. Schwarz, D. Sutton (eds.), *Making Histories*, Hutchinson, London, 1982; R. Johnson, 'Culture and the historians', in J. Clarke, C. Critcher, R. Johnson (eds.), *Working-Class Culture*, Hutchinson, London, 1979; D. Watson, *Brian Fitzpatrick : A Radical Life*, Hale & Iremonger, Sydney, 1979.

23. For a brief overview of this School see G. McLennan, *Marxism and the Methodologies of History*, Verso, London, 1981, pp. 129-45.

24. For a discussion of some of these international developments see P. Stearns, 'Coming of Age', *Journal of Social History*, vol. 10 no. 2 1976, pp. 246-55 and H. Perkin, 'Social History in Britain', *Journal of Social History*, vol. 10 no. 2 1976, pp. 129-43.

25. See P. Thompson, *The Edwardians : The Remaking of British Society*, Paladin, London, 1975, pp. 13-18.

26. R.Samuel, 'People's History', in R. Samuel (ed.), *People's History and Socialist Theory*, Routledge Kegan & Paul, London, 1981 and Popular Memory Group 'Popular memory : theory, politics, method', in Johnson et. al. (1982), *op. cit.*, pp. 205-52.

27. For a critical account of these developments see R.W. Connell and T.H. Irving, *Class Structure in Australian History*, Longman Cheshire, Melbourne, 1980, pp. 1-30.

28. E. Hobsbawm, 'From Social History to the History of Society', in M. Flinn and T. Smout (eds.), *Essays in Social History*, Oxford University Press, Oxford, 1974.

29. T. Judt, 'The Clown in Regal Purple : Social History and the Historians', *History Workshop*, no. 7 1979, and E. Fox-Genovese and E.D. Genovese, 'The Political Crisis of Social History' *Journal of Social History*, vol. 10 no. 2 1976.

30. For example G. Lerner, 'On Writing Women's History', *Journal of Interdisciplinary History*, vol. 11 no. 2 1971; K. Daniels, 'Women's History', in Osborne and Mandle (1982), *op. cit.*; Stearns (1976), *op. cit*; P. Van den Berghe, *Race and Racism*, Wiley, New York, 1967; J. Miller, *Koori : A Will to Win*, Angus and Robertson, Sydney, 1985.

31. T.H. Irving, 'What is Labour History?', *Labour History*, no. 12 1967, pp. 77-81.

32. Connell and Irving (1980), *op. cit.*, and J. Rickard, *Class and Politics : New South Wales, Victoria and the Early Commonwealth 1890-1910*, Australian National University Press, Canberra, 1976.

33. H. McQueen, 'Laborism and Socialism', in Gordon (1970), *op. cit.*, pp. 43-65; H. McQueen, *A New Britannia*, Penguin, Ringwood, 1970; S. Macintyre, 'Radical Politics and Bourgeois Hegemony', *Intervention*, no. 2 1972. For an overview of these criticisms see M. Sampson, 'Recent Criticisms of Labour History in Britain and Australia', *Labour History*, no. 36 1979.

34. A. Summers, *Damned Whores and God's Police : The Colonisation of Women in Australia*, Penguin, Ringwood, 1975; M. Dixson, *The Real Matilda : Women and Identity in Australia 1788 to 1975*, Penguin, Ringwood, 1976; B. Kingston, *My Wife, My Daughter and Poor Mary Ann : Women and Work in Australia*, Nelson, Melbourne, 1975.

35. S. Eade, 'Social History in Britain 1976 - A Survey', *Labour History*, no. 31 1976; M. Simms, 'Writing the History of Australian Women', *Labour History*, no. 34 1978.

36.   A. Curthoys, S. Eade and P. Spearritt (eds.), *Women at Work*, Australian Society for the Study of Labour History, Canberra, 1975; A. Curthoys and A. Markus (eds.), *Who Are Our Enemies : Racism and the Working Class in Australia*, Hale & Iremonger, Sydney, 1978; Sydney Labour History Group (ed.), *What Rough Beast? The State and Social Order in Australian History*, Allen & Unwin, Sydney, 1982.

37.   See the important articles in S. Macintyre and R. Mitchell (eds.), *Foundations of Arbitration : The Origins and Effects of State Compulsory Arbitration 1890-1914*, Oxford University Press, Melbourne, 1989.

38.   J. Merritt, *The Making of the AWU*, Oxford University Press, Melbourne, 1986.

39.   R. Markey, *The Making of the Labor Party in New South Wales 1880-1900*, New South Wales University Press, Kensington, 1988.

40.   E. McEwen, 'The Newcastle Coalmining District of NSW 1860-1900', Phd. thesis, University of Sydney, 1979; B. Firth, 'The industrialisation of Wollongong with special reference to Australian Iron and Steel Pty Ltd', Phd. thesis, Macquarie University, 1987; A. Metcalfe, *For Freedom and Dignity : Historical Agency and Class Structures in the Coalfields of New South Wales*, Allen & Unwin, Sydney, 1988.

41.   See K. Buckley and E. Wheelwright, *No Paradise for Workers : Capitalism and the Common People in Australia 1788-1914*, Oxford University Press, Melbourne, 1988, pp. 140-6 and S. Macintyre, *Winners and Losers : The Pursuit of Social Justice in Australia*, Allen & Unwin, Sydney, 1985, pp.41-58 and 'Labour, Capital and Arbitration 1890-1920', in B. Head (ed.), *State and Economy in Australia*, Oxford University Press, Melbourne, 1983.

42.   M. Quinlan and C. Lever-Tracy, *Divided Working Class : Ethnic Segmentation and Industrial Conflict in Australia*, Routledge & Kegan Paul, London, 1988.

43.   E. Ryan and A. Conlon, *Gentle Invaders : Australian Women at Work 1788-1974*, Nelson, Melbourne, 1975; R. Frances, 'No More Amazons : Gender and Work Process in the Victorian Clothing Trades 1890-1939', *Labour History*, no. 50 1986; L. Bennett, 'Job Classifications and Women Workers : Institutional Practices, Technological Change and the Conciliation and Arbitration System 1907-72', *Labour History*, no. 51 1986.

Chapter 3

Gender, History and Industrial Relations*

Rae Frances

It is often assumed that gender only concerns women and that gender analysis is something only feminists do. Indeed, this is hardly surprising, since most academic gender analysis has been conducted within the general framework of 'women's studies'. Recently, however, the male side of the gender dynamic has also received attention, and masculinity has been studied by non-feminists, as well as feminists.[1] In the fields of labour history and the sociology of work, writers such as Cynthia Cockburn and Paul Willis have offered new insights into industrial relations by exploring the interconnections between sexual identity and workplace politics.[2] But there is still a long way to go before gender becomes recognised by the mainstream as an important factor in industrial relations rather than something which only relates to specifically 'female' issues like pay equity, affirmative action and, to a lesser extent, the unionisation of female workers.[3] This is less true of labour history, where the impact of the 'new social history' of the 1970s and 1980s sparked a strong interest in gender studies of all kinds as part of the general broadening of its focus.[4] By the second half of the 1980s this trend was bearing fruit in Australia, with the publication of a steady steam of articles in *Labour History* and *Australian Historical Studies* as well as feminist journals and several books. Even more work is underway at the postgraduate thesis level. However, just as this movement seems poised to take on the mainstream of labour history, there has been a call to turn back the tide, to return the scope to the traditional arena of institutional history. I will return to this challenge later and what it means for the study of gender in association with history and industrial relations. But first it is probably still necessary to plead the virtues of gender analysis as an important and integral part of the study of industrial relations. I shall do this by relating an episode which occurred in a recent New Zealand dispute.

The dispute in question occurred in the meat industry and involved the employees of the Vestey company. The issue was over the company's decision to retrench a large proportion of the workforce as part of a 'rationalisation' strategy. Although theoretically the issue should have been handled by the firm's industrial manager, in practice the general managers of the various processing plants often acted independently of this man in trying to influence the outcome of the dispute. One manager in particular, a man with a university training in industrial relations, believed he had the key to a

settlement. Acting on the assumption that the workers' wives would naturally be less militant than the men, he launched a propaganda campaign directed at them. In these leaflets he stated that the strikers were not telling their wives the whole story and urged the women to meet him personally to try to resolve the dispute. Many of the women did so, but as subsequent events were to show, the manager had seriously miscalculated the gender factor. Instead of urging their husbands to give in, the wives went along to the meeting which was about to vote on the question of a return to work. The women spoke out strongly against such a step and against the general manager, their intervention apparently swinging the vote in favour of a continuation of the strike.[5]

As this case shows, this particular manager's formal education in industrial relations had left him ill-equipped to appreciate the complexities of working class gender relations and the way these connected with workplace politics. Applying the popular stereotype of women as less militant than men proved not only unhelpful to the manager's cause but downright counterproductive. On the other hand, had he been familiar with some of the recent historical literature on women's involvement in industrial action he might not have been so ready to act on such an assumption. Indeed, the industrial manager, a former butcher and unionist himself, opposed the propaganda campaign for this very reason: his own experience, a form of personal labour history in itself, alerted him to the deficiencies in the manager's stereotype of working class wives.

This case illustrates very clearly how gender analysis can be a mainstream concern in industrial relations. It is not something which only affects women. It also suggests what a gendered historical analysis has to offer the study of industrial relations, that is, a more sophisticated understanding of the interface between class and gender, workplace and family. It is this latter point which I wish to develop further. In particular, I want to consider some recent trends in labour history and the implications these have for the student of industrial relations.

In a sense, this paper takes up where Ray Markey left off in his excellent survey of Australian labour history delivered to the Association of Industrial Relations Academics of Australia and New Zealand Conference in January 1987. In this paper he charted the dramatic broadening of the scope of labour history from 'the narrowly institutional and the particular, towards the generalities of movement, class and even gender and race'. He held out the hope of a broader vision within industrial relations should its practitioners turn their attention in the direction of this history.[6]

Later in the same year, however, British labour historian, Jonathan Zeitlin, called for a return to institutional history, albeit one with a broader perspective than its old-style predecessor. The future of labour history, he argued, 'should be sought in its redefinition as the history of industrial relations, understood as the changing relationships between workers, trade unions, employers and the state'. As he puts it, 'it is the institutional level of analysis which remains crucial ... international differences in industrial

relations can best be explained not by variations in social and economic structure, but rather by historical divergences in institutional development resulting from the organization and strategies of trade unions, employers and the state.'[7]

At first sight, industrial relationists might welcome such a shift in the direction of labour history: it would provide a body of historical material with obvious and direct bearing on the concern with contemporary workplace relationships. However, I share the fear expressed by other British historians that such a narrowing of the boundaries of labour history would neglect important aspects of workers' experience, especially in regards to the history of gender, kinship, community, popular culture and workgroups. Richard Price and James Cronin, for instance, defend the 'social history of the working class' approach as that most able to encompass the heterogeneity of labour's experience in the family and community. While a new-style history of institutions would be a necessary part of that project, it should not be the whole.[8]

This debate is particularly relevant to historians, such as myself, who believe that gender analysis is an essential aspect of good labour history. Zeitlin denies that his vision of a neo-institutional history precludes such analysis, but this is not really the issue.[9] It is more important to ask whether such an approach encourages the kind of research and analysis which sheds light on gender issues, or conversely, uses insights derived from gender analysis to illuminate industrial relations.

Consider, for example, a problem which I encountered in the course of my research into the labour process in the Victorian boot industry between 1880 and 1939.[10] I found that while most of the factory workforce was male, a significant and increasing minority was female. (The percentage rose from about 25 to 50 between 1880 and 1939). However, although women and girls were admitted to membership of the Boot Trades Union from the 1890s, they played virtually no part in the running of the union - they rarely attended union meetings, nor were there any female shop presidents, executive members or officials. Even those roles often reserved for women in labour institutions - social organisers, fundraisers and representatives on the boards of public institutions such as the Children's Hospital - were filled by the wives of the officials and executive members rather than by the female membership. Curiously, though, at the same time there was evidence of considerable militancy amongst female boot workers during industrial disputes. The problem for the historian is to resolve this apparent contradiction between apathy or exclusion on the one hand and militancy on the other.

At one level, the explanation for this apparent contradiction is simple enough: the union's rules stipulated that only men could be shop presidents. The union's ordinary business was conducted by regular meetings of members. Shop presidents (all men), received an allowance for each meeting attended. From these men the executive was chosen. Thus excluded from the union hierarchy, women were not usually sought after as ordinary members. There were no female organisers and in many cases shop presidents did not

even ask female workmates to join the union. In these circumstances, it is remarkable that about half the female workforce were unionised. Their separate status within the union extended even to general meetings of the trade: when mixed meetings were anticipated, the Temperance Hall was secured as the venue so that the balcony could be set aside for 'the females'. From their gallery, the women could watch the real deliberations being conducted below. Where separate women's meetings were held, their major purpose was to endorse the actions of officials or to give them carte blanche to act on the women's behalf. Nor did the dominant male membership have any consciousness of the union as a women's organisation, taking no part in the occasional meetings held by other unions with female members to discuss matters of common concern to women workers. Female boot trade workers were thus denied contacts with other female unionists which could have enhanced the role they played within their own organisation.

So much for the non-participation of women, but what of their militancy during disputes? To understand this issue better, we need to look more closely at exactly what forms this militancy took. From my reading of the union records, women were industrially active in four ways. Firstly, they participated in strikes whose primary object was the defence of male wages or conditions. Secondly, they refused to do work traditionally regarded as men's. Thirdly, they participated in campaigns for the defence of pay/conditions for bootworkers of both sexes. Finally, they engaged in industrial protests on their own behalf, that is, in order to defend or advance the terms of employment of female workers. Of these four types of activity, the last was the least significant. More usual were the cases of women and girls acting directly in support of men, or defending conditions which affected men at least as much as themselves, such as the 1922 campaign to resist an increase in the hours of work.

Seen in this way, women's militancy becomes easier to reconcile with their lack of involvement in the union generally: both represent an unwillingness to mobilise on their own behalf. But why should this have been so? Why did female boot workers appear so much less active in their own interests than, for instance, female clothing trade workers or women engaged in printing and bookbinding? Partly, the problem has to do with the age and high turnover of the female bootmaking workforce, up to sixty per cent of whom were under twenty-one years of age. But it was more than that. And it is here that we need to move beyond the union and the workplace for a more adequate explanation. Or to be more precise, we need to understand the connections between the family, community and workplace in the Melbourne boot industry.

Before the Second World War, about ninety-nine per cent of Victoria's boot manufacturing was carried on in Melbourne and this was concentrated in the inner city suburbs of Collingwood, Richmond and Clifton Hill. Bootmaking dominated these suburbs, especially Collingwood, and as the major employer of labour often drew fathers, brothers, sisters and occasionally mothers and wives into the same industry. By defending men's wages and conditions, female boot workers were also defending the livelihood of their fathers, brothers and future husbands. Or to put it another way, the

defence of men's earnings was seen as the front-line in the battle for the survival of the family economy. Women's wages, by comparison, were of secondary importance. In better times, their earnings 'did something to keep the pot boiling'; in times of depression this contribution became even more important. Nevertheless, for most boot factory workers, earnings of men were the major source of family income. That women did not seek wage increases for themselves may in fact have been seen as one way to preserve male rates: increases in female wages may have provoked employers to economise further on male rates.[11]

In these circumstances, the upper closing room served the same function as the home: a separate sphere for women where they need not trespass on 'men's work'. And the sexual division within the family between public and private, domestic and political activity was replicated in the factory and its politics. Men carried on the important business of Union decision-making on behalf of their womenfolk, who were kept at a safe distance in the machine room or the Temperance Hall gallery. One could also speculate that the prevalence of short-time amongst male boot workers, which posed a threat to their breadwinning capacity, made it even more imperative that women should be kept in their place at work. However, I do not wish to imply that this was simply a case of male dominance. As within the home, women to some extent colluded in their 'protective' invisibility. A mass meeting of women in 1922, for instance, carried a resolution which concluded with an undertaking to 'place ourselves unreservedly in the hands of the Boot Trade Federation'.[12] Such an undertaking is not surprising if we recall that most of these women were under twenty-one years of age and deferred to the greater experience of the male union officials as they did to their own fathers. It is beside the point that this trust was sometimes misplaced.

It would be misleading, however, to suggest that women had no separate appreciation of their rights in the workplace or, indeed, of the benefits of collective action. As noted earlier, they did on occasion strike against specific attacks on their working conditions and in such cases the strikes were supported by unionist and non-unionist alike. The response of women to calls by the Union to resist collective attacks by employers on workers' conditions also indicates a sensitivity to class issues as well as a willingness to trust male unionists. And even this expressed willingness to be guided by men had its limitations in practice, female strikers sometimes defying the Secretary's advice regarding particular disputes. Women thus tried to negotiate some control in an industrial relations structure which otherwise neglected them. Patterns of authority were no more immutable in the factory than they were in the home. Women were not simply passive victims of either patriarchy or capitalism.

To return to my original concern, I wonder how much of this other level of analysis would have emerged in a neo-institutional history of the Boot Trades Union. The usual sources for institutional histories did yield up many of the answers. Union minutes, rule books, trade journals, arbitration records, and so on, provided many of the clues. To pick up on these clues it is really only a matter of asking the right questions. But to fully appreciate the

dynamics of the workplace it was necessary to go much further than these sources allow. A more complete understanding of the union required attention to patterns of work, family and association which can only be obtained by employing the methods of the 'new social history'- cross-referencing wages books, membership lists, ratebooks and using these in conjunction with oral history. There is no theoretical reason why a union historian could not do this kind of research, but in practice I doubt that even the most diligent of neo-institutional historians would be prepared to do it along with all the other research involved in writing union histories. It seems far more profitable for labour historians to engage in both kinds of exercises, with cross-fertilization of ideas and information where this is appropriate.
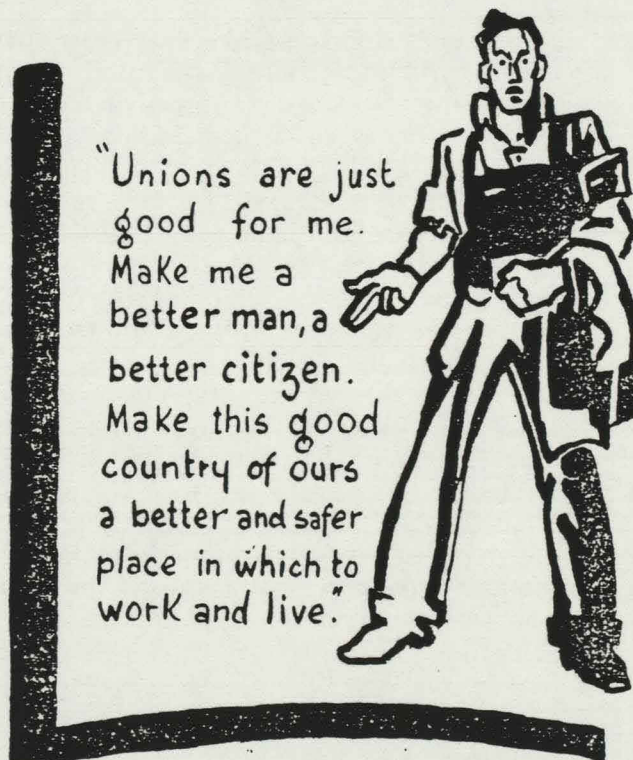
Having sounded this note of caution, I want to say that in some ways I welcome this call for more attention to the histories of institutions and see it as a positive step for promoting gender analysis. At the most obvious level, it might mean that we will get some good histories of women's unions. A sudden fashionability of union histories might also encourage a more sophisticated approach to such projects. I would like to spend the remainder of my time making some practical suggestions as to how a neo-institutional history could be made more sensitive to gender issues.

Firstly, incorporating a gender perspective involves asking certain questions. Most obviously, given the traditional focus on men's activities, 'What about the women?' I know I said this one was obvious, but it's also very easy to forget, to slip into generalisations about 'the workers' or 'the union members' without being sufficiently conscious of the fact that one might really by talking about men only.

A related question goes something like this: 'How does the sex/gender of the subjects affect this particular historical situation?' Or, to put it another way, if the actors were of the opposite sex, how different would the scenario be? Here we are not just concerned with including women in our vision, although this is usually part of it. Let me give an example. In the 1880s Melbourne's male boot finishers decided, for various reasons, that they would try to put a stop to the practice of doing this work in their own homes. After a well-organised campaign, and despite opposition from employers, they succeeded. A gendered dimension to this situation would also note that such a campaign could only succeed because the separation of home and factory suited the domestic division of labour in bootworkers' households. That is, male boot finishers did not usually have domestic responsibilities (such as the care of children, the sick, the elderly) which tied them to the home. And in all probability, their womenfolk were pleased to see the back end of the mess and smell associated with the finishing processes. Contrast this with the situation of women clothing outworkers. They, too, recognised the vulnerability to exploitation implicit in doing outwork, but did not seek to eliminate it entirely because of the impracticality of such a proposal and the hardship this would entail for those women who could not leave their domestic responsibilities in order to work in a factory.[13]

Another example is that of the compositors who steadfastly opposed the introduction of women to the print room. At one level their opposition was simply the usual hostility found in labour organisations to the threat of cheap labour, be it boys, the 'unskilled', coloureds or females. But if we look beyond this obvious level we see that it was more than this: it was a fear that the entry of female labour into male occupations generally would upset the existing gender order whereby the man is the breadwinner and the woman his dependent housekeeper/nurturer. It was also a threat to his masculinity, to his sense of manliness which derived in part from being able to provide for his family, but also from his pride in doing a job which could be portrayed as 'manly' - requiring physical strength and the toughness to work in dirty surroundings and to socialise in the male camaraderie of the public bar. To ignore this deeper level of opposition to women compositors is to fail to appreciate the depth of hostility to women evident in the printing industry. It also leaves the historian unable to explain why compositors opposed the admission of women to the industry even when they were paid male rates.[14]

We can apply the same kind of analysis to femininity. In the early twentieth century, for instance, female unionists reported trouble recruiting their workmates in the dressmaking industry to join their organisation. One reason they gave was that unions were considered 'unladylike'. To be a unionist did not fit with their ideas of acceptable femininity.[15] And we can easily understand why they thought this, since the union movement was overwhelmingly dominated by men, and conceived of itself as a men's movement. This little piece of propaganda which appeared in the *Clothing Trades Journal* illustrates very well the deficiencies in the movement's appeal to women:

"Unions are just good for me. Make me a better man, a better citizen. Make this good country of ours a better and safer place in which to work and live."

It is perhaps appropriate here to sound another word of caution. Notions of both masculinity and femininity need to be carefully nuanced by class: acceptable feminine behaviour for a working class woman was not necessarily acceptable to one of higher social status. It is thus not surprising that we find this delicacy regarding unions in dressmaking workrooms, which often employed girls from more genteel backgrounds, yet there is no suggestion of similar opposition to unions in boot factories, whose workers were drawn almost exclusively from working class homes. The same sensitivity is required when dealing with workers of different ethnic backgrounds.

One final example of the way in which the sex of the subjects can be illuminating in the context of institutional histories relates to the area of sexuality. Again, my example is from the clothing trades union, where for most of its history all the officials have been men while a large majority of the membership has been female. This illustration from the cover of the clothing trades union journal captures my point nicely. The membership is represented by a young woman who is being led into the organisation by a handsome and charming young male organiser, watched by the genial, fatherly figures of the branch secretaries. The sexual dynamics are quite explicit. There is evidence that this was also conscious on the part of the officials, the General Secretary describing himself as 'a sought of secular father confessor' to the members, and deliberately choosing young men as organisers to attract female workers to the organisation.[16]
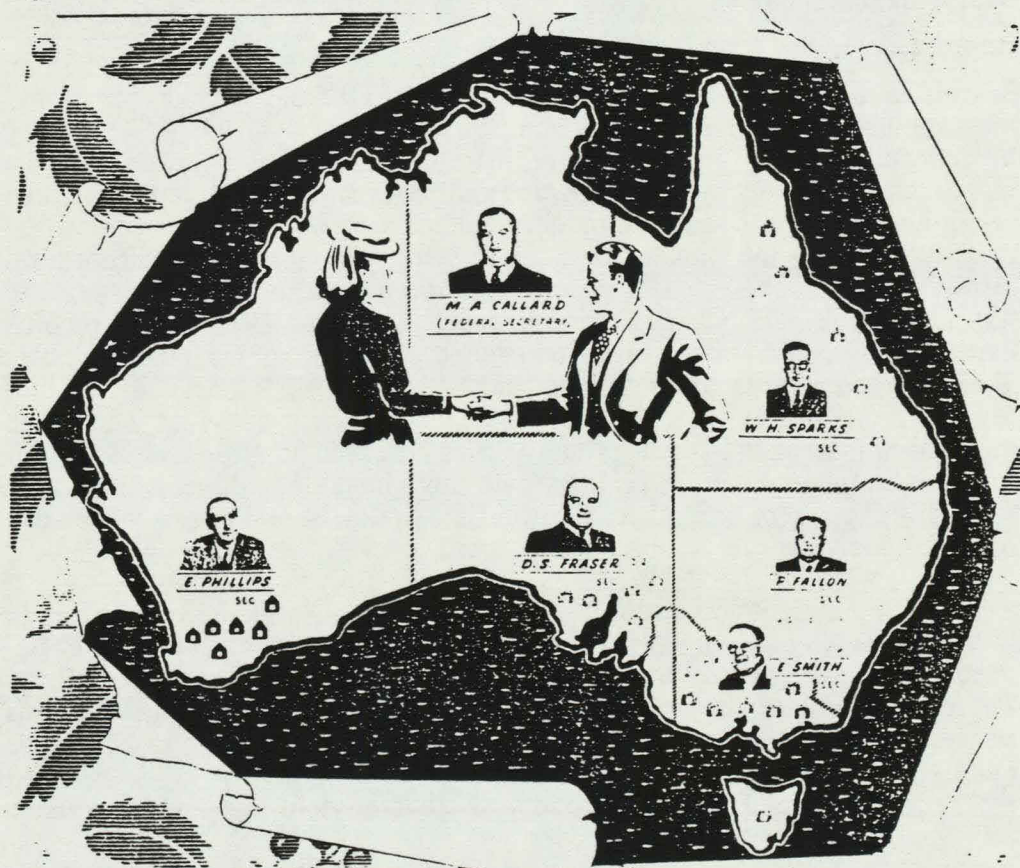
The cover of 'Voice of the Clothing Trades Union', Vol 1, No 7, Autumn 1948

Another useful question to ask is how workers' paid work connects to their unpaid work and their roles in the family. Here we need to look at factors such as age, marital status, dependents, the sexual division of labour both at home and at work. As we have seen, such factors have direct bearing on the willingness and ability of workers to participate in organisations and on their relationship with employers. It is possible, for instance, to identify different patterns of unionisation and militancy amongst single women workers as compared to working mothers.

Other factors, such as ideology, education and social welfare provisions also affected when and where individuals worked, how they viewed their work and their employers, how employers saw their own roles. These, too, had gender-specific applications which the historian needs to tease out.

So much for the questions, but where do we go for the answers? Sometimes these are readily available in the usual sources, if you are looking for them. Union minutes are as indispensable to the neo-institutional historian as to his/her traditional counterpart. As well as the minutes, though, membership lists can be used to trace familial/community work patterns. Union journals can likewise provide information of this sort (in the form of personal pars, or reports on works' outings). Such journals are also invaluable indicators of gendered union culture, as the two illustrations have shown. Other cultural manifestations, such as Labour Day/May Day processions and union banners can also be revealing about real and idealised relationships within the union movement.

However, there is a major problem in relying on surviving union records as a guide to women's union activity. Apart from the situation where the minutes and journals are generated by male officials who may misrepresent female issues and input, there is a more serious problem of the records of defunct women's unions or auxilliaries simply disappearing. Quite often this happened when such unions amalgamated with or were replaced by male-run unions, the minutes probably staying with the last secretary until disposed of as rubbish. There were half a dozen such unions in existence in the Victorian clothing trades alone between 1890 and 1915 whose records have not survived. The historian who relied on the surviving union minutes would not even be aware these other unions existed. Fortunately, the case of retrieving their history is not completely hopeless. Their activities were often reported in the general labour press, such as *Tocsin* and *Labor Call*, and their traces can also be found in dealings with government departments of labour. And for more recent times there is always the option of oral history which can often fill many gaps left in the written record.

The heavy involvement of the state in the Australian workplace is in fact a huge bonus for this country's labour historians. I have already mentioned factory inspector's reports and other records of labour departments. These often contain material relating to workers' and employers' organisations as well as to wages and conditions of employment. In addition, we have a massive volume of material generated by the various wages boards and arbitration courts. Published reports of course yield up much valuable

information about work practices, definitions, skill and divisions of labour as well as industrial relations generally. Transcripts of hearings provide a further goldmine of detail about the attitudes of judges and employers as well as workers of both sexes and union officials. Copies of these can sometimes be found amongst union records. Failing that, detailed reports of hearings and judgements often appeared in union and employer journals.

Royal commissions and other official inquiries into aspects of industry (e.g. the operation of shops and factories legislation; tariffs; strikes; the basic wage; child endowment; national insurance; maternity allowances; education; apprenticeship) are also an invaluable source which institutional historians have not made sufficient use of in the past.

Employers' records, where these are available, should also be consulted. These include the records of individual firms (wage books, correspondence, directors' minutes) as well as those of employers' organisations. Trade and employers' journals often report on industrial relations as well as providing relevant details on work processes, products, labour markets and legislation which have a bearing on institutional histories.

The foregoing are the sources which yield the best pay-dirt for effort expended. Others are also relevant, but the returns are less certain and may require more imaginative and time-consuming processing. Where do we look for workers who are unemployed? Charitable institutions are an obvious place, especially before the days of unemployment benefits. Where do we go for information about individual confrontation between workers and bosses before the advent of unions? The civil courts which sometimes dealt with such disputes are one possibility. And where the actual court records are not available, reports of their proceedings in contemporary newspapers are a reasonable substitute. Thus, we can get some insight into the kinds of relationships existing and tolerated in the colonial boot industry from an 1875 newspaper report of a court case involving an employer and his apprentices. The apprentice had sued the employer for assault. Evidence was given that the two boys had been trussed up to a triangle and flogged by the employer for being absent from the factory and negligent while at business. The employer did not dispute this evidence but submitted that such treatment was necessary in order for him to maintain discipline over his workforce of 200 boys and 100 girls. The magistrate agreed and the case was dismissed.[17]

Another court case, later in the nineteenth century, offers a slightly different perspective on industrial relations and their interaction with family in the boot trade. When a girl was sacked without explanation a notice in 1899, her mother tackled the proprietor directly. The incident resulted in Alice Niebent (the mother) bringing an assault charge against the manufacturer after he struck her with a heel planer and 'kicked her into the street'. In his defence he argued that the woman was excited 'and commenced bullying him, and refused to leave the shop'. Despite this provocation, the proprietor was convicted.[18] A gendered analysis of industrial relations could use these cases, and others like them, to establish how far the sex of workers, employers and their parents influenced workplace relationships. And the courts' tolerance of

a high level of violence on the part of employers toward their apprentices throws light on the reported reluctance of many colonial youths to enter apprenticeships.

The kind of training meted out at schools, business and technical colleges is also relevant to an understanding of industrial relations. The different content of courses taught to children of different socio-economic classes, ethnic backgrounds and sexes is obviously relevant to their workforce participation as adults. More subtle messages concerning the culture of different kinds of work must also have affected workers' behaviour to their bosses. I am thinking here particularly of the emphasis in secretarial courses on 'ladylike' behaviour, but similar analysis could no doubt be made of boys' trade training courses and 'masculine' attitudes to their work and their employers. From the employers' side, the historian could also usefully look at education as a factor in shaping their responses to industrial relations issues. How does a 'manly' employer treat his workmen? Does he see female employees generally as in the same category as domestic servants, that is, as available to provide sexual services for the boss? What difference does it make when the employer is a woman?

It will be obvious that asking different questions and using a wider range of sources will produce institutional histories which are genuinely new. And to return to my earlier theme, I reiterate that this can only be a positive step for labour history. But I would not want to see enthusiasm for this kind of project exclude other kinds of labour history. By all means let us have a new kind of institutional history which is sensitive to issues of race, gender, community, and so on, but let us not rely on it as either a complete labour history or a full picture of the history of industrial relations.

Endnotes

* I wish to thank John Leckie and Bruce Scates for sharing ideas with me, and in Bruce's case, providing the childcare which gave me the opportunity to prepare and deliver this paper.

1. For a review of this trend, see M. Lake, 'Women, Gender and History', *Australian Feminist Studies*, nos. 7 & 8 1988, pp. 1-9.

2. C. Cockburn, *Brothers: Male Dominance and Technological Change*, Pluto Press, London, 1983; P. Willis, 'Shop-floor culture, masculinity and the wage form', in J. Clarke, C. Critchen and R. Johnson (eds.), *Working-class Culture: Studies in History and Theory*, New York, 1979, pp. 185-198.

3. *The Journal of Industrial Relations* has published a trickle of articles on those areas during the last five years.

4. For a survey of the impact of the new social history on Australian labour history in general, see J. Merritt, 'Labour History', in G. Osborne and W.F. Mandle (eds), *New History: Studying Australia Today*, George Allen & Unwin, Sydney, 1982, pp. 113-141. See also J. Merritt and J. Knott, 'Editorial', *Labour History*, no. 50 1986, pp. vii-ix. The major feminist journals which publish articles on Australian labour history are *Hecate*, *Refractory Girl*, *Australian Feminist Studies*, and *Lilith*. The published papers from the Women and Labour Conferences in 1978, 1980 and 1982 are also a valuable source. Other major publications include E. Ryan and A. Conlon, *Gentle Invaders: Australian Women at Work 1788-1974*, Nelson, West Melbourne, 1975; K. Daniels and M. Murnane (eds), *Uphill All the Way: a Documentary History of Women in Australia*, University of Queensland Press, St. Lucia, 1980; B. Kingston, *My Wife, My Daughter and Poor Mary Ann: Women and Work in Australia*, Nelson, West Melbourne, 1975; A. Game and R. Pringle, *Gender at Work*, Allen & Unwin, Sydney, 1983; A. Curthoys, P. Spearritt and S. Eade (eds.), *Women and Work*, Australian Society for the Study of Labour History, Canberra, 1975; E. Ryan, *Two-Thirds of a Man: Women and Arbitration in New South Wales, 1902-1908*, Hale & Iremonger, Sydney, 1984; A. McGrath, *'Born in the Cattle'*, Allen & Unwin, Sydney, 1987. Two historical documentary films, *'For Love or Money'* and *'A Lousy Little Sixpence'* also deal with women's work experience.

5. The above account is based on work-in-progress by John Leckie, History Department, University of Auckland.

6.   R. Markey, 'Labour History and Industrial Relations in Australia', in K. Hince and A. Williams (eds.), *Contemporary Industrial Relations in Australia and New Zealand: Literature Surveys, Proceedings of the Biennial Conference of the Association of Industrial Relations Academics of Australia and New Zealand*, The Association of Industrial Relations Academics of Australia and New Zealand and Industrial Relations Centre, Victoria University, Wellington, 1987, vol. 1, pp. 169-198.

7.   'From labour history to the history of industrial relations', *Economic History Review*, 2nd series, vol. xl no. 2 1987, p. 178.

8.   E.G. R. Price, '"What's in a Name?", Workplace History and "Rank and Filism"', *International Review of Social History*, vol. 34 no. 1 1989, pp. 62-77; J. E. Cronin, 'The "Rank and File" and the Social History of the Working Class', *International Review of Social History*, vol. 34 no. 1 1989, pp. 78-88.

9.   J. Zeitlin, '"Rank and Filism" and Labour History: A Rejoinder to Price and Cronin', *International Review of Social History*, vol. 34 no. 1 1989, p. 102.

10.   R. Frances, 'The Politics of Work: Case Studies of Three Victorian Industries, 1880-1939', Phd. thesis, Monash University, 1989.

11.   *Ibid.*, especially chs. 2:2, 5:2 and 8:2.

12.   *Ibid.*, p. 601.

13.   *Ibid.*, chs. 1:2 and 2:2.

14.   *Ibid.*, ch. 3:2.

15.   *Ibid.*, ch. 4:2.

16.   *Ibid.*, pp. 505-6.

17.   *Daily Telegraph*, 1/6/1875.

18.   *Australian Leather Journal*, 15/4/1899, p. 410.

Chapter 4

Of Mind-sets and Market Forces: The Contribution of Historical Research to Industrial Relations

Tom Sheridan

As I am sure will have been demonstrated in earlier chapters, there has been a recent, explicit shift in emphasis among labour historians. In Britain, the USA and perhaps also now in Australia, the focus is swinging away from 'rank and filist' history - or history 'from the bottom up' - back towards a study of more 'institutional' factors. Papers by Zeitlin and Brody best summarise the change.[1] The former is the more assertive. He argues for a new conception of labour history as the 'history of industrial relations' - meaning by this the changing relationships between workers, trade unions, employers and the state. After critically analysing the philosophic underpinnings of successive schools of British labour history he draws on recent research to substantiate his argument. He concludes

> Both theoretical reflection and empirical research thus combine
> to suggest that institutional forces, rather than informal groups
> or spontaneous social and economic processes, have played the
> crucial role in shaping relationships between workers and
> employers in Britain even at the level of the workplace.[2]

From a different perspective Brody sees the foci of research in industrial relations and labour history coming together in the 1980s. The reasons for this convergence after a long period of disassociation are related to the marked changes in the American industrial relations environment in the last decade or so. The era of 'mature collective bargaining' is over, proving 'that industrial relations could not be treated like a static system, describable by invariant laws of labor economics'. Similarly, the contemporary socio-economic shocks of the 1980s and the resultant 'Crisis of American Labor' have pushed labour historians towards 'a revived interest in the study of institutions, politics, and power'. He chooses David Montgomery, that doyen of American labour historians, to exemplify the trend. Brody points out that, despite the hopes of Montgomery and his fellow radicals, 'it was not militant workers, but militant managers who became the agents of change. They have in the past decade driven union strength in the private sector down roughly to where it was in the mid-1930s, and re-opened rock-bottom questions about the future of the

American labor movement'.[3] Thus Montgomery's recent work, *The Fall of the House of Labor* (1987) has a different emphasis than his 1979 study, *Workers' Control in America*.[4] Whereas the earlier book

> focused insistently on shop-floor struggle - 'always emphasizing the initiatives of the workers themselves, rather than the ways in which they were manipulated by those in authority over them' - the [latest] book gives that struggle a rather different thrust. 'Class consciousness was more than the unmediated product of daily experience', Montgomery now says. 'It was also a project' - by which he means the sustained efforts of 'the 'militant minority' ... to weld their workmates and neighbors into a self-aware and purposeful working class'. The decisive role they played, Montgomery suggests, has been obscured not only by 'the common fixation on great leaders', but equally by 'history from the bottom up'. And to understand the fate of their 'project' - the workers' movement they were trying to build - requires attention to 'the changing structures of economic and political power fashioned by the evolution of nineteenth-century competitive industrial capitalism into twentieth-century imperialism'.[5]

In Australia too, the swing is on. In part this monograph exemplifies the point. The roots of change rest not merely in a traditional Australian follow-the-leader reaction to Northern Hemisphere trends. They are obviously connected to domestic events - to changes in our own socio-economic environment. To cite the most obvious example, the decade-long contemporary debate about the role of our centralised arbitration system surely influenced the decision of labour historians, industrial relations theorists and legal academics to essay their recent synthesis of the reasons why Australia began in the first place to erect the arbitration network at the turn of the century.[6]

Yet labour historians were not the first cab off the rank. There was another group, small in number, which moved considerably faster in response to contemporary questioning of the effects and usefulness of the nation's traditional institutional framework. I refer to the economic historians, eager as usual to use historical data as a testing ground for economic hypotheses arising from contemporary policy debate. During the 1970s inflation the newly popular 'wage overhang' hypothesis was applied to the effects of basic wage indexation and standardisation in the 1920s, with Richards arguing that the effect was to handicap manufacturers by setting their wage costs at artificially high levels.[7] This point has been subsequently developed by Forster and Pope who claim in a more sophisticated way that the effect of centralised arbitration was indeed over-generous wage rates, producing resultant higher unemployment among the unskilled in the 1920s.[8]

The second major interest for the economic historians has been the 1930s and the nature and process of recovery from the Depression. In part derived again from Northern Hemisphere initiatives - in turn resting on contemporary economic policy debates - the economic historians concluded,

inter alia, that real wages rose in Australia throughout the 1930s.[9] The publication of all their Depression findings in one volume is doubly to be welcomed for, until recently, few labour historians have seemed aware of the direction and nature of the economic historians' research. Thus, although Forster has been examining the effects of arbitration for at least a decade, his paper at the 1988 Foundations of Arbitration Conference (from which Macintyre and Mitchell's book was derived) was received with some surprise as well as with reflexive opposition from labour historians present.[10]

There is of course a much clearer and closer relationship between economic theory and economic history than is the case between industrial relations and labour history. The great majority of economic historians accept the neo-classical paradigm and, particularly since the emergence of the 'New Economic History' in the 1960s, they have sought to stress and to publicise among economists the usefulness of their historical research in informing contemporary theoretical and policy debates.[11] This trend was occurring at the very time, according to Brody, that labour economics was losing all touch with labour history.[12] Economists, in turn encouraged by the unexpected and often perplexing international economic trends of the last two decades, have become somewhat more historically-minded as a profession. By the 1980s subjects listed as 'Economists' History' and 'History for Economists' were appearing alongside more traditional economic history courses in some University calendars in Australia. And, of course, most economic historians' research results were offered in, what are to economists, attractive quantitative fashion. While relatively few other historians have chosen to challenge the number-crunching cliometricians it has been no surprise that the thrust of much recent economic history has been to question from a neo-classical perspective the utility of state regulation of market forces. In this context the local findings in the arbitration sector seemed hardly surprising or controversial and have converged readily with other inputs to the wider 1980s policy debate on deregulation.

It is doubtful that any other historical research flows quite so smoothly or rapidly into contemporary policy debate as does that of the economic historians.[13] However, as we move on from them to historians perhaps more traditionally associated with aspects of Australian industrial relations we need to remember that the latter, too, are somewhat predisposed towards certain outcomes of historical research. There are surely few labour historians, whether institutionalists or bottom-uppers, who are unsympathetic to the workers' cause. Few 'rank and filist' historians seem to have unearthed evidence that workers at the 'coalface' of industrial relations have proved ignoble or that employers have proved benign. Few union historians have proved critical of their subject's organisation or policy. Conversely, of course, the historians of employer associations portray them as merely reactive to union-inspired events rather than in any way proactive in the arbitration era. For their part company historians, if concerned with industrial relations at all, have generally absolved management of any blame or bloody-mindedness in industrial conflict.

In the historiography of Australian industrial relations, however, I feel that the most interesting and important case of an author's predisposition is that of the legal historian, Orwell de R. Foenander. We all owe a great debt to him. Until the 1960s he was the major - if not the sole - authority on the history of arbitration in this country. I am confident that any commentator on the first half-century of federal arbitration will still turn to his books for a concise summary of the major legislative changes and of significant High Court decisions. Yet, for over twenty years, non-historians relied on him for more than that. They accepted his version of how the federal Arbitration Court-cum-Commission had reached its major decisions. And Foenander's interpretation rested foursquare on what has been termed the judicial theory of arbitration. Market forces, political pressure, bargaining power, or the regulators' ideology and self-interest were not emphasised as important variables. Rather, the arbitration judges' own window-dressing of their decisions in terms of precedent and objective justice were accepted at face value by Foenander and reproduced in his books as the major determinant of the tribunal's decision-making. Realpolitik, judicial inconsistencies and enforced retreats by the bench were never highlighted - although perceived threats to the legal profession's dominance in the old system could arouse the author's ire.[14] Industrial relations practitioners doubtless knew better but, up to the mid-1960s, Foenander's version of the past was accepted by a number of casual observers including some economists and seems to have influenced their interpretation of current events.[15] (I will return to the 1950s and the false contemporary perception of the role of the Court/Commission later on. In that instance, both the predisposition of the essentially 'moderate' leaders of the Australian Council of Trade Unions (ACTU) to restrain militant affiliates from directly testing their bargaining power in the market and the natural desire by contemporary employer groups to wrap arbitration decisions in an aura of 'legality' seem to have combined to lend considerable weight to the Foenander factor).

More generally, most non-legal historians have been traditionally selective in another way. They have tended to choose for study the more dramatic, the more conflictual areas of industrial relations. In my own case, for example, I have largely concentrated on militant blue collar workers, on aggressive employers, on large industrial disputes, and on turbulent time-periods. Yet how typical of Australian industrial relations history are studies of proud metal tradesmen, of militant coalminers, of the autocratic steel monopoly, of the post-war strike wave? In any case what is the relevance of such research to contemporary industrial relations? In 1990 the great majority of the workforce is to be found in the tertiary sector, the major growth is in the female and part-time sectors and union coverage is shrinking. The histories of a number of white collar unions have been written but, if contemporary relevance were the aim, should not more labour historians follow the recent isolated example of Michael Hess and study some of the many, many small pockets of unorganised white collar workers lacking both industrial clout and any tradition of unionism, let alone militancy?[16]

In addition to the question of relevance, but perhaps associated with it, there must be doubts about the actual and potential impact of even the most objective historical research on contemporary industrial relations. In part,

distortions in the transmission of historical research to contemporary industrial relations occur at the receiving end - particularly among public policy makers and the higher, institutional echelons of practitioners. Here, as Hobsbawm says, 'there is an enormous amount of pseudo-history at the superficial level of political or electoral folklore. People are simply looking for precedents'.[17] While regrettable, it seems inevitable that non-historians will reach to history for what seem to them to be examples apposite to contemporary problems. For it to be otherwise predicates a utopian society.

I will refer later to some of the findings of my own research. I may flatter myself that, along the way, I have unearthed one or two things of which historians had previously been unaware. With one possible exception, however, it is difficult to think of anything which would be of novelty or use to contemporary industrial relations. My detailed, 'micro' findings about, say, the sources of conflict, would generally seem commonsensical to practitioners [18] and predictable to industrial relations academics. My 'macro' conclusions about longer run political and institutional dynamics, while seeming of little relevance to pragmatic practitioners, are quite capable of incorporation into the existing terms of reference of both pluralist and radical theorists. Indeed, rather than my research directly contributing to contemporary industrial relations theory or practice, I feel the balance of payments flows the other way. When I'm with industrial relations people, scholars or practitioners, I consciously feel that I am learning a lot more from them than they could from me. Complexity, compromise and not a little confusion lie at the heart of most industrial relations issues that I have studied. Practitioners know this instinctively and industrial relations academics who conduct empirical research surely learn this much earlier than do most historians. Of course this is directly related to the employment of different time horizons. Historians tend to concentrate on the longer run and occasionally need reminding that this is not usually the perspective of most industrial relations actors and agents. Notably, historians have overestimated - often implicitly - the prescience of employers, who seldom have the powers of foresight and planning which have been attributed to them.

Conversely, industrial relations practitioners are less aware of contemporary long run currents. These will doubtless be delineated by future historians. Industrial relations academics do endeavour to trace the big picture but are mainly anxious to follow perceived current trends into the near future rather than ascertaining their origins in the past. Prediction, of course, is much the more hazardous endeavour. To say that an understanding of history is useful in crystal ball-gazing is something of a motherhood statement. Yet it can be argued against this that in some instances history can exert too strong a grip. Forecasters can be prisoners of their historical knowledge.

I would offer but two instances of this, both coming fairly close to home. In the early 1980s a close understanding of the sectional and 'economistic' history of Australian trade unions and of their relations with preceding federal Australian Labor Party (ALP) governments pointed clearly to quite a short life for the wage Accord(s). Similarly, a detailed knowledge of the twentieth century history of the tradition and tactics of militant metal industry tradesmen with their jealous concern to control work processes

hardly aided prediction of the U-turn performed by the Amalgamated Metal Workers' Union (AMWU) which made possible the restructuring of the metal industries - a process in which the AMWU's radical leadership has seemed often to set a hotter pace than even the employers' dynamic Metal Trades Industry Association.

When first sitting down to write this paper I intended to list the leading areas of my research and indicate the nature of my findings in precis form. Then, in accordance with what I understood to be Greg Patmore's instructions, I hoped to relate this to contemporary industrial relations issues. As indicated earlier, however, while one or two items in my list may at various time have had some small novelty to historians there seemed little to surprise or to alert practitioners or students of contemporary industrial relations. The one possible exception concerns the observed power of a number of industrial relations myths. This is not to say that the particular myths that I might claim to have helped pierce are necessarily of current interest. Rather it is to observe that, throughout this century, central parties to Australian industrial relations have unthinkingly accepted certain, varying, myths as fact, have shaped their tactics accordingly and have subsequently propagated the myth in the wider community. I see little reason to believe that the propensity to mythologise has diminished in recent years.

The historic acceptance by so many employer interests of a 'unitary' frame of reference hardly comes as a surprise to any industrial relations academic. This paternalist belief that industrial harmony is the natural state of affairs leads to a rationalisation of observed, endemic industrial conflict in terms either of a failure of management to communicate properly with the workforce or as a result of troublemakers stirring up otherwise contented employees. In Australian history by far the most popular and tenacious version has been the second interpretation of events, the 'agitator thesis'. Much of my own research has been explicitly concerned with the roots of industrial conflict and the causes of workforce militancy. Needless to say such research demonstrates the poverty of the agitator thesis, which for about half of this century concentrated on the Communist Party of Australia (CPA) as the malignant source of most industrial disputation. Actual studies of the most militant work groups, often led by communists, invariably invert the causative mechanism of the agitator thesis. Rather than agitators stirring up a quiescent rank and file, the reality was that already militant workers usually chose communist leaders because they offered the most suitably aggressive brand of policy and action.

Again, this will surprise no scholar of industrial relations. What is of interest perhaps, is just how powerfully the myth of communist 'control' of unions and work groups gripped past industrial relations actors. I think the best possible example of how blinkered from reality were employer groups is offered between 1941 and 1945. After the invasion of the USSR in mid-1941 the CPA attitude to the war spun round 180 degrees from hostility to the 'capitalists' war' to all-out support for the 'people's war against fascism'. Henceforth everything had to be done to avoid disruption to the war effort. This attitude landed them in all sorts of trouble with non-communist militants who jeered and derided the CPA for dancing to Moscow's tune. Rank and file

members in supposedly 'communist-controlled' unions such as the Miners' Federation, the Seamen's Union and the major precursor of the AMWU largely ignored communist urgings and continued along their normal militant path. In the Balmain Branch of the Federated Ironworkers' Association (FIA) the communists' win-the-war priority helped spark a rank and file revolt which became a running sore in that bastion CPA union and, in the postwar period, helped totally oust the FIA's communist federal and state leadership. Yet throughout the period when CPA leaders publicly sought to cool down militancy and communist union officials worked incessantly to conciliate disputes and prevent work losses, employers and their spokesmen never ceased to denounce communists and to blame them for virtually all instances of disputation. This was not a case of employers taking a calculated long run stance and, in the interest of future public relations, refusing to give their fundamental enemy any momentary credibility or respectability. The employers, even the dynamic and pace-setting Metal Trades Employers' Association and the mighty Broken Hill Proprietary Co., clearly *believed* that workers must be manipulated by agitators - otherwise they would not take direct action.

This blinkered interpretation of events came to seem outwardly more rational in the turbulent years immediately after the war when the communists, released from their Russian win-the-war hobbles, strove for a place in the van of a spontaneous, workforce surge for better conditions. The privately-owned mass media, as might be expected, fully - indeed hysterically - supported the employers' belief in a red conspiracy but its message was clearly rejected by popular opinion in the immediate post-war surge. The employer-media message seemed rather more plausible, however, as the Cold War heightened and as the CPA fell prey both to its own delusions of grandeur and to a slavish belief that Moscow's one-dimensional interpretation of northern hemisphere political economy could be automatically fitted to the contemporary Australian scene and used to shape CPA industrial tactics. As the immediate post-war surge died away and the political and legal environment altered along with the community's economic understanding and expectations, the vanguard groups of militant workers did not change their spots. But now they were more isolated from the mass of the workforce and the roots of their militancy became more open to misinterpretation among casual observers subject to the constant media bombardment.

The long Cold War helped focus public attention on the masterful red agitators for several decades more. The CPA remained the prime target at least into the 1970s. However, its fragmentation, decline and eventual disappearance did not put an end to the agitator thesis either among employer groups or the media. Rather there occurred a gradual switch in emphasis from red puppet-masters to ruthless and greedy union 'bosses' in general. The growth in numbers of industrial relations personnel, at least in larger firms, and the improvement of industrial relations services within employer associations have leavened the agitator thesis among actual practitioners. But despite the emergence of New Right denunciations of an industrial relations 'Club', it has hardly been in the interests of practitioners on the employers' side to criticise publicly the media's version of reality. In any case, while often posing it in somewhat more subtle fashion - in terms, for example, of

enterprise bargaining allowing workers to break free of the union bosses' yoke - leading and, in most other ways, sophisticated employer groups still publicly subscribe to modern versions of the old agitator thesis.

Aided by an initial neglect of, if not actual contempt for, public relations imagery on the part of union leaders, the 'wallpaper' effect of media presentation of industrial disputation seems to have had widely accepted effects on public perceptions.[19] The agitator thesis is undoubtedly more widely held among the general public than it was in the 1940s when the wider spread of dissatisfaction among the workforce and the mendacious overkill of the media greatly detracted from its credibility. While neutrals may deplore both the bias of the print media and the more general media emphasis on only the most dramatic (preferably violent) aspects of industrial relations there has been one partially off-setting change. The modern media, particularly radio and television, is much more voracious in its appetite for news. In contrast to the Chifley and Menzies eras it is now much easier for unions at least to gain an opportunity to state their position to the general public. Recent years have seen a growing, though still small, proportion of union officials paying some heed to their public relations image and tailoring their media style accordingly. In future this may go some way towards tempering public acceptance of the union boss myth.

It is of importance to note that myths concerning the origins of conflict are not only held or promoted by one side. For their part unionists, particularly those on the left have, throughout this century, tended to bestow on employer groups (and on conservative governments) much greater powers of foresight and capacity for strategic planning and execution than has usually been warranted. Of course both individual firms and employer groupings have often been clearly the aggressors in industrial conflicts but, in virtually all the disputes which I have studied - and even when they were reflexively reacting to workforce or union initiatives - employers were seen by the unions involved as operating in equally cold and calculated fashion. This was the 'Communist plot' syndrome in reverse. Despite disunity, miscalculation, pig-headedness and sheer foolishness in employer and conservative political ranks, union leaders all too often detected only monolithic, ruthless and efficient determination. After mid-century, such images were often conjured up on the left by invocation of the terms 'monopoly capital' and 'multi-national'. At present the 'New Right' seems set to fill the traditional requirements of all-pervasive and threatening bogeymen, endowed with computer-like efficiency and unshakeable unity of purpose. If so, it is just as likely that the unions will again employ mistaken tactics and box with shadows as a consequence of over-estimating the motives and the power of their opponents.

My next few myths concern several arms of the state. However, I have no intention of pronouncing on the complex topic of theories of the state. Rather than entering that particular minefield I will simply touch on several separate aspects of the state in connection with which industrial relations actors seem to have held mistaken assumptions. The first concerns ALP governments. Here I only wish I could have published my recent book on the Chifley period some six years earlier. What started me off on the whole

project was that in the 1970s while studying the metal industries I came across several clues to the fact that the popular version of Ben Chifley as a Lincolnesque, avuncular figure, supporting as best he could the policy of his unionist mates was somewhat misplaced. When I was able to undertake detailed research I found that Chifley - and the ALP governments which ruled in a majority of states - actually devoted most of their efforts to blocking the postwar union surge for higher pay, shorter hours and the rest. Given the mythology of kind-hearted Ben, the ex-engine driver and workers' friend, I was rather surprised at this. I think more readers of the eventual book would have been, too - but since 1983 we have had another ALP government which has also placed priority on restraining real wages so, obviously, the impact is now greatly lessened. However, despite the reality of the Chifley and Hawke governments' labour market policies I think few people can deny that there is a deep-seated belief in the community and, what is more to the point, among some employer leaders, that ALP governments tend always to dance to the union tune. Of course in the 1980s there appears to be a greater element of corporatism in the decision-making process, with the ACTU playing a particularly prominent role. The union peak council enjoyed but a fraction of its present prestige in the 1940s and was seldom consulted on central labour market issues. Nevertheless it is interesting to note both the close similiarities in attitude and policy of its leaders in the two periods and also the way in which the seeds were being sown in the 1940s which have since grown into today's mighty beanstalk, reaching into the highest councils of state. More to the point concerning ALP policy, Percy Clarey and Albert Monk backed Chifley's labour policies as closely as they dared given the militant mood of the workforce and of most ACTU affiliates.

Of further interest in the 1940s concerning the mythical power of the unions over ALP governments was the generally trusting nature and economic illiteracy of even those unions led by Marxists who prided themselves on their ability to analyse the wider economic picture. Certainly Chifley was able to obstruct the unions' drive and to increase state regulation of their affairs in a manner impossible for a non-Labor government. To take an extreme but very important example: in the climactic 1949 coal strike Chifley launched against the miners an onslaught more typically associated with totalitarian regimes than a social democratic party. Government action included retrospective legislation, freezing union funds, jailing union leaders and using troops to cut coal. Menzies could never have hoped to get away with half of it. And it is important to understand that the miners were striking quite legally on genuine industrial issues about which they had shown a greater readiness to compromise than either the coalowners, the industry's administrative authority or the federal and New South Wales governments. Anti-strike propaganda of the day obscured this very successfully and posterity has been left with the nation's most prominent example of our old friend, the agitator thesis. The recent television series, *True Believers*, has further embedded it in our national psyche and I fear it will take much more than my account of reality - detailed though it is - to alter this particular myth.

Another important element of the 1949 drama was the role of the arbitrator, i.e., the Coal Industry Tribunal, F.H. Gallagher. It is clear that his, along with Chifley's, was an important role in the unfolding of the dispute. In

this respect he was at one with every other member of this arm of the state in the 1940s. All conciliators and arbitrators clearly made every effort to restrain the free flow of labour market forces. In every way possible, and with the full support of the federal and state governments, the tribunal personnel sought to delay, divert and diminish the union drive to obtain concessions from public and private employers. The regulators were unambiguously committed to the government's labour market policy. The effect was considerable. The tribunals acted as a sea anchor dragging on the unions' ability to improve award conditions in accord with market forces. Inevitably, of course, collective bargaining increased outside the jurisdiction of the arbitration system. Yet, given Australia's tradition and institutional setting, the gradual emergence of 'wages drift' surely represented a slower rise in actual paid rates - particularly for less skilled workers generally unschooled in over-award bargaining - than would otherwise have been the case.

The relevant point here, however, is not so much the implications of the regulators' position but rather the myths surrounding it. Others have demonstrated that the 'judicial' theory of arbitration has never applied in Australia.[20] What I am referring to is the ability of arbitrators to convince themselves that it did. Here my earlier reference to Foenander's version of reality is germane. Obviously he was not operating in a vacuum and undoubtedly he was influenced by, and reflected, the mind-set and shibboleths of the contemporary profession. It also seems apparent that, in addition to implicit absorption of the ideology of the upper social groupings in which they moved and amid which their profession was set, the arbitration judges were influenced by their pre-war experience when sizeable unemployment had been the norm. None had ever experienced market forces flowing so strongly in labour's direction and they were simply not used to a uniformly aggressive workforce. Despite the concrete existence of a brave new world of full employment most arbitrators (now joined by federal lay Conciliation Commissioners who simply sought to mould themselves after their legal superiors, the judges) refused to acknowledge the uncomfortable reality of its effect on their position. They preferred to believe that they were granting concessions not in (lagged) response to market forces but rather on the legalistic basis of judicial consideration of closely reasoned argument. Occasionally, naked reality forcibly intruded. In a number of important instances, including the resolution of the 1945 steel strike and the 1946-7 metal trades lockout-cum-strike, the relevant benches, in compiling their judgements, were quite consciously window-dressing in order to save face from incurious outsiders. Behind the facade they were angrily rubber-stamping secret agreements already reached by the disputants. Nevertheless, gravely mendacious reasons for their awards were offered in the relevant *Reports*. Yet no single philosopher's stone underlay the alchemy of legal myth-making. In other instances, including the turbulent coalmining and waterfront industries, new chum arbitrators such as Gallagher and R.C. Kirby actually seemed to believe that in awarding concessions they were bestowing some kind of gift on their aggressive workforces unconnected with market forces. When the miners and the wharfies continued to apply their bargaining power to achieve more concessions, Gallagher and Kirby opted to join many fellow arbitrators - in both federal and state jurisdictions - in subscribing to the increasingly popular (communist) agitator thesis.

More remarkable still was the opinion of Judge A.W. Foster, who wrote the final judgement in what the unions had come to term mordantly 'the 40 Years Case' and which granted a national 40 hour week from 1 January 1948. This came after two and a half years of non-stop agitation by the workforce to have the federal and state governments obey the ALP pledge to introduce the shorter week within six months of the end of the war. Only clever footwork by Chifley in diverting the unions into arbitration together with the ponderous pace of subsequent proceedings had prevented the shorter week being nationally inaugurated much earlier. Yet Foster, who once referred to himself and his fellow judges as 'economic dictators of Australia', actually believed that it was the Bench alone which was the agent for its introduction - and, by absurd implication, that the Bench could have still further delayed the number one item on the unions' post war log of claims.

This strange legal mind-set and associated pretensions were a continuing factor through the Menzies period. Sir William Kelly, Chief Judge from 1949 to 1956, will spring readily to most historians' minds in this context but the official biography of Judge Kirby, President from 1956 to 1973, is very much an account of arbitration 'from the top'. By this account - and that of the major biography of the ACTU advocate of the 1960s - national wages and hours cases rested more on personal relations between judges and on persuasive advocacy in court than on the state of the labour market.[21] The myth of the primacy of judicial decision-making was of course greatly strengthened by the contemporary thicket of legal restrictions placed on the unions' resort to direct action and by events internal to the labour movement, including the great ALP split which greatly diverted and weakened union energies. Nevertheless outside observers were influenced if not persuaded by the Foenander school. They included now a growing number of economists interested in inflation and the opportunity for a wages policy. Thus we have Hancock referring to the Arbitration Court's 'unusual generosity to wage earners' in the immediate postwar years without any reference to market forces.[22] I leave to students of present day proceedings to judge whether or not there is any possibility of a resurrection of myths in the minds of either the public or the arbitrators themselves about how and why the present federal tribunal is reaching its decisions in this era of the Accords.

Instead I move on to another arm of the state, this time the public service. I would imagine there are far fewer myths about the role of the present day federal public service than was the case when it first began to exert some influence on the industrial relations arena back in the 1940s. Then, it is true, the way in which some backwoods conservatives branded the small economic policy group headed by F.H. Wheeler, H.C. Coombs and co. as a nest of bureaucratic, socialistic intruders aiming to destroy private enterprise is perhaps slightly reminiscent of some by-ways of the modern debate on 'big government'. The irony then was that the young Keynesian liberals of the day *were* anxious to intervene and to impede market forces - but in a manner which would aid the employers i.e., by keeping wages down. The major contemporary myth probably arose from their success in keeping their wage policy hidden from the economically unsophisticated union movement. Chifley, who retained the Treasury portfolio after becoming Prime Minister,

was very much in charge both of economic policy and of his officials. Between them they liaised closely with supposedly independent outside economists, notably L.F. Giblin and Colin Clark. The outsiders were most useful, for their evidence in connection with the national hours-wages Arbitration Court hearings was generally taken as being quite neutral confirmation of the cautious views offered from official sources. Even the ACTU executive was influenced by the outsiders' carefully orchestrated pronouncements on the likely inflationary outcome of the unions' major claims. By the end of the Chifley years the importance of demand factors to inflation, particularly the external, international input was there for all but the blind to see. H.P. Brown, formerly one of Chifley's young backroom boys, emerged publicly in the early 1950s to argue the demand-pull thesis in evidence before the Court. Soon the ACTU appointed its own glittering young advocate, R.J.L. Hawke, who came from outside the union movement but who was blessed with an economics training.

Economic literacy has increased on all sides over the subsequent years. The crack economic policy groups in the public service, however, while clearly controlled by their ministers, have, like Hawke and the ALP, been long captured by the ideological enemy of the Keynesian liberalism of the 1940s and 1950s.[23] Neo-classically-inspired deregulation was the economic flavour of the decade in the 1980s - yet the neo-classical panzers have not broken through completely in the labour market. The exact situation at the front is probably better known to this audience than to me. Obviously on one side the powerful collective resistance of the unions through the ACTU and, on the other, the divided ranks of the employers, with an important minority seeking to retain regulation, are crucial factors along with the federal government's continued preference for a centralised incomes policy. Neither should we forget the historic ability of the arbitration industry to preserve its members' positions throughout the heaviest bombardments by subtly altering policy to avoid outflanking movements.

I will end with one final, commonsensical historical observation concerning the nature of the bombardments directed at the centralised arbitration system. This is simply to say that the varying sources and intensity of the attacks have essentially been determined by underlying labour market forces. The first decade or two of the century saw all parties adjusting to the new but decentralised institutional framework. Between roughly 1917 and 1921 the union side became alarmed as rates awarded by all tribunals lagged behind inflation. Significantly though, the unions still saw net advantages in operating in the arbitration network. Most notable of these, perhaps, were union recognition, standardization of conditions and the prevention of membership-poaching by rivals. Thus they tended to stay registered in the system while bargaining in the market where possible for over-award pay. Overall it was clear that in these two decades the state had aided the growth of unionism by the erection of the system.

In the post-inflationary years of the 1920s the main employer groups blamed arbitration for placing a floor to their unskilled wage costs which they were sure free market forces would have driven downwards. They ignored the protection which tribunals were affording to management prerogative and

denounced the inconsistencies and grey areas which existed between federal and state systems, from which the unions endeavoured to extract advantage. The federal government and the federal arbitration judges sought to relieve the employers of their concerns but these came to focus on the emerging leadership of the federal tribunal. This leadership was in part thrust on the Arbitration Court by the constitutional decisions of another arm of the state, the High Court of Australia.

From the late 1920s market forces flowed unambiguously in employers' favour. Most major firms and employer associations continued to denounce the now obvious centralisation of the system. Disregard of award conditions was allegedly rife, with the New South Wales coalowners openly ignoring tribunal awards. State Labor governments helped retard cuts in award rates in New South Wales and Queensland and registration in the system meant the state afforded shelter to many unions which would otherwise have completely disappeared. (The longer run effect of state protection of so many small unions is obviously very much a matter of current debate). If the economic historians are to be believed, the tribunals were strangely unable to achieve their declared aim of cutting real wages - although employers did not seem to know this. Indeed, while the bulk of employer groups continued to denounce centralisation, the most dynamic organizations like the Metal Trades Employers' Association and the New South Wales Chamber of Manufactures now became convinced of the utility of centralised arbitration. The origins of this conversion rested in the federal tribunal's explicit preparedness to act in accordance with market forces in the early 1930s, both by cutting wage rates over the federal Labor government's protests and by making other awards favourable to employer interests such as Judge Beeby's standardisation of the lynchpin metal trades award.

In the 1940s, as market forces swung dramatically the other way, all employer groups hurried to the shelter of the waggon-train and urged the preservation of the centralised, conservatively manned (no female personnel until 1973) federal tribunal. As I have already indicated, all arms of the state unambiguously supported the employers' defence. When emergency Defence powers lapsed in the post-war years, legal restrictions, springing out the Chifley's conservative amendments to the Arbitration Act in 1947, were placed on direct action by unions. Nevertheless, wage drift grew in the twenty years before the 1968 O'Shea case brought at least a temporary end to the application of the 'penal powers'. Hereafter the story must be familiar to most, with bargaining seemingly set to supersede arbitration in the inflationary early 1970s as unions could at last freely apply their bargaining power - fettered only by their long conditioning to centralised procedures. Next, however, stagflation saw another, partial reversal of labour market currents with the result that a growing number of employers began to see advantages in the application of bargaining strength untrammelled by regulation. The unions, affected differentially by structural economic change, have basically opposed decentralisation and stood behind the Accord while the federal Commission has as usual trimmed its sails advantageously to the new political and industrial winds.

Endnotes

1.   J. Zeitlin, 'From Labour History to the History of Industrial Relations',
      Economic History Review, 2nd. series vol. xl no. 2 1987, pp. 159-84; D.
      Brody, 'Labor History, Industrial Relations, and the Crisis of American
      Labor', *Industrial and Labor Relations Review*, vol. 43 no. 1 1989, pp.
      7-18.

2.   Zeitlin (1987), *op. cit.*, pp. 177-178.

3.   Brody (1989), *op. cit.*, p. 16

4.   D. Montgomery, *Workers' Control in America*, Cambridge University
      Press, New York, 1979; D. Montgomery, *The Fall of the House of
      Labor; The Workplace, the State and American Labor Activism 1865-
      1925*, Cambridge University Press, New York, 1987.

5.   Brody (1989), *op. cit.*, p. 16 quoting Montgomery (1979), *op. cit*, p. 4
      and Montgomery (1987), *op. cit.*, p.2.

6.   S. Macintyre and R. Mitchell (eds.), *Foundations of Arbitration: The
      Origins and Effects of State Compulsory Arbitration 1890-1914*, Oxford
      University Press, Melbourne, 1989.

7.   G.M. Richards, 'Wages and the Wage Share: Australian Manufacturing
      in the 1920s', *Australian Economic History Review*, vol. xx no. 2 1980,
      pp. 119-135.

8.   C. Forster, 'Indexation and the Commonwealth Basic Wage 1907-1922',
      Australian Economic History Review, vol. xx no. 2 1980, pp. 99-118; C.
      Forster, 'An Economic Consequence of Mr. Justice Higgins', *Australian
      Economic History Review*, vol. xxv no.2 1985, pp. 95-111; C. Forster,
      'The Economy, Wages and the Establishment of Arbitration', in
      Macintyre and Mitchell (1989), *op. cit.*, pp. 203-224; D. Pope, 'Wage
      Regulation and Unemployment in Australia: 1900-30', *Australian
      Economic History Review*, vol. xxii no. 2 1982, pp. 103-126.

9.   R.C. Gregory, V. Ho and L. McDermott, 'Sharing the Burden: The
      Australian Labour Market During the 1930s', in R.C. Gregory and N.G.
      Butlin, *Recovery from the Depression. Australia and the World
      Economy in the 1930s*, Cambridge University Press, Cambridge, 1988,
      pp. 217-244

10.   Insofar as subsequent critical analysis of the economic historians'
      findings demonstrates the accuracy of their quantitative data and the
      legitimacy of their regression methodology, some important potential
      qualifications of their findings still seem possible. In the 1920s their
      emphasis is on wage costs which, while undeniably important, is not the
      only issue in industrial relations. Management prerogative is another of

57

at least equal importance. Here the effect of arbitration and its associated legalism seems fairly unambiguous. It not merely enshrined management prerogative as a no-go area for unions until very recent times. Evidence also exists that some tribunals actively aided employers in the 1920s to extend their prerogative and to regain ground earlier lost to workers in areas such as employment policy and seniority. See D. J. Blackmur, 'Industrial Relations Under an Australian State Labor Government. The Hanlon Government in Queensland 1946-1952', Phd. thesis, University of Queensland, 1986, pp. 121-122; G.T. Powell, 'The Role of the Commonwealth Government in Industrial Relations, 1923-1929', MA thesis, Australian National University, 1974, pp. 112-127.

In the case of rising real wages in the Depression the apparent failure of employer groups to complain about this is surprising. Indeed the 1930s sees the pacesetters among employer associations swing away from their long-standing opposition to a centralised wage fixing system towards clear support for the federal tribunal. See D.H. Plowman, *Holding the Line. Compulsory Arbitration and National Employer Co-ordination in Australia*, Cambridge University Press, Melbourne, 1989, pp. 80-1; T. Sheridan, *Division of Labour. Industrial Relations in the Chifley Years 1945-1949*, Oxford University Press, Melbourne, 1989, p. 77.

In general, as far as the national tribunal is concerned, Macarthy demonstrated twenty years ago both the wage restraint of President Higgins in inflation and war and the fact that his apparent innovations spread much more slowly than had been popularly imagined. There can be little argument that, certainly after Higgins' departure in 1921, any allegedly high level of wage costs was an inadvertent outcome of the Commonwealth Arbitration Court's (CAC) awards. Intent is seldom synonymous with achievement but my own research into the benchmark engineering-cum-metal trades-cum-metal industry awards reveals that, behind a facade of legalistic attention to precedent, CAC personnel in the 1920s sought to restrain skilled wages. See T. Sheridan, *Mindful Militants. The Amalgamated Engineering Union in Australia, 1920-1972*, Cambridge University Press, Cambridge, 1975, pp. 71-105; K.J. Hancock, 'The First Half-Century of Australian Wage Policy - Part II', *The Journal of Industrial Relations*, vol. 21 no. 2 1979, p. 135. In the mid-1920s the increasingly centralised system was awarding rates below the market rate for skilled metal workers. C. Powers, Higgins' Deputy President from 1913 to 1921 and President from 1921 to 1926, when later claiming a knighthood, specifically argued that he had reversed the effect of Higgins' final awards which had increased skilled pay and shortened hours for engineers and timber workers. See H. McQueen, 'Shoot the Bolshevik! Hang the Profiteer!', in E.L. Wheelwright and K. Buckley (eds.), *Essays in the Political Economy of Australian Capitalism, Vol. 2*, ANZ Book Co. Sydney 1978, p. 196. The 1926 and 1928 Arbitration Act amendments by the Bruce-Page coalition were specifically aimed at attaining an even tighter rein on wage costs. See Sheridan (1975), *op. cit.*, pp. 96-8; C.B. Schedvin, *Australia and the Great Depression*, Sydney University Press, Sydney, 1970, pp. 108-10;

58

Powell (1974), *op. cit.*, pp. 249-58. In the Depression also, the CAC believed it was cutting real wages across the board (C.B. Donn, *The ACTU. History and Economic Policy*, University Press of America, Lanham, 1983, pp. 205-8) - although it largely restored the cuts towards the end of the decade and increased some nominal skilled rates above pre-Depression levels. See Sheridan (1975), *op. cit.*, pp. 122-6. In the 1940s there is not the slightest doubt that the Court strove might and main to restrain real wages. See Sheridan (1989), *passim*.

The necessary research has yet to be undertaken into the state tribunals although it is at present hard to imagine the Victorian, Tasmanian and South Australian systems were aiming to produce different outcomes than the federal tribunal. Labor-influenced tribunals in the other States may sometimes have countered the federal influence. This appears particularly likely in the Depression. In the 1917-21 inflation, however, the efforts by the New South Wales (and Victorian) tribunals to restrain wages helped produce the first significant 'wages drift' of the arbitration era. See Sheridan, T., 'A History of the AEU (Australian Section) 1920-1954', Phd. thesis, Australian National University, 1967, pp. 197-226. In the 1920s the High Court's assertions of the superiority of federal awards meant that employers under federal awards were relieved of the necessity to fall in line with shorter hours granted in the Labor states. Helped by the Depression, of course, the shorter 44 hour week was not anything like universal until the late 1930s. Thus the 'counterfactual' world in which no federal tribunal existed might have seen wage costs pushed up by ALP state governments.

11. e.g. D. McCloskey, 'Does the Past Have Useful Economics?', *Journal of Economic Literature*, vol. 14 1976.

12. Brody (1989), *op. cit.*, p. 9. The neo-classical New Economic History was an explicit reaction to earlier 'institutional' economic history and appeared, ironically enough, at roughly the same time as radical scholars in another field were also turning their backs on the older institutional approach and proclaiming the advantages of the 'New' labour history i.e., 'from the bottom up'.

13. Much of the Australian economic history research into the arbitration-wage nexus has been centred in, or co-ordinated at, the Australian National University (ANU). The formal and informal influence of ANU academic staff and of ANU-trained economists on all economic policy debates has been considerable - perhaps proportionately greater than is the case for any single university in comparable countries.

14. Foenander, O. de. R., *Studies in Australian Labour Law and Relations*, Melbourne University Press, Melbourne, 1952, pp. 81-89.

15. J. Romeyn, 'Towards a Motivational Theory of Arbitration in Australia', *The Journal of Industrial Relations*, vol. 22 no. 2 1980, p. 187n.

16. M. Hess, *From Fragmentation to Unity. A History of the Western Australian Branch of the Federated Miscellaneous Workers' Union*, Miscellaneous Workers' Union, Perth, 1989.

17. H. Abelove et al. (eds.), *Visions of History*, Manchester University Press, Manchester, 1983, p.43.

18. On the employers' side I am referring here to industrial relations and personnel management actually working at the 'coalface'. Higher echelons such as the leaders of the Business Council of Australia or the Farmers' Federation might take a different view of my findings.

19. E. Davis, 'Trade Unions and the Media in Australia', in K. Cole (ed.), *Power, Conflict and Control in Australian Trade Unions*, Pelican, Melbourne, 1982, pp. 15-34.

20. B. Dabscheck, 'The Australian System of Industrial Relations: An Analytical Model', *The Journal of Industrial Relations*, vol. 22 no. 2 1980, pp. 196-218; Romeyn (1980), *op. cit.*, pp. 181-195.

21. B. d'Alpuget, *Mediator: A Biography of Sir Richard Kirby*, Melbourne University Press, Melbourne, 1977; B. d'Alpuget, *Robert J. Hawke. A Biography*, Schwartz Publishing Group, Melbourne, 1982.

22. K.J Hancock, 'The Wages of the Workers', *The Journal of Industrial Relations*, vol. 11 no. 1 1969, p. 29.

23. M. Pusey, 'Our Top Canberra Public Servants Under Hawke', *The Australian Quarterly*, 1988, pp. 109-22.

Chapter 5

Researching Australian Industrial Relations In The Nineteenth Century

Michael Quinlan and Margaret Gardner

In recent years industrial relations scholars in Australia have become increasingly interested in bringing a historical focus to their research. In particular, trade union organisation and development, and the evolution of labour legislation and the arbitration system, have been analysed. This chapter will examine a number of these issues in the context of the preliminary findings of an ARC funded research project, *Structural and Strategic Change in Australian Trade Unionism, 1825-1925*. Although the project spans both the nineteenth and twentieth century only the former will be discussed. Moreover, attention will focus on two themes, notably the early development of worker organisation in Australia, and labour legislation in the nineteenth century. It is argued that project findings in conjunction with other recent research indicates a need to modify conventional arguments about the development of the Australian labour movement, trade union methods, the legal regulation of industrial relations, and the development of arbitration.

The Core Project

Most of what will be discussed in this paper derives from an, as yet, incomplete joint research project on the development of worker organisation and protest in Australia between 1825 and 1925. It is therefore necessary to briefly describe the aims and methods of the core project.

The overall aim of the project is to consider structural and strategic changes in Australian trade unionism for the first 100 years, identifying patterns of union organisation and activity, and assessing their implications for a number of theoretical questions about trade unionism. Ultimately, our ambitious hope was that by addressing these questions we could advance understanding of worker organisation in Australia and also contribute to a re-orientation of trade union theory.

The major questions to be addressed arise from the overlapping concerns of labour history and industrial relations. The overall development of the trade union movement in Australia (especially in the period prior to 1890) has been a relatively neglected area. Studies have been highly selective and heavily reliant on historical narrative. Much of this work consists of single union histories, often narrowly focused on the union officials primarily responsible for recording the union's trials and tribulations. This offers few insights into the membership and their tasks, community and labour market structures, or a systematic appraisal of changes in regulatory apparatuses.[1] Few of these studies have anything much to say about unions or collective action amongst the occupational group being studied prior to 1880s. More general works on trade unionism are generally both empirically thin and largely descriptive.[2]

Further, with a few exceptions, such as Waters's study of strikes,[3] the emphasis has been institutional. While this focus on institutions could be argued to be a logical product of the topic (trade unions), it is more worrying that it has also been associated with an emphasis on continuity conceived in terms of institutional survival. This tends not only to ignore other sources of continuity, such as ideas, activists and informal associations, but also does not attempt to assess the significance of worker organisations which *failed* (the overwhelming majority of worker bodies formed prior to 1925). Most studies of worker protest, other than case studies of specific strikes, have centred on the period from which national strike statistics are available (1913 onwards).

Thus, empirical work on trade union organisation and activity for much of the period with which we are concerned is sketchy. The focus on institutional survival has reinforced a neglect of specific aspects of worker organisation, as well as particular groups such as women. The project aimed to remedy some of this deficiency. However, we also question the interpretation of some of this material and this leads to broader considerations of the theoretical propositions advanced to explain Australian unionism, and in particular its organisational structure and activity.

In general, the development of trade union theory (arguably one of the major products of industrial relations theorising) has become increasingly fragmented as the early work of the Webbs in the United Kingdom and the Wisconsin School in the United States was replaced by separate debates on union growth, union structure, collective bargaining/arbitration and union government. These debates are concerned to establish the dependence of aspects of trade union activity, such as recruitment of members or elections, on factors like the business cycle and changing community values, or on ideals like democracy. Similarly, the expansion of studies on strikes has turned on the relationship of strikes to economic cycles or political changes. While these debates have an important place, they have turned away from the concerns of earlier writers.

Earlier work, largely because it was done in the period when trade unionism was relatively new, asked a different set of questions. These questions were directed mainly towards ascertaining what forms these new organisations took, the nature of their goals, the range of methods they used to

achieve them, and the relationship, if any, amongst these features. The relationship between these factors could be seen to constitute the character of a trade union. This notion has been revived more recently in comparative work by writers such as Lange, Ross and Vannicelli in the form of a characteristic strategy of a national union movement. [4]

The result of the lack of explicit attention given to questions of this sort can be seen in the tendency of many Australian researchers to uncritically accept the typologies of the early writers (especially the Webbs) and apply them to Australian unions, and to advance a series of propositions about Australian trade unionism which, while they implicitly derive from the concerns of those early writers, are not investigated systematically.

The consensus of work on Australian trade unionism has been to accept the structural typology advanced by the Webbs without questioning whether this adequately covers the range of worker organisation in Australia, or whether this structural division is linked to forms of union government and activity in the way the Webbs describe. One exception to this has been the work of Markey on 'new unionism' in Australia.[5] The Webbs used the term 'new unionism' to describe a shift in British unionism towards mass organisation along industry and general lines (as opposed to occupational lines) in the late 1880s. Based on an inclusionist rather than exclusionist strategy, and representing lower paid workers not occupying industrially strategic positions, these new unions charged lower fees (and could not provide mutual insurance) and relied on large scale strikes (including the strategic support of other unions and union peak councils) rather than highly specific forms of industrial action to win gains for their members. They were also seen to be more politically radical than craft unions. Markey notes that while this phase has been applied to described apparently similar developments in Australia (a process aided by the influential views of some contemporary activists, notably William Spence[6]) there are a number of significant differences. Notably, Markey argues that the broadening of union membership began a decade earlier in Australia (we would say even earlier - the early 1870s), and it did entail strategic groups of workers (shearers, miners, maritime and land transport workers) - not all of whom were low paid by any description. Further, some of these unions did seek to provide friendly society benefits, not all were militant - apparent militant use of the strike weapon being forced upon them by the circumstances of the 1890s, and their politics varied considerably. Unfortunately, neither these observations - nor criticism of the accuracy of the Webbs' typology even in British context[7] - have inspired a reconsideration of union development in Australia.

The question of union methods has been dominated by a focus on arbitration, and it is only in recent work that there have been attempts to look at other methods and their relationship to arbitration.[8] The focus on arbitration has emphasised the reliance of unions on this institution for survival, and its influence on the form, activity and size of unions. Emphasis on the significance of a particular institution on the character of trade unionism is not mirrored in the US or UK work - the closest parallel being the impact of political parties on unionism in Italy or France. Yet, despite some recent speculation about the ways arbitration may have shaped union

strategy[9], these contentions about arbitration and trade unionism have not been investigated closely, nor have they been integrated into the total analysis attempted by earlier writers mentioned above.

Our project began as an attempt to deal with the above propositions and relate them to more general trade union theory. In order to answer questions about structural divisions, the evolution of union methods, the types of organisational boundaries associated with stable unions, and those with unions that failed, we needed to examine the earliest period of worker organisation. To analyse the relationship of structure to activity and the hypothesised impact of arbitration tribunals we needed to examine the periods before and after arbitration. Investigation ends in 1925 because by this time the permanence and influence of arbitration had been consolidated.

At an early stage of the research, significant regional variations in patterns of labour organisation and industrial relations became apparent. Differences in terms of the rate of economic growth, economic and labour market infrastructure (such as the proportions of convict and free labour) appeared to underpin these variations. While we were aware of no specific hypotheses about regional variations in trade unionism and industrial relations, their existence provides an interesting way to further examine the impact of arbitration on unions and industrial relations, by estimating whether the effect of arbitration has been homogeneous across states.

In summary then, the aim of the project was to provide a new interpretation of the organisation and strategies characteristic of Australian unionism in the period 1825-1925 and from this to articulate the basic features of Australian unionism. It was hoped that this would form the basis for a reconsideration of trade union theory. As the project proceeded, interest in assessing the impact of arbitration on trade unions was expanded into a more general consideration of the development of labour legislation in Australia. In particular, mounting evidence of the distinctiveness of labour legislation in Australia prior to the development of compulsory arbitration caused us to re-examine accounts of the origins of arbitration. A closer examination of the operation of pre-arbitral labour legislation, and the organised and unorganised responses of labour to it, raised a number of additional hypotheses about the character of industrial relations in the nineteenth century.

Before proceeding to discuss some of the findings to emerge from the project, it is necessary to briefly refer to the research method adopted. At the outset it is obvious that our project required a rather extensive approach to searching source materials, supplemented with more detailed research on a selective basis. The primary source material includes contemporary newspapers, government records[10], court records, employer and union records and miscellaneous archives and library collections pertaining to individuals and organisations.

Newspapers provided an especially valuable source of information on organisation (including failed attempts at organisation and those bodies for which little or no other record survive which is the great majority of early unions and even many later unions), short-lived political agitation and strikes.

In the period up to 1850 virtually all surviving newspapers were surveyed. Thereafter the sheer number of newspapers necessitated selectivity. We were able to survey at least two major newspapers in every colonial capital plus at least one newspaper for major towns such as Launceston, Newcastle, Ipswich, Townsville, Maryborough and Queenstown, as well as a more partial surveying of the newspapers of other towns which appeared to have experienced a relatively conspicuous degree of worker activity (such as Ballarat, Mackay, Maitland and Geelong). In addition, information on regional activities was culled from major metropolitan newspapers. Attention was also paid to smaller newspapers with a working class readership or sympathies.

Another important source, especially for the early period were Colonial Secretary's Office's records which often contained details on the hundreds of petitions from workers on various issues (such as unemployment, oppressive legislation etc), union rule books, details of government consideration of legislation (magistrates' and law officers' comments, evidence of intercolonial borrowing of legislative *ideas*, evidence on implementation) and a host of other matters. For the latter part of the nineteenth century the records of trade union registrars and parliamentary reports were of value. Archival records in relation to trade unions, employers and individuals have been used at a general level with more detailed searching of selected organisations. These latter parts of the data collection are still incomplete.

In order to facilitate analysis in terms of our ambitious objectives, use has been made of computer databases into which we are currently entering data. After some experimentation five databases were established. The first is a general database on worker organisation. Each entry contains details of the name of the union/organisation (if available), the occupation or workers involved, its approximate size, its location, known period of existence, membership, affiliations, methods and actions as well as a range of other matters. The other four databases seek to supplement the first by providing a detailed record on four areas, notably political agitation, strikes, court proceedings involving whalers and merchant seamen, and court proceedings involving other workers. There is scope to create other subsidiary databases as and when these are required.

The databases provide a wealth of information in a readily usable format. For instance, it is a simple process to extract information such as overall trends in organisation and strike activity as well as more specific information on organisation or strikes amongst particular groups of workers, or compare the use of strikes with other methods of industrial action. While we cannot claim to have identified all organisations and strikes for which some record exists the databases we have established will, on their completion, represent the most comprehensive record available on activity prior to the commencement of official statistics (and one which can be easily updated as new information is obtained). In the final stages of the project we would hope to combine both qualitative and quantitative techniques in our

analysis of Australian trade unionism. However, for much of the rest of the paper we will discuss findings from the project which are not heavily reliant on the as yet incomplete databases.

The Early Development of Trade Unionism in Australia

We have already noted that in order to understand how a particular trade union structure has emerged in a country it is critical to look at the earliest period of trade union formation. Analysis of trade unions from their earliest beginnings is also valuable in terms of gaining a fuller appreciation of the evolution of trade union methods, ideas and forms of government. However, as has been noted elsewhere[11], there has been little research into Australian trade unionism in the period prior to 1880, and more especially the period prior to the gold rushes of the early 1850s. What research exists on the pre-gold rushes period - mainly restricted to an examination of early trade societies in Sydney[12] - is either entirely ignored or dismissed as largely irrelevant to later developments in conventional accounts of the history of Australian Unionism. Thus, in 1989 Jim Hagan wrote: "Unions have existed in Australia for about as long as they have in Britain, but the existence of a continuous union movement dates only from the 1850s".[13]

This is the limit of Hagan's discussion of pre 1850s unionism. We would question his statement on two grounds. First, while there is evidence of trade union organisation in Australia from the second half of the 1820s onwards both longstanding research (such as that of the Webbs) and more recent studies[14] make it clear that British unions have been around for far longer, even if the precise point of their emergence is open to dispute. More importantly for our purposes, we would dispute the implication that since a continuous union movement - itself a notion in need of clarification - dates from the 1850s the earlier period is not worthy of attention. The importance of the earlier period has been underestimated. Despite the infusion of population in the 1850s, there is really no break or dramatic change in trade union development in the early 1850s to warrant choosing it as the *real* starting point for the study of Australian trade unionism. In order to elaborate on this we will briefly sketch some of our findings on the development of trade unions in the thirty-five or so years after 1825 - the period for which some detailed analysis of our data has been carried out.

In the period to 1850 there is evidence pertaining to about 100 trade unions, plus a far greater level of more informal and spontaneous instances of organised activity. The bulk of this organisation, especially with regard to formal unionate bodies, occurred in Sydney, Melbourne, Hobart and Adelaide, although there is also evidence of organisation in other towns such as Maitland, Perth, Geelong and Launceston. Most early unions were trade societies formed by bootmakers, tailors, carpenters, bakers, stonemasons, printers, engineers, bricklayers, cabinetmakers and a range of other craftsmen. However, a significant number of unions were formed by non-tradesmen including wharf labourers, retail assistants, cab and dray drivers, miners and watermen.

The level and extent of organised activity is significant when these unionate bodies are considered alongside evidence of more informal associations, including political movements. A continuous pattern of activity emerges for some occupations, despite the periodic collapse of their unions. On the other hand, groups of workers who did not form unions can be still seen to have engaged in informal combinations, some on a rather sporadic basis as is the case with rural workers such as reapers, and others with great frequency as is the case with miners, seamen and whalers. Indeed, the latter two groups probably engaged in almost as much if not more collective action than the rest of the workforce combined - a pattern which appears to continue long after 1850.

There is also evidence of organised activity amongst female workers. In January 1844, for example, Sydney laundresses petitioned the Governor to proscribe competition from the Female Factory because it was undermining their conditions of employment. In 1845 domestic servants in Melbourne combined to challenge the Master and Servant Act by refusing to enter into written engagements, abruptly leaving their employer and demanding wages at short notice - a strategy which broke down when the bench refused to entertain their claims. In the following year, tailoresses in the same town followed the lead of tradesmen by forming their own society and striking in pursuit of a wage increase. While organised activity by women workers in the early period was not commonplace there are sufficient instances to indicate that neither was it a complete aberration. There is also evidence of organised activity in the 1850s, including women's involvement in agitation against Master and Servant legislation in Tasmania. Clearly the involvement of women in the Australian labour movement has far deeper roots than has generally been acknowledged.[15]

Early unions were generally small (thirty to one hundred members), restricted to a single town, and short-lived (few surviving more than five years). However, the same observations can be made about the great bulk of unions formed prior to the early 1870s (when there is a noticeable take-off in union organisation in most colonies) if not even later. While the size of unions grew gradually, their geographic coverage remained restricted, and only a minority survived for more than a few years. We are not suggesting that institutional survival should be ignored. Clearly the survival of some unions such as those established by carpenters, engineers and stonemasons was important for the union movement as a whole, if only through their role in establishing trades and labour councils which both co-ordinated campaigns and helped other groups of workers to organise unions.

Nevertheless, it diminishes our understanding of unions and industrial relations generally if institutional survival is emphasised to the exclusion of institutions which failed as well as more informal patterns of activity. The relationship between these various aspects of organisation amongst workers over time needs to be teased out. We can see no reason for choosing to see the early 1850s as some critical take-off period. In order to underscore this point we will make several additional points.

There is no clear break in union activity around 1850. At several points prior to 1850 such as the early 1840s and late 1840s, economic downturns led to the collapse of many trade societies - a pattern which continued long after 1850. However, the collapse of the late 1840s was by no means complete. Even in Tasmania, where the threat of convict labour weakened organisation amongst free workers, a not insignificant number of unions, such as the Hobart Journeymen Tailors Society, the Launceston Printers and the Hobart Sawyers, carried through the late 1840s and early 1850s.

Further, there is evidence to suggest that those unions which did collapse were often revived and this usually involved activists from the earlier period. For instance, the account book of the Sydney carpenters society which collapsed some time after its strike in 1846 indicates a series of regular attempts to revive the union (in 1849 and 1851) prior to the formation of the Sydney Progressive Society of Carpenters and Joiners. These organisations all involved members who had been active in the 1846 strike by the first union. Indeed at least four, and possibly more, of the 1846 strikers held official positions (as treasurer, committee members or trustees) in the Progressive Society in 1858. In short, there is clear evidence of a core of union activists amongst Sydney carpenters covering a period of at least twelve years from the 1840s through the 1850s. This account book is a rarity and only survived because it was presented to its successor union in the early 1850s and this union maintained permanency.[16]

In a similar way it can be shown that while the gold-rushes brought an infusion of new activists they did not entirely displace the earlier generation. For example, our research shows that in Tasmania the activities of labour leaders such as William Jeffrey, John Williams and several others spanned the 1840s and 1850s.[17] While we have yet to fully analyse the records in relation to other colonies, we would be surprised if it was entirely different. In other words, discontinuity in formal organisation often masks continuity in terms of activists and recognised labour leaders. This leads to a more general point that from a very early period there is an identifiable leadership not only active in trade unions but also representing the views of workers within each colony in various forms of political activity.[18]. Like much community-based political activity in the current period ephemeral organisation does not mean complete inexperience among activists nor even chaotic or ill-formed agendas for action.

The foregoing indirectly raises an important point in terms of labour historiography. The preoccupation of labour historians with using records from unions which have survived up to the present entails presumptions about what surviving records indicate in terms of the importance of those organisations and those persons involved in them. We need to recognise more explicitly that the survival chances of records relating to unions depend on the period (the earlier the scarcer), whether the union maintained a lengthy if not permanent existence, and the attitude of generations of officials towards keeping records. The complex processes of collective organisation, including those processes leading up to institutional permanency, cannot be understood only by referring to the records left by the permanent organisation and, if we

are lucky, a discussion of the failed attempt at permanent organisation which most immediately preceded it.[19] Much remains to be done in terms of tracing individuals and groups within organisations over time. We must also be alert to the selective influence on at least earlier historians of those few unionists such as W.E. Murphy and W.G. Spence to publish their own personalised accounts of union development and activity in the nineteenth century.

There is no clear or fundamental shift in union structure or methods between the 1840s and 1850s. Our research indicates that workers used a range of methods. Those especially favoured by early craft unions were mutual insurance (the provision of unemployment, sickness and death benefits) and unilateral regulation interspersed with strike action in support of specific claims. In the period to 1850 there were about 100 strikes with two modest peaks in activity in 1840 and 1846 (we have not calculated the figure for the 1850s yet, although several peaks of activity are apparent). The great majority of these strikes by both tradesmen and other workers represented attempts to secure a wage increase or resist a cut in wages (there is evidence of strikes over union membership, safety and other issues but these are a minority). This pattern remains dominant for at least a decade after 1850 if not longer.

Unilateral regulation was based on attempts to control employer hiring of labour through the establishment of a House of Call - a device derived from the very earliest period of unionism in Britain[20] and only gradually abandoned by Australian unions in the period after 1850. There is evidence of formal agreements being reached with employers which provided for compulsory unionism, set wages and conditions and an indemnity from the union on the quality of workmanship. Some of these agreements survived for a number of years. However, most agreements over wages were short-lived truces which did not form the basis of an ongoing bargaining relationship. Indeed, there is little evidence of processes of negotiation which we might label as collective bargaining in this or even in far later periods.

One major development to occur in the 1850s was the campaign for shorter working hours and nascent union peak councils, especially in Melbourne. There is little or no evidence of campaigns for shorter hours before 1850 apart from the early closing movement amongst retail workers. Thomas found evidence of a trades delegates' organisation in Sydney in 1846.[21] In Hobart a body calling itself the Hobart Town Trades Union - largely concerned with the ending of convict transportation - operated between 1847 and 1852 and had itself derived from an earlier body known as the Committee of Free Operatives.[22] While the level of co-operation between the various trade societies undoubtedly increased in the 1850s such co-operation was by no means new. Early trade societies are known to have co-operated in a number of ways although the extent of this co-operation is difficult to determine because few records survive.

Workers often met informally at hotels which were known haunts of those belonging to a particular trade or occupation (hence the use of trade titles by some hotels such as *The Bakers' Arms, Bricklayers' Arms* etc). This provided a ready basis for organisation. Some of these hotels and others with

a broader working class clientele became recognised centres of early union activity (such as William Champion's *Jolly Hatters' Inn* in Hobart and the *Royal Oak Hotel* in Hindley St in Adelaide). Again, it is worth noting that hotels remained the primary place where trade unions were formed and met throughout the nineteenth century. They met more formally on occasion through the peak bodies mentioned earlier. In some cases - the 1846 Sydney carpenters' strike being the best documented example - a number of trade societies provided financial support to help another society engaged in industrial action. Trade societies in one colony are known to have corresponded with their counterparts in other colonies as well as those in Britain, often to warn them of industrial action taking place or of employer attempts to attract labour with exaggerated claims about wages and employment opportunities. For example, the Sydney Operative Stonemasons' Society corresponded with the No.1 Lodge of Stonemasons in England for several years at least including sending a warning on poor employment prospects in 1842. Newspaper advertisements were also used to reinforce the *don't come* message. In 1838 the Sydney-based Australian Society of Compositors took out advertisements directed at British printers, while in 1846 the Adelaide bootmakers warned their brethren in Tasmania that a general strike over wages was occurring. Finally, simultaneous (or nearly simultaneous) industrial action undertaken by a number of different trades or occupational groups in the same colony (such as carpenters, tailors and cordwainers in Adelaide in 1846) or by the same trade in a number of different locations (such as strikes for higher wages amongst building tradesmen in Sydney, Adelaide, Melbourne, Maitland and Geelong in 1846) may be entirely coincidental. However, they may also be indicative of collaboration if only at a relatively informal level.[23]

The foregoing comments are not meant to imply that there were no significant changes in the nature of Australian trade unionism in the period before and the decade after 1850. Nor are we suggesting that the achievement of a level of organisational stability by some unions from the 1850s should be ignored or seen as insignificant. What we are suggesting is that this needs to seen within a broader and more long term context. *Real unions* or a *real union movement* did not spring into existence in Australia in the 1850s. Rather what can be seen is a slower process of organisational development.

Labour Legislation and Industrial Relations in the Nineteenth Century

Recent legislative developments both in Australia and overseas have re-awakened industrial relations scholars to the impact that the state can and does have on industrial relations. While the impact of state intervention has been too obvious to ignore in Australia the critical attention it has received has often been narrowly focused. The largely unexamined consensus amongst industrial relations scholars and labour historians is that the passage of legislation establishing compulsory arbitration has had a profound impact on the character of Australian industrial relations in the twentieth century. The origins of arbitration itself have taken on an almost mythical status with the industrial upheaval of the 1890s giving way to a uniquely Antipodean solution. At the same time, there has been remarkably little interest in

evaluating this by comparing the impact of arbitration with earlier forms of labour legislation or considering the development and effects of pre-arbitral labour legislation on patterns of labour relations more generally.

The only part of the extensive body of colonial labour legislation that has been subject to some detailed consideration are the Master and Servant laws. The nature and impact of these laws have been examined by several historians and a number of law academics.[24] In all cases they have tended to deal with the legislation of one colony, and in the case of historians their treatment is largely confined to the period prior to 1860. As our own research proceeded, the significant role of pre-arbitral laws in regulating employment relationships was so apparent that it became a major subtheme. Indeed, it became clear to us that the bulk of the labour history literature on the nineteenth century, concentrated on the development of trade unions and strikes, making scant reference to labour laws including those which regulated the employment of the great bulk of workers. This focus has given rise to a quite partial and inadequate picture of industrial relations in nineteenth century Australia - a period in which trade unions acted for only a tiny minority of workers and where struggles over the employment relationship were by no means confined to organised labour and employers. Moreover, despite some recent work[25] and the growing popularity of social history the imbalance remains. Due recognition is yet to be given to what A.S. Merritt has labelled the individual context of industrial relations in the nineteenth century.

Drawing on our own research and that of others we were able to make a number of observations about the development and impact of labour legislation in this country. To the limited extent that pre-arbitral labour laws have received attention in the literature it is generally implied, if not explicitly stated, that colonial laws were essentially clones of British statutes. Even some recent texts on Australian labour law which examine the development of law in the nineteenth century do so by referring almost exclusively to British developments.[26] The impression that there was no separate trajectory of legislative development in the colonies prior to the introduction of compulsory arbitration is quite misleading. They also imply that the colonies used a similar mix of legislation and common law to Britain in regulating employment and that developments in the common law in Britain were thereby equally important to the colonies.

Although colonial legislators broadly modelled their statutes on British Acts there were a number of significant differences, notably a far more interventionist approach by colonial governments to regulating employment relations which entailed, amongst other things, an almost exclusive dependence on statute rather than the common law. These differences were apparent in the very earliest Acts. Indeed more than a decade prior to the passage of the first local Master and Servant Act (in New South Wales) in 1828 the governors of New South Wales and later Tasmania issued orders establishing the maximum wages to be paid to various categories of harvest labour.[27] While Britain continued to exert an influence on colonial labour laws

throughout the nineteenth century, it was a diminishing influence which did not prevent the emergence of an identifiably distinct pattern of legislative development.

The origins of divergence in colonial labour legislation can be attributed to three sets of factors. First, the particular nature of the economies and labour market of the colonies were seen to give rise to recurrent labour shortages and a high degree of mobility among colonial workers. In turn this was seen to present problems of labour stability and control which the provisions of British laws did not address.[28]

Second, greater involvement by the colonies in labour control reflected the more interventionist role taken by colonial government in economic affairs generally (land distribution, provision of infrastructure, supply of both convict and free immigrant labour). In the early period in particular, there was a close nexus between a comparatively small rural and mercantile wealth owning class and the legislative and judicial arms of the state. This was conducive to a highly instrumental approach to labour legislation - one using coercive forms derived from the earlier convict period which spread to the free colonies through legislative imitation. From the 1850s, the extension of the franchise and other socio-political changes led to some significant changes in labour laws, notably a decline in coercive aspects of labour law and the development of laws protecting workers. This did not, however, amount to a shift away from interventionism, but rather a change in its character.

Third, the very aspects of the labour market which gave rise to concerns on the part of early legislators also enabled workers to evade or resist the measures designed to control them and in so doing often render it ineffective. This resistance was both unorganised and organised. At the same time, the labour market was conducive to organisation amongst workers and resistance to coercive legislative measures. Political and unionate organisations became involved in fighting oppressive labour laws and, as their power grew, turned increasingly towards legislative measures that would assist workers. In short, the earlier experiences of workers did not lead to a renunciation of labour law per se, but rather a struggle to shape them more in accordance with their own interests.

It is beyond the scope of this paper to consider the character of colonial labour laws in great detail[29], but a number of useful observations can be made about the most important segment of this legislation, that dealing with masters and servants, apprentices and indentured immigrants. First, between 1828 and 1900 more than seventy pieces of such legislation (including amendments but not including lapsed bills) were introduced by the six colonies. Even allowing for the fact that there were six legislatures (as opposed to the single legislature in Britain), this is indicative of a level of local legislative activity that far outweighs Britain. Legislative activity was clearly associated with economic and labour market conditions. For example, more oppressive laws were introduced in the mid 1840s and early 1850s to deal with labour shortages and the widespread dissent and absconding amongst workers associated with this. Further, unlike Britain, which repealed its Master and Servant legislation in 1875[30], in Australia the Master and

Servant Acts of most states were retained well into the twentieth century. Indeed while use of them declined, they were still being invoked on a fairly regular basis against some groups of workers until at least the 1930s.[31]

Second, local Master and Servant laws were far more encompassing in terms of coverage. While British Acts prior to 1867 clearly specified the occupations to be covered, the local Acts used more general and broader coverage provisions. Groups of workers not subject to British legislation, such as domestic servants, were incorporated. In Britain domestic servants were not covered because of the difficulties posed by the employer's ability to exercise control over the servant's every waking hour.[32] This was also probably a reflection of the relative availability of such servants. In Australia, the inclusion of domestic servants was a clear response to perceived shortages of them as well as their insolence, *outrageous* wage demands, general misbehaviour and absconding seen to flow from this.[33] The complaints concerning widespread insolence and general misbehaviour can also be seen to reflect the craving of masters and mistresses for a level of respect commensurate with their own perceived status, and the unwillingness of workers in a new society to subordinate themselves by acceding to this.

The coverage of domestic servants obviously meant that many female workers fell under the colonial Acts. Indeed, they were often singled out for special attention in the press which abounds with complaints about the troublesome character of female servants. Other female occupations such as laundresses and dressmakers were also *read* as covered. Given labour shortages women were also to be found in less likely occupations covered by the statutes. This coverage did create some problems, notably the likelihood that female workers convicted of an offence would be sentenced to gaol. This raised some qualms including the fear that they would undergo moral degeneration in gaol (male servants were apparently immune from this!). All colonies eventually proscribed the gaoling of female offenders but this process took more than 20 years after 1840 to complete. Even the morally upright and convict-free state of South Australia which excluded women altogether from its 1847 Act (the only state to do this), brought them back under the 1852 Act, with a separate wing of the Adelaide gaol being set aside for the confinement of offenders.[34]

On occasions the Acts did specifically name groups of workers as falling within their coverage. This was both a means of securing coverage of a group of workers who might have otherwise fallen beyond even broadly worded coverage provisions, as well as a device for linking them with a specific category of offence. Thus, a number of Acts specified that certain categories of rural labour such as splitters, fencers and reapers - many of whom were engaged as independent contractors rather than as employees - were to be subject to greater penalties in relation to breach of contract, especially absconding. While Master and Servant laws have been seen as critical in shaping the common law contract of employment[35], colonial legislatures were sometimes willing to include workers who were not employees. Further, special categories of offences were developed to deal with the problems associated with particular categories of labour. It is also worth noting that the tendency to use more comprehensive coverage

provisions than was the case in Britain was retained throughout the nineteenth century. Nor was it restricted to Master and Servant laws. Broader coverage provisions were also adopted in relation to maritime labour laws, factory Acts and employer liability legislation.[36]

Third, colonial laws tended to contain a wider array of offences and, particularly in the period prior to 1856, this array of offences was mainly directed at servants rather than masters. Some of these offences were entirely unknown in Britain, such as a special offence relating to workers who accepted an advance from their master prior to starting a job and then failed to *appear*.[37] The lop-sided character of early legislation was reinforced by a an equally one-sided array of penalties which were, in many instances, far more severe than their British equivalents. The latter included longer prison sentences, heavier fines including the capacity to extract financial compensation for lost sheep in the case of shepherds, the capacity to simultaneously impose gaol and financial penalties for the same offence, as well as stronger powers to force employees to return to their masters after completing their sentence. Particular groups of workers such as indentured immigrants were subjected to more severe penalties. Further, while in Britain, apprentices were subject to an entirely separate body of legislation with lower penalties this practice was not always followed in the colonies, and even where it was, the level of penalties were noticeably higher.

The effect of these avenues for employers to punish their servants was compounded by the willingness of a frequently biased magistracy to interpret cases in a light favourable to employers, on occasion even to the extent of providing remedies where the Act gave them no power to do so. Some of the early laws were so one-sided that they were refused royal assent - a fate which also befell some colonial maritime labour laws. However, the colonies did not meekly bow to imperial authority, rather giving some ground while also finding ways to alter the appearance, but not the substance, of the legislation. After the mid 1850s, the legislation became more even-handed for a variety of reasons, including the conspicuous failure of coercive measures, and growing organised resistance on the part of the working class.

Fourth, unlike the British legislation the colonies used Master and Servant Acts to directly specify aspects of the employment relationship rather than leaving this to negotiation between the parties. Thus, for example, the 1854 Tasmanian Act specified that servants were required to give one month's notice where a period of notice had not been agreed to and until modified in 1856 this was to apply even when the servant have served out their period of engagement.[38] Another device borrowed from maritime labour laws (notably the New South Wales Water Police Act of 1840) was the introduction of a compulsory discharge certificate system in a number of colonies, beginning with New South Wales in 1845. This system made the employment of a worker not possessing a certificate an offence for both the worker and the employer. Both the notice requirement and the discharge certificate system were clearly designed to limit worker mobility and especially the widespread practice of absconding. The latter, and other provisions introduced to deal with harbouring and enticing absconding servants were responses to connivance by employers in the widespread evasion of the law. While all

ultimately failed, they do indicate the willingness of local legislatures to intervene in employment relationships even if it meant moving beyond simply placing additional remedies in the hands of employers, to direct regulation aimed at preventing *sweetheart* deals which disadvantaged other employers and undermined labour control generally. The significance of the acceptance of this form of interventionism should not be underestimated.

Fifth, another important feature of colonial legislation was the extent to which it was utilized. Although it is impossible to calculate the exact number of cases, the evidence we have indicates that the legislation was implemented on a massive scale. Merritt has estimated that in New South Wales alone approximately 160,000 Master and Servant cases were tried between 1845 and 1930.[39] While no similar estimates have been compiled for the other colonies what evidence is available confirms the impression that the rate of litigation was substantial especially in the period prior to 1860, declining slowly thereafter, with a possible short reverse in the 1890s (at least in Queensland).[40] Indeed, usage of the Acts in the colonies clearly outstripped litigation under the Master and Servant Acts in Britain. Simon reports an average of 10,000 cases per year between 1858 and 1875 for the whole of England and Wales, indicating a rate of litigation far below that of the Australian colonies.[41]

Merritt has found that litigation was spread across a wide range of occupations but that there was a significant and concentration with regard to rural workers and domestic servants - a tendency which became if anything more pronounced over time. The most common employer initiated claim was with regard to absconding while the most common employee initiated claim was with regard to unpaid wages. Further, from the 1860s onward in particular there is a clear trend towards employee initiated claims making up the bulk of the litigation.[42] Although Merritt's study was confined to New South Wales and there is an unavoidable rural bias in her sample (based on the survival of court records) these findings are consistent with McQueen's study and our own research both in relation to usage and the types of action initiated. McQueen found that urban records for Brisbane and Melbourne confirmed Merritt's findings, the only difference being that the trend away from employer initiated actions and towards employee initiated claims occurred earlier and in a more marked fashion than was the case within rural districts of the same colonies.[43] Overall, the available evidence clearly sustains the argument that the Master and Servant legislation was a significant, if increasingly problematic, mechanism of employment regulation in nineteenth century Australia.

The centrality of this legislation to the control of the employment relationship means that it is critical to any understanding of nineteenth century industrial relations, especially when it is recognised that this control was by no means uncontested by workers. Workers not only sought to evade the legislation but also to reshape it to better reflect their own interests.

Proceedings under the Master and Servant Acts provided by far the most pervasive institutional venue for employer/employee struggle in the nineteenth century. On the one hand, the enormous level of litigation provides

an indication of the dependence of Australian employers on legislation to resolve differences with their employees. It may also be seen as evidence both of their determination to discipline recalcitrant workers and of the frequency with which some sought to evade their responsibility to pay wages, to make arbitrary deductions or to otherwise pay workers less than their entitlement (the importance of arbitration and union enforcement in restricting the incidence of underpayment should not be ignored in this regard). Employers used the Acts in order to promote their own idea of the employment relationship. Moreover, it should be noted that the level of litigation does not represent the totality of this since employers clearly made frequent use of the threat of prosecution (including the withdrawal of charges at the hearing stage) as well as exemplary prosecutions of a single employee designed to deter disobedience on the part of other workers.

On the other hand, the frequent resort to the courts also indicates the limited deterrent effect that prosecution and punishment had on employee behaviour. One indication of this the large number of multiple appearances by both masters and servants.[44] Far from simply suggesting that there were *good* and *bad* employers and workers it is evident that not a few servants thumbed their noses at the laws despite the severe punishments inflicted on them. Thus, for example, Lazarus Barnet, a free compositor, was gaoled three times (for fourteen days, two months, and thirty days with hard labour respectively) in the space of four months after absconding from five different printing offices in Sydney. Equally, a Sydney master cabinetmaker named Sly who sought to make an example of one of his men in February 1837 was obliged to prosecute two other journeymen (one being gaoled twice) within a month. Further, the introduction of even more rigid controls and severe penalties in the mid nineteenth century appears to have not had the desired effect. Convictions rose but as the *Port Philip Patriot* lamented in relation to the New South Wales Act of 1845 filling the gaols only to served to undermine the moral authority of the law over working class behaviour by highlighting its tyrannical and oppressive character.[45]

It is equally clear that even when prosecutions were at their height many workers who absconded or committed other offences escaped punishment. The effectiveness of the legislation depended on labour market conditions both at a general level and in relation to particular categories of labour. While legislatures sought to impose more stringent controls at times of labour shortage, it is clear the very thing these were designed to address undermined them. As we have already indicated the desire of employers to obtain workers induced them to connive in the evasion of controls such as the compulsory discharge certificate system. Further, it also appears that attempts at enforcement against particular occupations, especially tradesmen in the major towns, were gradually abandoned as the ineffectiveness of such measures became clear. This helps to explain the increasing focus on rural workers and domestic servants, whose social isolation gave employers a better chance of using Master and Servant laws to exert their authority. However, even rural workers, for example, could and did exact a costly revenge on their employers through actions such as incendiarism and other forms of sabotage.[46]

In addition workers did not meekly surrender to the notion that the Acts were there only for the use of employers. While the early Acts in particular gave workers few rights what rights existed were used. Employees made vigorous use of the wage recovery provisions and, to a lesser extent, they made claims in relation to other *employer offences* such as harsh treatment or sexual abuse in the case of female servants. The latter two charges sometimes attracted extensive and, for the middle class, embarrassing publicity because they struck at the popular notion that legal superiority of masters was legitimated by a moral superiority with regard to their servants. What was seldom publicly acknowledged was that despite bias within the legislation itself, and the compounding bias of the magistracy which even the conservative press found outrageous at times, the moral authority of employers was already diminished by the high rate of success amongst employee initiated wage claims. Further, Merritt, notes that over time wage recoveries constituted the increasingly dominant form of litigation under the Acts.[47]

Beyond the prosecutions initiated by servants there were more complex and subtle aspects to the struggle and workers attempts to assert their own interests. The Master and Servant Acts offered only limited avenues for dealing with complexities within the employment relationship, especially as far as workers were concerned. Nevertheless, records indicate that the avenues that existed were utilised and workers also sought to find new avenues. Even in the mid 1840s, when the legislation was arguably at its most oppressive, the *Port Philip Patriot* complained that in hundreds of recent cases there seemed to be an infinite potential for complications to arise no matter how straightforward the case initially appeared. As well as claim and counter claim, charge and counter charge by both sides, workers resorted to a series of legal/technical defences. On occasion, skilled workers such compositors and engravers claimed they fell beyond the jurisdiction of the Master and Servant Act because they were *artists* not menial or manual servants. Others challenged the technical form of the proceedings, argued that employers were demanding the performance of tasks for which they had not been hired to undertake, or questioned the jurisdiction of magistrates in relation to verbal agreements (the latter gave ample scope for disagreement as to the precise terms of the agreement and were the source of much criticism). Clauses dealing with *contract workers* in Master and Servant laws also became the source of frequent litigation. While such defences often appear to have failed - something hardly surprising given the powers vested by the Acts and a magistracy that was often *free-ranging* in its interpretation of them - they did bog down and complicate the enforcement process.[48]

Workers also sought to reshape employment agreements to better suit their own interests. A common tactic - and one for which female domestic servants were especially lambasted by the press - was the refusal to enter into contracts of long duration. Especially in the context of a general or specific shortage of labour, employers were frequently forced to accept such arrangements. Over time longer term contracts appear to have become increasingly exceptional apart for some particular groups of workers. Indeed, the period of a contract was seen to be associated with other aspects of the

conditions of employment. Thus, in 1854 the *Launceston Examiner* lamented that there was a widespread feeling amongst servants that the offer of a one year engagement meant that there was something wrong with the job.[49]

It should not be construed from the foregoing that all cases coming before the courts resulted in conviction or acquittal (seemingly rare for workers especially those in country districts). We have already indicated that the litigation involved a significant degree of what might be termed individualised industrial bargaining. Faced with complex cases or a reluctance to convict an employer for non payment of wages magistrates did opt for other solutions. Further, on occasion magistrates offered to arbitrate in a case or to refer the matter to an independent arbitrator, agreeable to both parties. From 1840 onwards a number of Master and Servant Acts contained specific arbitration provisions and Merritt's study found there was a significant and growing use of arbitration to resolves disputes involving both employer and employee claims. Merritt's suggestion that employers' experience with these provisions may have helped dispose them to accept compulsory arbitration is intriguing but requires further investigation.[50]

What is clear is that far from being marked by *laissez faire* approach to regulation, employment relations in nineteenth century Australia are marked by a strong reliance on statutory intervention - a reliance quite distinct from that found in Britain. Moreover, while Master and Servant laws were originally seen as a means for asserting control over labour the limitations of the attempted mass application of stringent regulations and harsh penalties gradually became apparent. As we have already indicated various forms of essentially unorganised worker resistance played no small part in undermining this objective. At the same time, more organised forms of worker agitation sought to reshape the legislation and its capacity to regulate employer/employee relations.

Organised resistance to the Master and Servant Acts took several forms. First, from 1840 onwards workers in all colonies engaged in political agitation aimed at reshaping the legislation. This agitation took a number of forms including mass protest meetings, writing letters to the press, petitions, direct lobbying of politicians, the sponsoring of sympathetic political representatives (as the franchise was gradually extended from the 1850s) and ultimately the development of a formal policy plank within the emerging formal political organisation by labour.

In the period up to 1860 in particular this agitation arose largely in response to attempts by colonial legislatures to introduce provisions within Master and Servant Acts, or associated laws dealing with indentured immigrants, which were seen to be inimical to workers' interests. It is also worth noting that this agitation involved and indeed, was often led by, union leaders and other labour activists. In 1840 protests by Sydney workers, including the presentation of petition with over 3,300 signatures, were seen to mitigate provisions of a new Master and Servant Bill. Just over two years later shepherds from a number of districts in Western Australia attempted to form a club to fight the threat posed by recent changes to the Master and Servant Act of that colony. Alterations to the New South Wales Act in 1845, including the

introduction of a compulsory discharge certificate system, also led to protests by rural workers especially in Victoria. These protests failed but attempts to introduce similar provisions into the South Australian Master and Servant Act in 1847 were dropped following widespread agitation by labourers, miners and other workers in Adelaide, Glen Osmond and the Barossa.[51]

There was a belated response to more coercive measures introduced in response to labour shortages inspired by the gold rushes of the 1850s. This was especially the case in Tasmania, where workers had previously been preoccupied with halting competition from convict labour. Interesting aspects of the struggle included the involvement of women and the establishment of permanent body to co-ordinate this and other labour movement claims through much of the decade. In 1855 widespread agitation by workers against oppressive measures in the 1854 Master and Servant Act led to the introduction of a new Bill. However, the passage of this Bill was halted when the Governor prorogued the Legislative Council following a scandal in the Convict Department. A new law enacted in 1856 addressed some of the issues raised but was far less ambitious than the 1855 Bill. The resulting dissatisfaction felt amongst workers, especially about retention of the discharge certificate system, led to further protests. Organised worker opposition also ensured that the harsh treatment meted out to indentured servants, such as Eliza Maquire, who was detained on allegations subsequently shown to be baseless, and a couple named Aherne gaoled for attempting to leave Tasmania because they could not find work, were made a *cause celebre* in the press. These and other protests resulted in the introduction of a further amending Bill in December 1857. This reform was again shelved following an about face by T.D. Chapman, who had been elected with working class support following a pledge to change the existing law, and a counter-attack of anti-reform petitions mounted by rural employers.[52]

In all the campaigns just mentioned there was a great similarity in the arguments mounted by labour against provisions within Master and Servant Acts, namely that the laws were more oppressive than their British equivalents and were an assault on the rights of British subjects; that the laws lacked reciprocity in terms of the offences, procedures and penalties respectively governing employers and the employed; the laws were 'polluted' by a 'convict leaven' in relation to the treatment of free labour; and such oppressive laws would discourage emigration. These arguments, partly based on principle and partly pragmatic, appear to have carried increasing weight especially give the single failure of coercive measures to achieve their purpose.

By the 1860s many of the worst features had been dropped in the legislation of most colonies. Further, after 1860 the rate of legislative change in relation the Master and Servant Acts slowed and some later reforms and associated laws, such as the introduction of enhanced avenues for wage recoveries, clearly benefited workers. Political agitation in connection with these laws also became more institutionalised as organised labour turned increasingly towards direct parliamentary representation. Charles Don, a stonemason (eight-hour day activist and former Chartist) and parliamentarian (1859-1864) endorsed by the Political and Socialist Labour League of

Victoria promised to destroy the Master and Servant Act - he failed - and replaced it with a Lien Act to enable wage recoveries. Amendment of Master and Servant legislation was also adopted as a formal policy plank of the 1884 Intercolonial Trades' Union Congress. The editor of the official record of this congress expressed surprise that laws lacking such a basic reciprocity had been allowed to survive so long. While repeal of the Master and Servant Acts was enshrined in the policy platform of the Labor Party in both New South Wales and Victoria, the election of Labor governments did not secure this outcome. Indeed, despite its success in ameliorating the worst aspects of the law, the failure of organised labour in Australia to have the laws entirely removed, as occurred in Britain in the late 1870s, raises important questions.[53]

Thus far, we have found no clear answer to this paradox. There are a number of possible explanations. One factor was the union movement's growing preoccupation with compulsory arbitration. Consistent with this, it could be suggested that given greater dependence on statutory regulation of employment relations in Australia employers were more resistant to giving up the Master and Servant Acts entirely until arbitration had effectively displaced them and by which time their repeal was hardly a pressing issue for unions or the Labor Party. Another point which may be of relevance here is that while the establishment of a pervasive network of arbitrated awards and agreements and the gradual abandonment of Master and Servant Acts (at least in terms of usage) took up at least three decades of the twentieth century from the mid nineteenth century onwards the application of the master servant Acts was directed at an increasingly narrow band of occupations, notably rural workers and domestic servants. Thus by the turn of the century, for many workers the Acts were seen as of little real significance. It could even be suggested that the failure of unions to strongly push for the repeal of the Master and Servant Acts at an earlier time was indicative of their diminished significance.

The eroding influence or centrality of the Master and Servant Acts in the second half of the nineteenth and early decades of the twentieth century was a slow and irregular process which did not occur with uniform speed across all colonies. Nevertheless, this trend was impelled in no small way by the second type of organised resistance mounted by labour, namely the growth of trade unionism and organised resistance to the Acts at workplace and industry level.

Although collective organisation amongst workers, both formal and informal, was seldom established with the explicit purpose of undermining Master and Servant laws such organisation, by its very nature, challenged the one-sided and individualised employment contract which were at the core of legislation. Once formed, some organisations did undertake a campaign against the application of the law to their members. Moreover, for their part, employers sought to use this same legislation to suppress collective action by workers. Indeed, for much of the nineteenth century, and especially prior to 1860, this appears to have been the preferred method amongst employers who chose to deal with combinations rather than recourse to common law actions for conspiracy or the statutory prohibition of combinations entailed in the British Act of 1825.[54]

Although it is now accepted that the latter Act was received into the Australian colonies[55], this point was by no means clear to colonial employers, their legal advisers, the press and even colonial authorities at least in the early period. For example, in 1829 the *Sydney Gazette* confidently asserted that it was the duty of magistrates to put down all combinations but two years later bemoaned the absence of laws to enable this. Likewise, in 1840 the *Australian* argued that the 1825 Act should be used against the compositors' society. However, its confidence in the applicability of these laws was not shared by the New South Wales Legislative Council committee inquiring into revisions to the Master and Servant Act which urged that the British laws dealing with combinations should be extended to the colony - a proposal which sparked no formal response. By December the *Australian* had turned to lamenting that the common law had not been used against striking shipwrights and compositors. The spate of strikes in 1846 led to renewed press debate. The *Port Philip Gazette* reported that the possibility of undertaking conspiracy proceedings against the journeyman tailors' society in Melbourne had been referred to the Legislative Council for its opinion. Again, however, there is no evidence of this leading to specific charges being laid.[56]

There is some evidence of the use of conspiracy charges against workers. In 1824 a group of journeymen coopers in Sydney were charged with "combination and conspiracy against their employers' interests" but there is no record of a trial. Sixteen years later several master bakers and a group of journeymen in Melbourne were charged with illegal combination and conspiracy following an assault on a master who refused to abide by an agreement setting both minimum bread prices and wages. Found guilty, the master and journeyman leading the combination were both gaoled (a month and two weeks respectively) and received heavy fines (100 and 50 pounds respectively), while the other journeymen received smaller fines of 5 pounds each. In 1841 two Melbourne sawyers charged with conspiracy for leading a strike were acquitted when the written statement outlining the sawyers' wage demands were mislaid. In 1845 a group of striking tobacco twisters at Walthall's factory in Maitland were convicted of unlawfully combining to force a fellow worker to leave his employment. Three of the twisters were sentenced to one month's gaol with hard labour while the remainder received a caution upon their agreement to return to work.[57]

An action brought against the Melbourne tailors for combining to prohibit the employment of more than one apprentice per tradesman failed although the bench did issue a warning to the striking journeymen. Violence erupted after master tailors combined to exclude union members from employment and imported scab labour from Tasmania to take their place. A number of journeymen were bound over to keep the peace after being convicted of placing a master in bodily fear. Similar charges were used against a number of miners involved in the Burra (South Australia) miners' strike of 1848.[58] Further, the laying of charges against workers accused of intimidating or assaulting other workers for breaching solidarity during a struggle was a relatively common tactic both before 1860 (see for instance the 1840 Melbourne bakers' strike, 1843 Adelaide water carriers' strike, 1847 Melbourne water carriers' strike, and the 1847 Hobart tailors' dispute) and thereafter (such as in maritime and shearers' strikes of the early 1890s).

However, it is equally clear that in most cases such actions were of limited effect given the ready ability of trade unions to pay the fines and others costs arising from such actions.

Overall, it appears that employers' use of the laws prohibiting conspiracy and combination was infrequent and only partially successful. At least in the period prior to 1860 many employers appear to have viewed the Master and Servant Acts as an easier and more certain remedy against collective dissent on the part of workers. There is evidence of numerous actions against workers involved in collective absence, absconding, misconduct, neglect of work or other breaches of agreement. The bulk of these actions were directed against informal associations of workers rather than unions. At the same time, the counter claims often made by workers during such proceedings, repeated prosecutions by individual employers, and prosecutions launched by groups of workers indicate that bargaining under the Master and Servant Acts could occur at a collective as well as individual level. In many cases it is clear that collective dissent was a response to poor conditions or harsh treatment by a particular employer. In other cases litigation arose over work methods and practices. For example, a Melbourne master tailor prosecuted two of his journeymen for neglect of work and hiring themselves out to others; a Yuille farmer prosecuted six of shearers for refusing work because it was raining; and a Mudgee farmer prosecuted his shearers after they demanded sheep be brought to them - a change from existing practice.[59]

The Master and Servant Acts were also used against trade unions, or rather their members and especially those seen to be leading industrial action. For instance, it is more than coincidental that at the same time the Sydney press was lamenting the absence of legislation to deal with combinations amongst shipwrights and printers in 1840 members of both unions were amongst the first workers tried under the recently revised Master and Servant Act. Three shipwrights were tried for refusing to work with a non-union member while a similar number of compositors at the *Monitor* office were prosecuted for neglect of work. In 1851 seventeen compositors at Henry Parkes's *Empire* newspaper were convicted of conspiracy to be absent and sentenced to gaol for periods of between one day and six weeks. Two years later nine coal miners - all members of a miners' provident society - who went on strike at the Newtown colliery near Hobart were sentenced to two months gaol with hard labour for breach of agreement. In January 1857 four striking compositors from the *Argus* newspaper were also charged with breach of contract. Likewise, a year later eight German stonemasons who refused to scab during a strike by masons building railways in Victoria were gaoled for three months for breach of contract.[60]

These instances are indicative of how employers used the Master and Servant Acts in an exemplary fashion to try and contain industrial action by unions. However, early unionists often did not meekly submit to such charges. One characteristic defence adopted by skilled workers accused of breaching their agreement was to claim that they were not artificers and therefore were not covered by the Acts. The Sydney shipwrights used this argument in 1840 as did the striking *Argus* compositors in 1857, one of whom launched an

appeal to the Supreme Court. While such claims appear to have mostly failed they did entail increasingly complex litigation which, in turn, undoubtedly influenced employer attitudes to the value of the Acts especially as far as some groups of workers were concerned. Newcastle coal miners, for instance, fought a running battle over this issue for over a number of years. During the 1840s and 1850s coal owners had tried to curb 'insolent behaviour' and strikes by prosecuting individuals (including strike leaders) and groups under the New South Wales Master and Servant Act. The miners replied by taking appeals to the Supreme Court. In 1856 striking miners secured a wage increase, but refused to sign an agreement which they believed would bring them under the Master and Servant Act. The miners' argument was based on the failure of both the 1845 and 1857 Master and Servant Acts to specifically refer to miners in their coverage provisions. The struggle was only resolved by a Supreme Court decision against this claim in 1862. By this time the coal owners had already begun to experiment with other methods, namely a Board of Conciliation, for resolving disputes with their men - something the union had long advocated.[61]

Despite employers' initial predilection to use the Master and Servant legislation against collective action by workers the limitations of these remedies gradually became apparent in a context where such action had the support of increasingly large and well-resourced unions. Apart from the harbouring and enticement clauses (such as s9 of the 1857 New South Wales Act), which prohibited persons from inducing workers to breach their contract, the Acts did not contain provisions which could easily address collective dissent, especially when this involved more than a handful of workers. Moreover, even though the former provision could and was used against those inciting a strike, Merritt's study suggests that it was not a commonly employed option.[62]

Whether growing disillusion amongst at least some groups of employers with the effectiveness of Master and Servant laws in dealing with collective organisation by workers was connected to the growing acceptance of third party settlements entailing conciliation and arbitration is an intriguing question which our research has yet to answer. Perhaps it was just part of a general drift away from using the Acts by employers which was temporarily reversed in the 1890s. Given what we have already said in relation to the British Act of 1825 prohibiting harmful combinations, picketing and a range of other activities it might appear that after 1860, apart from the use of the common law, employers faced somewhat of a *black hole* in terms of legal weapons against unions. This point remains speculative. However, whatever ambiguities existed about the applicability of the 1825 Act were swept aside in the 1890s, when the law was used to successfully prosecute striking shearers in Queensland. D.R. Hall suggests that unions greeted this move with as much surprise as disgust - reinforcing our point about its non-use at earlier times - and repeal of this law became a more prominent part of turn of the century Labor policy than was the case with repeal of the Master and Servant Acts.[63] Even so, it appears that of the hundreds of striking workers in the 1890s who were arrested and charged the great majority were tried for committing a range of criminal offences - such as arson or firing grass,

trespass, rioting, resisting arrest, stealing, seditious speech, intimidation, molesting, killing sheep, and possession of stolen goods - not arising from either the British Act of 1825 or the Master and Servant Acts.[64]

In concluding this section of the paper we would make a number of brief observations. First, it was argued that from the very earliest times the political and socio-economic specificities of the Australian context led to significant differences in Master and Servant laws from those applying in Britain and, indeed, an independent trajectory of development can be traced. This point remains equally valid when other bodies of labour legislation such as maritime labour laws are considered.[65] Second, one of the key differences was a far greater dependence on legislative intervention which also entailed a stronger element of compulsion. Third, given the widespread use of the Master and Servant Acts by both employers and workers, especially in the period up to 1860 and to a lesser extent thereafter, they constituted not only the most pervasive form of employment regulation but also a focal point for struggles over control of the employment relationship. It follows that these laws should form a central element in the study of industrial relations in nineteenth century Australia. For women workers, such as domestic servants, the Acts were especially critical and, as Merritt's study has shown, to ignore this, including patterns of resistance amongst female workers, is to compound a gender bias in the study of nineteenth century industrial relations.[66]

Fourth, even as the laws declined in use they left an important heritage. Merritt argues that "the legislation was one of the main processes by which the modern law of employment was created in the second half of the nineteenth century by introducing into contractual form of that new law restrictions on workers drawn from the old quasi-feudal law of the Master and Servant relationship. By thus retaining elements of the servile incidents of domestic and agricultural labour within relationships now supposedly based on principles of freely negotiated contracts between juridical equals, the law was appropriately tailored as an instrument for the regulation of the workforce of an industrial capitalist society".[67]

Fifth, the complex and dynamic nature of struggles in relation to the legislation highlights the need for a sophisticated understanding of the interaction between law and industrial relations. Although employers initially appeared to have the upper hand and the laws remained essentially one-sided workers were increasingly able to turn the Acts to their own purposes and to contest those elements of the laws they found oppressive. We might note, as E.P. Thompson does in *Whigs and Hunters*, that the law may be seen not only as simultaneously mediating, reinforcing and ideologically legitimating existing class relations, but also as placing inhibitions on the actions of rulers and "providing a genuine forum within which certain kinds of class conflict were fought out".[68]

The distinctiveness in labour law in this country in the nineteenth century may provide some clues as to why Australia ultimately opted for compulsory arbitration. A number of other observations made in this paper, such as those made in relation to union methods, also raise questions about the

accepted account of how Australia came to opt for a system of compulsory arbitration. It is therefore appropriate to briefly consider arguments about the origins of arbitration in the last section of this paper.

On explanations of the origins of arbitration

The labour laws of the nineteenth century are not merely of interest as curious and antiquated mechanisms for labour control. They represent an important background to subsequent state intervention in industrial relations, and, in particular, the development of arbitration. In turn, understanding the nature and origins of arbitration offers insights into the distinctive features of Australian labour relations. In particular, the relationship between trade union structure, methods and strategy and arbitration is important to the character of Australian unionism. The formative period of this relationship from the turn of the century to the early nineteen twenties is of particular interest.

Debates about the origins of arbitration, then, form the foundations of our understanding of twentieth century Australian industrial relations and Australian unionism. They inform the periodisation and interpretation of labour history, by indicating when and how nineteenth century patterns of industrial relations were changed.

Our research tackles these debates because analysing the development of Australian trade unionism and the impact on it of arbitral legislation, in part, relies on assumptions about the distinctiveness of arbitral legislation, and the way it changed nineteenth century patterns of Australian industrial relations. The first critical feature to be confronted is the extent to which the introduction of arbitration represents a break with the past.

Again, as with the study of Australian unionism, there is an agreed watershed, the 1890s, which has set the pattern and context of analysis. Why 1890? The answer is simple. The 1890s strikes are portrayed as the turning point - the moment which forced a series of critical policy decisions by key groups, such as unions and parliamentarians. The outcome of these decisions was the adoption of arbitration as the system to resolve intractable industrial relations problems. Whatever the limits envisaged by reformers and others to the operation of arbitration, decisions to advocate such a system set in train a series of perhaps unintended outcomes which saw a very sturdy and longlived oak emerge from a tiny acorn.

Accepting the 1890s as the critical period, much attention has been focussed on the events contiguous to this time and the interplay which produced compulsory arbitration. Comparatively few[69] examine the time before 1890 in any detail when explaining the introduction of compulsory arbitration. Moreover, many of those who do, still regard the earlier period as largely irrelevant for a number of reasons. First, the 1890s, clearly recognised as the catalyst in the introduction of compulsory arbitration, are treated also the source of explanations for its introduction and acceptance. Thus, liberal reformers, such as Kingston and Reeves, and the political circumstances of the times are seen as vital to the adoption of compulsory arbitration.[70]

Second, and related to the first, it is suggested that the problems confronting policymakers as a result of the 1890s strikes were those of a significant but unrepresentative group of Australian industries, the pastoral and maritime industries.[71] These industries had no experience of joint regulation or collective bargaining, and thus no developed mechanisms or rules for dealing with the conflicts between labour and capital. Where 'self' regulation was not viable, legislative solutions and government intervention became attractive.

Third, arbitration is regarded as an 'innovation' which arose in this period. Bray and Rimmer argue that Australia had little experience of voluntary boards of conciliation and arbitration and arbitral legislation was largely untried. Mitchell draws a distinction between a number of earlier attempts at arbitration legislation and the Bill introduced by Kingston. He sees Kingston as the architect of Australian arbitration, and moreover sees his contribution as producing an original combination of legislative features - a distinctively Australian model of *compulsory* arbitration model - which owed very little to other colonial and British experiments. Whatever the precedents, then, Australian arbitration is portrayed as *sui generis*, and its beginnings are deemed to be in the period of its establishment, that is, the 1890s.[72]

Thus, the consensus position on the introduction of compulsory arbitration is that it represents a decisive break with the past, and one promulgated in the peculiar economic and political conditions of the 1890s.

The 1890s were certainly a catalyst, setting in train decisions which gave Australia first voluntary, and quickly, compulsory arbitration systems. The systems which evolved were distinctive and bore little relationship to other attempts at arbitration. Clearly, there are important differences between the failed arbitral Bills of the 1880s and the successful 'Kingston' model developed in the 1890s.[73] Do these observations justify a judgement that the preceding decades were relatively unimportant to the development of arbitration?

Taking the arguments outlined above in turn, we can suggest where our own evidence and that of others sheds some new light on received interpretations of the introduction of arbitration and its significance.

The notion of the 1890s as a watershed implies that arbitration was an idea whose time had come in Australia. It was also an idea with a lengthy and diverse history. As Mitchell demonstrates there was extensive experience of arbitration in Britain in the eighteenth and nineteenth centuries. Although much of this was compulsory, it dealt with individual contracts of employment and established rights in a way similar to commercial arbitration. It could not deal with substantive interest disputes, over future wage rates and conditions of employment. It did not recognise unions, or collective groups of workers. Its relationship to our industrial arbitration systems was limited to the notion that a third party be called in to resolve disputes between two other parties. The experience in Europe and North America was substantially similar. Mitchell argues that because of the limited nature of these systems, antipathy by employers and apathy from unions, they were largely a failure.[74]

The Australian colonies began to consider legislation for conciliation and arbitration in the 1880s, with New South Wales and Victoria debating various Bills based on French and British legislation. These were not enacted. However, that there were a number of attempts to introduce conciliation and arbitration legislation prior to the 1890s strikes suggests that arbitration was a matter of serious interest before the strikes. Further, there was some momentum in advocacy of this matter since various parliamentarians sponsored Bills in quick succession. Mitchell notes the great interest in, and comparatively sophisticated understanding of, schemes of arbitration displayed in the parliamentary debates of the time.[75]

Moreover, support for arbitration was not confined to the legislative arena. There are a number of instances of agreements, and Boards of Conciliation and Arbitration set up in various industries from the 1860s in Australia.[76] This experience of voluntary arbitration (to which we will return) indicates widespread exposure to the idea and experimentation prior to the 1890s period.

While it is clear that the Kingston model of compulsory arbitration was introduced into the South Australian parliament in December 1890 explicitly to deal with disputes such as the maritime strike,[77] it is important to recognise that the experience of the 1870s and 1880s meant that arbitration was already on the policy agenda. It had been seriously considered and debated in colonial parliaments and among trade union and other community groups prior to the 1890s strikes.

Thus, we can accept that the 1890s provided a set of circumstances in which arbitration became an acceptable policy solution to industrial disputation, and that Kingston drafted in 1890 a Bill which contained the major elements that characterised Australian compulsory arbitration over the ensuing decades. However, focussing on that 1890 watershed turns attention away from the preceding decades. We suggest that it was the activity over various forms of arbitration and the debate associated with these, that predisposed policymakers to choose arbitration.[78] Moreover, that choice was reinforced by the general climate of legislative policymaking about labour in Australia. As indicated earlier, Australian colonies relied heavily on legislative methods to deal with labour problems, were disposed to experimentation, and designed legislation which was highly prescriptive and interventionist.

It is only when we turn our attention from the 1890s watershed that the reasons for experimentation with arbitration in the 1870s and 1880s become an issue. In other words, the influence of nineteenth century patterns of labour relations and unionism on the twentieth century become more immediate and direct matters when not filtered by the experience of the 1890s.

Bray and Rimmer partially deal with this matter in the context of the New South Wales Royal Commission on Strikes. They argue that the industries, pastoral and maritime, central to the 1890s strikes were characterised by growing unionism, but little experience of joint regulation or

negotiation. Therefore, policymakers saw arbitration as a way of compelling negotiation between parties unwilling or unable to resolve their own disputes. They argue also that these industries were not typical, and there were a number of others, such as mining, printing and engineering, where joint regulation operated.[79] Our evidence suggests that union attempts at unilateral regulation, or poorly developed joint regulation, were characteristic of a range of industries in the Australian colonies through the 1880s and 1890s. For example, in the building trades in South Australia in the 1880s, negotiations over wages and conditions proceeded by means of submission by the union of a set of working rules to the employers for consideration.[80]

Where groups used joint regulation, such as the miners, they also developed boards of conciliation and arbitration. The miners had boards from the 1870s. Agreements about arbitration, and the resolution of large disputes by conciliation or arbitration occurred in a number of industries. In the 1880s there was an agreement between the Seamen's Union and the Steamship Owners Association to submit disputes to conciliation or arbitration, and the eight hour day in stevedoring was obtained in an arbitrated decision in 1886. In bootmaking in South Australia, a large dispute in 1885 was resolved by reference to a conference of employers and union representatives, with an impartial third person presiding. Later in South Australia a similar board of arbitrators was set up to resolve an intractable dispute in the tanning industry. As a result of the bootmaking dispute a board of conciliation for the industry was set up to which future disputes were to be referred, and there are references to appointments to this board through to the 1890s. There were also general boards of conciliation and arbitration set up in Adelaide and Melbourne in the late 1880s. We have yet to collate all our evidence on the incidence of voluntary arbitration, however, it appears that it was an increasingly common suggestion as a solution to intractable disputes through the 1880s.[81]

The development of voluntary arbitration at industry level appears to have filled the vacuum created by the absence of joint regulation, or supplemented the inadequacies of negotiation. This provided some experience of arbitration in a number of industries and colonies. The suggestion that "industry boards were rare"[82] requires some qualification, since there seems to be evidence of various ad hoc boards to resolve disputes in particular industries even if fewer permanent ones. These ad hoc boards dealt with substantive matters in dispute, such as the eight hour day, wage rates, and ratios of apprentices to skilled tradesmen. The lack of strong development of joint regulation in a number of industries, such as pastoral and maritime, as well as manufacturing industries, like bootmaking and clothing, and processing industries, such as leather, may have made legislative schemes of conciliation and arbitration more acceptable and ensured their development once implemented. This also appears to have been the reason for resorting to voluntary arbitration prior to enactment of arbitral legislation.

Further, while the events of the 1890s were among the factors propelling the Australian arbitral solution forward, both New Zealand and Canada also introduced or came close to introducing arbitration systems without this specific set of events. This leads us to look to factors other than

the circumstances immediately surrounding the introduction of arbitration legislation. Mitchell in comparing the Australian and Canadian experience with arbitration from 1870 to 1910, points to similar economic circumstances, such as weak domestic and volatile export sectors coupled with 'the uneven strength of the organisations of capital and labour' as predisposing both to state intervention.[83]

The development of unique Antipodean compulsory arbitration, in contrast to the voluntary schemes characteristic of Britain, is significant because of its impact on the later development of industrial relations. It can be recognised as an important 'innovation' with hindsight. However, in the context of the experimentation occurring with the idea at the time, it is more in the nature of one possible notion of arbitration to emerge as part of the policy process. The introduction of legislation for conciliation and arbitration occurred over a decade or more, and its success was even slower to establish. For example, when Kingston, the architect of compulsory arbitration, finally succeeded in having his Bill enacted in modified form, the refusal of unions to register, in order to avail themselves of the process, rendered it useless.[84]

Reviewing explanations of the introduction of arbitration in Australia in light of our research suggests a need to shift the focus from the 1890s period and, in particular, the maritime and pastoral strikes, to the patterns of regulation and industrial relations characteristic of nineteenth century Australia. The notion of a watershed or 'turning point' implies a break between the experience of the 1890s and earlier decades which appears overstated. The conditions of industrial relations prior to the 1890s involved poor development of joint regulation, reliance on unilateral regulation in many industries and where this broke down and resulted in industrial disputes, resort to voluntary conciliation and arbitration in many instances. There was considerable debate over the merits of arbitration, and a number of enthusiasts and groups prepared to experiment, and develop legislative proposals. Arbitration was used, advocated and on the policy agenda before the cataclysmic events of the 1890s.

The predisposition of parliamentarians to rely on legislation as a means of regulating labour questions, and a history of laws which diverged from British models, and contained a significant element of compulsion and prescription is also part of the political context in which new legislative proposals such as arbitration are shaped.

The historiographical prominence of the 1890s in the discussion of the origins of arbitration hampers understanding of the links between nineteenth and twentieth century industrial relations in Australia. The nature and basis of experiments with voluntary arbitration remain unexamined, and our analysis of Australian unionism is consequently impoverished. The legislative policy climate is treated partially, and thus, analysis of nineteenth century experience of labour regulation is fragmented. The evidence on the origins and development of arbitration in Australia suggests that the preference for this system was formed endogenously, as part of the historical and institutional experience of industrial relations in Australia. That understanding is

strengthened when we move beyond the historical confines of the great struggles.

Conclusion

There has been vigorous debate about labour history in recent times, with the emergence of the 'new' labour history or social history as a response to the inadequacies of the 'old' or institutionalist labour history. Subsequently, Zeitlin has questioned the assumptions of the new labour history and argued for a renewed and critical focus on institutions. This has been labelled a 'neo-institutionalist' approach. In arguing that 'institutions matter' Zeitlin shares in a current of research and debates on new institutionalism which has occurred in political science and a number of other disciplines including economics.[85]

Our project was conceived with an explicitly institutional focus because with Zeitlin we believed that "institutional forces ... have played the crucial role in shaping relationships between workers and employers".[86] However, it is institutionalist in the sense that it shares some of the interests of the old and the new institutionalism. It shares with the old, a focus on labour organisation, in part because charting the development of trade union organisation in Australia across all the colonies and particularly in the early part of the nineteenth century has not been fully documented in earlier work. Nevertheless, the project breaks with many of the assumptions of the old institutional labour history.

An assumption imbued with Darwinian notions of evolutionary survival of the fittest underpins much of the historiography of early trade unionism. Movement from the simple to the complex, from organisations at the mercy of the vicissitudes of the political and economic climate to those able to resist and indeed shape that climate is depicted as the trend of trade union development. As Price has noted the history of institutions is often the history of winners.[87] Australian labour history has shared with the Webbs a preoccupation with 'continuous associations of wage-earners'. In contrast, we have attempted to question that assumption and, in common with recent revisions in evolutionary biology, to recover the many organisations that failed. First, this gives a better picture of the diversity of labour organisation, and second, it provides alternative explanations of the nature of development of trade unionism.

To explain trade union development by concentrating on the survivors makes continuity of organisation one of the most significant features of the patterns that developed. Yet many occupational groups in the nineteenth century exhibit a constant ebb and flow of union organisation. The collapse of one organisation does not necessarily imply any significant break in the ideas and issues being contested in that industry, nor any major change in the activists to emerge in each new organisation. The importance of a stable and continuous trade union to labour activity in the nineteenth century in colonies where the workforce is small and concentrated cannot be assumed. Examining the record of the failed and 'fallen' allows an appreciation of contingency in the development of labour organisation.

The second area to be questioned is 'watersheds' commonly identified in the development of industrial relations in Australia - the 1850s and the 1890s. The metaphorical and analytic force of a watershed shapes our understanding of labour history by implicitly setting the criteria by which the coherence of a period is judged. The two in Australia denote continuous trade union organisation, and the relationship between the state and labour. We have tried to indicate where we believe the evidence suggests a need for rethinking those watersheds, in order to recognise when trade union organisation changed, and the features underpinning the development of arbitration.

The third set of assumptions concerns state intervention and regulation of employment relations in Australia. While there is widespread recognition of the social and economic characteristics that encouraged a high degree of state intervention in the Australian economy, this has not prompted a broad focus on state intervention by labour historians. The unique status of arbitration has overwhelmed any consideration of various other laws dealing with Master and Servant, indentured immigrants, maritime labour and occupational health and safety. This has a variety of effects on our understanding of state regulation in Australia, but also limits consideration of worker organisation and protest. For example, some of the early political activity by women workers concerned protests over the Master and Servant legislation. This is not surprising since it had a disproportionate effect on women workers, who were concentrated in a few occupations, notably domestic service.

Like much empirical work, the project was designed with the explicit intention of questioning or breaking from some assumptions that had dominated Australian labour history, other notions have developed in the course of our analysis of the rich material collected. Fuller analysis of our data, we hope will lead to new insights and inevitably some questioning of the tentative ideas advanced in this paper. For the present, this constitutes a first step in examining the historical divergences of state regulation, trade union organisation and strategy in Australian labour history.

91

Endnotes

1. For some notable exceptions see M. Bray and M. Rimmer, 'Compulsory Arbitration v Managerial Control : Industrial Relations in Sydney Road Transport, 1888-1908', *Historical Studies*, vol. 22 no. 87. 1986, pp 214-31; J. Merritt, *The Making of the AWU*, Oxford University Press, Melbourne, 1986; T. Sheridan, *Mindful Militants : The Amalgamated Engineering Union in Australia 1920-72*, Cambridge University Press, Cambridge, 1975.

2. Such as R.N. Ebbels, *The Australian Labour Movement*, Cheshire Landsdowne, Melbourne, 1965; I. Turner, *In Union is Strength : A History in Australia 1788-1974*, Nelson, Melbourne, 1976; J.T. Sutcliffe, *A History of Trade Unionism*, Macmillan, Melbourne, 1967. Reprint.

3. M. Waters, *Strikes in Australia*, Allen & Unwin, Sydney, 1982.

4. P. Lange, G. Ross, and M. Vannicelli, *Unions Change and Crisis : French and Italian Union Strategy and the Political Economy, 1945-80*, Allen & Unwin, London, 1982 and R. Martin, *Trade Union : Purposes and Forms*, Claredon Press, Oxford 1989 examine trade union purpose in detail to outline a theory about determinants of a trade union movement's character. For an attempt to establish the parameters for studying trade union strategy in the Australian context see M. Gardner, 'Union Strategy - A Gap in Union Theory', in B. Ford and D. Plowman (eds.), *Australian Unions : An Industrial Relations Perspective*, 2nd ed., Macmillan, Melbourne, 1989, pp 49-72.

5. R. Markey, 'New Unionism in Australia : 1880-1890', *Labour History*, no. 48 1985, pp 15-21.

6. W.G. Spence, *The Ethics of New Unionism*, (Lecture delivered to meeting at Leigh House, Sydney on June 12 1892 under the auspices of the Australian Socialist League), Martin and Grose, Sydney, 1892.

7. C.R. Dobson, *Masters and Journeymen : A Prehistory of Industrial Relations 1717-1800*, Croom Helm, London, 1980; R.A. Leeson, *Travelling Brothers : The Six Centuries Road from Craft Fellowship to Trade Unionism*, Granada, London, 1979; R.E. Musson, *British Trade Unions 1800-1875*, Macmillan, London, 1972.

8. See, for instance, Bray and Rimmer (1986), *op. cit.*, pp. 214-31; Gardner (1989), *op. cit.*, pp. 49-72; M. Quinlan and C. Lever-Tracy, 'Immigrant Workers, Trade Unions and Industrial Struggle : An Overview of the Australian Experience, 1945-85', *Economic and Industrial Democracy*, vol. 9 no. 1 1988, pp 7-41.

9.   See C. Littler, M. Quinlan and J. Kitay, 'Australian Workplace Industrial Relations : Towards a Conceptual Framework', *The Journal of Industrial Relations*, vol. 31 no. 4 1989, pp 500-525.

10.   Including Colonial Secretary's office correspondence, petitions and other records, Governor's dispatches, parliamentary proceedings, statutes, trade union and friendly society records.

11.   M. Quinlan, 'Early Trade Union Organisation in Australia : Three Australian Colonies, 1829-1850', *Labour and Industry*, vol. 1 no. 1 1987, pp 61-95.

12.   L.J. Hume, 'The Labour Movement in New South Wales and Victoria 1830-1860', M.Ec. thesis, University of Sydney, 1950; W. Nichol, 'Medicine and the Labour Movement in New South Wales, 1788-1850', *Labour History*, no. 49 1985, pp 19-37; D.W.M. Terry, 'The Development of the Labour Movement in New South Wales 1833-1846', MA thesis, University of Sydney, 1951; L. Thomas, *The Development of the Labour Movement in the Sydney District of New South Wales*, Australian Society for the Study of Labour History, Canberra, 1962. Roneoed reprint of a MA thesis, University of Sydney, 1919. An undated manuscript by activist and University of Sydney tutor, Meredith Atkinson on early trade unionism in Australia probably written around the same time (1919) that Leila Thomas wrote her thesis was discovered in the early 1980s and then almost immediately lost after being purchased by the University of New South Wales Library. The possible relationship, if any, between Atkinson's and Thomas's work (she completed her thesis at the University of Sydney) is intriguing.

13.   J. Hagan, 'The Australian Union Movement : Context and Perspective, 1850-1987', in Ford and Plowman (1989), *op. cit.*, p. 18.

14.   Such as Dobson (1980), *op. cit.*.

15.   *Hobart Mercury*, 4/5/1855; *Port Philip Patriot*, 15/5/45; *South Australian*, 30/6/1846; *Star and Working Man's Guardian*, 4/1/1844. Our research indicates a growth in attempts at organisation by women workers in succeeding decades. This also appears to parallel the take-off in union organisation in the early to mid 1870s. In 1871 a tailoresses union was formed in Melbourne (surviving until at least 1874). This was a full decade before the oft referred to Melbourne tailoresses union of the early 1880s. Attempts to assess the significance of the later union and the 1882-1883 strike by tailoresses overlook not only the earlier attempts at organisation but also the fact that this was not the first time Melbourne tailoresses had taken strike action. See R. Brooks, 'The Melbourne Tailoresses Strike 1882-1883 : An Assessment', *Labour History*, no. 44 1983, pp 27-38.

16.   Sydney Progressive Society of Carpenters and Joiners, *Account Book 1846-1858*, held in Mitchell Library, Sydney.

17. M. Quinlan, *Hope Against Hard Times : Working Class Organisation in Tasmania 1830-1850*, Industrial Relations Monograph no. 13, Industrial Relations Research Centre, University of New South Wales, 1986, p. 63.

18. See Quinlan (1987), *op. cit.*, pp. 85-86.

19. Some indication of the vagaries surrounding the survival of union records can be given by referring to one union, the Sydney shipwrights. One of the earliest unions formed in Australia it was initially registered under the British Friendly Societies Act (there was no local Act until 1843) after a Supreme Court case (*Sydney Gazette*, 23/10/1830 and 3/5/1831). It also maintained an almost if not entirely continuous existence. In June 1861, for instance, the union celebrated its 32nd anniversary (*Sydney Morning Herald*, 8/6/1861). Although many of the early records of this union survived until comparatively recently, they appear to have been destroyed during demolition on a Sydney construction site.

20. See Dobson (1980), *op. cit.*, pp. 38-46; Leeson (1979), *op. cit.*

21. Thomas (1962), *op. cit.*

22. Quinlan (1986), *Hope Amidst Hard Times*, pp. 57-79.

23. *Australian*, 16/12/1838; *Colonial Times*, 29/12/1846; Leeson (1979), *op. cit.*, pp 139, 190-1; *South Australian Register*, 24/6/1846.

24. For historians see J. Cashen, 'Masters and Servants in Early South Australia', *Push from the Bush*, no. 6 1980, pp 23-33. For legal academics see A.P. Davidson, 'An Analytical and Comparative History of Master and Servant', Masters of Law thesis, University of Tasmania, 1975; A.S. Merritt, 'The Development and Application of Masters and Servants legislation in New South Wales, 1845-1930', Phd. thesis, Australian National University, 1981.

25. See A. Atkinson, *Camden : Farm and Village Life in Early New South Wales*, Oxford University Press, Melbourne, 1988; J. Walker, *Jondaryan Station : The Relationship between Pastoral Capital and Pastoral Labour 1840-1890*, University of Queensland Press, St Lucia, 1988.

26. Such as B. Creighton and A. Stewart, *Labour Law. An Introduction*, Federation Press, Sydney, 1990.

27. F. Crowley, 'Working Class Conditions in Australia 1788-1850', Phd. hesis, University of Melbourne, 1949.

28.   M. Quinlan, 'State Regulation of Labour in Australia 1828-1860', paper presented to the 4th Australian Law and Society Conference, Griffith University, 1986; M. Quinlan, 'Pre-arbitral labour legislation in Australia and its implications for the introduction of compulsory arbitration', in S. Macintyre and R. Mitchell (eds.), *Foundations of Arbitration : The Origins and Effects of Compulsory Arbitration 1890-1914*, Oxford University Press, Melbourne, pp 25-49.

29.   *Ibid.*

30.   D. Simon, 'Master and Servant', in J. Saville (ed.), *Democracy and the Labour Movement*, Lawrence and Wishart, London, 1954, pp 160-200.

31.   A.S. Merritt, 'Forgotten Militants : Use of the New South Wales Masters and Servants Act by and against female employees 1845-1930', in C. Tomlins and I.W. Duncanson (eds.), *Law and History in Australia*, La Trobe University, 2nd print, 1984.

32.   C.M. Smith, *The Law of Master and Servant*, 2nd ed., H. Sweet, London, 1860, p. 336.

33.   Quinlan, 'State Regulation of Labour in Australia 1828-1860', p. 12.

34.   J. Cashen, 'Masters and Servants in South Australia 1837-1860', *Journal of the Historical Society of South Australia*, no. 10 1982, pp 32-43.

35.   A.S. Merritt, 'The Historical Role of Law in the Regulation of Employment : Abstentionist or Interventionist?', *Australian Journal of Law and Society*, vol 1 no. 1 1982, pp 56-86.

36.   See Quinlan (1989), *op. cit.*

37.   Quinlan (1986), 'State Regulation of Labour in Australia 1828-1860', pp 13-14.

38.   *Ibid.*, p. 14.

39.   Merritt (1981), op. cit., p. 190.

40.   R. McQueen, 'Master and Servants Legislation in the 19th Century Australian Colonies', B. Litt (hons) thesis, University of Melbourne, 1984; Quinlan (1986), 'State Regulation of Labour in Australia 1828-1860', p. 26.

41.   Simon (1954), *op. cit.*, p. 160.

42.   Merritt (1981), op. cit., p. 291.

43.   McQueen (1984), op. cit.

44.   e.g. Merritt (1981), op. cit., p. 386.

45.   *Monitor*, 9/3/1837; *Port Philip Patriot*, 11/12/1846; *Sydney Gazette*, 18/7/1835, 20/8/1835, 6/12/1835 and 11/2/1837; *Sydney Morning Herald*, 18/6/1835.

46.   Complaints concerning arson and incendiarism were especially prevalent in the 1820s, 1830s and 1840s. This form of rural worker protest undoubtedly drew upon a long tradition of similar activity in England, although there is little evidence in the colonies of the threatening letters which sometimes accompanied such action in Britain. Of course, such responses were by no means universal. As Atkinson's study of Camden shows relations between employers and workmen in rural communities were mediated by a number of factors including the sense of long term obligation that landowners like the MacArthurs felt towards their workmen and the sense of community identity which evolved in Camden. Camden may well be atypical. Certainly, Roberts account of the squatting expansion of the 1830s and 1840s paints a far more polarised picture of relations between rural employers and their workers. It is clear that more regional research is required to identify and assess the various complexities of employment relations outside of the major towns in the nineteenth century. See Atkinson (1988), *op. cit.*; Quinlan (1986), *Hope Amidst Hard Times*; S.H. Roberts, *The Squatting Age in Australia 1835-1847*, Reprint, Melbourne University Press, Parkville, 1964; E.P. Thompson (1977), 'The Crime of Anonymity', in D. Hay, P. Linebaugh, J.G. Rule, E.P. Thompson and C. Winslow, *Albion's Fatal Tree : Crime and Society in Eighteenth Century England*, Peregrine, Harmondsworth, 1977, pp 255-308.

47.   Merritt (1981), op. cit., p. 208.

48.   *Port Philip Patriot*, 10/12/1846 and 27/3/1848.

49.   *Launceston Examiner*, 18/4/1854.

50.   Merritt (1981), op. cit., pp 53, 297, 318-19; Quinlan (1986), 'State Regulation of Labour in Australia 1828-1860', p. 32.

51.   *Monitor*, 29/9/1840; *Perth Gazette*, 21/1/1843; *Port Philip Patriot*, 11/12/1845 and 23/12/1845; Thomas (1962), *op. cit.*

52.   Tasmania, *Journals of the House of Assembly*, Government Printer, Hobart, 1858.

53.   F. Crowley, *A Documentary History of Australia 1788-1900*, 3 vols., Nelson, Melbourne, 1980, vol. 2 pp. 394-5, vol. 3 p. 154; W.G. Spence, *Australia's Awakening*, The Worker's Trustees, Sydney, 1909, Appendix.

54.   *6 George IV C129.*

55.   See R. Mitchell, 'Tort Liability for Strikes in Australia : A Study of the Comparative Background and the Comparative Law in England and Australia', LLM thesis, University of Melbourne, 1973; G.H. Sorrell, *Law in Labour Relations : An Australian Essay*, Law Book Co., Sydney, 1979.

56.   *Australian*, 5/2/1840 and 5/12/1840; *Port Philip Gazette*, 13/6/1846; *Port Philip Patriot*, 28/9/1840; *Sydney Gazette*, 15/12/1829 and 8/10/1831.

57.   *Maitland Mercury*, 22/2/1845; *Port Philip Herald*, 24/3/1840 and 10/6/1841; *Port Philip Patriot*, 22/3/1840, 30/3/1840 and 3/6/1841; *Sydney Gazette*, 24/6/1824.

58.   *Port Philip Patriot*, 23/4/1846 and 9/6/1846; *South Australian*, 22/9/1848.

59.   Merritt (1981), op. cit., p. 331; *Port Philip Gazette*, 27/11/1848; *Port Philip Herald*, 19/11/1841.

60.   *Argus*, 12/1/1857; T.A. Coghlan, *Labour and Industry in Australia*, 4 vols., Macmillan, Melbourne, reprint, 1969, vol. 2, pp. 737-38; *Commercial Journal*, 5/12/1840; *Hobarton Guardian*, 22/6/1853; J. Hutson, *Penal Colony to Penal Powers*, revised ed., Amalgamated Metals Foundry and Shipwrights Union, Surry Hills, 1983, p. 28; *Monitor*, 3/12/1840.

61.   *Argus*, 2/4/1857; *Launceston Examiner*, 26/5/1856; J.W. Turner, 'Newcastle Miners and the Masters and Servant Act, 1830-1862', *Labour History*, no. 16 1969, p. 30, J.W. Turner, 'Coalmining and Manufacturing in Newcastle 1797-1900', Phd. thesis, University of Newcastle, 1977, pp. 86-91.

62.   Coghlan (1969), *op. cit.*, vol. 2, p. 736; Merritt (1981), op. cit., p. 53.

63.   D.R. Hall, 'Strike Law in Queensland', in D.J. Murphy (ed.), *The Big Strikes: Queensland 1889-1965*, University of Queensland Press, St Lucia, 1983, p. 17.

64.   S. Svenson, *The Shearer's War : The Story of the 1891 Shearer's Strike*, University of Queensland Press, St Lucia, 1989, pp. 302-304.

65.   Quinlan, (1989), *op. cit.*, pp. 38-41.

66.   Merritt (1984), *op. cit.*, p. 97.

67.   *Ibid.*, p. 61.

68.   E.P. Thompson, *Whigs and Hunters : The Origin of the Black Act*, Allen & Lane, London, 1975, p. 67.

69. Examples of authors who do examine the earlier period are M. Bray and M. Rimmer, 'Voluntarism or Compulsion? Public Inquiries into Industrial Relations in New South Wales and Great Britain, 1890-4', in Macintyre and Mitchell (1989), *op. cit.*, pp. 50-73; Hutson (1983), *op. cit.*; R. Mitchell, 'State Systems of Conciliation and Arbitration ; The Legal Origins of the Australasian Model', in Macintyre and Mitchell (1989), *op. cit.*, pp. 50-73.

70. S. Macintyre and R. Mitchell, 'Introduction', in Macintyre and Mitchell (1989), *op. cit.*, pp. 1-24.

71. Bray and Rimmer (1989), *op. cit.*, pp. 61-63.

72. Bray and Rimmer (1989), *op. cit.*, p. 75; Mitchell (1989), *op. cit.*, pp. 88-95.

73. Hutson (1983), *op. cit.*, p. 54; Mitchell (1989), *op. cit.*, pp. 85-89.

74. Mitchell (1989), *op. cit.*, p. 80.

75. R. Mitchell , 'Solving the Great Social Problem of the Age : A Comparison of the Development of State Systems of Conciliation and Arbitration in Australia and Canada 1870-1910', in G.S. Kealey and G. Patmore (eds.), *Canadian and Australian Labour History : Towards A Comparative Perspective*, Australian Society for the Study of Labour History, Canadian Committee for Labour History and Australian Canadian Studies, Brisbane, 1990, pp. 47-80.

76. Hutson (1983), *op. cit.*, p. 38.

77. R. Walker, 'The Maritime Strikes in South Australia, 1887-1890', *Labour History*, no. 14 1968, p. 11.

78. Bray and Rimmer argue that one of the reasons the New South Wales Royal Commission on Strikes favoured arbitration was that there had been no failed statutory experience with it, unlike Britain. See Bray and Rimmer (1989), *op. cit.*, p 54.

79. Bray and Rimmer (1989), *op. cit.*, p. 61.

80. *South Australian Advertiser*, 16/3/1886 and 19/5/1886.

81. Hutson (1983), *op. cit.*, p 38; *Newcastle Herald*, 11.12.1885; *South Australian Advertiser*, 13/12/1885, 15/1/1886, 3/7/1889, 26/3/1890 and 23/5/1890.

82. Bray and Rimmer (1989), *op. cit.*, p. 53.

83. Mitchell (1990), *op. cit.*, p. 64.

84.   Walker (1968), *op. cit.*, p. 12.

85.   D. Brody, 'The Old Labor History and the New : In Search of an American Working Class', *Labor History*, vol. 20 no. 1 1979, pp. 112-126; J. March and J. Olsen, 'The New Institutionalism : Organisational Factors in Political Life', *American Political Science Review*, vol. 78 no. 3 1984, pp. 734-749; J. Zeitlin, 'From labour history to the history of industrial relations', *Economic History Review*, 2nd series vol. 11 no. 2 1987, pp. 159-184; J. Zeitlin, 'Rank and Filism in British Labour History : A Critique', *International Review of Social History*, vol. 34 no. 1 1989, pp. 42-61.

86.   Zeitlin (1987), *op. cit.*, pp. 177-8.

87.   R. Price, 'What's in a Name? Workplace History and Rank and Filism', *International Review of Social History*, vol. 34 no. 7 1989, pp. 62-77.

Chapter 6

The Memory Business

Barrie Dyster

Tom Sheridan is right.[1] Prediction is not the historian's job. We should not fall into the trap of the economist who predicted nine of the last three recessions.

Historians look in the other direction. Our business is memory. A person without a memory is a zombie, someone whose past is dead, someone (in other words) devoid of experience. A discipline without a memory is equally and scandalously handicapped.

The discipline of Industrial Relations does have a clear sense of the past - at least in Australia, where permanent organisations with career officials defend or seek to revise long-standing arrangements before courts which themselves have continuous and self-conscious histories. The discipline of Industrial Relations at the University of New South Wales has a particularly strong historical commitment. Braham Dabscheck and David Plowman have produced significant history books, John Niland published first on the nineteenth century, Mark Bray and Malcolm Rimmer did much of their work together at that campus, Bradon Ellem is a recent appointment to the School, and other teachers there have a lively curiosity about the antecedents and context of the particular phenomena they study.[2]

Yet the discipline at New South Wales, as at the University of Sydney, offers a Labour History course distinct from and in addition to the courses offered by its historically-minded staff. Why is this so? In part it must be a recognition of the necessary division of labour. Courses and teachers committed to scrutinising the present cannot give sufficient attention to exploring the past. In part it must be a recognition of the structural difficulty of reconciling diachronic and synchronic approaches to a subject, of watching a moving film on the one hand whose every frame dissolves instantly into the next but which conveys an overwhelming sense of sequence, and of scanning an aerial photograph on the other hand whose clear definition of a whole terrain at a single instant allows the observer, paradoxically, unlimited time to study innumerable coincidences (or conjunctions, as a sober analyst might call them).

Economic historians are keenly aware of our role in supplying memory. We service budding accountants, marketeers and economists. Chartered accountants often handle data that stretch no longer than a financial year. The neo-classical economists' assumption of a level playing field favours the aerial photograph over the moving film. Inevitably practitioners of these crafts do have an image of the past, even if it is only a series of annual snapshots, each one smaller and more blurred than that for the year following, for no one can function without a memory of some kind, however inappropriate or stereotyped. J.M. Keynes knew that: "Practical men who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist".[3]

Practitioners of industrial relations, as has been said, are very conscious of what has gone before. But Tom Sheridan is right again.[4] They are susceptible to stereotypes as are the rest of us, simply because no one has time to think everything through afresh. And most practitioners, understandably, read the record back in a straight line from the point at which they stand. Historians are paid to wander far and wide across the terrain. We are paid to put things into a larger, and often unexpected, context.

In 1989 I was asked to extend the memory of students in Industrial Relations at the University of New South Wales. The handout they received is found in the Appendix.

You can see that it is conventionally chronological. Would this risk becoming a whiggish exercise in progressive revelation, an account of the long march from primitive origins to today's full formation? That would assume something that was not only untrue, but that students in 1989 would know to be untrue - that the present will change little in the future because the correct consensus has been achieved. How, then, to generate interest, to be true to the material, and to keep students thinking rather than transcribing from the lectures and the books?

I decided to start with the debate about segmented labour, which many of them (I found) had met before. They would be asked to test it in all situations. Even for those who rejected it as an explanation of what happened, it contributed to sharper definition of what happened. It was an heuristic device. I pointed out, probably not very clearly, that description and explanation are not the same thing. It allowed me to contrast the colonial and Aboriginal economies, to compare free and unfree labour and to suggest various degrees of unfreedom. How were skill, semi-skill and unskill defined and the definitions enforced? Male and female, adult and non-adult, permanent and casual, full-time and part-time, citizen and non-citizen - were these distinctions accentuated or muffled in Australia?

It was certainly a useful heuristic device for preparing lectures, and giving them interest to the lecturer. Males who majored in Industrial Relations (the course was open to Arts students generally) complained that insufficient attention was paid to the institutions and institutional arrangements that they

believed lay at the core of their discipline? These men had limited or no experience of work outside school. Women, and older men, saw more point in the emphasis on segmentation.

Still, I don't think I solved the problem of significance, of why we should remember how things moved from 1788 to 1840, from 1840 to 1890 and so on. It was not clear why change came about, or even at times whether it did. Change is not only part of the currency of historians, but it is both a reality and an enemy for all the actors in the routines which teachers of Industrial Relations ask their students to analyse.

Historians, like other people as they age, often lament that students have no conception that things were ever different. The son of a colleague of mine asked a few years ago, "Dad, did you know that Paul Macartney was in another band before he formed Wings?" But this was not contempt for change. Far from it. He was intrigued to find that things had not always been the same. What he lacked was the memory of it all. Students in 1990 (unlike the elite who were my generation and who took post-war prosperity for granted) hear about change everyday, no matter how complacent they may be that their own degree will reap them only the benefits of it. The economy, the media trumpets, has not been this way before, and can hardly last this way much longer. The Cold War is thawing week by week. There is physical evidence of change in the downtown and in suburb after suburb and students of Industrial Relations must be very aware of the search for new formulas, whether it be the Accord Mark Six, enterprise bargaining, micro-economic reform or some other fashionably phrased novelty. All talk is of change, in the context of apparent economic crisis.

Given that students are deficient in memory and laden with a sense of mutability, is it sufficient to present them with a mass of historical information? Or would they welcome, and benefit from, practice in handling complex conjunctions of past events, observing how they produced complex and contested outcomes, from which the digestion of a mass of historical information would follow? It must be evident from the intellectual energy stored in my second question, and the flaccidity of my first question, that I would answer No to the first and Yes to the second.

So, in this year 1990, I would begin with the year 1890. The various strikes, known collectively as the Maritime Strike, are themselves fertile subjects for a study of conflict, as well as for reflecting on what had happened in the previous 102 years. The New South Wales Royal Commission on Strikes, and in South Australia Charles Kingston's Bill proposing compulsory conciliation and arbitration, had both been introduced before the year was out. Twenty years of argument and experiment followed, in eight different jurisdictions (with Closer Economic Relations being advanced a step on July 1, 1990, we have even less excuse to ignore New Zealand).

To start a course in 1890 may lead to fact-mongering on a narrower base than a chronological approach would provide, and as Michael Quinlan and Margaret Gardner warned us,[5] may render the preceding century irrelevant. The year 1890 must be put into an explanatory context. The context

is the boom of the 1880s and the bust of the 1890s. Much of the literature on the formation of the Australian (strictly the Austro-New Zealand) system of industrial relations looks at the economy briefly, or intermittently, or not at all; an internal account is preferred, tracing the genealogy of ideas, institutions and regulatory and customary arrangements. All of this is excellent and necessary, but not sufficient, for explanation. I think that, in the atmosphere of economic hysteria that enfolds 1990, students will find unconvincing an internal explanation that omits the economic context.

Firstly, the boom. Peter Costello, Federal Liberal front-bencher from Victoria, told the National Press Club in June of the moral crisis in the business community, where huge incomes have been made for very little effort at all.[6] This identification of a profound corruption of values, or a more profound corruption than usual, captures the 1880s so well, and Costello alluded to the corporate crashes of the 1890s. The strikes of 1890 occurred as employers in major industries attempted to maintain the large profits they had been used to, in the face of rising indebtedness and falling prices for the goods and services they sold. And their workforce wanted a share of the boom they saw around them, and protection from increasing instability towards its end. How familiar would the students find this crisis for both capital and labour? It was crisis accentuated by the growth of the units within which both capital and labour were mobilised, particularly in woolgrowing, mining and steamshipping. The language of "restructuring" might be used here, overshadowed by problems of international indebtedness.

Second, the bust. The whole process of debate about, and the construction of, a system of conflict management took place during a fifteen year depression. N.G. Butlin has estimated that real per capita income did not return to the 1890 level until 1907, and that the trough of the depression was reached in 1897 when real income per head had dropped by almost 30 per cent.[7] To what extent were the kinds of solutions sought for industrial strife conditioned by the depth and length of the depression?

It is surely inescapable - yet have any analysts pointed it out - that both workers and their employers were weaker than usual. Unemployment rose, trade unions disappeared and those that survived saw less point than before in associating with each other. Businesses too fought for survival and feared ruinous competition with their rivals; they also yearned for revival of the consumer market, which guaranteed wages earned by regularly employed people would ensure. The bulk of employers did not occupy the export sectors where the strikes of 1890 had centred. What can we make of a system that was devised in a period of general weakness and that has lasted for almost one hundred years?

An analysis that finds the formation of an Austro-New Zealand systems of compulsory arbitration in a period as turbulent as the present is, should hold the students' interest, and accustom them to scanning complex and contested processes whose outcome is uncertain. All of the portents, conflicts and experiments that Michael Quinlan and Margaret Gardner have identified in the preceding century would then be seen as phenomena in their own right, and as traditions to be chosen between, rather than as the murky

precursors of a triumphal achievement.[8] And the uneven working out of compulsory arbitration in the century that followed, with all of the challenges to it, can then be appreciated for the problematic that it is; thus the twentieth century will not seem to be an anti-climax, nor the predictable consequence of principles established before the First World War.

All of this should enlarge the students' memory. Memory is not a toolkit, or a set of blueprints, for mechanical use; that is computer-speak. Memory is synonymous with experience, and underpins the ability to respond to circumstances whose outcome, inevitably, is uncertain. It enables us to negotiate between continuity and change. The trick is to present a course in thirteen weeks that enlarges memory in that way.

Appendix

THE UNIVERSITY OF NEW SOUTH WALES
SCHOOL OF ECONOMIC HISTORY
30.576 LABOUR HISTORY

Most men and women, and many children, in most periods of history, have worked for most of their waking hours. How much or how little they earned from work determined their standard of living, and affected (or reflected) their social and political status.

Because work is so central and everyday, a history of work is amongst the most important and most difficult things to write. Aspects of that history can be picked up from most history books, because they can't avoid alluding to "work" even when their authors don't realise it.

Stuart Macintyre, *The Labour Experiment* (McPhee Gribble, Melbourne, 1989, $9.95).

Week beginning	**Tutorial Questions**
31 July	Introductory
7 August	Where do you think theories of "segmented labour markets" might help our understanding of the way the world works, and where do you think they might hinder understanding?
14 August	Do you think there were distinctions drawn in the century before 1890 between jobs for convicts and for free people, for men and for women, and for Aborigines? Were there also segmented career paths within the free white male labour force?
21 August	Why did conflict in the workplace come to a head in 1890? What were the issues at stake? How did various classes of people try to resolve these conflicts in and before 1890?
28 August	What changes took place in the management of relations between capital and labour, 1890-1914? Why and how did these changes come about? Which groups and individuals took part in the process of change?

4 September	Property-owning workers: is this an adequate description of labour in the Australian countryside, 1880-1940?
11 September	In what ways, if any, did the work of women change from 1880 to 1940?
18 September	How significantly did the conditions of labour change between 1939 and 1949?
25 September	Reading week.
2 October	Another reading week (but there will be a lecture).
9 October	How did immigration change relations (if at all) between capital and labour between 1945 and 1980? Can it be seen as a device to maintain (or extend) segmented labour markets?
16 October	What has been the work-experience of non-Aboriginal women and youth, and of Aborigines, between 1945 and 1980?
23 October	In what ways are relations between capital and labour in the 1980s similar to those of previous decades? In what ways do they differ?

Essays

An essay of between 2500 and 3500 words, written on one of the tutorial topics, will be due on Monday, October 9.

Assessment

Half-way through the Session each student will be asked to nominate the weight to be given to each of the three modes of assessment.

Essay	between 50 and 30 marks.
Tutorial paper	between 25 and 15 marks.
Exam	between 50 and 30 marks.

Endnotes

1. See Chap. 4.

2. M. Bray and M. Rimmer, *Delivering the Goods: A History of the Transport Workers' Union in New South Wales*, Allen & Unwin, Sydney, 1987; B. Dabscheck, *Arbitrator at Work: Sir William Raymond Kelly and the Regulation of Australian Industrial Relations*, Allen & Unwin, Sydney, 1983; B. Dabscheck, *Australian Industrial Relations in the 1980s*, Oxford University Press, Melbourne, 1989; B. Ellem, *In Women's Hands? A History of Clothing Trades Unionism in Australia*, New South Wales University Press, Kensington, 1989; J. Niland, 'In Search of Shorter Hours: The 1861 and 1874 Iron Trades Disputes', *Labour History*, no. 12 1967; J. Niland, 'The Birth of the Eight Hour Working Day Movement in NSW', *Australian Journal of Politics and History*, vol. 14 no. 1 1968; D. Plowman, *Holding the Line: Compulsory Arbitration and National Employer Co-ordination in Australia*, Cambridge University Press, Cambridge, 1989.

3. J.M. Keynes (1936), *The General Theory of Employment, Interest and Money*, Royal Economic Society, London, 1973 edition, VI, 24, p. 383.

4. See Chap. 4

5. See Chap. 5

6. P. Costello M.H.R., Report of Speech to National Press Club, 6/6/1990, *The Age*, 7/6/1990, *Sydney Morning Herald*, 7/6/1990.

7. N.G. Butlin, *Australian Domestic Product, Investment and Foreign Borrowing, 1861-1938/39*, Cambridge University Press, Cambridge, 1962, p. 460; N.G. Butlin, 'Some Perspectives on Australian Economic Development, 1890-1965', in C. Forster (ed.), *Australian Economic Development in the Twentieth Century*, Allen & Unwin, London, 1970, p. 282

8. See Chap. 5

Teaching History to Industrial Relations Students - The Department of Industrial Relations, University of Sydney

Greg Patmore

Since 1976 courses in labour history or industrial relations history have been offered to industrial relations students at the University of Sydney by members of the Department of Industrial Relations. In 1987 industrial relations history became a compulsory component of the industrial relations major at the University of Sydney. This paper examines where labour history or industrial relations history has fitted into the industrial relations programme since its foundation at the University of Sydney and discusses the history courses in detail. The paper also looks at the problems involved in teaching these courses.

Industrial Relations and History at the University of Sydney

Industrial relations at the University of Sydney began as a one term option in the Economics II in 1953. It became a full year course in 1956 and a two year programme in 1961. Students commenced the industrial relations programme in their second year of their Economics degree. The Department of Economics allowed the industrial relations teachers to launch a final honours year in 1969.[1]

From its earliest days Kingsley Laffer and his colleagues emphasised that industrial relations was a multi-disciplinary program. Staff, however, dictated an emphasis on the influence of psychology, economics and law. From 1962 there were lectures on trade union history within the Industrial Relations I course. In the late 1960s these lectures were given by Ken Buckley from the Department of Economic History.[2]

During the 1970's industrial relations made further inroads at the University of Sydney. In August 1972 Malcolm Rimmer, with qualifications from Oxford and Warwick, was appointed. He took over the lectures on trade unionism, which included trade union history. His research interests pushed the industrial relations teaching programme to include more labour history.

He also aided the expansion of the honours and postgraduate program. In 1974 the industrial relations teachers were able to able to offer the first courses for a Masters program. The university established a separate Department of Industrial Relations within the Faculty of Economics in 1976.[3]

There were also changes in the course structure in 1976. Industrial Relations II was restructured to consist of a compulsory course, Applied Industrial Relations, and a wide range of half year options. The Department required students to undertake one option in the first half of the year and another in the second half of the year. The options were Workers' Control and Participation, Labour Law, Labour Economics, Organisation Theory, Comparative Industrial Relations and Labour History. Industrial Relations II continued the core course/options structure until 1987, with labour history (renamed The Historical Development of Industrial Relations in 1983) continuing to be an option.[4]

In 1986 a fundamental change occurred in the industrial relations programme at Sydney University. Students entering the Faculty of Economics for the first time had to complete three years of industrial relations rather than two years to obtain a major. By 1988 first year was an introductory course, consisting of Australian Industrial Relations and Comparative Industrial Relations. The second year courses provided insights into the major disciplines that underpined industrial relations - economics, law, history and sociology. Each course was for a half year and consisted of two hours of lectures per week. Courses in the third year applied the knowledge obtained by students in the first and second years to the workplace and public policy. The Department made all existing optional courses compulsory.

Two other important changes in the late 1980s expanded the teaching of industrial relations at the University of Sydney. In 1988 the Department offered a Diploma of Industrial Relations for any graduate without a major in industrial relations. Most existing undergraduate courses, including the Historical Development of Industrial Relations, were modified and offered to diploma students. Historical Development consists of two hours of lectures per week. Human Resource Management was also included in the diploma. Masters students, who had not undertaken courses offered in the diploma programme, were able to take a limited number of diploma courses, subject to different assessment procedures. In 1989 the Arts Faculty permitted its students to undertake a programme of study within the Department of Industrial Relations for the first time. This programme consists of Industrial Relations I in the second year of the Arts degree and Industrial Relations II and III in the third year of the degree.

Specific Course Details

The original trade union history component of Industrial Relations I consisted of a small number of lectures. In the late 1960's Ken Buckley gave six lectures on this topic, devoting two lectures each to the United Kingdom, the United States and Australia.[5]

From 1976 to 1981 the option Labour History involved a half year course consisting of two hours of lectures per week. Malcolm Rimmer taught the course, which began with a examination of the theories of trade union growth. It then explored issues in Australian and British labour history before 1918 - craft unionism, new unionism, peak councils, compulsory arbitration in Australia, labour political representation, syndicalism and the experience of Australian and British trade unions in the First World War.[6]

In 1982 I commenced teaching the Labour History course. I reconstructed the course so that its focus became Australia only. There was sufficient Australian material to justify this and the comparative courses offered by the Department of Industrial Relations introduced students to the historical development of industrial relations systems in other countries. References were still made to overseas developments where applicable in the labour history course. I also abandoned the introductory sections on trade union growth and commenced the course with lectures on historiography. Most of the students not undertaken history at either a senior secondary or university level. The new course covered eight topics - History and Industrial Relations; Industrial Relations in Australia prior to 1890; The 1890s Strikes; The Rise of Compulsory Arbitration; Industrial Relations and World War I; Industrial Relations and the Great Depression; Communists and Industrial Groups; Wage Determination under Federal Arbitration before 1975. The course was largely organised on chronological basis and the focus wider than trade union history. The second topic examined unorganised workers, while last topic focussed on the role of the state.

The structure of the course remained essentially the same until 1988. I deleted reference to the Victorian wages boards and briefly dropped consideration of the convict period to reduce the 'density' of the course. In 1987 the topic on federal wage determination was dropped in favour of a more general overview of the period of the post-war economic boom from 1949 to 1972. This reinforced both the chronological organisation of the course and the emphasis on industrial relations rather than trade union history.

In 1988 the course underwent major revisions for several reasons. First, the growth of labour process literature highlighted my neglect of any substantial focus on management in what was substantially an industrial relations history course. My own doctorate had highlighted the interplay of managerial practices and worker behaviour. Second, there was exciting new research and perspectives on issues such as convict labour, the nineteenth century labour movement and the origins and early impact of compulsory arbitration. Third, I was concerned with the neglect of the issues of gender and race in the course. My industrial relations history approach highlighted the traditional actors - unions, employers and the state, but neglected the industrially disenfranchised - women, aborigines, Asians and post-war immigrants. Except for some brief references in most topics to these workers, there was only one lecture specifically devoted to the struggle for equal pay in the topic on federal arbitration. This 'tokenism' was one of the few areas of student dissatisfaction with the course.

The revised course initially consisted of seven topics - Historiography; Convicts and Free Labour 1788-1850; Craft Unionism and New Unionism 1850-1890; Labour and Politics 1890-1960; Origins and Early Impact of Arbitration 1890-1914; Management's Labour Policies 1860-1960; and Gender and Work. In 1989 I added an additional topic on Race and Work. The revised course is more issue orientated, with topics chosen being determined by the currency of the debate and the availability of extensive references for students.

Historiography is essentially an updated version of John Merritt's 1982 review of Australian labour history.[7] It allows students to examine the role of facts and theory in history and critically evaluate the research methods used by historians. The topic also assesses the links between labour history, social history, industrial relations history and industrial relations theory.

Convicts and Free Labour begins with an examination of the industrial and economic context of early colonial Australia. It then examines the role of the state and the rise of private capital. Stephen Nicholas's edited essays on convicts provide the basis for the examination of convict labour and the lectures on convicts conclude with the consideration of Terry Irving's and Bob Connell's discussion of convicts and class. Michael Quinlan's research on early Australian trade unionism and his contention that there was a labour movement before the gold rushes underlies the discussion of free labour.[8]

Craft Unionism and New Unionism also commences with an examination of the industrial and economic context of the period under consideration. It then examines pre-unionism, craft unionism, the significance of the eight hour day movement and the spread of unionism to mining, transport, manufacturing and the pastoral industry. The formation of trades and labour councils, working class politics and the significance of the 1890 maritime strike are also considered. This topic concludes with a critical examination of the concepts 'labour aristocracy' and 'new unionism'

Labour and Politics reflects the traditional interest of Australian labour historians in the Labor Party, the Communist Party and radical political thought. The topic commences with a state by state examination of the early Labor Parties, emphasising the relationship between trade unions and the party. It also explores the issue of socialism and populism, drawing upon the work of Peter Love and Ray Markey.[9] The topic then focuses on the relationship between federal Labor governments and trade unions before 1949. It emphasises that the 'national interest' and political constraints have limited the ability of federal Labor governments to meet trade union expectations, sometimes resulting in major confrontations such as the 1949 coal strike. The topic concludes by examining the Communist Party, the most significant alternative to the Labor Party, and its conflict with Catholics and the Labor-sponsored Industrial Groups.

The topic on the Origins and Early Impact of Compulsory Arbitration has been a vital part of the course since 1982. It asks :- Where did the idea come from?; Who supported and opposed its introduction?; What was its impact upon trade union growth, structure and government? How did it alter

the industrial relations practices in different industries? The topic focuses on New South Wales and the Commonwealth, which are the best documented case studies. It also examines the Victorian wages boards to provide further insights into the New South Wales and Commonwealth experience.

By contrast the topic on management labour policies or the labour process in Australia is a recent innovation. While there is a large amount of overseas literature on the labour process, the material on the Australian experience remains sparse. Fortunately, Chris Wright, a postgraduate in the Department examining Australian post-war managerial labour practices, has been available to lecture on this topic and provided sufficient primary material to make the lectures viable. One-third of this topic is devoted to a review of overseas theories of the labour process and a discussion of their relevance to Australia. The rest of the topic presents a history of the labour process in Australia.

Gender and Work begins with an examination of the impact of feminism on Australian labour history. The introduction is essentially an updated version of Kay Daniels's 1982 review of women's history in Australia.[10] The lectures then examine the issue of equal pay for women, highlighting gender wage inequality, job segmentation and the attitudes of unions, management and the state. This topic emphasises the importance of examining both unpaid work in the home and paid work in the public sphere.

Race and Work commences with a discussion of how Australian labour historians have dealt with the issue of race. Labour historians have especially focussed on the role that labour played in laying the foundations of the White Australia Policy. They debate the prominence and motivation of labour in the campaign for restrictions on non-European immigration. The rest of the topic deals with the experiences of Aborigines, Chinese, Melanesians and post-war non-British European migrants in the workplace.

Current assessment procedures for the undergraduate and diploma courses differ only slightly. Both groups of students complete a 2,500 word essay (50 per cent of assessment). Undergraduates answer two questions based on the history lectures in an exam (50 per cent). Diploma students sit a two-hour exam (50 per cent), where they are required to complete three questions.

Problems and Issues

One problem was that few students undertaking the course have completed history at either a senior secondary or tertiary level. Despite this, students performed well and student surveys indicated they were enthusiastic about the course. An important reason for this is the first topic on Historiography, which introduced students to the major debates over historical method. Without it students would have had less appreciation of the potential contribution of history to understanding industrial relations and perceived history in terms of facts rather than interpretation.

Another problem was the question of a textbook. Since 1982 there has been no recommended textbook for the course. While Ian Turner's and Leonie Sandercock's *In Union is Strength* is a useful basic reference for several topics, its chronological approach and emphasis on trade unions was at odds with the shift of the course towards issues. Students also criticised the book for being too simplistic. Connell and Irving's *Class Structure in Australian History* and Ken Buckley and Ted Wheelwright's *No Paradise for Workers* also provide useful references for several topics, but are too broad for the scope of the course.[11]

On most specific topics there are no shortage of suitable references for basic and further reading. John Merritt, Frank Farrell and Eric Fry have published articles on Australian labour historiography. The recent publication of *Foundations of Arbitration*, edited by Stuart Macintyre and Richard Mitchell, provides a major new source of references on the Origins and Early Impact of Arbitration. There is no satisfactory basic reading for Management's Labour Policies, which combines both a review of the theoretical literature and a discussion of the history of the Australian labour process.[12]

Conclusion

History has been part of the industrial relations programme at the University of Sydney since 1962. Labour History became a second year option in 1976 and the Historical Development of Industrial Relations became a compulsory second year course in 1987. The course has broadened beyond trade union history to include the state, employers, gender and race. Also the course now primarily focuses on Australian history. Although few students have undertaken history at senior secondary or tertiary level, the inclusion of lectures on historiography have ensured that this is not an impediment to the course's success. Despite the absence of a suitable text, there are sufficient references available to ensure a viable reading list.

Endnotes

1. K. Laffer, *The Development of the Industrial Relations School in the University of Sydney, 1953-1975*, Department of Industrial Relations, University of Sydney, Occasional Paper no. 1, 1981, pp. 1-26.

2. Faculty of Economics, University of Sydney, *Handbook 1962*, pp. 59-60; Laffer (1981), *op. cit.*, p. 36; Conversations with Kingsley Laffer and Ken Buckley, 22 April 1990.

3. Laffer (1981), *op. cit.*, pp. 36-48.

4. Faculty of Economics, University of Sydney, *Handbook 1976*, pp. 147-51

5. Conversation with Ken Buckley, 22 April 1990.

6. M. Rimmer, 'IR II - Labour History', Department of Industrial Relations, University of Sydney, 1978.

7. J. Merritt, 'Labour History', in G. Osborne and W. F. Mandle (eds.), *New History. Studying Australia Today*, George Allen & Unwin, Sydney, 1982, pp. 113-41.

8. R. W. Connell and T. H. Irving, *Class Structure in Australian History. Documents, Narrative and Argument*, Longman Cheshire, Melbourne, 1980, pp. 49-50; S. Nicholas (ed.), *Convict Workers. Reinterpreting Australia's Past*, Cambridge University Press, 1988; M. Quinlan, 'Early Trade Organization in Australia: Three Australian Colonies, 1829-1850', *Labour and Industry*, vol. 1 no. 1 1987, pp. 61-95.

9. P. Love, *Labour and the Money Power. Australian Labour Populism 1890-1950*, Melbourne University Press, Melbourne, 1984; R. Markey, 'Populism and the Formation of a Labor Party in New South Wales, 1890-1900', *Journal of Australian Studies*, no. 21 1987, pp. 38-48.

10. K. Daniels, 'Women's History', in Osborne and Mandle (1982), *op. cit.*, pp. 32-50.

11. K. Buckley and T. Wheelwright, *No Paradise for Workers. Capitalism and the Common People in Australia 1788-1914*, Oxford University Press, Melbourne, 1988; Connell and Irving (1980), *op. cit.*; I. Turner and L. Sandercock, *In Union is Strength. A History of Trade Unions in Australia*, 3rd ed., Nelson, Melbourne, 1983.

12.   F. Farrell, 'Labour History in Australia', *International Labour and Working Class History*, no. 21 1982, pp. 1-17; E. Fry, 'The Writing of Labour History in Australia', in E. Fry (ed.), *Common Cause. Essays in Australian and New Zealand Labour History*, Allen & Unwin/Port Nicholson Press, Wellington, 1986, pp. 139-55; S. Macintyre and R. Mitchell (eds.), *Foundations of Arbitration. The Origins and Effects of State Compulsory Arbitration 1890-1914*, Oxford University Press, Melbourne, 1989; Merritt (1982), *op. cit.*