



Crime, Histoire & Sociétés / Crime, History & Societies

Vol. 10, n°1 | 2006
Varia

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Barry Godfrey



Electronic version

URL: <http://journals.openedition.org/chs/198>
DOI: 10.4000/chs.198
ISSN: 1663-4837

Publisher

Librairie Droz

Printed version

Date of publication: 1 June 2006
Number of pages: 77-92
ISBN: 978-2-600-0189-4
ISSN: 1422-0857

Electronic reference

Barry Godfrey, « Community «Law», Policing, and the Structures of Legitimacy: The High Wycombe Chairworkers' Lock-Out, 1913-1914 », *Crime, Histoire & Sociétés / Crime, History & Societies* [Online], Vol. 10, n°1 | 2006, Online since 01 June 2009, connection on 30 April 2019. URL : <http://journals.openedition.org/chs/198> ; DOI : 10.4000/chs.198

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Barry Godfrey

- 1 Sociologists have for some time debated the existence and nature of the temporary codes of collective behaviour that are sometimes formed when competing groups join in significant and prolonged disputes. Historical studies of community-wide disturbances (involving local social, occupational or political groups) have also shown that participants often develop common value systems that persist for the duration of a dispute with the participants taking actions that are legitimised by those shared common values². This article will suggest that the normative values that are engendered during a dispute can be considered to have assumed 'community legitimacy'³. This, in turn gives authority to a normative coda with its own rules and boundaries – a community 'law' – which in extraordinary circumstances generates alternative structures of authority over local areas⁴. This phenomenon could be imagined as a sphere of authority (akin to Allott's spheres of morality and law), which is capable of partially replacing or eclipsing parliamentary legislation to an extent determined by social and political conditions⁵. In 1980 Allott discussed what he termed 'spheres' of morality and 'spheres' of law that sometimes overlap (in that they share common normative values in particular regard to some issues of social or personal action but are divergent on other issues). This is, of course, hardly a novel concept. It would be easy to list a number of moral positions e.g. abortion rights, mercy killings, and so on, which the law prohibits, but which some groups in society regard as morally correct and *vice versa*. Allott's (1980) contribution is to theorize 'law' as being itself capable of being eclipsed when community beliefs are strong enough to do so. In other words, to insist that law is not the final arbiter of judgement over contentious moral issues, but can be replaced by a moral code which derives its power from contextual, contingent and local areas of authority. When the replacement or

over-lapping of the law is short in duration, as is usually the case with vigilantism, for example, the phenomena is normally inchoate, insubstantial, and disorganized. However, when community law is in place for an extended period of time, it is possible that a kind of stability and semi-permanence is created – which in itself aids the acceptance and establishment of community norms over national laws (ie. legislation passed in parliament, or case law devised by judges). For example, this coda or community ‘law’, can perhaps be seen to have operated in many of the longer industrial disputes of the later twentieth-century⁶.

- 2 It could also be asserted that parliamentary legislation and its enforcers are not the only form of authority challenged by community law. Environmental and anti-capitalist protesters conceive of big businesses as powerful groups in society, and which on occasion challenge traditional or moral rights, for instance, the over-production of meat which damages traditional arable farming or the conservation of wild flora and fauna. But, whereas multi-national conglomerates, to continue this theme, are legitimate businesses and if they transgress local norms, trample on customary rights, and damage the environment, they do so because the law permits this, but they are not law-makers or the agents of law-makers themselves. Community law, therefore, as the term is used here, describes an oppositional norm that grows out of strong community held beliefs, and which is directed against legal authority and its representatives – the courts and the police. It may be antipathetic but is not directly challenging to powerful groups which are not symbolic of the nation, the state, and the polity as a whole.
- 3 Although it could be argued that this phenomenon could be seen as emerging in many disputes across Europe in the nineteenth and twentieth centuries, this article will explore the concept through the records of just one entrenched industrial dispute that took place in High Wycombe, a small town in south-east England, in 1913-1914. What makes the situation in High Wycombe different and interesting is the extent to which community legitimacy produced organized structures of authority that mimicked or aped official structures and articulated community law through recognizable forms ie. a ‘police force’ and ‘a system of arbitration or justice’. The organisation of groups of strikers into alternative and disciplined structures with their own internal sets of rules to govern practice – a strikers’ police force, and a strikers’ court – is not a normal occurrence, and can perhaps, because of that, illuminate the extreme limits of community law.
- 4 The years preceding the First World War witnessed industrial strife on a grand scale in England. The number of days lost due to ‘stoppages’ grew from around two-and-a-half million in 1909 to nearly forty million by 1912, and union membership in Britain rose by two thirds between 1910 and 1913⁷. Over the same three-year period, 30,000 miners in South Wales clashed violently with police and soldiers; troops fatally shot two strikers in Liverpool; and, together, over half a million miners, railwaymen, engineering workers, Lancashire textile workers, and London dock workers went on strike. The government prepared for the start of a revolution which never came⁸.
- 5 However, industrial discontent was not confined to the major industrial regions. In 1913, a small dispute in a country town twenty miles west of London, which originally concerned only tens of furniture workers, eventually led to the locking-out of thousands of the employees of this single industry town. Low wages and long hours constantly inspired new disputes in the major structural industries and it is not surprising that similar concerns were prevalent in the minor and craft industries. It was the strength of those concerns that provided an opportunity for the National Amalgamated Furnishing

Trades Association (NAFTA) to launch an 'offensive' strike designed to raise High Wycombe chairworkers' wages to the levels of their London colleagues⁹. This article is not concerned with the causes of the strike, or the development of industrial relations in the chair industry. Nevertheless, in order to determine how community law was created, the article will first examine the processes by which a community of strikers was constructed and symbolically reproduced.

- 6 As with many industrial disputes, a sense of fellow feeling arose from notions of collective grievance – the belief that the participants in the dispute shared relative or real deprivation caused by people or conditions external to that community. In High Wycombe the most keenly felt sense of grievance arose from the extremely low wage rates. Workers insisted that they could not afford to work for the low wages provided by a system of 'industrial slavery' that ensured that even very experienced and qualified workers toiled for very low pay¹⁰. The wages varied on a scale based upon the levels of craftsmanship involved in the work but the average wage for the industry was only twenty-one to twenty-five shillings for anything up to a sixty hour week – figures which reflected the uncompetitive labour market in a single industry town with a captive workforce and a large reservoir of available labour¹¹.
- 7 Poverty arising from low wages was not a temporary, but a permanent, feature of workers living in small single industry towns such as High Wycombe¹², but hardship was especially cutting in the pre-war period. Residents had been faced with a considerable increase in their rents in the first decade of the twentieth-century, and together with a nine per cent rise in the cost of living between 1909 and 1913, these increases had resulted in a lower proportion of the weekly wage being spent on food. Nationally, the average worker who earned 21s. a week spent around 14s. on foodstuffs, an amount which was itself more than the weekly wage of many High Wycombe chairworkers¹³. Indeed, some in Wycombe struggled to maintain, feed and clothe their children on 6-7 shillings per week. Therefore, whilst Lancashire cotton operatives in 1913 could have enjoyed a nutritious diet – of, say, breakfast of coffee or tea, bread, bacon and eggs; a dinner of potatoes and beef; an evening meal of tea, bread and butter, cheap vegetables or fish- the main components of the unskilled High Wycombe worker's diet were rice, bread, potatoes and oatmeal¹⁴. Meat was a luxury and milk consumed sparingly¹⁵.
- 8 Wage deductions, euphemistically termed the 'customs of the trade', were a further and more insidious cause of wages being reduced still further. Employees were required to pay for bench room and for the use of lighting (which, as a result of the windows of the workshops being covered with calico or hessian, could amount to between 8d. and 2s. per worker per week in the winter months)¹⁶. The rental for a bench at which to work was 2d. per week, as was the tariff for using the grindstone, and a further half-penny per week per worker was levied to pay for the services of the errand boy who cleaned the shop¹⁷. The employee also had the not inconsiderable expense of providing his own tools. To counter these hidden costs, the employers argued that the workers enjoyed advantages peculiar to High Wycombe, such as healthy surroundings and allotments in which to grow fresh food. Not surprisingly, the unionists rejected the reasoning that low wages could or should be supplemented by home-grown vegetables.
- 9 Once the union had articulated the workers' sense of grievance, representation of the community's aims could be symbolically constructed through visual and vocal media. Mark Steinberg conceptualises industrial and other struggles as: "an ongoing dialogue between powerholders and challengers. To a large extent this is accomplished through

public and collective dialogues, in which moral boundaries for interaction are produced in the tug of ideological domination and resistance¹⁸”. Rhetorical devices, exhortations to victory, and stories of ‘union-smashing’ by employers were used by the union to compete in a discursive competition of claim, counter-claim, and the moral justification of actions. The dialogue of dispute expressed in public speeches by union representatives and reported in local newspapers was also joined by symbolic expressions of solidity of purpose. The formation of a strikers’ brass band, the mass meetings, the processions and marches, and so on, were all intended to both keep up the morale of the strikers, but also to demonstrate to the employers the workers’ determination to carry the dispute to victory whatever the cost. Expressions of solidarity, therefore, became bargaining chips in negotiations perhaps expressly provided for the consumption of the employers. For example, there were periodic and well-reported ‘show of hands’ ballots held at mass meetings in the Town Hall and: ‘when polled about the employers’ offer, not a hand went up; but when an appeal was made against acceptance... the audience rose in a body and held up their hands and cheered enthusiastically¹⁹’. However, perhaps the most dominant factors in establishing a cohesive community of strikers were the tactical strategies of the groups involved in the dispute.

- 10 The strategic and operational responses of competing groups have been the subject of recent debate amongst historians and sociologists. Some have suggested that a repertoire of actions existed, from which combatants chose the most appropriate weapon – in other words, that practices and strategies used in past disputes, were re-employed when they again seemed useful²⁰. However, although past historical events, such as the success or failure of previous forms of action, may have informed their choice of action, the personal philosophies of the participants, police policies and chance events were also very influential in shaping the form of the dispute²¹. In this case, market conditions were key. The manoeuvrings of both the chairworkers and the employers centred around the basic premise that to succeed they must make it unprofitable for the other side to continue the dispute. The hope of the employers was that either the union would run out of strike funds, or that the workers would find strike pay (between one-third and one-half of their average weekly pay) unacceptable and insufficient for their needs over a long period of time. The *avowed* aim of the union was to drive the employers into bankruptcy by stopping production in the factories. Their *implicit* aim was to make the spectre of profits loom so large over the employers that they would be forced to negotiate a settlement. However, NAFTA’s preferred policy of supporting a limited number of members on strike at particular firms was thwarted by the chair manufacturers collectively deciding to lock-out of the factories all NAFTA members, thereby forcing the union to take on a large financial commitment. Once that had happened, the union decided to ‘turn out’ as many unionist and non union chairworkers as they could, and to try and ensure that ‘scab’ replacement labour could not enter the factories²². The employers brought in non-union labour from the East End of London, and local agricultural workers for the unskilled tasks in order to maintain production²³. However, the pickets that were organised outside factories at the beginnings and ends of shifts (and at other more unusual times – by the ‘Midnight Territorial Gang’ for instance) were successful in deterring a large proportion of non-unionists from entering the factories, to such an extent that the South Bucks Free Press reported that High Wycombe had become ‘a prohibited area for black-legs²⁴’. The extensive nature of the striker’s actions against chair employers can be seen in the following newspaper report:

“Tuesday last brought the most disorderly scenes... it was evident that the attacks made upon a number of chair-manufacturers was pre-arranged. The disturbances started at mid-day when a workman was set upon immediately on leaving the factory. He was very roughly handled, blow upon blow being rained upon him. Directly afterwards a number of men deliberately marched into the factory of Messrs. Randall Brothers. They preceded their entry with a volley of stones on the windows... the hooligans entered some of the workshops and smashed a couple of chairs to atoms... the rowdies did not leave until they had smashed quite 50 windows in the factory. A furious storm of stones and other missiles was showered upon Messrs. Bartlett’s buildings lasting some minutes... Not only windows were broken, but window frames smashed, and the front of the property was considerably defaced. Afterwards the quantity of stones lying both inside and outside the factory gave ample evidence of the fury of the attack... An eye-witness to these incidents described the scene as “Hell let loose”, and declared that the girls in the procession cheered heartily at the destruction. To the strains of music from the Band the wreckers smashed up shops in the West Wycombe Road²⁵.”

- 11 As well as keeping the non-union men out of the factories, the picket lines achieved a second objective of preventing raw materials entering and finished goods leaving the factories. This aim was also pursued away from the workplace. Pickets were set up at the railway station, where trains were stoned, and chair delivery vans were stopped at street barricades and set alight²⁶. The Borough police found themselves protecting chair loads bound for London, and as cycling pickets for many miles pursued the vans, this involved large numbers of policemen²⁷. So much so, in fact, that the borough constabulary had to be reinforced with two divisions of foot and mounted Metropolitan Police²⁸. The visible presence of the police in itself helped to solidify community coherence²⁹. However, more important than the *fact* of their opposition to community aims (through the policing of pickets) was the *means* of their opposition.

- 12 At the turn of the twentieth-century, union activists generally believed that, in response to particular conditions, the police made operational decisions that were outside of the law they were supposed to uphold³⁰. Despite the considerable discretionary powers of the police, it appears that policemen felt their constituted powers were insufficient to control mass disturbances, and that in High Wycombe too they resorted to illegal and semi-legal activities³¹. Although many of the rumours of police brutality given written form in the local press may have been exaggerated or even wholly invented to stimulate a sense of outrage in the workers, and to justify the actions of strikers, many of the reports had a factual basis³². Partly because of the local indignation aroused by these incidents, the presence of the police at picket lines heightened expectations of violent disorder, which became self-fulfilling prophecies³³. Indeed, many of the violent incidents were coincident with the arrival of the police, especially upon the arrival of the Metropolitan Police officers. The police were seen not just as the force that was inhibiting the workers’ aim to picket factories successfully, but also as representatives of a competing value system, and the hostility shown towards the police in part represented the symbolic rejection of the lawful authorities.

- 13 The last external factor that assisted the creation of a “community” was the perceived biases evident in locally administered justice. Tactical use of the law by the employers and by the State was not as advanced in the pre-war period as it was later in the twentieth-century³⁴. Nevertheless, the administration of justice was deeply contested in High Wycombe. For example, the Inspector in charge of the Metropolitan Police publicly criticised the leniency of the courts³⁵. His remarks had been prompted by the cases of

three men who had been on trial for assaulting policemen. One of the men had attacked a mounted officer with a poker, and when his swing missed it caused a six-inch gash on the side of the police-horse. The evidence was strong, and the statement of the officer involved was unambiguous:

“Constable Andrews 463 X of the Metropolitan police stated... there was a crowd of people assembled – about 500 persons. They were throwing stones, and hooting and booing. Witness endeavoured to disperse the crowd, but without result. He considered the crowd was threatening and hostile. The defendant was there, and witness saw him take a poker out of his overcoat pocket, he went to strike witness, but hit his horse instead”.

- 14 The defendant was bound over to keep the peace by the magistrate, a procedure which does not amount to a conviction under English law. In another case, a man accused of throwing a brick at a Metropolitan Police Inspector had his case dismissed for lack of evidence (throughout the country in this period the overwhelming majority of defendants accused of assaulting a police officer would face almost certain conviction on the word of the officer concerned). Despite this apparent leniency by the magistrates the union, with equal conviction, pointed to the composition of the court as a barrier to impartiality.
- 15 Analysis of the eighty-four cases of violent crime (assaults on non-strikers, assaults on police officers in the course of their duty, and the criminal damage of factories by throwing bricks and missiles) committed by chairworkers during the dispute, and in the immediate pre and post strike periods, can begin to explore the reality of each side's fears³⁶. The conviction rate in the pre-strike period (September 1912 to September 1913) was 81.8% (22 cases); and in the strike period (October 1913 to February 1914) it dropped to 71.4% (57 cases); falling again to 63.6% (11 cases) in the immediate post-strike period (March 1914 to August 1914). It would only be possible to carry out a full quantitative analysis with larger numbers of cases than we are presented with here. Unfortunately, the small sample sizes preclude conclusive statements. Moreover, valid reasons can be found to explain the differing rates³⁷. For example, it was possible that a disproportionately high number of relatively weak prosecution cases were sent to the courts during the strike, thereby depressing the conviction rate. Secondly, although impressionistic evidence suggests that the courts increased the severity of their sentences after the Metropolitan Inspector complained in February 1914 (for example, an assault on a non-unionist warranted a £1-00 fine in January, but a £4-00 fine in February), such assumptions cannot evaluate nuanced differences in particular cases³⁸. For example, contextualising details, or the seriousness of the assault, could both influence the severity of the sentence³⁹. Unfortunately, those details were not recorded by the magistrates' court clerks, and are only recorded in a few newspaper reports.
- 16 Whether or not the courts acted as a coercive legal tool to punish those who refused to accept the disciplines of capitalism, the strikers clearly believed that was the case. This further increased the feelings of inclusiveness within the community of strikers, and together with the other factors discussed, there was sufficient impetus to form a community with its own rules or laws of behaviour. The following section will discuss the ways by which community law contradicted and transcended parliamentary legislation, beginning with the extra-legal violence shown towards non-unionists.
- 17 As previously stated, the chairworkers' first objective was to end production in the factories. The union declared that their real opponents were those men and women who

maintained factory production. They were less clear, at least publicly, about the methods that were to be employed in persuading these men not to enter their place of work. Fred Bramley, the NAFTA president who later became Chairman of the Trades Union Council, many times advocated peaceful persuasion, rather than intimidation or violence. At other times, however, both he and the sole Labour Party councillor in High Wycombe used phrases whose invitation to violence could not be misunderstood by their audience. For example, Bramley asserted that: 'The workman who sold himself to an employer during a trade dispute was about the lowest form of animal life they had on the surface of the earth... poor, miserable, backboneless, unprincipled example of humanity who undertook to sell his soul and play the part of a traitor to his own class⁴⁰'. His thoughts were reinforced by a handbill (often circulated in disputes at this time) that left no doubt to the status of the non-unionists:

'After God had finished the rattlesnake, the toad, and the vampire. He had some awful 'substance' left, with which he made a Scab. A Scab is a two-legged animal with a corkscrew soul, a water-logged brain, and a combination backbone made of jelly and glue. Where other people have their hearts, he carries a tumour or rotten principles. Where the Scab comes down the street, the honest men turn their backs, and angels weep tears in Heaven, and the devil shuts the gates of hell to keep him out. No man has the right to scab while there is a pool of water deep enough to drown his body in, or a rope long enough to hang his carcass with. Judas had enough character to hang himself, and a scab has not⁴¹'.

- 18 The process of persuading non-unionists not to enter the factories was subject to the 1906 Trades Disputes Act (6 Edw.7 c.47)⁴². If the picket obstructed the street, there was also the Highway Act to contend with, yet hundreds of previously law-abiding citizens routinely broke these laws. The two newspaper reports below give some indication of the number and type of offences being committed, and the scale of participation in violent and threatening activities:

'A report was current in the town that attempts would be made to bring out the non-union men. The police were quickly drafted into West End Road, where fully 1,120 people were assembled. When 'lights out' came there was a hostile rush... There was some rough hustling of the non-unionists, and one or two received injuries, and a number of windows of the factory were broken by stones. The Police were roughly handled and pushed about. For a few minutes the street was a veritable pandemonium, the crowd surging to and fro, and a chorus of shouts making the night hideous⁴³'.

- 19 Union leaders did not (and could not legally) admit that they encouraged these forms of action, which had been termed by some 'the government of the dispute by terrorism and mob-law'⁴⁴. Nor did they explicitly state that physical attacks on men and property were in any way acceptable. Nevertheless, there was implicit support for acts of violence. When union leaders spoke of the town being 'infected' or 'infested' by blacklegs, 'germs worse than smallpox' from which the town had to be 'disinfected' or 'purified' they empowered a culture which enabled certain criminal actions to be reinterpreted as defensive measures which deserved and received communal commendation and approbation⁴⁵.
- 20 The second factor which suggests that community law was supplanting parliamentary legislation was the rejection of locally administered justice. At first the fines imposed by the courts on strikers convicted of intimidating non-unionists, or of assaulting policemen, were treated with some levity⁴⁶. The social stigma attached to court appearances in 'normal times' appears to have been absent, and was instead replaced with the approval of the community. Indeed sanctions imposed by 'outsiders' actually

strengthened the feelings of legitimacy in the minds of the law-breaking strikers⁴⁷. However, after February, the union became increasingly frustrated with the justice distributed from the courts. Although the sentences imposed by the courts carried little social stigma, they did involve considerable financial cost. At first the fines were paid from the union coffers, but in January the union refused to pay any more fines. This reversal of policy may have been prompted because the union was short of funds, or possibly because they wished to avoid giving their enemies any advantage, as Bramley stated:

‘We are not going to pay any more fines on such charges. We are not going to supply the local authorities with the necessary finances to pay for the police constables in this district... Wycombe Police Court is no longer a court of Justice. We are not going to waste time in future in offering evidence to your local Magistrates. if they prosecute one of our members, he will be instructed not to plead... We shall refuse to employ solicitors to plead in future⁴⁸’.

- 21 The refusal of chairworkers to plead in court, and to leave fines unpaid, would have been unthinkable before the strike. However, more extraordinary than the rejection of legal structures which had previously been respected by the High Wycombe residents, was the establishment of alternative structures of authority.
- 22 In his studies of collective behaviour, J.D. Rose identified ‘the need of every social system for mechanisms to ensure that members act in ways consistent with the established norms of that social system. Communities require, for example, police and courts to arrest and convict persons whose behaviour is perceived as a threat to the lives or well being of other persons in the community⁴⁹’. During times of prolonged upheaval, when new norms of acceptable behaviour have been forged, there may have been a tendency for new structures to emerge to protect the new normative codes. Just as the police and courts were needed to preserve the rights of parliamentary legislation, new structures of authority were required to uphold the new normative dictates of communal law. In Wycombe, this structure took the form of the Anti-Violence Brigade (AVB), which was formed in December 1913.
- 23 Organised on a military models, the tallest and strongest of the striking men, many of whom were Territorials, were selected and divided into sections under the command of ex-military men⁵⁰. Each man carried a weapon similar to a policeman’s truncheon, and swore an oath stating that: ‘We, members of the High Wycombe Anti Violence brigade hereby swear our solemn allegiance to the Union, and hold ourselves in readiness to put down, by every means in our power, any violence that may appear in the dispute⁵¹. The AVB was designed to be perceived as a foil to police violence, but also to govern the activities of the pickets. Feeling against the police was strong, even murderous, and the police sometimes had cause to be grateful for the AVB calming down confrontational situations⁵². For example, when one arrested striker collapsed, the crowd began to shout that he had been killed by a policeman, but an AVB man reassured the crowd that the man had only fainted. In court the policeman concerned thanked the AVB for their intervention (without which that officer would have been in serious trouble)⁵³. The Brigade also ensured the safe delivery of chairs made by ‘fair’ firms who paid their workers the union-approved rate, in imitation of the protection offered by the police to chair vans of Federation members⁵⁴. In many of their functions, therefore, the AVB usurped or imitated the traditional roles of the police force. However, it must be remembered that they were concerned with the preservation of community law. The AVB allowed ‘illegal’ acts such as stone throwing at factories and blacklegs, but also restrained

actions not condoned by the community. In other words they preserved disorder to a certain extent, but no further.

- 24 Although the AVB were necessary to control the occasional excesses of some individual strikers, in the main, the body of strikers observed the boundaries of community law⁵⁵. However, two serious incidents threatened the consensus of community opinion and also, therefore, the preservation of community law. In December 1913, four youths were arrested for possession of firearms and four hundred rounds of ammunition. Nothing was heard of the other eleven pistols the police suspected had been hidden in the town until February when the police were ambushed, and came under fire outside the Temple Chair Works⁵⁶. It was unusual, although not without precedent, for guns to be involved in serious industrial disturbances, but it was certainly an escalation in the level of violence which was desired by neither the union, the police or the chair manufacturers⁵⁷. Denounced by union leaders and other opinion formers in the community, the introduction of armed conflict overstepped the boundaries of community law. It may have revealed to the strikers a vision of a possible future – violent, entrenched, and possibly involving military intervention. From then on violence was increasingly condemned by union spokespeople, and the certainties of ‘community law’ became more unsteady. The incident at Temple Works may have had a cathartic effect, promoting negotiation and conciliation to a far greater extent than any other action taken during the strike period, and preparing the ground for the settlement which was agreed on the 23rd of February 1914.
- 25 It is a sterile activity to pick winners and losers from past industrial disputes, and in any case it is problematic to determine whether the participants who considered themselves to be the victors were right to hold that view. In High Wycombe, for example, according to the statements put out by each side when the dispute was concluded, both sides won. The union maintained that the principle of collective bargaining had been firmly established and that the increase in wages did indeed justify the three-month dispute. The employers, conversely, could easily point to the original and final wages offers and note their similarity.
- 26 The reasons why the strike ended in February cannot be explained simply, but some significant facts can be noted. First, the picket lines were causing financial hardship to the employers, although some extra-legal activities were discovered to have less pecuniary ‘bite’ than was first thought. For example, although window-breaking outings continued throughout the dispute, it became apparent that, although fulfilling a symbolic or entertainment function for the participants, they were causing little financial damage to the chairmasters⁵⁸.
- 27 Second, many workers found it hard to manage the household economy over the five month strike period, which may explain the unrestrained joy of the workers when the final settlement was announced⁵⁹. As for the employers, pressure was probably brought to bear by the borough council, who faced a police bill of over £1,000, and by government, who established a mediation process between the parties. It was not in the government’s interests to leave lengthy industrial disputes dragging on, and it was not in the employers’ interests to alienate a potential customer (approximately three-quarters of the High Wycombe chair companies tendered for government contracts.)
- 28 Last, the unwillingness of union representatives to see escalation in violence, and their subsequent withdrawal of support for extra-legal activities, may have provoked a re-evaluation of community-wide values. This could have played a significant part in the

ending of the dispute since the weakening of community support for the tactics necessary to continue the strike naturally encouraged the settling of the dispute with the employers.

- 29 The case for the existence of a protocol of industrial action in the early twentieth-century cannot be proven from the study of just one dispute. However, in the actions of the High Wycombe strikers, an outline of the structure of community legitimacy, and its 'law', can be discerned, the characteristics of which were that community law can only exist when, and for as long as, a coherent notional community is perceived to exist, and becomes enlarged at particular historical moments when the community feels aggrieved or threatened by external forces. Community law forms its own rules and boundaries that are understandable to those in the community, and, in some cases, new structures of authority may emerge in order to 'police' community law.
- 30 This framework could cautiously be applied to other historical and modern disputes in England, France or Germany, for example. Indeed, the similarity of forms of popular action in developed mature capitalist countries means that community law could be found in many European disputes. For example, environmental protesters in Germany have established boundaries to their actions that have arisen from a common value system. More tangentially, due to the necessity for secrecy and the replication of familial structures in their organisation, the Mafia have developed their own moral code to 'police' the activities of their members, and are notoriously reputed to have people to enforce it. Lastly, the Provisional Irish Republican Army and Loyalist groupings have both attempted to demonstrate their legitimacy as community protectors by initiating policing actions – the punishment squads, for example, who have carried out shootings on suspected drug dealers and joy-riders. It is possible, therefore, that this framework could be usefully employed by European historians to examine both how communities of interest are formed; how unlawful acts are legitimised in and by the local community; and how formal and informal structures advance the aims of the community in the teeth of opposition from external forces.

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NOTES

2. George Rude (1964-1995 pp. 237-259) describes the patterns of behaviour of the pre-industrial crowd). Others who have tried to explain crowd phenomena, structured or otherwise, are summarised in McPhail (1991, chapters 1-4, pp. 1-144). See also Bohstedt (1983); Dobson (1980); Fletcher, Stevenson (1985); Gilmour (1992); Rule (1981, 1986); Thompson (1991); Randall (1991); Hobsbawm, Rude (1973 ed.); and Hobsbawm (1968 ed.).

3. No action, of course, can ever be considered inherently legitimate, but has that status conferred upon it by the legal code, or by significant opinion formers. In this article, the term 'community' is taken to mean the strikers, their families, and supporters in the locale, in which the staging of 'legitimate' action takes place. For a wider discussion on the existence and 'meaning' of communities (see Finberg, 1962, p. 121; Hoggart 1958; Frankenberg 1966, p. 235;

Colls, 1995). For a counter argument countering the close cohesion of communities, see Anderson (1991); Bourke (1994); and Gilbert (1995).

4. Community law existed at all times, in so far as it was a collection of customs and informal regulations which governed the normative orderings of occupational groups, of people living in local communities, and so on. However, in extraordinary times, community law may become enlarged and more dominant. One could refer to sub-cultural theories here, although community law concerns far wider and larger groups, and is more developed than the sub-cultural structures that have so far been described, for example, by sociologists of deviancy, see Heidensohn (1989).

5. See Allott (1980, pp. 24-25) and also Henry (1985).

6. See Samuel, Bloomfield, Boanas (1986, pp. 118-121).

7. From 2,565,000 in 1910 to 4,135,000 in 1913 (Pelling, 1992, 5th ed., pp. 261-262; 294).

8. Remarks of Sir Edward Grey quoted in Wigham (1976, p. 28). See also Meacham (1972, pp. 552-570). Holton believes that the 1910-1914 period of industrial unrest was more violent in character than nineteenth-century disputes (Holton 1976, pp. 73-78). The High Wycombe dispute appears to substantiate his theory, although syndicalism was not popular in Wycombe, and the violence used by the chairworkers was used in a more discriminating manner than it appears to have been used in other disputes.

9. High Wycombe was the largest centre of chair production, although it was beginning to be substantially affected by competition from the East of London companies.

10. *South Bucks Free Press* (hereafter *SBFP*), 5th December, 1913. See also the *Social Service Committee for the Oxford Diocesan Conference*, 1909.

11. Women and boys were placed most disadvantageously in the chair industry. Most of the women were employed as caners, putting seats in chairs for 2d. per chair, with each chair taking two hours to complete. *SBFP*, 5th and 12th December, 1913.

12. *SBFP*, 5th December, 1913 and *The Reading Observer*, 20th December, 1913. These figures were disputed by both the Wycombe borough councillors, and the chair manufacturers. See also Bowley, Burnett-Hurst (1915, pp. 41-42), and Brown (1977, p. 337).

13. *Board of Trade Inquiry* (1904, p.5).

14. One main reason for the relatively well-balanced diet of Manchester millworkers was that female weavers could contribute up to 25s. per week to the family budget (see Clarke, 1913, 3rd ed.). Women's wages in High Wycombe could be as low as 4s. or 5s. per week, *SBFP*, 12th December, 1913.

15. *Board of Trade Inquiry*, 1904.

16. In order to prevent employees 'wasting' time by looking out of the windows.

17. Sparkes (1973, p. 53).

18. Steinberg (1995).

19. *SBFP*, 19th December, 1913.

20. See Tilly (1995, pp. 33, 39); see also Tilly, Tilly (1981). There are some interesting thoughts on the preservation of memory in society in Urry (1996).

21. For example, Green noted that attitudes towards the police changed very quickly during the 1984-1985 miners' strike to form a sharp contrast to previously held attitudes, and that people did not have a dominant folk memory of how the police had acted in previous disputes (Green, 1990).

22. See, for a description of strategies during industrial disputes, Brown (1981, p. 133).

23. *SBFP*, 19th, 27th December, 1913.

24. *SBFP*, 19th December, 1913 and 2nd January, 1914.

25. *SBFP*, 7th February, 1914.

26. *SBFP*, 7th February, 1914.

27. Sparkes, (1973, p. 55).

28. The Metropolitan Police were called upon to reinforce the borough constables at a cost of £25 per day to the borough council.
29. Reactions of the community are often forged in response to actions of outside agencies. The police themselves emphasised the dangers of outsiders entering the community. For example, the suspicion they showed towards immigrants, travellers, the transient visitor, and the unrecognised 'stranger'. It was felt that the security of a stable community could be threatened by an influx of outsiders. However, in Wycombe, the London policemen were very literally outsiders. See also the testimonies of participants in the 1984-1985 miners' strike in Samuel, Bloomfield, Boanas (1986 pp. 118-121); Green (1990, p. 123). See also Taylor (1987).
30. See Critchley (1970, p. 159). For a history of the policing of industrial disputes in early twentieth-century Britain, see Green (1990, pp. 10-12); and Weinberger (1995).
31. For example, the definition of 'peaceful picketing' remained indistinct, being largely determined by the attendant policemen on an *ad hoc* basis. They also decided how many persons were allowed to stand on a picket line, although it was not always possible to enforce their judgements (*Hansard* LXIII, 23rd June, 1914). Emsley has described how the police often resorted to semi- and illegal tactics in order to enforce the peaceful behaviour of strikers, see Emsley, (1984, p. 38).
32. The Secretary of the Federation of Women Workers, for example, wrote to the Home Secretary about an assault on a fourteen year-old girl by a policeman. *SBFP*, 19th, 27th December, 1913.
33. Possibly because of the repertoire of reaction based on folk memories of previous contests between police and community, for example, during the frequent election day riots in Wycombe.
34. In the 1984-5 miners' strike, for example. See Green, pp. 83-107.
35. *SBFP*, 13th February, 1914.
36. This category includes only those offences committed by chairworkers which are described in the court records as assault, assaulting police officers, threats, intimidation, breaking windows, throwing missiles, indecent and obscene language. See Chepping Wycombe Borough Petty Sessions, 1913-14, *Buckinghamshire Records Office*, PS/WB/R/11.
37. The number of cases forwarded to the courts during the dispute was six times higher than those sent before or after the strike period.
38. A fine of £1-00 was equivalent to one month's wages for the average chairworker.
39. The contextual details of a case, the aggravating and mitigating factors which might raise or decrease the seriousness of any particular charge, are not apparent in the criminal registers of magistrates' courts. These registers merely record the barest details of the case – the name of the accused and the victim; the charge, and the outcome of proceedings. Godfrey, Farrall, Karstedt (2005) found that contextual details of the offence and the offender can influence the outcome of court cases, though this is normally only evident at the sentencing stage of judicial proceedings, and does not have an overbearing effect on the decision of guilt or innocence.
40. *SBFP*, 19th December, 1913.
41. *SBFP*, 27th December, 1913.
42. The clauses of this Act were reprinted in the local press. *SBFP*, 2nd January, 1913. For more information about the formation of this Act, see Saville (1996, pp. 11-45).
43. *SBFP*, 19th December, 1913.
44. In a letter to the editor of the *SBFP*, 14th February, 1914.
45. *SBFP*, 8th January, 1914. The process of conferring legitimacy, or the cultural development of behavioural norms, is problematic for researchers. The numerous small signifying practices that transmit norms, can escape the historian. However, the speeches of union representatives and local councillors clearly played a dominant role in this process.
46. Councillor Forward jocularly announced that: 'they had appointed a new official. He was the Chief Payer-Out of the Association. Mr Fred Bramley was Chief Official Witness. If any of them

were looking for trouble they had better have the pair of them ready at hand', *SBFP*, 16th January, 1914.

47. See Bostock (1979, p. 16).

48. Bramley quoted in the *SBFP* 13th February, 1914; and *Daily Herald*, February 12th, 1914.

49. Rose (1982) *The Sociology of Collective Behaviour* (London: PUB) p. 16.

50. The Territorial Army was the British Army of Home Defence originally instituted (on a territorial or local basis) in 1908. Many ex-servicemen joined the "Territorials" and two of the men selected from the strikers were ex-colour sergeants of the Oxford regiment which had served in South Africa, *Daily Citizen*, 21st December, 1913; and when a local shopkeeper offered to donate horses so that a mounted division could be formed, an ex-hussar was sought. *SBFP*, 27th, 1913.

51. *SBFP*, 27th December, 1913.

52. *SBFP*, 7th February, 1914.

53. *SBFP*, 16th January, 1914.

54. *SBFP*, 13th February, 1914.

55. Randall in Rule (1993, p. 40) gives many examples of self-policing during eighteenth-century food riots.

56. *SBFP*, 13th February, 1914.

57. For example, during the 1849-50 Cardiff miners' strike, shots were fired at non-unionists, and one man who crossed the picket line was killed by a bomb planted in his house, see Jones (1992, pp. 108-109). It was also said that the gun-shops of St. James and Pall Mall had sold out of revolvers two days after troops had fired on strikers in Liverpool in 1909, see Brown (1977).

58. By mid-February, Bramley had determined that window-smashing was counter productive. He may have discovered (although Borough Watch Committee meetings were held *in camera*, and the Labour councillors expressly forbidden from attending) that the Corporation had decided to compensate employers under the Riot Damages Act for damage done to factories (despite the Riot Act had never having been read in the town). Eighteen companies were paid compensation totalling nearly £100. Chepping Wycombe Borough Watch Committee Minute Books, 1913-14, *Buckinghamshire Records Office M40/62-69*.

59. *SBFP*, 27th February, 1914.

ABSTRACTS

Sociologists, legal theorists and historians have noted the existence of temporary but extensive codes of behaviour that emerge during prolonged industrial disputes. This article examines one dispute in southeast England before the First World War to show the contours of collective behaviour, and how striking chair workers in High Wycombe developed and maintained alternative local sources of legitimacy in opposition to lawful authority and parliamentary legislation. It demonstrates that local or community law can generate and imitate legitimate structures of authority, in this case, an Anti-Violence Brigade modelled on the police force, and a committee of strikers modelled on a magistrates' court.

Sociologues, théoriciens du droit et historiens ont relevé l'émergence – au cours de conflits du travail prolongés – d'un code de conduite englobant quoique temporaire.

Cet article analyse un tel conflit dans le Sud-Est de l'Angleterre avant la Première Guerre

mondiale, décrit ces conduites collectives et montre comment les ouvriers chaisiers de High Wycombe ont su élaborer et conserver des sources locales de légitimité alternative, s'opposant à l'autorité légale et à la législation officielle. Il démontre que des normes locales ou communautaires peuvent engendrer des structures légitimes d'autorité ou limiter ces dernières: dans ce cas particulier, les grévistes ont institué une « brigade anti-violence » calquée sur la police et un comité de grève inspiré des tribunaux locaux.

AUTHOR

BARRY GODFREY

b.s.godfrey@keele.ac.uk

Barry Godfrey is Director of the Institute of Law, Politics and Justice at Keele University. He teaches and researches crime and policing in the later nineteenth and early twentieth centuries. He has edited *Comparative Histories of Crime* (2003) with Clive Emsley and Graeme Dunstall; and *Crime and Empire, 1840-1940* (2005) with Graeme Dunstall; *Crime and Justice, 1750-1950*, Willan Publications, 2005 (with Paul Lawrence); and a monograph entitled *The Rough: Marginal criminality 1880-1939* is currently being written.