

Source: Catholic Encyclopedia

Labour and Labour Legislation

Labour is work done by [mind](#) or body either partly or wholly for the purpose of producing utilities. This definition is broad enough to include the work of the actor, the physician, the lawyer, the [clergyman](#), and the domestic servant, as well that of the business [man](#), the mechanic, the factory operative, and the farmer. When used without qualification today, the word *labour*, commonly designates hired labor, and frequently hired manual labour. This is particularly [true](#) when the term is used to describe the [persons](#) who labour rather than the work or effort. The explanation of this narrower usage is that in most occupations hired labourers are more numerous than self-employing workers, and that among wage-earners manual labourers exceed in numbers those whose activity is predominantly [mental](#). In this article *labour* always means the laboring classes. When used of the ages preceding the industrial revolution, it includes not merely hired workers, but all who get their living mainly through their own labour, and only in a slight degree by employing others. Hence it takes in the master artisans of the [Middle Ages](#), and the agricultural tenants who worked partly on their own account and partly for the [feudal](#) lord; for the former did work that is now performed by hired labour, and the latter possessed even less [economic](#) independence than do the wage-workers of today. Moreover, usage justifies this [extension](#) of the terms, *labour* and *labouring class*.

Passing over the nomadic and pastoral stages of [economic](#) life, because there was then no distinct laboring class, we shall touch briefly upon the [condition](#) of labour among some of the great nations of antiquity that were engaged in agriculture, commerce, or industry. A few years ago the [majority](#) of scholars held that the earliest form of [land-tenure](#) everywhere was joint ownership and joint cultivation of land by all members of the community. According to the weight of present opinion, if such a [condition](#) existed, it has not been [proved](#) by positive and convincing evidence. Perhaps the nearest approach to this arrangement in historical times is the clan system, by which the clan, or tribe, or sept, owned the land in common, but allotted definite portions of it for [individual](#) cultivation by each member. So far as we [know](#), this system has not played a great part in [agrarian](#) history. In ancient [Egypt](#) the [Pharaoh](#) owned the greater part of the land, and the tenant cultivators, though not in the strict sense [slaves](#), were compelled to live and labour in [conditions](#) that differed but little from the most oppressive [slavery](#). Their labour it was that built the Pyramids, the public works at Lake Moeris, and the Labyrinth; there, too, they were exploited to the limit of physical endurance, just as were the Hebrews by

the [Egyptian](#) taskmasters of a later period. There were some large private estates which were cultivated by a servile population. Indeed, the history of labour down to a little more than one thousand years ago, is for the most part the history of [slavery](#). [Judea](#) had few manufactures, and very little commerce; but its working class consisted to a great extent of [slaves](#) and compulsory labourers. On the whole, these seem to have been better treated than workers of the same [condition](#) in [Gentile](#) countries. However, the division of [Solomon's](#) empire into two kingdoms was [caused](#) in large part by the contributions of labour and produce which the monarch exacted from his own people. In later times a large proportion of the independent Hebrew cultivators were deprived of their lands by rich capitalists, and compelled to become [slaves](#) or forced labourers. Some of the strongest [denunciations](#) of the [Prophets](#) were uttered against this form of exploitation. The great trading and manufacturing nation of antiquity was the [Phoenicians](#), and most of their activities and achievements in this field seem to have based upon the labour of [slaves](#).

The industrial and commercial supremacy of the world passed, in the fifth and fourth centuries before [Christ](#) to the Greeks, but [slave](#) labour continued to be its main support. Although a considerable proportion of the tillers of the soil seem to have been freeholders at the beginning of Greek history, the [majority](#) were [slaves](#) in classical and post-classical times. During the latter period the [slaves](#) considerably outnumbered the free population as a whole; consequently, they must have formed a large majority of the labouring class. Their [condition](#), however, especially at [Athens](#), was not nearly so wretched as that of the Roman [slaves](#) during the classical period of that country. They had some protection from the [law](#) against injuries, and considerable opportunities of emancipation. In fact, labour seems to have been less disdained in [Greece](#) in the fifth and fourth centuries than in any other country at that [time](#), except [Judea](#), and it was certainly held in higher respect than in [Rome](#). A great deal is said concerning the organizations that existed among the Greek artisans, but they do not appear to have exercised much influence over the [conditions](#) of employment. Many of these associations which are reckoned as [labour unions](#) were chiefly religious and convivial. While the labourers of [Athens](#) who were citizens participated to some extent in the affairs of government, they do not seem to have obtained any legislation for the benefit of labour.

In the early centuries of the Roman Republic its commerce and industry were of very little importance. Agriculture was almost the only occupation, and perhaps the majority of the cultivators were freeholders, or at least free tenants. By the beginning of the fourth century, however, there were so many large estates tilled by [slave](#) labour that the Licinian [law](#) forbade any

citizen to hold more than 500 *jugera* of land, or to employ [slaves](#) out of due proportion to the number of his free workers. The tendency to large estates, cultivation by [slaves](#), and the impoverishment of the freemen continued, however, until the period of the *latifundia*, when, as Pliny informs us, all the land of [Italy](#) was in the hands of a few [persons](#), and the free tillers of the soil had almost entirely disappeared. Most of the latter had gone into the city to swell the number of idlers who were supported at the public expense. Soon after the Roman [wars](#) of conquest the commerce of the country assumed large proportions, but the greater part of the labour was performed by [slaves](#). In the last days of the republic there were more [slaves](#) than freemen in most of the towns of [Italy](#). Concerning their treatment at the hands of their masters, Mommsen declares: "It is very possible that, compared with the sufferings of the Roman [slaves](#), the sum of all [Negro](#) sufferings is but a drop" (History of [Rome](#), III, 308). From the earliest historical period of [Rome](#) there existed, indeed, several associations of free craftsmen, called *collegia*, which later on were extended to most of the countries that were under the Roman dominion. A few years before the birth of [Christ](#), these organizations became recognized and regulated by the [law](#) of the empire. Nevertheless, they comprised but an insignificant proportion of the working population. And their [economic condition](#) was probably not much superior to that of the enslaved labourers. It could not be otherwise, since they were everywhere in competition with the latter, whose labour under a policy of reckless and inhuman exploitation was evidently cheaper than that of freemen. Such, in fact, was the lot of the free labourers in every country where [slave](#) labour predominated. As to labour legislation, there is no evidence that any measure for the benefit of the working classes was ever enacted in ancient [Rome](#), except the Licinian [law](#) mentioned above. The proposition is generally [true](#) that the man who got his living by the sweat of his brow was held in more or less contempt by the nations of antiquity, and that legislation on their behalf was rarely if ever thought of by the ruling classes. The one conspicuous exception is furnished by the Hebrews.

As soon as the [Christian teaching](#) on the essential dignity and equality of men, and the nobility and [obligation](#) of labour began to take hold of the Roman [mind](#), the [condition](#) of the toiler began to change for the better. The number of the [slaves](#) decreased both absolutely and relatively to the number of freemen. In the second and third centuries the [slaves](#) obtained certain legal [rights](#), such as a partial recognition of their marriages and domestic relations, and redress in the courts for injuries suffered from the master. A considerable proportion of them were gradually transformed into serfs, that is, instead of being [obliged](#) to expend all their labour for the benefit of the master, they were enabled to work a part of the [time](#) on their

own account on land which they rented from him. Instead of being subject to sale, they were merely bound to the soil. In a sense, they could indeed be sold with the land upon which they worked. From the [time](#) of [Alexander Severus](#) freemen and freedmen seem to have predominated in urban industry, although they were not free in the modern sense of that term. They were members of associations which they were forbidden by [law](#) to abandon, and they were not allowed to leave their occupations. The State took this measure on the theory that these labourers were engaged in an industrial function which was [necessary](#) for the welfare of [society](#). It was, therefore, the [duty](#) of the [law](#) to provide that this function should be properly discharged. Although this particular restriction of the freedom of labour seems very unreasonable to the modern [mind](#), the fact is that some form of minute regulation of industry has been the rule rather than the exception in [Christian](#) times. In the latter days of the empire the [slave](#) labourers were chiefly domestic servants, the employees of the large landholders, and the workers in the imperial mines and manufactures. At the beginning of the fourth century the emperor [Diocletian](#) issued an edict fixing the wages of artisans. According to the computations of Levasseur, the rates of remuneration prescribed in this edict were about the same as those that prevailed in [France](#) at the end of the eighteenth century, and a little more than half as high as the wages in that country at the end of the nineteenth century. It was not, however, the purpose of this [rescript](#) to benefit the labourer. The rates of wages laid down were maximum rates, and the object was to prevent the price of labour as well as of goods from rising above the point which the emperor regarded as sufficient.

Despite the teaching and influence of [Christianity](#), the [laws](#) and institutions, the ruling classes and public opinion, the [intellectual](#) classes, and, indeed, the bulk of the people were still [pagan](#). A few years later, Constantine made [Christianity](#) the official religion of the empire, but he did not thereby make the people [Christian](#). The [majority](#) were still dominated by selfishness, dislike and contempt for labour, and by the desire to exploit their fellows, especially through [usurious](#) practices. The language employed by Ambrose, Augustine, Basil, [Chrysostom](#), and Jerome against the rich of their [time](#), is at once a [proof](#) that the powerful classes were not imbued with the [Christian](#) spirit, that the labouring classes were suffering great hardships, and that the [Christian](#) teachers were the truest friends of the [poor](#) and the toilers. The [doctrine](#) laid down by these Fathers, sometimes in very radical terms, that the earth was intended by [God](#) for all the children of men, and that the surplus goods of the rich belonged of [right](#) to the needy has been the most fruitful principle of human [rights](#), and the most effective protection for labour that ever fell from the lips of men. It is, in fact, although not always so recognized, the historical and [ethical](#) basis of the

now universally accepted conviction among [Christian](#) peoples that the labourer has a [right](#) to a living wage, and that the owner of [property](#) may not do all that he likes with his own. During this brief period (the fourth century), likewise, large numbers of men and [women](#) who found it impossible to live a life of [Christian perfection](#) in the still semi-pagan [society](#) of the [time](#), founded [monasteries](#) and [convents](#), and there gave to the world its first effective lesson in the dignity and [necessity](#) of work. These foundations gradually became centres of industry and peace, and later on developed into those [medieval](#) towns in which labour became for the first time fully self-respecting and free.

By the [time](#) of the barbarian invasions in the sixth century, the [majority](#) of rural [slaves](#) had become either free tenants or serfs. The latter were soon reduced to their former [condition](#), and all the legislation and customs which, under the influence of [Christianity](#), had been introduced for the protection of the [slave](#) were ruthlessly set aside by the new masters of the Roman Empire. With the exception of the [Visigoths](#) and [Burgundians](#), the barbarian tribes generally restored to the landlord the power of removing the serf from the land, and to the master the power of life and death over his [slave](#). Speaking generally, this continued to be the situation down to the [time](#) of [Charlemagne](#). From the beginning of his reign the lot of the [slaves](#) rapidly improved and their numbers rapidly decreased, so that by the middle of the tenth century they had almost been transformed into serfs throughout the Holy Roman Empire. One hundred years later, about seven per cent of the inhabitants of [England](#) were [slaves](#), but the institution had practically disappeared in that country by the middle of the twelfth century. In the year 1170 the last remnant of it in [Ireland](#) was abolished by [St. Lawrence O'Toole](#).

At the end of [Charlemagne's](#) reign practically all the land within his dominions was held by the great warriors, the [clergy](#), and the [monasteries](#). The majority of the workers on these great estates were serfs, while the proprietors were [feudal](#) lords. Politically, the latter were not only the military defenders of their territory, but to a great extent legislators, [administrators](#), and judges; economically, they had the [right](#) to receive from the cultivators of the soil a rent, either in services, produce, or money. Serfdom differed very much in its degrees at different times and in different places, but it always assumed that the serf, while not owned like a [slave](#), belonged in a general sense to the lord, was [obliged](#) to expend a certain portion of his labour for the benefit of the latter, and was bound to the soil. Very often he was compelled to make other contributions to the lord, such as a fine on the occasion of his own or his son's marriage. In the course of [time](#) the serf was relieved of these less regular burdens, his labour

services were definitely fixed by [custom](#), and his tenure of the land that he cultivated on his own account was made secure by [custom](#), if not by [law](#). Between the eighth and the twelfth century serfdom was the [condition](#) of the majority of the labouring class, not only throughout the Holy Roman Empire, but, with the exception of [Ireland](#), all over [Europe](#). [Ireland](#) had the clan system. During the period now under discussion town life was generally less important than it had been before the downfall of the old empire. Most of the towns were merely integral elements of the [feudal](#) estates. Since there was very little commerce between one country and another or between different portions of the same country, the town handicrafts supplied as a rule only those comparatively few local needs that could not be met by labour within each household. The [condition](#) of the labouring class seems to have been on the whole better than at any previous [time](#). The fact that the great majority of the workers were no longer [slaves](#), and that they were enabled to till on their own account land of which their possession was fairly secure, represented a large measure of progress. With the exception of ordinances mitigating and abolishing [slavery](#), there was no important labour legislation during this period.

Between the twelfth and the end of the fifteenth century, the great majority of the serfs of [England](#) became free tenants, that is, they were gradually relieved from the fines and petty exactions imposed upon them by the lord, and from other disabilities, [economic](#) and civil; they were permitted to pay their rent in money instead of in labour or produce; they were no longer bound to the soil, and their possession of their holdings was secured by [law](#), or by [custom](#) which had the force of [law](#). In [France](#) emancipation was not quite so rapid, nor was it so thorough in the [individual](#) case; still it had been extended to a great majority of the serfs by the [time](#) of the [Reformation](#). It was effected much more slowly in [Germany](#). At the beginning of the [Reformation](#) the [condition](#) of the majority of the tenants there was that of serfdom, and a particularly oppressive form of serfdom in the case of a considerable number. As a consequence of their revolt and its bloody suppression, their emancipation was set back for at least a century. The majority of the German peasants were still serfs at the end of the eighteenth century. Serfdom lasted in [Russia](#) until 1861.

The emancipation of the serfs during the later [Middle Ages](#) was due in great measure to the growth of towns and town industries. Attention has already been called to the fact that many of the towns owed their origin to the settlements made and the industries built up by the [monks](#). The latter not only exercised handicrafts themselves, but taught their neighbors to do likewise. In the course of [time](#) groups consisting of several hundred, and sometimes of several thousand, [persons](#) were centered about the [monastery](#),

many of whom were artisans more or less independent of any lord, and having a fairly good realization of their freedom and their importance. Not all, indeed, but very many of the [medieval](#) towns arose in this manner. In the twelfth century the towns in [England](#) began to purchase charters from the king, the lord, or the [monastery](#), according as each happened to control the land upon which the town was situated. In this way they obtained a considerable measure of self-government. About the same [time](#) the merchants and the artisans began to combine in associations called, respectively, merchant [guilds](#) and craft [guilds](#) (see GUILDS). The latter, which were much the more important, comprised master-workmen, journeymen, and apprentices. They had, generally speaking, a [monopoly](#) of their respective trades or crafts, and regulated not only the general [conditions](#) in which work was performed, but even the wages of the journeymen and the prices of the product. Their ordinances had for a long [time](#) a semi-legal [character](#) and all the practical force of a [civil law](#). Thus the towns became the abode of populations that were not subject to the lord, and that were a standing check upon his power, not only because they were free themselves, but owing to the contagion of their example. Moreover, the serf who escaped from a lord and maintained a residence in the town for a year and a day, was thereby made a freeman. The development of the towns and [guilds](#) in [England](#) was typical, with some differences, of [time](#) and detail, of [Europe](#) generally. In most places the [guilds](#) reached their highest degree of efficiency in the fourteenth and fifteenth centuries.

The [condition](#) of the labouring classes both in town and country during these two centuries was much better than it had ever been before. In the first place, the worker enjoyed considerable security of position, either on the land that he tilled or in the craft that he pursued. According to the theories of the [time](#), the members of every class performed a social function which gave them a social claim to a livelihood in conformity with their needs and customs. Hence the [feudal](#) lord and the [monastery](#) were charged with the care of all the inhabitants of their estates, while the [guilds](#) were required to find work or relief for their members. Although the workers enjoyed as a whole less [individual](#) freedom than they do today, their [economic](#) position was more secure, and their future less uncertain. There was no proletariat in the modern sense, that is, no considerable number of [persons](#) for whose welfare no [person](#) or agency was held socially responsible. As to the content of the livelihood obtained by the average labourer of that period, any attempt at a precise statement would be misleading. Nor is it possible to institute any general comparison that would be of value between the welfare of the labourer then and now. This much, however, may be asserted with confidence: the poorest one-tenth of

the labouring population were probably better fed and better clothed, if not better housed, than is the poorest one-tenth today; for the grinding and hopeless poverty, just above the verge of actual starvation, so often prevalent in the present [time](#), did not belong to [medieval](#) life (Gibbins, *Industry in [England](#)*, 177); the labouring class (meaning all [persons](#) who got their living as wage-earners or through self-employment, and not by employing others) received a larger share per capita of the [wealth](#) then [created](#) than our wage-earners obtain from the [wealth](#) produced in our [time](#); and, finally, the [guild](#) system which governed town industry did for a time, and in large measure, succeed in reconciling the interests of consumers and producers (Ashley, *English Economic History*, II, 168).

Legislation pertaining to labour during the three centuries immediately preceding the [Reformation](#) was mostly enacted by the towns, the [feudal](#) lords, and the [guilds](#). Its main results were the emancipation of the serfs and the [privileges](#) by which the [guilds](#) were enabled to become the real, if not the nominal, lawmakers in all things affecting the [economic](#) welfare of their members. The towns frequently, and the national governments occasionally, regulated the prices of bread and other articles of food. For the industrial principle of the [time](#) was regulation, not competition. In 1349 the English Parliament enacted the first of the many [statutes](#) of labourers that have been passed in that country. It prohibited higher wages than those that had prevailed in 1347, the year before the Black Death. A similar [law](#) was enacted at the same [time](#) in [France](#). Both ordinances aimed at keeping down the remuneration of the labourer, but neither was very successful.

From the [Reformation](#) until the industrial revolution at the end of the eighteenth century, the history of labour for the most part records a decline from the [conditions](#) of the fourteenth and fifteenth centuries. The confiscation of the [monastic](#) and [guild](#) lands in [England](#) under [Henry VIII](#) and Edward VI, the eviction of large numbers of the tenants from their holdings, the enclosures of these lands and a large part of the common lands into great estates, and the substitution of competitive for customary rents, [caused](#) immense hardships to the agricultural population. In [Germany](#) much the same process of spoliation and impoverishment occurred, although it had begun in that country before the [time](#) of [Luther](#). Owing to the Hundred Years' [War](#) and other causes, the rural population of [France](#) underwent many vicissitudes of fortune, the net result of which seems to have been unfavourable. As a result of the great increase of capital, and the immense expansion of commerce and industry during this period, the labouring population in the towns and cities increased greatly in numbers and importance. Their [condition](#) was as a whole less [happy](#) than in the fourteenth and fifteenth centuries. This is particularly [true](#) of [England](#),

where, in the first half of the sixteenth century, the [guild](#) lands were confiscated, and the [guilds](#) themselves all but disappeared. Although they continued in [France](#) until the [Revolution](#), and in [Germany](#) somewhat later, their control over industry in these countries was not as thorough as it had been before the [Reformation](#). It must be [remembered](#), however, that the power of the [guilds](#) would have been checked even if there had been no [Reformation](#); for they were becoming too exclusive and too indifferent to the welfare of the consumer. In fact, these tendencies had already [caused](#) a great decline in the English [guilds](#) before the end of the fifteenth century. Nevertheless, it remains [true](#) that both in [England](#) and [Germany](#) the [Reformation](#) inflicted great injury on the [guilds](#), and through them upon the whole labouring class. There was no legislation during this period that was of any marked benefit to the labourer. In [France](#) and [Germany](#) [laws](#) were passed restricting the activities of the [guilds](#). In [England](#) the Statute of Labourers, which had been re-enacted and amended at least ten times in the course of two centuries, was supplanted in 1563 by the famous statute of Elizabeth. It embraced all the most stringent provisions of the preceding [laws](#) with some clauses that were intended for the protection of the worker. But its principal fault lay in the stipulation that wages should be fixed and the [law](#) administered by the justices of the peace. The latter generally were keenly interested in keeping wages down, and in exploiting the labourer. So thoroughly did they enforce the [law](#) for their own benefit that by the beginning of the eighteenth century they had made low wages, famine wages; traditional, and these wages insufficient by themselves, were supplemented from the [poor](#) rate (Rogers, *The Economic Interpretation of History*, 43). This reference to the [poor](#) rate calls to [mind](#) the Elizabethan [Poor Law](#), which had been rendered [necessary](#) through the confiscation of the [guild](#) and [monastic](#) lands, and the destruction of the [monastic](#) system of [poor](#) relief.

The modern industrial era, the factory system, the age of machine production, began, properly speaking, with the industrial revolution. The latter phrase describes that series of changes which was effected by several notable inventions, chiefly the steam-engine, spinning machinery, and the power-loom, during the last quarter of the eighteenth century. Among their most important immediate results were: the grouping of workmen into factories where they tended machines instead of working in their homes with the old and simple tools; the ownership of the factories and machinery by capitalist employers, instead of by the labourers themselves; a great increase in the dependence of the labourer upon the employer; and congestion of the working population in the cities which grew up close to the factories and commercial establishments. Hereafter, *labour* in this article is to be understood of wage-earners only. Simultaneously with the

revolution in industrial processes and relations, there occurred a revolution, as thorough if not as sudden, in [economic](#) theory and legislation. The teaching of the [physiocrats](#) and the eighteenth-century political writers in [France](#), the economico-political theories of Smith and Ricardo in [England](#), and the self-interest of the English capitalists, all combined to inaugurate a regime of complete freedom of [contract](#), complete freedom of competition, and almost complete non-intervention of Government in industry. The old legislation fixing wages, and requiring a seven-year's period of apprenticeship, was abolished in 1813 and 1814, and nothing was substituted for the protection of the labourer. While every [law](#) that in any way restricted the freedom of the employer or regulated the [conditions](#) of employment was abolished, the old Combination Acts, which made labour organizations criminal, were re-enacted in 1799. This act prohibited even the contribution of money in furtherance of a strike. In fact, the prevailing theory of industrial liberty seemed to require that the [individual](#) employer should always deal with the [individual](#) worker, and to assume that this would be for the best interests of all. Undoubtedly, many of the old regulations, such as the [law](#) of apprenticeship, had outlived their usefulness and ought to have been repealed, but some of them were still valuable or could have been made so by amendment. What was needed was new and appropriate regulation, not the absence of all regulation. As a result of the policy of non-intervention, the working classes of [England](#) experienced during the first half of the nineteenth century a depth of misery and [degradation](#) which has obtained the name of "English wage [slavery](#)".

Long before these [conditions](#) had reached their lowest level, however, some steps had been taken to protect the labouring class by legislation. In 1802 a [law](#) was passed which aimed at giving some relief to the pauper children in the cotton factories, and in 1824 the prohibition of labour combinations was repealed. Between 1833 and 1878, the famous English Factory Acts were enacted, amended, and re-enacted, until they provided for safety and sanitation in all workshops, and regulated the hours of labour of [women](#) and children, and the age at which the latter were permitted to work. In the other countries of [Europe](#) the change from the system of handwork to the factory system came somewhat later and somewhat more slowly than in [England](#), and consequently [caused](#) less hardship to the weaker members of the labouring class. Moreover, the theory of legislative non-intervention was not so fully carried out, except in [France](#) and [Belgium](#), where the political [philosophy](#) of the [Revolution](#) had obtained a strong foothold. The [guilds](#) were abolished in [France](#) in 1789, and [labour unions](#), strikes, and lock-outs were prohibited during substantially the whole period between that [date](#) and the year 1884. The first effective factory legislation was enacted in 1841, but it was not seriously enforced

for thirty years. In [Belgium](#) the [guilds](#) were abolished in 1795, and there was no very important labour legislation until 1886. Most of the [laws](#) for the protection of labour in [Switzerland](#) came into [existence](#) during the last quarter of the nineteenth century. Effective labour [laws](#) were not enforced in [Italy](#) until 1886. In [Prussia](#) the complete abolition of the monopolistic [privileges](#) in certain trades enjoyed by certain towns, classes, and organizations took place in 1845, while a general code providing for industrial freedom was adopted in 1869 by the North German States, and afterwards extended to the whole of the present [German Empire](#). In 1881, however, a [law](#) was passed which gave to the volunteer [guilds](#) a certain [privileged](#) position, and the tendency since then has been to confirm that position. [Austria](#) likewise retained the [guilds](#) and the old industrial regulations longer than [England](#) or [France](#), and enacted new legislation during the first half of the nineteenth century. At no [time](#) did [Austria](#) attempt to carry out the disastrous policy of "complete industrial freedom".

At the present [time laws](#) regulating the hours of labour exist in all the countries of [Europe](#). Except in Great Britain and [Belgium](#), the State asserts the [right](#) to apply such legislation to the labour of all adult males, as well as to that of [women](#) and children. As yet, however, this regulation has not applied to adult males generally, but only to those in certain arduous and dangerous occupations. The hours for [women](#) and children in mines, factories, and workshops, and frequently in some other occupations, are restricted by most [European](#) states to ten per day, while the age at which children may be employed varies from eleven to thirteen in most employments. Regulations providing, with varied degrees of efficacy and comprehensiveness, for safety and sanitation in factories, workshops, and mercantile establishments are practically universal. Many of the countries have compulsory state insurance against sickness and [accidents](#); [Germany](#) and [Italy](#) have in addition a system of old-age insurance. [England](#) requires employers to [compensate](#) their employees for industrial [accidents](#), and has a system of old-age pensions. [Switzerland](#) and [Belgium](#) insure against unemployment. In most of the [European](#) countries there are [laws](#) providing for the [arbitration](#) of industrial disputes, but in one of them is the [arbitration](#) compulsory. All the countries permit, and some of them give special [privileges](#) to, [labour unions](#) or [guilds](#). In German and [Austria](#) membership in a [guild](#) is indispensable for certain trades. Generally speaking, peaceful strikes and [boycotts](#) are everywhere lawful. [Boycotting](#) was made legal in Great Britain in 1906.

The theory of non-intervention has exercised a stronger influence in the [United States](#) than even in [England](#), owing to the fact that it was incorporated into the National Constitution, and in the Constitutions of

most of the states. The constitutional prohibitions of class legislation and of interference with freedom of [contract](#) have [caused](#) American labour [laws](#) to be for the most part, "a collection of exceptions to these general provisions" (Adams, *Labor Problems*, 464). Between 1840 and 1850, [laws](#) were passed in some of the states limiting the hours of labour for [women](#) and children, and in 1877 [Massachusetts](#) enacted a code of factory legislation. Since then more than half the states have followed the example set by [Massachusetts](#), and the general tendency points constantly toward more and better regulations for the protection of labour. In no state, however, is there a general [law](#) limiting the hours of labour for adult males. Such legislation would undoubtedly be construed as contrary to the constitutional guarantee of freedom of [contract](#). The few states that have enacted provisions of this sort have limited their application to occupations involving special danger to health, safety, or the public welfare. In many of the states the working day of [women](#) is restricted, usually to ten hours, on the theory that this is a legitimate exercise of the police power in the interest of public or private health, or on behalf of a peculiarly weak section of the population. The hours of labour of children have been limited in all the states, in the [majority](#) of cases to ten per day, but in a few instances to eight, nine, eleven, or twelve. Almost all the states set a minimum age at which children may be employed, at least in certain places, such as factories and stores. In the [majority](#) of cases the limit is fourteen years, although it is sometimes one or two years less, and sometimes one or two years higher for certain employments. Laws governing the safety and sanitation of factories exist in more than half the states. As yet, there is no legislation providing for insurance against disabilities of any sort nor for old-age pensions. The only legal regulations of this [nature](#) are based on the [common law](#) concerning the employer's liability for [accidents](#) occurring to his employees while at work. In many of the states tribunals have been [created](#) for the [voluntary arbitration](#) of industrial disputes, but none of these boards has been of much service. The national [Arbitration](#) Law, which applies only to railroads, has been more successful. Labour unions are given no special [privileges](#), except that in some states they are encouraged to incorporate. Strikes are not prohibited, but occasionally the sympathetic strike and frequently the [boycott](#) have been forbidden by the courts through the process of injunction.