

# Industrial Conflict

## Four Articles on the Reports of the Industrial Relations Commission

### The Commission's Function

THE Industrial Relations Commission was created after the McNamara case had revealed dynamite beneath the social system. The country was literally frightened into an investigation. It was understood then that the purpose of the Commission was to diagnose unrest. But the country had not agreed what was to be its attitude towards "unrest," Congress never clarified its intentions, and ever since, the Commission, its friends, and its critics have been at cross purposes.

The largest group, the most conventionally minded, has assumed that unrest should be transformed into rest. They are perhaps the great mass of the American people. To them unrest is an inconvenience, a nuisance, and interference. They are ready to coerce labor into peace, or to throw it a few bones, and expect it to be satisfied.

A somewhat smaller group regards unrest as a symptom of real evils which need to be excised. This group is wise enough to know that when there is an outcry there must be a cause for it, and whenever there is sufficient outcry, then people show some tendency to act.

There is still another body of people who hold that unrest is the dynamic force in progress; that unrest is a sign of self-consciousness, of shattered complacency, of creative energy. They have an almost mystical belief in the value of friction.

Something is missing in all three points of view. Obviously we cannot desire the industrial peace which means a population too docile to protest, too dull to wish for better things. But neither can we rely upon unrest as a symptom, for there are desperate evils which do not show the symptom. A society might be placid and yet in decay. Finally, there is much of profound importance that no mere agitation can produce: the development of scientific standards, of laborious invention, the detailed, cumulative building of fine environments for the child, the worker, the family—all that requires a mood in which agitation plays a subordinate part.

The business of the Commission was to diagnose if it could the existing unrest, to reveal hidden evils about which an imaginative people would become restless, and to supply a machinery and technique by which not only the evils which are obvious, but the evils which aren't, could be met in a radically scientific manner. It was not expected to establish a quack peace, or to remedy merely those condi-

tions which frighten us. Its great task was to prepare the ground and point the way by which the democracy could accumulate the experience and the power for humanizing the conditions under which it works.

### The Walsh Report

IN order to understand the majority report of the Commission on Industrial Relations it is necessary to remember the temperament and training and ideals of Mr. Frank Walsh. For though it is stated that Mr. Basil Manly wrote the report, Mr. Walsh has undoubtedly secured the kind of report which he wished. Mr. Walsh started his investigation with a healthy dislike of the usual government document. He gazed at the labors of the Immigration Commission, so obscure and so expensive, decided that he would not be the sponsor of dull and unmanageable inquiries, of use only to a few professors who want to write books. He saw at once that his task was not only to find the truth, but to spread it; he was not a shrinking violet at the thought of modern advertising methods.

Another and greater thought influenced Mr. Walsh. He realized that the question of industrial relations was not so much a matter of quantitatively ascertained truth as it was a matter of what workingmen and employers thought and felt about the facts. With real penetration he saw that the philosophy, the opinions, the errors, the prejudices of men were the determining factor in industrial relations. He therefore paid scant attention to expert investigation, and devoted more of his time and money to public hearings. He set out to dramatize for the newspapers the psychology of industrial relations. He made no pretense of judicial poise. He hated with honorable human passion the devastating misery, the gigantic tyrannies, the accumulated riches, the complacency, the stupidity and the waste of our economic system. He was frankly on the side of the poor and the oppressed. He was determined that for once they should find in a governmental official some one who sympathized with the whole gamut of their suffering, some one who could voice with official sanction their indictment of America.

Mr. Walsh undoubtedly knew that Congress and the President never intended to have the kind of commission which he made of it. He was Jesuit enough to feel that his cause was good enough to justify him. So he took the bit between his teeth,

dragged the rest of the reluctant and worried Commission after him, ran over any one who got in his way, discharged those who opposed him, jeered at the conservative press, and acted on the principle that those who weren't entirely for him were against him. He made many devoted friends and many bitter enemies. In a year of desperate reaction he stood out as an undaunted agitator, and became the leader around whom American radicalism has tried to rally.

As an agitator he must be judged. It is a waste of words to discuss his work from any other point of view, for he has never wanted to have any other point of view. How good an agitator has he been? He has dramatized great wrongs, he has displayed to the public the indifference of great financiers, he has shown the poverty of intention among the rich. He has lowered their prestige by exhibiting their irresponsibility. At the same time he has given an altogether new kind of hearing to labor, a respect which it has probably never before had from any government organ. Though conservative people will be surprised to hear it, Mr. Walsh has in all probability done a great deal to re-establish the confidence of labor in the promises of political action. He has also done much to stiffen the labor movement and conserve it against the despair of the general reaction. One other effect his work has had. By its crudity of attack it has drawn much loose sympathy to the rulers of industry. But, worst of all, it has probably scotched for many years to come the possibility of a permanent industrial commission. Congress is not likely soon again to bring forth another prodigy.

These rather vague effects of Mr. Walsh's activity are perhaps the most important net results. The report itself is little more than the coda after the great themes have been worked out by the full orchestra. But the report does nevertheless betray the final ineffectiveness of Mr. Walsh as an agitator. It shows a conventionality of mind which has prevented him from creating a cumulative and momentous propaganda.

As you read the report you are struck with the fact that any competent journalist might have written it. Although hundreds of thousands of dollars have been spent, although many investigators have been at work, the product is a document which would have been trite to a radical magazine writer before Mr. Walsh appeared on the scene. To be sure, the statements it contains are not trite to the American public as a whole. But what assurance is there that Mr. Walsh's statements will be read and taken to heart when so many similar statements have been ignored? This is the disheartening fact about Mr. Walsh's work—not that he made so many speeches at the wrong time, but that

his agitation is in the end commonplace and ineffective.

How could it have been otherwise, one may ask. The answer is that what the report lacks is that massing of evidence, that organized picture, which would give it a body and a life. As it now stands it is formless, eloquent, diffuse, and without any setting in the background of America. It is thin and verbal instead of being monumental and compelling. It lacks the organized plausibility which has won confidence in the Bryce report on Belgian atrocities. Inevitably it will sound like uncritical denunciation because it is a skeleton of evils instead of a tissue of realities, a series of abstract formulæ of wrongs and not a proportional survey of the life in which these wrongs occur. It will not sound like America to the readers of it, although it contains an enormous mass of desperate truth about America. These are not finicky and highfalutin standards. They are the standards by which one must estimate the enduring effectiveness of an agitation. They are the standards which Karl Marx applied to his work, and which have made portions of his writing the most penetrating agitation of our time. Mr. Walsh may smile and say that he lacks the genius of Marx, but he had as a substitute for genius infinitely greater resources and opportunities.

Mr. Walsh's early intuition that opinions were the important thing has betrayed him. It has stopped him from seeing that opinion needs not only to be expressed and heard, but to be corrected and sharpened. The only way that can be done is to provide machinery by which haphazard opinion can be made to face scientific inquiry. If, in addition to telling us what labor and capital believe, he had made an effort to tell us what trained experts believe, we should have had some criterion to bring order out of confusion. But Mr. Walsh not only fails to distinguish between what witnesses said and what investigators found; he suggests no machinery for the future by which the clash of views in the industrial struggle can be fertilized by a steady stream of carefully ascertained facts. In all his recommendations, which embrace everything from government ownership of railroads to laws against detective agencies, he suggests no means of securing constant illumination of conditions.

What he does is to say to Congress, "There are the evils. Take my word for them. There are some laws which occur to me as useful. Pass them." There is no indication that Mr. Walsh realizes that evils change their form, and that the bettering of industrial relations is not to be accomplished by specific laws, but by a constant invention of new devices. This report is static. It is written on the theory that society is definitely wrong and needs definitely to be righted. It remains oblivious of the

fact that society is constantly changing, and that the only help for it is not to discover specific remedies, but to create a technique and an intellectual method and social machinery by which we can keep pace with change.

Mr. Walsh's faith in legislation is naïve. The early part of his report contains bitter and just denunciation of the way laws are made, interpreted and administered. The end is taken up with the recommending of laws which Congress could not find time to pass in a lifetime, and the government as to-day conducted could never think of administering. It seems content to throw the burden on our legislatures, to create no machinery for investigation, no machinery for invention, but to leave it all to an overworked, uninformed and helpless Congress.

This naïveté is nothing but another aspect of the failure to perceive that what the nation needs now is not specific laws, but a technique for dealing with the whole problem. In intellectual outlook Mr. Walsh is profoundly reactionary. He trusts to denunciation of evil, to the proposal of specific remedies, and their realization by the antiquated method of haphazard legislation. That trust will be disappointed now as in the past. Until there is created for the industrial problem a trustworthy machinery of investigation and permanent organs of representation, until trained men are introduced to invent and formulate, we shall simply muddle along between agitation and complacency.

### The Commons Report

**T**HE Report of the Industrial Relations Commission signed by Prof. John R. Commons and Mrs. J. Borden Harriman, and concurred in with some exceptions by Commissioners Weinstock, Ballard and Aishton, will not carry well in the newspapers. It is not spectacular. It predicts no sudden, beneficent transformation. It attacks no one. It is wise but unexciting. It is significant, even revolutionary, and yet humdrum.

We apply the word revolutionary to this Report because it completely reverses our usual attitude towards labor legislation. In the past we have asked what ailed labor, and passed a law to remedy the evil. We did not much concern ourselves with the machinery for enforcing the law, and as a consequence it remained unenforced. But a law unenforced is no law at all. It is less than no law. We have piled up labor laws one above the other, and these laws have run out into perplexing detail. They have been enacted and repealed and re-enacted and declared unconstitutional, or have been left ambiguous and unenforceable, so that the actual protection of the labor law became a flickering, shadowy thing. The confusion of laws is now so inextric-

able that the Commissioners who signed the Commons Report were "forced to the conclusion that it is not worth while to propose any more laws until we have provided methods of legislation, interpretation and administration, by which they can be made enforceable."

At bottom, this fearful confusion, which has brought our legislatures and courts into disrepute, is to be traced to our fundamental theory of labor legislation. We have always believed that a legislature should enter into the details of law-making, and should determine what is to be the rule in hundreds of employments in thousands of different circumstances. But such a method is ludicrously inadequate. The legislators have not the time nor the special knowledge to enter properly into all this detail. Circumstances alter the application of the law, and what is fair in one industry, or in one part of the state or at one time of the year, is quite unfair at another. The legislature cannot make all these necessary adjustments. What is necessary is a continuous investigation of facts, for which the legislature is totally unfitted. All that it should do toward working out a labor policy is to establish the general standards and leave the task of filling in the details, of adapting the law to the circumstances, to an administrative body created specially for that purpose.

The Commons Report calls for such an administrative body, an industrial commission, of which there is to be one for each state and one for the United States, and under which are to be placed all bureaus or divisions dealing with all conditions of labor, including safety and sanitation, workmen's compensation, child labor, industrial education, statistics and immigration. The commissioners are to be appointed for a term of six years by the President or governor with the consent of the senate. In order that these commissioners shall be impartial, and satisfactory to the labor and capitalist interests involved, they are to be appointed only after consultation with the industrial council. This council, which has no veto power, is a coöperative and advisory body, representing employers and employees, and is intended to aid the governor in the selection of the industrial commission and the commissioners in the making of appointments, as well as to guarantee that all rules and regulations, investigations and publications of the commission shall be under the continuous supervision of organized labor and of organized capital. The members of the advisory council should be responsible to the organizations which they represent. The advisory council should resemble the superior councils of labor in France, Italy and Belgium, though with greater authority to participate in the work of administration.