
Labor and Capital and the Distribution of Property

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The question of capital and labor is not only being debated in Congresses and legislatures, in lodge rooms and in the assemblies of labor representatives, but Mr. Justice Henry B. Brown, of the United States Supreme Court,¹ deems it entirely prudent to give the subject his attention, which he did in an address before the American Bar Association, at its annual meeting in Milwaukee, August 31. We have only a synopsis of the distinguished gentleman's views, but enough of what he said to force the conclusion that he leans up to capital and capitalists, like one who knows and appreciates the difference between a workingman and a millionaire.

The address of Mr. Justice Brown is spoken of as being "lengthy but interesting throughout." In the course of his remarks it is reported that the "distinguished jurist, by way of introduction, reviewed the history of strikes between capital and labor from the days of the great strike of the Israelites, the conflicts between the Roman patricians and plebeians, the feudal lords and the merchants of the middle ages, down to the struggles of the present day."

The ermined orator did not, so far as reported, give any particulars relating to the "great strikes of the Israelites." It is possible that he referred to the straw-strike, at a time when the Israelites were making brick for Pharaoh. This was not exactly a strike, but the brick makers did appoint a grievance committee to go to Pharaoh and tell the gen-

¹ **Henry Billings Brown** (1836-1913) was appointed an Associate Justice of the Supreme Court in 1890 by President Benjamin Harrison. He is best remembered to history as the author of the majority decision in the 1896 case of *Plessy v. Ferguson*, which institutionalized racial segregation in America for more than half a century.

eral manager of Egypt their troubles.² Really, we feel much obliged to Mr. Justice Brown for his allusion to this strike, though it was not, properly speaking, a strike between “labor and capital, but rather between labor and the government. At the time of the straw-strike there were in Egypt 600,000 adult male Israelites. How many of them were directly engaged in making brick, we have no means of knowing, but it was, evidently, a leading industry. The straw required in making the brick was to mix with the clay to improve its adhesive qualities, and was deemed in those days essential.

It is interesting to state how this straw-strike of the Israelites originated. It appears that God had appointed Moses the leader of the Israelites, for the purpose of getting them out of Egypt, by the way of the “wilderness” into the “promised land,” or Canaan. Moses, therefore, asked permission of Pharaoh to let the Israelites go a three days’ journey into the wilderness to worship. This three days vacation asked for the Israelites, in the name of the Israelite’s God, seemed preposterous, besides Pharaoh neither knew nor cared for the God of the Israelites, and he not only flatly refused the request, but ordered, that, as previous to this request, he had supplied the brick makers with straw, thereafter they should hunt straw for themselves, but in no case was their task to be lightened; they were ordered to make as many brick as when the straw was furnished, and their task masters were ordered to beat them in every case where the tale (count) fell below the required number.

It was this infamous order that resulted in the officers of the children of Israel organizing a grievance committee to lay their troubles directly before Pharaoh. But the effort to have the iniquitous order modified in any regard did not succeed. Pharaoh was obdurate and insolent, drove the grievance committee from his presence, remanded the brick makers to their tasks, taunting them with the remark, “Ye are idle, ye are idle, therefore ye say let us go and do sacrifice to the Lord. Go ye, therefore, now, and work; for there shall no straw be given you, yet shall ye deliver the tale (count) of bricks.” At this supreme juncture the grievance committee met Moses, the leader, and said to him, “The Lord look upon you, and judge, because ye have made our savour to be abhorred in the eyes of Pharaoh and in the eyes of his servants to put a sword in their hands to slay us.” Times did look blue to the brick makers, as also to Moses, who immediately laid the matter before the Lord, and said to the Lord, “Wherefore

² Allusion to *Exodus*, chapter 5.

hast thou so evil entreated this people? Why is it that thou hast sent me? For since I came to Pharaoh to speak in thy name he hath done evil to this people, neither hast thou delivered them.” It was plain talk on the part of Moses. Pharaoh had been enraged, he had imposed heavy burdens upon the Israelites, and things had been made worse, generally. But the Lord assured Moses that he was not done with Pharaoh, but that he would, in the end, make the strike such a success that it would never be forgotten. Certainly, we are obliged to Mr. Justice Brown for his reference to the “great strike of the Israelites.” The Lord set the example of doing Pharaoh and all Egypt immense honor, because of his infamous dealings with the brick-makers. In the first place, as a punishment, the waters of Egypt were turned to blood; (2) he filled the land with frogs; (3) he filled the land with lice; (4) swarms of flies filled all Egypt; (5) all the cattle, horses, asses, camels and oxen were stricken with murrain; (6) every man and beast was afflicted with boils; (7) a storm of hail, thunder, and fire, was sent so that everything was destroyed except the wheat and the rye; (8) locusts came next and devoured everything; (9) then came darkness that could be felt, lasting three days; (10) then came the final plague, when the firstborn in all the land of Egypt, from the firstborn of Pharaoh unto the firstborn of the lowliest in all the land was slain.³ This done, Pharaoh was willing to give the Israelites a vacation, to let them leave his country, but in a moment of madness he called out his army to slaughter the Israelites, but was caught in the Red Sea, when horses, chariots and soldiers all went down to death.

What of it all? Not much, perhaps. Pharaoh treated workingmen unjustly; he would not listen to a grievance committee; his greed obscured, all sense of right and justice, and ultimately he paid dearly for his exercise of power over defenseless men. God did not stop to consult public opinion, nor the courts of Egypt. He did not consider the rights of property. He saw the inhumanity of Pharaoh, his tyranny, his purpose to degrade workingmen, to increase their tasks and then beat them for their non-performance. These things aroused the vengeance of Jehovah, and then came the plagues of blood, frogs, lice, flies, murrain, boils, hail and fire, locusts, darkness, the death of the firstborn, and then the Red Sea disaster. After all these things, the children of Israel marched for forty years and finally entered the promised land.

³ Reference to *Exodus*, chapters 8-10.

For this wonderful display of divine power and vengeance there seems to have been one cause, and only one cause — the bad treatment of workingmen — and we are told that God is the same yesterday, today and forever. We do not know that Mr. Justice Brown spoke either lengthily or learnedly upon the “great strike of the Israelites.” We conclude he did not, because he jumped from the “great strike of the Israelites” to the strike of the brass workers in Breslau as early as 1539, and to the strike of the tailors in Baltimore in 1795, concluding, from his brief historical sketch that “it is apparent (1) that strikes, so far from being peculiar to modern industrial enterprise, as seems to be generally supposed, are as old as *civilization itself*; (2) that they prevail most *extensively* in the most enlightened and wealthy communities, and so far from being an *indication of extreme poverty*, are equally as frequent in times of general prosperity; (3) that the wit of man has as yet devised no scheme whereby they may be prevented or even alleviated.” In saying this, Mr. Justice Brown writes himself down a superficial thinker. It was never claimed that strikes were an indication of “extreme poverty.” What is the signification of “extreme poverty?” It is squalor, degradation, hunger and nakedness. There may be instances on record where such people struck to better their condition, but, as a general proposition, it is not true. Men strike to prevent “extreme poverty,” to prevent squalor and degradation. They strike, as did the Israelites, against inhuman treatment, tasks that kill soul and body. They strike against a reduction of wages and for an advance in wages; they strike for reasonable hours for a day’s work and against hours that leave no time for physical recuperation and mental improvement; they strike for that which dignifies citizenship and secures liberty and independence; they strike that their “homes may not be huts and dunghills, and their children outcasts from the day of their birth — facts which Mr. Justice Brown never discovered, and would not have appreciated had they been forced upon his attention.

It is not true, as Mr. Justice Brown declares, “that the wit of man has as yet devised no scheme whereby they (strikes) may be prevented or even alleviated.” Strikes have been prevented in a vast number of instances and as often alleviated when they have occurred, and beyond the vicious influences prevailing in high judicial circles, hopes are born and nursed into vigorous vitality, that a reign of justice in the world is of possible attainment — and it is widely accepted as a probability that men who now are compelled to strike against oppres-

sion will, armed with the ballot, strike against an aristocratic judiciary and place men upon the bench whose public utterances are not framed to obscure their baseness.

It is not at all surprising that Mr. Justice Brown, in support of his plutocratic theories, should refer to the utterances of some “enthusiasts,” who picture an “ideal state of society where neither poverty nor riches prevail,” but workingmen who strike, do not indulge in vagaries. On the contrary, they do believe a reign of justice is within the limits of “human character as at present constituted.” The distinguished judge doubts if there was neither poverty nor riches in the world that such a condition “would conduce as much to the general happiness, as the inequality which excites emulation and stimulates energy.” He can conceive of nothing to “excite emulation and stimulate energy” except money — riches, and he doubtless had his own ambitions in view when he made the statement. He said, “rich men are essential even to the well being of the poor.” “It is they,” said the judge, “who in a thousand ways develop the resources of our country and afford employment to a countless army of workingmen. One has but to consider for a moment the immediate consequences of the abolition of large private fortunes to appreciate the danger which lurks in any radical disturbance of the present social system.” In the foregoing, there is nothing new. It is the rehash of the same old idea, that workingmen are dependent upon the rich — that they live, move and have their existence by the permission of the rich. It is the idea of the slavedriver. Its purpose is to degrade workingmen until they are ready and willing to accept the domination of assumed superiors, and obey their orders without complaint. This done, degradation has reached its lowest depths. This done the slave accepts his bacon and corn bread, his dress to distinguish him as a helot, and then things go on swimmingly for the plutocratic masters. Mr. Justice Brown is of the opinion that for workingmen a sort of a millennial era has dawned. He said:

While, in this country at least, private fortunes are larger than they have ever been before, the condition of the laboring class has improved in equal ratio. There was never a time when the working classes were so well paid, or when their wages could buy for them so many of the comforts of life as now. Not only are the working man’s wages higher, but his hours of labor are shorter. He is better housed, better clad, better fed, better taught, reads better and cheaper papers, sends his children to better

schools, and enjoys more opportunities for recreation and for seeing the world than ever before. He not only practically dictates his own hours of labor, but in large manufacturing centers he is provided with model lodging houses for his family, with libraries, parks, clubs, and lectures for his entertainment and instruction, with cheap excursion trains for his amusement on Sundays and holidays; and not only absolutely but relatively to the rich is vastly better off than he was fifty years ago.

Thus spoke Mr. Justice Brown to the American Bar, Aug. 31st, 1893, at a time when multiplied thousands of workingmen were out of employment, not knowing where they could secure a meal of victuals. But supposing no clouds overspread the skies of labor and the picture painted by the judge was literally true, then it is seen that during the past 50 years great improvements have been made in the condition of workingmen. The question arises, who brought about this improvement? Not men of Mr. Justice Brown's type. Not rich men, but workingmen by combination, by strikes, by sacrifice, and as labor's emancipation has not yet come, and as the rich are still oppressing, and as the courts are still corrupt, labor has before it herculean tasks to perform. Hitherto the combinations of labor have been on a small scale, and imperfect. Once unified, once redeemed from the fetters of envy and jealousy, once marshaled under one banner, and they will go forth from bondage under a God ordained leader, such as was Moses in the great straw-strike of the Israelites.

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