

JANUARY 18, 1913

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The New Review

A-WEEKLY-REVIEW-OF-INTERNATIONAL-SOCIALISM

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Vol. I.

JANUARY 18, 1913

No. 3

THE GARMENT WORKER'S STRIKE

With every day that passes the "general strike" of the garment workers of New York is becoming more general, their "mass action" more massive. The attempt of the "disinterested" gentlemen of the Chamber of Commerce to paralyze the strike and demoralize the strikers has signally failed. It failed just as completely and ignominiously as the futile attempts of the European Powers to preserve peace and maintain the "status quo" in the Balkans. If this war between those who clothe the world and those who levy tribute on the world's clothes is to have any meaning, it must be pushed with all possible vigor up to the point where the superiority of either side is decidedly established. If the strikers had permitted the intervention of a third party and the suspension of hostilities before the relative strength of the contending parties had been measured in the shock of battle, they would have thereby confessed their own weakness. And if at any future stage of the conflict a third party is permitted to intervene, mediate or arbitrate, as has been the case in so many recent conflicts between labor and capital, it will simply mean that the workers are not yet strong enough to overcome all opposition and crush the enemy. But at least there will then have taken place an actual trial of strength, and its results will be embodied in the terms of the truce.

While this is being written we learn of a new attempt that is being made to arrange an armistice. An association of so-called independent manufacturers in the clothing industry is offering an immediate partial increase in wages in order to induce the strikers to resume work, while all other questions in dispute are to be submitted to a conference committee and a board of arbitration. Rivalries and dissensions appear to have broken out in the camp of the employers. It is therefore to be hoped that these dissensions will be utilized to the utmost in the interest of the workers, just as the Socialist parties throughout the world have always striven to turn the conflicts of interests among the various capitalist groups and parties to the advantage of the working class.

From the very beginning of this strike the employers have tried to gain public sympathy for themselves by raising the cry that if wages are raised the price of clothes will have to be raised correspondingly. This claim is worth looking into, however briefly. If the clothing industry were as perfect a monopoly as, for example, the anthracite industry, the claim might hold true, though even then only within certain impassable limits, for even a monopoly is not free to raise prices *ad libitum*, without considering all the conditions of the market. To raise prices to such an extent as to reduce consumption very materially, encourage the utilization of substitutes, and thus cut very considerably into the total annual profit, is a luxury that even a perfect monopoly cannot freely indulge in. But unfortunately for the clothing manufacturers, they are by no means in the fortunate situation of monopolists. Their industry is subject to severe competition and the increase in wages may be taken out of their profits. To be sure, if the prevailing rate of profit in the clothing industry were, owing to the increase of wages, to be reduced below the average rate of profit for all industries, and if in addition the manufacturers could not compensate themselves for the higher wages through the introduction of improved processes of production, then capital would tend to emigrate from the clothing industry into other industries and the prices of clothes would tend to increase until the rate of profit was equalized. But there is no good reason for entertaining either of these assumptions. The clothing industry of this city has produced a very large number of millionaires, many who have entered the industry as poor men have grown very rich, and this does not indicate an abnormally low rate of profit. On the other hand, the technical conditions of the industry are known to be very backward, largely owing to the prevailing low wages, and a substantial increase of wages in every branch of the industry would surely act as a spur to the introduction of machinery and improved and more economical methods of production. And higher processes of production would, in their turn, become the foremost agency for putting an end to the sweat-shop evil.

The strikes of the workers in the great clothing industry of this city reveal a peculiar physiognomy. The complaint has been repeatedly made that these workers have altogether too many strikes and that they do not in quiet times make the sacrifices necessary for maintaining a strong organization, which would, by its very existence, preclude the necessity for so many strikes. The facts are as stated, but the complaint is unjust. The undeveloped technical conditions of the industry, the resulting presence of thousands of small bosses and contractors who act as middlemen between the real capitalist employers and the workers, the prevalence of tenement house work, the relatively unskilled nature of

the labor—all these factors tend to make the task of organization in the clothing industry an extremely difficult one. Hence the strike becomes here doubly and trebly necessary—not only, as in other cases, to wrest concessions from the employers; not only to rejuvenate and strengthen the organization, so that it is not the organization which supports the strike, but the strike which infuses fresh life into the organization; but also, in large part, to fulfill the functions of the organization as such. The explosive force of the strike must replace the want of momentum in the organization.

But even in this peculiar form the ever-growing, ever expanding force of the class struggle of the workers manifests itself. Strikes in the clothing industry have for many years past been recurring with the regularity of the seasons. But each successive strike is more general than the preceding ones, affects more branches of the industry, embraces many more thousands of workers, and leaves after it as a residue a stronger organization to serve as a nucleus and rallying point for future struggles. What thus takes place is not a mere recurrence or simple repetition, but a real evolution, effected through a series of comparatively small but none the less painful revolutions. And yet these methods have been adopted and these results brought about without any preconceived theory, but through the spontaneous efforts of the workers to resist the depressing tendencies of capitalist production and to obtain decent living conditions. The garment workers and their leaders have never maintained that the methods which circumstances have compelled them to adopt are the best and most appropriate for the entire labor movement, nor have they asserted that these methods, and these alone, lead straight to the social revolution. Nevertheless the entire labor movement may draw useful lessons from the methods and experiences of the garment workers.

TWO PROTESTS

Socialists are not in the habit of praising either our strenuous ex-President or the President of the American Federation of Labor. It is our duty this week to speak well of both of them.

In the State of Idaho the Progressive ticket was kept off the official ballot in the late election by a fiat of the courts. Mr. Roosevelt issued a statement denouncing this action. The statement was published in a Progressive paper of that state, whereupon the editor and publishers of the paper were clapped into jail and fined \$500 each for *lese majesté*—beg pardon, for contempt of court.

But Mr. Roosevelt, who was something of a "majesty" himself not so very long ago, does not permit himself to be cowed even by the highest act of arbitrary power. In a characteristic message

to the three men who are to spend ten days in jail he brands the action of the Supreme Court of Idaho as an "infamy" at which every decent American citizen is outraged. In the first place, he says, the court denied to a large number of the voters of Idaho the right effectively to express their choice for President, and in the second place it punishes those who protest against this denial of justice in order to intimidate all those who may hereafter desire to raise their voice against similar outrages.

The three men in jail occupy cells in which Moyer, Haywood and Pettibone were once confined. And this reminds us that Mr. Roosevelt was not always so ardent a champion of the rights of the citizen as against the arbitrary acts of the courts. Unless our memory fails us, Mr. Roosevelt never uttered a word of protest against the kidnapping of those three men from their homes in another State and their confinement in the Idaho jail for a period, not of ten days, but of eighteen months. And when he publicly referred to those three men, who were about to be tried for their lives, as "undesirable citizens," some people were so rash as to infer that he approved of their arbitrary and illegal detention. However, let bygones be bygones. It is not our desire to take away a single ray from the halo that now surrounds the head of the Progressive leader. In this country of ours it takes more than ordinary courage to brand an act of the courts as an infamy, and we herewith gladly acknowledge Mr. Roosevelt's service to his countrymen in venturing to do so, even though the cause is primarily his own.

But the boldness of the Whig leader of the Progressives pales by comparison with the impressive utterances of Mr. Gompers when he appeared before the Senate committee on judiciary to speak in favor of the Clayton anti-injunction and contempt bills. This leader of the conservative wing of the labor movement rose to a truly tragic grandeur when he declaimed against the powerful organizations of capital which were ruthlessly crushing out every organization of labor that came in their way and which, by their employment of all the forces of the State, including government by injunction, drove the iron workers to the adoption of desperate, lawless methods of self-defense. And the pathetic words in which he described the heartache and sorrow that the conviction at Indianapolis "added to our already heavy burdens," the suffering and penalty that all workingmen share with those accused and sentenced, sound like the swan song of conservative trade unionism. Every method has been tried, from the most timid adherence to legality and the parties of "law and order" down to dynamiting, and every method has failed before the onslaught of combined capital in control of all the agencies of government. Mr. Gompers may now be too old to change the habits of thought and action of a lifetime. But many of the younger generation of labor leaders will surely profit from this fearful lesson.

H. S.

THE EASTERN QUESTION

BY THEODORE ROTHSTEIN (London).

"Look here, we have on our hands a sick man, very sick indeed; it would be a great misfortune if he were to escape us before we have made the necessary arrangements." These were the famous words of Tsar Nicholas I, spoken to Sir Hamilton Seymour at a Court ball on January 9, 1853. The sick man is still alive. He did not escape "us" either then, on the eve of the Crimean war, or afterwards, in spite of the renewed attacks of his terrible illness. At present, after having had another violent attack, he is again lying, apparently dead-sick, in the London ward of the grand European hospital, and all the expert surgeons are standing round his bed, deeply absorbed in his examination; but though he will, no doubt, be ultimately placed on the operating table and lose a few more of his limbs, he will probably survive this amputation, too. His constitution is, indeed, very strong, and the chief danger threatens not so much *him* as the surgeons themselves, who in their zeal to apply the best remedy may easily fall out among themselves and, instead of operating upon the patient, may attack one another with their knives.

It is a peculiar disease, this of the Turk. Nothing like it has ever occurred in the history of political pathology before, and certainly nothing like it will ever occur again. A hale and hearty nomad, full of warlike instincts, he came to Europe at a time when the Byzantine Empire was tottering on its rotten foundations under blows of the Slav barbarians who had established themselves on the Danube. It was mere child's play for the Turk, who had already occupied the entire Asiatic hinterland of Constantinople, to administer in due course a *coup de grace* to the capital itself and to erect the Crescent in the place of the Cross on the dome of St. Sophia. From that time till the middle of the Seventeenth Century he kept on conquering and expanding. He had been the first to establish a professional standing army after the modern style—the famous Janissaries—and this served him in good stead when fighting the neighboring States whose military organization was still feudal. That the Turk, of all people in the world, was alone able to evolve at an early age a military system which otherwise is the mark of a national bourgeois State, was due to the circumstance that though he himself turned a feudal as soon as he settled down to ordered political life, he yet was possessed, on account of his predominating position in a world that was strange to him by race and creed, of a vivid sense of racial and religious solidarity, which in better circumstances might have become the basis of a real national life. Those circumstances, however, were very unfavorable. His occupation of Constantinople and of all the countries in Southeastern

Europe and Northwestern Asia blocked the trade routes from the Mediterranean to the East and led to their deflection further West, over the Atlantic Ocean. The result was that while Europe, especially her Western portion, had a new and illimitable horizon opened to her, Turkey was left stranded by the receding waves of vivifying commerce, and was condemned to stagnation. The treaty of Carlowitz of 1699, which put an end to her last attempt to capture Vienna, marked the limit of her growth. She still remained rotting in her feudal phase while the most of Europe was rapidly marching on the road of capitalist transformation, and the tide of conquest began to turn against her. For forty years till the Treaty of Belgrade (1739), the Ottoman Empire was in a state of equilibrium, and then began the process of disintegration, both within and from without. Within palace revolutions were following one after the other, and the subject races grew restless and revolted. From without began the secular struggle with Russia, and the Treaty of Kutchuk-Kainardji (1774) marks the commencement of the era of amputations. By that Treaty, Turkey lost her Crimean province and the predominance in the Black Sea. Eighteen years later she lost the territories between the Dniester and the Boug; in 1812 she lost the entire Bessarabia; the Treaty of Adrianople (1829) deprived her of Greece, Servia, Moldavia, Valachia, and a large portion of Transcaucasia; and the war of 1877-78 left her without Bulgaria. In addition to this, she lost Cyprus in 1878, Tunis in 1881, Egypt in 1882, Tripoli in 1912, and at present, so far as one can see, she is going to lose practically all her possessions in Europe and most of the islands in the Aegean Sea. Here, too, as elsewhere, the economic and social forces have taken their revenge: because Turkey had not kept pace with their demands and remained a feudal State, she has had to yield to the superior force of a higher social order.

But we must not run away with the idea that Turkey was never conscious of her weakness and never made any attempt to regenerate herself. In 1826 she made a beginning with her political reorganization by abolishing the Janissary troops, who had degenerated by that time into a Pretorian guard, and by introducing a more modern system of universal military service. In 1839 the great charter of Gulhané was promulgated, establishing the equality of all creeds and nations and initiating a series of administrative, judicial and financial reforms in accordance with European experience. In 1845 a new universal and secular system of schools was introduced, and the slave traffic was abolished. In 1852 the feudal administration of the provinces was broken up, and a new civil, military, and fiscal system was introduced. In 1855 the famous Hatt-i-Humayoun was issued as a further step in the equalization of the various nationalities of

the Empire and in the establishment of better justice, better administration, and of representation of the people on local bodies. In 1864 a law on the vilayets was promulgated which marked a further step in the reform of local government and local taxation, including education; and in 1868 a Council of State and a High Court of Justice were established at Constantinople, with Christian representation, to unify the work of legislation and judicial administration. This long series of reforms (known in history under the collective name of the *Tanzimat*) was crowned in 1876 by the grant of a Constitution.

Why, then, if this be so, has not Turkey succeeded in effecting her transformation into a modern State and has remained afflicted with a barbarous social and political organization that has so many times proved her ruin? The reason is not to be sought in the religion or the race of the Turk, but in the presence of powerful neighbors to whom her regeneration would have spelt the destruction of some of their most cherished dreams. In the midst of the campaign of 1828, in which the Turks, thanks to their new military organization, revealed an unexpected strength, Pozzo di Borgo, the Tsar's right hand man, wrote: "The Emperor has put the Turkish system to the proof, and has found in it a commencement of material and moral organization which hitherto it has never possessed. If the Sultan had been able to oppose to us a more lively and sustained resistance while scarcely able to put together the elements of his new plans of reform and improvement, how much more formidable should we have found it if he had time to give them more consistency and solidity?" This, in a nutshell, was and always continued to be the Russian attitude towards Turkey. Russia, since Peter the Great, had been aspiring to obtain an outlet to the warm waters of the Mediterranean. The road thither lies through the Bosphorus and the Dardanelles, of which Constantinople holds the key. It was, therefore, against the interests of Russia that Constantinople should be in the hands of a strong Turkey. Turkey, in fact, ought to be driven away from the Bosphorus altogether, and Russia, whose first Tsar, Ivan III, married Sophia Paleologos, the sister and heiress of the last Emperor of Byzantium, was to succeed her. From the end of the XVII century, therefore, Russia was at constant war with Turkey, and it was, in the first instance, these wars which prevented Turkey from carrying out the intended work of reformation. They necessitated the concentration of all her efforts on military matters; they ruined Turkey's finances and absorbed her best abilities; and they strengthened the hands of the reactionary social elements which blamed the reformers for disorganizing the ancient fabric of the State in face of the enemy.

There was, however, in the hands of Russia a still more

potent instrument for paralyzing Turkey's effort at reform. The wars which she waged against Turkey would have soon made an end of the latter's existence, had it not been for the protection which Turkey found in England. The same factors which attracted Russia to Constantinople prompted England to oppose her, since the Mediterranean and Constantinople constitute the route to India. Each time, therefore, that Russia resumed her march towards Constantinople she met with the resistance of British diplomacy and British arms, and her attempt was never entirely successful. Russia then had recourse to other means. Turkey was never able to assimilate her subjected nationalities, which all belonged to a race and religion different from hers. This was not so much due to her tolerance and inborn aversion to proselytism, as some are apt to think, (since even the Albanians and the Bulgarian Bomaks whom she had forced into the folds of Islam were never assimilated by her) as to the fact that only capitalism is capable of creating a national State, whereas Turkey has always remained a feudal and semi-feudal State. Her subject races, then, remained the same organized national Christian entities that they had been before, at the time of their independence, only that they were now turned into a class of dependent peasantry working, under various forms, for the conquerors who had taken away their lands and combined in their persons not only the economic, but also the political authority. It was in the circumstances natural that the economic, political, and social antagonism between the two classes should assume the form of a national and religious antagonism, and it was this antagonism that Russia made use of in order to gain her ends. Posing as the protector of the subject Christian Slavs, she had her emissaries all over the Balkans, instigating the Serbs and the Bulgars to rebellion, furnishing them with money and arms, supplying them with leaders, and so forth. Each time she saw Turkey making an attempt to reform herself she would foment a fresh revolt which had the treble advantage of creating a diversion, throwing Turkey back on her Moslem subjects, thereby strengthening the fanatical and feudal elements and perpetuating her weakness, and allowing Russia to gain a fresh footing in the Balkans. In this way Turkey never succeeded in properly carrying out her designs for regeneration, and remained exposed to all aggressions.

To a minor degree what was said here of Russia's policy applies also to that of Austria, with this difference, however, that the latter's ambition, since she discovered her "Balkan destiny" after seeing her career barred in Europe by the events of 1866-1871, was confined to the Western portion of the Balkan peninsula, the possession of which was desirable to her on account of its

Adriatic coast, its Servian inhabitants, and its Salonica harbor on the Aegean. Austria was careful not to go to war with Turkey, but she did her share in fomenting disorders within her frontiers by the same means as Russia.

Being weak on account of her economic and social backwardness, and being constantly harrassed in her work of reform by troubles from without and within, Turkey was condemned to remain forever on the sick-bed and to be attacked now and again by her enemies. The last attack was, perhaps, the most formidable of all. In 1908 she made one more supreme effort to retrieve her dangerous position by initiating a series of reforms. She once more adopted a constitution and appealed to Europe to assist her. But Europe would not have it at any costs. By this time England and Russia had made their peace, and the former had no longer the same vital interest in preserving the Ottoman Empire from destruction. On the contrary, since Germany had, in return for financial and railway concessions, constituted herself the champion of the Ottoman Empire, England became the enemy of both. A vigorous agitation and a subtle mechanism of intrigue at once set in, when it became clear that the Young Turks would not betray German friendship, and simultaneously with the organization of the reactionary forces within, first the Albanians and then Italy were let loose upon the reformers from without. The result was, as on former occasions, the abandonment of the reform work and the resuscitation of all the reactionary forces, culminating in the triumph of the old set. It was this moment that was chosen by the Balkan States, guided by Russia, to unite for a grand effort against the Turk. Formed in each case on the basis of the Christian nationalities detached at various times, with Russian help, from the Ottoman Empire, these States had been rapidly progressing on the road of capitalist development and had ultimately arrived at a stage when the extension of the national market by the incorporation of the remainder of their races, still living within the confines of the Ottoman Empire, became a matter as urgent as that, which in similar circumstances, dictated the unification of Italy and Germany and their consolidation into national States. The object, which in itself was progressive, might have been achieved in a different way, namely, by the formation of a Balkan Federation. But just as Cavour and Bismarck had, for dynastic purposes, preferred the way of war, so did also the "statesmen" of the Balkans, the kings and the kinglets with their ministers, choose the present method as more corresponding to the interests of their respective dynasties.

And thus we come back to the point where we started:—Turkey is once again sick unto death and is lying on the operating table, surrounded by surgeons ready to carry out an amputation.

We shall not try to forecast the future, but we know that even if the patient survives he will never be allowed to recover entirely. In Asia, too, his dominion is based on the subjection of other races, though not of other creeds, and so far from allowing him to assimilate them by methods of economic and political reform, the Great Powers, each of which has a stake in that part of the Asiatic continent, will do everything to maintain the process of fermentation fully at work, until such time as Asiatic Turkey can be as safely partitioned as the European part is now going to be. This time may not be far distant; indeed, everything seems to point to the early possibility of England and Germany abandoning their antagonisms and uniting, together with the rest of Europe, after the manner of the hitherto rival Balkan States, for this particular purpose. Then the Ottoman Empire will disappear entirely, and the history of the Turkish nation will come to an end—at least till the trumpets of Socialist resurrection will recall from their graves all that were once alive and then succumbed in the fierce struggle for existence.

Such, then, is the story of the Eastern Question. It is a long and miserable story of blood, violence, intrigue, and reaction, fraught at every stage with danger to the civilization of Europe, but withal instructive as an illustration of the work of the economic laws.

THE JURIDICAL BREAKDOWN

BY FREDERICK HALLER

The American Law Book Company of New York is circulating a letter from Judge Werner, of the Court of Appeals, extolling a new compilation of statements of law points decided by the Court of Appeals of the State of New York. Judge Werner says:

There are many questions of law upon which it is possible to produce at sight a decision apparently upholding any contention that may be made. Such a *citation* is of no value until its *subsequent history* is ascertained and its scope defined. I am in hearty sympathy with your purpose to produce a work of this character. The reasons which justify it are very cogently stated in paragraph three of your letter.

The italics are mine. The phrase "its subsequent history" is significant. One would think that when a case is decided its history ends.

"Mary Isaacs vs. The Third Avenue Railroad Company, 47 N. Y. 122," is a citation, and means that Mary Isaacs had a lawsuit with the Third Avenue Railroad Company, which was appealed to the New York Court of Appeals, and that the opinion of the Court of Appeals in that case is printed in the 47th volume of the reports of that court at page 122. That was the end of the case, but not of the law points involved in that case!

The words "subsequent history of a citation" are extensively used in courts, and readily lend themselves to dubious expression. Their tone and ring hide the contradiction contained in them. They are soothing, sounding and ambiguous. The working lawyer is kept so busy trying to keep up with the "subsequent history of citations" that he has neither time nor energy left to stop and think of where we are.

One would think that a decision of a court would be decisive and would settle the law in like future cases. But so soon as a decision is rendered "interpreting the law" the courts begin to "interpret" that decision, and no one can logically find his way through the tangle.

The "paragraph three" of the company's letter, referred to by Judge Werner, reads as follows:

Generally a decision standing alone gives no assurance as to what is the law. Every subsequent judicial utterance specifically referring to the prior case, interpreting its meaning and pointing out exactly its application, is absolutely necessary to a correct understanding of the prior case. Principles of law laid down by the Court of Appeals are on a parity with the statute law when their meaning and their application are understood. No lawyer would think of relying upon a statute until he had ascertained every subsequent judicial determination of its meaning and its application. Is it not equally unsafe to rely upon any decision without ascertaining the judicial interpretation of its meaning and its particular application? The importance of this will be seen from the statement that there are 691 cases in the first ten volumes of the New York Court of Appeals. There have been 14,101 subsequent decisions specifically referring to, interpreting, and showing the particular applications of the 691 original cases. This is an average of over 20 subsequent cases to each original case.

What a commentary on "the law"! A law is supposed to be a prescribed rule of conduct. But here we see that no man can know the rule. It is not prescribed. Everybody is compelled to assume the hazard as to whether his conduct is within or without the law yet to be interpreted. He must wait until, at the end of a lawsuit, some court has given tardy utterance to its opinion of his past transactions. Some of these opinions are printed in books, called reports. Appellate courts also decide many cases without writing an opinion. These, like dead men, tell no tales to make future trouble. Every sane man, woman and child above the age of fourteen years, excepting a judge, as such, is charged with a full knowledge and understanding of every one of the delphic utterances of the courts. Not only this, but everybody is also required, at his peril, to know all of the further interpretations and utterances of wisdom that have not yet been thought of or dreamed of by any judge. Every man going into court must expect to meet further interpretations of law, without number,

and must expect to be tongue-lashed and berated for not knowing all of them beforehand. Jurists tell us that human ingenuity has not been able to devise anything better.

Under our capitalistic regime, law is anything but a rule of conduct. It is nothing but a tangled skein, becoming ever more ensnarled. The American Law Book Company says in its circular that if we wish to be guided in our conduct by the decisions of the Court of Appeals contained in the first ten volumes of its reports, we shall have to read, digest and fully understand 14,101 later reported opinions, specifically referring to, interpreting and defining the particular application of each of those opinions contained in the first ten volumes. Then we shall also have to be equally learned as to hundreds of thousands of still later opinions and interpretations of other decisions printed in 196 more volumes of Court of Appeals reports. After all this, if not yet insane, we shall also have to hold ourselves prepared to learn that the courts will take still other views and conjure up still other interpretations; and that our rights and reputations will be lost or saved by a bare majority of the gentlemen on the bench, all equally well learned in the law.

Two hundred and six volumes of the reports of the Court of Appeals have now been printed since 1848, and they are still coming.

In addition to the Court of Appeals reports, there are 310 volumes of General Term and Appellate Division reports of cases reviewed on appeal in the appellate branches of the Supreme Court. They contain still further interpretations of the law in addition to those of the Court of Appeals. This mass of books contains the grind of the appellate courts of New York State published since 1848. There we have 520 octavo volumes of from 600 to 900 pages each. We also have seventy volumes more called Miscellaneous Reports, in which courts, some of inferior appellate jurisdiction, have published still other and further interpretations of law since 1893.

Lawyers everywhere are in consternation over the interminable flood of books, and ask: "Where will it end?"

The first volume of this compilation of law points gotten up by the American Law Book Company has just been delivered. It is of royal octavo size, and contains 1,000 pages. It sets forth 18,159 citations and interpretations of 4,921 law points. The whole work will consist of fifteen such volumes, besides the annual supplements.

On the fly leaf of the first volume the publishers say: "The American Law Book Company never forgets that the law is the last interpretation of the law given by the last judge."

Basing an estimate on the first volume, one might reasonably

expect this digest to contain 15,000 royal octavo pages and nigh onto 272,385 interpretations.

In the lower courts, also, every judge interprets the law. He also construes the facts.

The astute lawyer cannot, if he desires to serve the interests of his client, take a case upon the facts as he understands them actually to be, and the law as he understands it to be. He takes it upon the facts as he thinks he can present them and have them construed, and the law as he thinks he can have it interpreted. This does not mean, necessarily, that he is dishonest. It means that practically his whole litigated business is guess-work. He must guess what the trial judge or a jury, directed by the judge, will construe the facts to be, even when there are no conflicting statements. As to the law, he must be guided (1) by a mature judgment of what the interpretations of the points involved can mean; (2) by the tendency of judicial decisions; (3) by the probable future interpretations that will come out before he gets to trial; (4) by the degree of strictness with which the particular judge before whom the case will come for trial will probably conform to the reported opinions and interpretations; (5) by the temperament and financial ability of the client, with a view to appealing the case if the trial judge's view is adverse; (6) the delays incident to an appeal and further changes wrought by interpretations of the law points in the case, yet to appear before his appeal comes to a decision.

The interests of his client will often require of him to know of other cases on appeal not yet decided, to watch for their decision, and, if favorable to his case, to press on for trial before another and later adverse decision might come out. He must study the opinions and temperaments of the trial judges, avoid this one, and try to get his case before that one. Hence the delays, whip-sawings, procrastinations and maneuverings so exasperating and unintelligible to the uninitiated.

The general public is misled and befuddled by the so-called education imposed upon it by capitalism. It looks with worshipping awe upon all this twisted, confused and disordered machinery, and regards it as the very perfection of human wisdom. Harassed and bewildered by all the clatter of the courts, and driven to despair by the lingering torture of the victims of litigation, the public is yearning for some means of relief, not from the immeasurable waste and destructiveness continuously wrought by this worn-out, ramshackle contrivance of barbarism, but from the imagined abuse by the lawyers of the legal system which they regard as a beautiful piece of perfection. Everybody is heaping imprecations upon the head of the lawyer, who is made the scape-goat for a hopelessly vile system.

The same conditions obtain in all the other States, and in the United States Courts. The difference is only in degree, according to the volume of business.

The fact is that present day jurisprudence is based upon the fatal dualism that lies at the bottom of all our capitalistic institutions, and that must inevitably work the downfall of the whole structure of capitalistic society. Law under capitalism is necessarily based upon a presumed static condition of human society. That presumption is absolutely and unqualifiedly false. It never was and never can be true. Human society is, always has been, and always will be dynamic. Everything in human society will always be on the move. Many things of the past that were true to human needs then are false to-day. Many more will be false to-morrow. Change is constant, incessant and irresistible.

"Business" cries out: "Give us laws by which we can guide our conduct. We do not want to be criminals. Tell us what the law is, so that we can obey it."

The courts are stolid to these cries, as well they might be. Their answer is in their attitude. That is: "We do not know; we cannot give you any rules for your guidance. You are presumed, conclusively presumed, to know the law, and to know the interpretation we shall put upon the law when you will be brought before us. You must act upon your own responsibility and risk. When you are brought before us we will make the law and apply the whip."

The courts are constantly making pretense of settling the law. In the nature of things, they cannot settle anything.

Thus we have the two conflicting forces—the static and the dynamic. There stands the wall, appearing strong and solid, but in reality hollow, weak and unstable, a stubborn hindrance to the onward pressure of the changing needs of man. Humanity's dynamic nature, with ever increasing force, is assailing the wall, making breach after breach. The courts, fighting a dogged retreat, are constantly receding to new and supposedly stronger positions, striving in vain to build a newer and stronger wall upon new ground. The grotesque and broken remnants of the old structure furnish work for the printer in the ever growing flood of books of reported cases, digests and compilations.



CO-OPERATION IN PRODUCTION

BY ALBERT SONNICHSEN

At the last national convention of the Socialist party, in Indianapolis, an effort was made by certain individuals and the Co-operative League of New York to obtain an indorsement of the co-operative movement. The committee appointed to consider the matter recommended the appointment of another special committee to study the subject and report at the next convention. It did not advise a full indorsement until an inquiry could be made into the reasons why co-operation had hitherto been a failure in this country.

However, it is not only among Socialists that the impression prevails that co-operation, and especially productive co-operation, has been a failure in this country.

About twenty years ago the Johns Hopkins University published a thick volume entitled "The History of Co-operation in the United States," in which five prominent economists collaborated in a descriptive summary of co-operative enterprises that had been established and were being successfully conducted all over the country. Their records were especially rich in the field of co-operative production. At that time there certainly seemed no reason for pronouncing our people backward in co-operative activity, nor did there seem to be any ground for the impression that they were failing. In all parts of the country small groups of workers were conducting prospering industrial plants.

One of the most striking successes was the cooperage shops in Minneapolis, St. Paul and in other flour milling centers in the Northwest, described by Albert Shaw. At first the mills had been supplied with barrels by numbers of small bosses, or contractors, who made a wide margin of profit on the labor they employed.

At that time the process of manufacture in this industry was very simple; the coopers worked almost entirely with hand tools and there was almost no sub-division of labor. Consequently little capital was required to set up a shop.

It was not long before the workers found out how well they could dispense with the bosses. A group of journeymen out on strike established a shop of their own. They were easily able to underbid the bosses for a contract with the mills, and so they set to work, dividing the profits among themselves.

Soon most of the barrels used by the mills were manufactured by these small, democratic groups of coopers. The mills favored them because they were cheaper. The men needed to pay nothing extra for superintendence, for each member of the group worked almost independently from his shop mates and the profits were di-

vided on a piece work basis. One of their number acted as foreman and secretary, representing the men in their dealings with the mills, and for this he was paid a salary equal to the average wage of a journeyman. And above all, they needed not bother themselves with the marketing of their goods; the mills took all they produced. They had only to deliver.

All the instances of successful co-operative industrial groups over the country cited by the five writers, were organized more or less on the same principles as the cooper shops. The workmen actually employed in the establishment had contributed the capital in the form of subscribed shares. A low, fixed interest was paid on the money invested and the profits were divided among the shareholders in proportion to the wages they received. The foremen, or superintendent and business manager, were elected by the members of the society, and the enterprise was controlled by a Board of Directors elected by the members from among themselves.

It was noticeable, however, that this new form of industrial organization only invaded a restricted number of industries. In New York it was the cigar makers and the watch case makers who succeeded. In Baltimore it was the furniture makers, and in Danbury it was the hat makers, actually the hat finishers. In all these cases the processes of manufacture had not yet gone far beyond the handicraft stage; expensive machinery was not needed and little capital was required to capitalize an undertaking.

To-day most of the enterprises cited in this voluminous history no longer exist. In Minneapolis many of the mills began manufacturing their own barrels, for a machine had been invented which could do the work of a dozen men, and they also found it more profitable to use bags instead of barrels. As the modern tendency toward complicated processes of manufacture, with its consequent subdivision of labor, involving costly machinery and fewer actual workers, invaded each industry wherein the co-operators had succeeded, their little handicraft enterprises were pushed out of existence. One of the few exceptions was the cigar trade, in which co-operative groups still exist.

The reason must be obvious. To-day it is not unusual for fifty men to be employed in a plant whose machinery costs a quarter of a million of dollars. To finance such an enterprise each worker would have to contribute an average of \$5,000, not to take into account the necessary working and reserve capital. The rare working-man who is so fortunate as to possess \$5,000 is not different from any other individual with so much capital; he will seek to invest his money in an enterprise which will give him the profits of other

people's work. And for the group of fifty would-be co-operators to get financial assistance from outside would involve a surrender of their democratic control to an outside autocratic power.

While the majority of the workers involved in these little enterprises were probably inspired by no higher motives than more money for less work, there were many among them who saw in the system a practical application of the Socialist principle that "the workers should own and control the tools of industry." Certainly such were the motives that possessed the early Christian Socialists who had organized a similar movement in England in the middle and latter parts of last century. At their head was a coterie of brilliant writers and wealthy professional men, among them Charles Kingsley, the novelist, and Thomas Hughes, and Vansittart Neale. So powerful was their influence in what was then the co-operative movement that they dictated philosophies and theories to it; and up to within a few years ago there was no literature on the subject not colored with their views.

But just as in America, so in England and on the continent these so-called co-operative workshops failed to develop into the new industrial system dreamed of by their founders. Even before they became commercially obsolete they showed signs of internal unsoundness. Their most dangerous enemy was success. As an enterprise prospered, its organizers would close out newcomers and manifest the greed of capitalist possession. The increased demand for labor, created by the natural expansion of the enterprise, would be supplied by workers hired on the old wage system. Thus two classes of labor would exist within the one establishment—the controlling members and the hired wage earners, the former exploiting the latter. Gradually the former would cease to work and the enterprise would finally degenerate into an ordinary joint stock company.

As a whole, this type of co-operative industry, now known as co-partnership, or profit-sharing, has been a complete failure. To-day the co-partnership propaganda societies in Great Britain include in their program ordinary bonus giving, advocated here by the "efficiency experts," and they even welcome to their membership presidents of private gas companies and street railway corporations who distribute presents to their employees at Christmas.

Of course this was never true co-operation. Its failure has no more significance to the co-operative movement than had the dissolution of the old Populist movement to do with Socialism. That such thoughtful men as Albert Shaw could confuse it with the huge growing industries of the true co-operative movement was due to the

fact that the latter unfortunately had not a brilliant group of exponents.

The truth is that, with one recent exception, no truly co-operative productive enterprise has ever been established in this country. For illustrations of the true type we must turn to the Manchester Wholesale Society's flour mills on the banks of the Tyne, the biggest in Great Britain, or to the two biggest bakeries in the world, one in Glasgow, the other in Vienna, all owned collectively and controlled democratically by the millions who consume their products.

Under this system a radically different principle is involved. Here the tools of industry are owned and controlled by the workers, but not through small, competitive groups, each with interests opposed to the interests of the community at large, selling its goods on a competitive market at the highest price. Behind the Manchester Wholesale factories stands a whole broad democracy of workers, nation-wide, with membership open to all alike, women as well as men. Here the industries are owned and controlled by the workers as consumers, federated through their distributive store societies, the organized outlets of their great workshops. Behind each new enterprise is the collective capital of the whole national movement, vast enough to afford the most modern labor saving machinery used in any industry. And finally, the profit system is completely abolished. Whatever surpluses may be created in the processes of manufacture and distribution are either returned to the consumers in the form of rebates or are merged into the collective capital. Production is for use only; the goods are never sold to private dealers. There is no waste in finding or creating new markets; the market is already organized and no industry is established until the market has definitely shown its demand for a certain commodity.

It is this system, represented by the International Co-operative Alliance, that the last International Socialist Congress, in 1910, indorsed and urged ALL Socialists to support. It was an indorsement of this same system of co-operation that the Co-operative League asked of the Indianapolis Convention, explaining its principles not very intelligently, perhaps. Otherwise the committee might have understood that what had not yet been tried in this country could not have failed. It is probably still too early to attempt the establishment of this form of co-operative industry in this country, but the foundations, the consumers' co-operative store societies, are already here. A little more strengthening and the superstructure can be raised. Then Socialism, if it chooses, can have another citadel from which it may batter down the whole capitalist system.

INDUSTRIALISM OR REVOLUTIONARY UNIONISM

BY WILLIAM ENGLISH WALLING

(Concluded)

Besides Keir Hardie, the anti-revolutionary unionists and Socialists have recently brought the leading German labor unionist to this country. Karl Legien has always been in the anti-revolutionary minority in the German Socialist party, and his position is similar to that of Keir Hardie. Legien says that the German unions also have met and overthrown this same "syndicalist" enemy. But if we remember that most of the German unionists are Socialists, and that all their fighting has been directed not against this handful of "syndicalists," but against the hundreds of thousands of non-Socialists to be found in the Catholic unions, we see the complete contrast between the two situations. For in this country all the anti-Socialist and Catholic unionists are in the Federation of Labor, which Legien was defending. The German unions have organized the unskilled economically, and the Socialist party has organized them politically, while here neither task has been accomplished, and it was left to the I. W. W. to make the first successful steps in this direction.

When we read in a leading editorial of the central organ of German Socialism, the Berlin "Vorwaerts," that "the general strike may and will play a weighty role in the revolutionary struggles of the future," and find identical statements by Kautsky in the official weekly, "Die Neue Zeit," we see that the world's leading Socialist party by no means takes Hardie's and Legien's position, though the "Vorwaerts" points to the failure of the Swedish and British strikes as showing that the general strike is *as yet* premature.

There is no better way, then, to weigh the claims of the revolutionary unionists than to state the facts as to these recent strikes. Now that we have more perspective on the Lawrence and British strikes, how do these Syndicalist claims appear?

The British coal strike *was* a failure, and it is true that at the end the strikers called on the government for aid. As the "London Nation," Winston Churchill's organ, said:

"The strike could spread misery among the potters, and distress in back streets of Rochdale or Oldham; but the motor (automobile) classes have simply not felt it, and, except for a moment's dissatisfaction with the railway dividends next August, will not feel it. The pathetic trust of the miner that he could make the unsympathetic rich feel their dependence on his labor, has been frustrated. They are more sure than ever of his dependence on them. Their growing bitterness against the working class has been sharpened, and that is all."

And after the settlement the strikers got, through the new governmental wage boards, only a fraction of what they had claimed—not nearly enough to pay the cost of the strike—and even this fraction will be charged up to the consumer and so to other working people.

Similarly, the seamen's and railwaymen's increases were at once charged up to the cost of living, while the recent coal strike in this country was charged up twice over, the mine owners making as much as the miners out of the transaction. But the miners' gain was only temporary. After three years they received a money increase of $5\frac{1}{2}$ per cent, while the cost of living had already increased by several times this amount, and continued to increase (partly because of this and similar strikes) until now—a few months after the "raise"—the miners are worse off than they were before. Yet they are bound by this contract for four years. And meanwhile the value of the mines goes on increasing; it increased four-fold from 1899 to 1912.

From facts like these the anti-revolutionary unionists conclude that great strikes, while unavoidable, and sometimes useful, are, on the whole, failures. From the same facts revolutionary unionists conclude that the cure for lost strikes is more strikes; strikes more frequent, more aggressive, and on a larger scale. The unbiased observer must agree that the immediate prospects do not favor the revolutionists. But this takes little, if anything, away from the importance of revolutionary unionism, if the future lies along the line that the Berlin "Vorwaerts" and Kautsky suggest. For if we are nearing a revolutionary period, then the struggles of to-day must gradually lead up to it, and the strikes that fail to-day may begin to succeed a few years later—with adequate preparation—as the social revolution draws nearer.

One of the first results of the agitation has been the renewal of capitalist interest in political reforms aimed to head it off; governmental employment for all, a legal minimum wage, and the prohibition or restriction of strikes, especially in governmental or quasi-public employments, like railways and mines. All these measures are approved by Roosevelt and his "State Socialist" supporters. But this is leading to a very rapid education of those Socialists and labor unionists who formerly attached great value to the first two of these measures. They are now seeing that the revolutionary unionists who are always aggressively anti-governmental, were right when they said that any increase in the functions of a capitalist government would be used against the workers. They see that government employment, while it may mean somewhat more bread, means less rights, and so cuts off hopes of further advance. And they see that the minimum wage will merely be applied where it increases efficiency and profits, and so

lessens the *relative* share that goes to labor, and puts the ruling classes in a stronger relative position than before. In France, indeed, where government employees in the post-offices and schools and on the railways have been at the forefront of the new movement, the workers are even more bitterly hostile to the government than they are to other employers, while in Australia there has been no cessation of strikes since the Labor party came to power.

The revolutionary union movement cannot be turned aside into political channels. But can the capitalists calm it by moderate concessions along another line and without in any way weakening their position or lessening their power? Mr. G. Lowes Dickinson advises the British capitalists that they can:

"If employers in this country really want to stem the Syndicalist propaganda, they must do better than denounce it and call for troops. They must capture it. And they must capture it by freely and frankly associating labor both with the managements and with the profits of their enterprises."

Here we have another phrase of the Progressive or State Socialist movement, almost in the words of Mr. George W Perkins and the Rev. Lyman Abbott. Mr. Baker also advises the Lawrence employers to consider "co-operation" and "efficiency," and to remember that employees are not mere *working* machines. Apparently to consider them as *human* machines would satisfy Mr. Baker, Mr. Perkins and Rev. Abbott—but not the workers, when they have once attained either to the revolutionary union or the revolutionary Socialist idea. For such workers keep their eyes not on their supposed minimum requirements either as working machines or human machines, but on that other factor to which Mr. Baker, Mr. Perkins and Mr. Dickinson call attention—"the product per man in cloth"—but not in the spirit these gentlemen desire. What they want ultimately is all that product, and what they want immediately is a constantly and rapidly increasing share, so that they may get not a *minimum* wage, or any *minimum* standard, but the maximum that a given stage of social progress allows.

Keir Hardie has noted that while the income of the propertied and business classes in Great Britain increased £249,000,000 in ten years, that of the workers increased £6,000,000 or just four cents per head per day (to say nothing of the increased cost of living). The figures would be quite similar for this country. The first thing unionists and revolutionary Socialists want is to reverse this process. If the British workers' income had increased by £249,000,000, while that of the other classes increased by £6,000,000, this would be a beginning. But the process

would have to be greatly accelerated, for even at this rate it would take generations before all social parasites were removed.

No doubt the Progressives will gain the ear of some of the "syndicalists" by this new labor policy. For in their unmeasured *theoretical* hostility to political action, these "syndicalists" not only want the various industrial unions to reorganize society in the future without the aid of the state, but they expect certain industries to begin the process to-day. And they are ready, therefore, to interpret anything that is granted to an industrial union as "a partial expropriation of the capitalist class," thus keeping the revolutionary phrase while returning to a perfectly conservative, old-fashioned labor union attitude. Sometimes these "syndicalists" are even consciously interested in reform rather than revolution, in spite of their phrases. One writer says, for example, that nothing can be done politically without a majority and the overthrow of capitalism, but that capitalism can be compelled to grant certain indispensable reforms by economic pressure. Tom Mann also classes himself with these economic reformists when he says that the production of wealth is controlled "to the extent to which Labor is organized."

When the capitalists, after enough resistance to discourage among the workers the idea that they are strong enough for rebellion, put forth their profit-sharing and co-operative shop control schemes as *concessions*, the "syndicalists" will take the bait. But other revolutionary unionists will reach the opposite conclusion. They will see that these first concessions were not "conquered" at all, because they were not at the expense of the capitalist class as a whole. For, though *some* capitalists may lose permanently by the profit-sharing policy, and all may lose temporarily, there will be a permanent balance of gain for the class as a whole. They will see that the real fight will come only when profits are about to be permanently cut into, but they will also see that the new strength, better homes, and individual and collective reserve funds created by the new dispensation will enable them to put up a much better fight when that time comes. They will welcome the Progressive reforms and use them as a club.

Tom Mann and the leading revolutionary unionists will doubtless follow this course. For Mann already sees that capitalism must be met and fought to a standstill in some great general strike before any great advance can be made by political action. He says:

"The syndicalist of to-day has learned that all-important fact, and so refuses to play at attempts at social reform through and by means of parliaments, these institutions being entirely under the control of the plutocracy, and never tolerating any modification

of conditions in the interest of the working class, save with the ulterior motive of the more firmly entrenching themselves as the ruling class."

It can only be a question of time when he will see that his statement that a partial control of industry can be won by economic action to-day, will have to be submitted to the same qualifications as those I have italicized, since employers have the same power and attitude as parliaments. Similarly, Vincent St. John, the Secretary of the I. W. W., writes: "As we control our labor power a little we control industry a little; as we organize more we will control more of our labor power and also control industry more." Yet he also says that the I. W. W. proposes to devote "all its energy to drilling and educating the members, so that they will have the necessary power and the knowledge to use that power to overthrow capitalism."

It is only by a personal knowledge of the past careers and present activities of St. John and Mann that we can be assured that they will not fall back into the non-revolutionary position of the theoretical syndicalists of Italy and France. For both are ardent advocates of the general strike, and it is the essence of their unionism. And whatever may be said to the contrary by Odon Por and other theorists, the general strike, and the general strike alone, is the basis of all revolutionary unionism, including syndicalism.

The only difference is this: Tom Mann and many syndicalists believe that the time is now ripe for the general strike. The Berlin "Vorwaerts," Kautsky, and most Socialists, think we must wait until we are better organized. Revolutionary Socialists believe that besides the millions of employees involved, who, after all, might be less than a majority of the population, the general strike needs for its success the passive and active support of many other millions. And they believe that the best way to recruit such allies, especially outside of the ranks of manual labor, is by political agitation. Kautsky does not wish to center the whole labor movement around such strikes, nor to make them "a normal and regular part of its methods." But he says: "Political mass strikes and street disturbances may, in exceptionally agitated times, develop an important power for the furthering of certain of our demands. The greater the opposition of classes, the more embittered the masses, the sooner and the more frequently are such explosions to be expected." (The phrase political mass-strike, used by the German Socialists, means that the general strike, since it involves so large a part of the population, must either be for a public or political object, or for an economic principle in which a large part of the population is actively interested.)

Tom Mann believes that if the British transport workers had struck with the miners last spring, "no power on earth could have prevailed against them." Perhaps his prediction is premature, but the President of the Pennsylvania Federation of Labor, James H. Maurer, who is also a Socialist member of the Legislature, and by no means calls himself a syndicalist, also wants "a union so solidly federated that when our brother miners go on strike, the union railroaders will refuse to transport strike-breakers or soldiers into the strike zone." These are the tactics recommended also by the I. W. W. The only question is *how far they can be used*, and just *how much* may be gained at the present time.

Revolutionary Socialists and unionists recognize that the general strike is "war," and like war, is to be used only "*where no other means can be found to end an intolerable injustice.*" But these words are precisely those every Socialist would use to describe the present situation, and the majority of these Socialists who want to postpone the great effort are actuated not by any moral scruples, but merely by expediency.

The general strike is the goal of revolutionary unionism. Its present position is determined by the fact that the skilled workers are for the most part not willing to participate in the preparation for the general strike. "The day of the skilled worker," says the I. W. W., "has passed." Whether this is true or not, the unskilled are just awakening to their power, and are ready to make great sacrifices for the future. Whether or not we attach as much value as Haywood does to the tramp and "the man in the gutter," we now realize, after the free speech fights, that even they are capable of great efforts and achievements, greater than those of some groups of more prosperous workers. And we realize, above all, that the great middle ranks of labor are first to be reckoned with. They are not entirely unskilled, but their skill consists solely in the fact that they are speeded up and specialized in many graduated degrees; they are not set apart by education or experience in a group by themselves.

This mass of workers, it now appears, will no longer wait for the permission or the co-operation of the skilled before they strike, *and this constitutes nothing less than a revolution in the labor movement.* If the aristocracy of labor will give them no consideration, they are ready, if necessary, to fight the aristocracy. *It is this warfare between the skilled and the unskilled, and not any other difference of principle, that constitutes the essence of all the labor union and Socialist attacks on the I. W. W.* For every unbiased observer, at least during the past year, has given the I. W. W. credit for making a single-hearted fight for the unskilled. If they have fought the skilled, they have been on the

defensive. As Ray Stannard Baker remarked of the Lawrence strike:

"At the very time when the strike was at its acutest point, the craft unions endeavored to call it off and to force workers back into the mills by refusing them further relief. They hoped thus to crush the Industrial Workers of the World."

All the new tactics the I. W. W. employs are unavoidable conclusions from these two premises: Independent organization of the unskilled and preparation for the general strike; democracy for the whole world in the future.

At every point, therefore, this new unionism differs from the old—in the manner of declaring a strike, in the conduct of the strike, in its termination, in its attitude to employers after the strike, and in its attitude towards government.

Revolutionary unionists hold themselves free to strike at any moment. The I. W. W. "does not allow any part to enter into time agreements with employers." The union of the unskilled cannot hope to strike effectively when work is slack; it must strike all the harder when unskilled workers are scarce and the mills are busy, and it cannot tell in advance when these times will come. It therefore will not set a time limit to its agreement, and, in the face of such fluctuations in employment, it cannot hope to secure recognition of the union, or a promise of employers not to discriminate against union men—a promise that is seldom honestly kept, anyway.

Having no time agreements, or closed shops, a sort of synco-pated strike becomes feasible; that is, the workers "go on strike one day, go back the next, and so on," for the I. W. W. believes that "the employers can better afford to fight one strike that lasts six months than he can fight six strikes that take place in the same period."

The requirements of the general strike lead in the same direction. Related trades, and even related industries, must always be ready to go on strike. A free speech or anti-injunction fight may at any time call for a local general strike, a wrong use of the militia for a state-wide strike, a declaration of war for a nation-wide strike, etc.

At the same time it is the large numbers of the unskilled that make passive resistance against governmental persecution effective. "Interference by the government is resented by open violation of the government's orders, going to jail en masse, causing expense to the taxpayers—which is but another name for the employing class." This is what some Socialists call advocating "crime."

"During strikes the works are closely picketed, and every effort is made to keep the employers from getting workers into

the shops. All supplies are cut off from the strike-bound shops. All shipments are refused or mis-sent, delayed and lost if possible. Strike-breakers are also isolated to the full extent of the power of the organization." This means the sympathetic strike and secondary boycott, and often leads to "violence." The first-named methods are approved by most unions. Violence also is usually condoned on the unconsciously humorous ground that if the police and militia were not present, there would be little violence. No unions *advocate* violence, but none surrender to the law those among their members who succumb to temptation under critical or exceptional circumstances, and it is rarely that they do not furnish defense funds. Even the I. W. W. does not advocate violence, but it is more frank in its attitude towards it than the older unions.

And finally came a new policy toward employers. Even when there is no active strike, the "passive strike" advises obedience to the rules to the letter in order to force the employer to terms, a method that has proved successful on the railroad systems of Italy and Austria. And again, if demands are not granted, the I. W. W. advises the workers "to do poor work or slow, so as to decrease profits." This is "sabotage."

But if we look closer we see that there are several widely different forms of sabotage. I have mentioned two, the first of which is practiced by conservative unions. The second is also an old acquaintance, "the restriction of output," although applied for a new motive to force better terms from employers. But the I. W. W. has preserved the old motive also, for it "aims to establish the shorter work day, and to slow up the working pace, thus compelling the employment of more and more workers." Slow work for this purpose has long been practiced by the older and more conservative unions. Indeed, it seems far more consonant with their principles than with those of revolutionary unionists.

The fact of sabotage is, then, familiar, and also its use in some forms to exact better terms from employers. Again *revolutionary unionists propose merely to make a frank, aggressive and systematic application for greater objects, of tactics long accepted by the labor movement.*

The I. W. W. does not demand of its supporters that they advocate this "crime," "sabotage" and "violence," or declare it to be advisable, but that they recognize that it is sometimes expedient. "The tactics used are determined solely by the power of the organization to make good in their use," they proclaim, which is exactly the position of the Socialist movement. From the Communist Manifesto to the latest International Congresses, Socialism has made it unmistakable that it is absolutely prepared to use violence, and to disregard the law, not only when the great revolu-

tionary crisis is at hand, but any moment it may consider it expedient to do so.

The tactics of revolutionary and democratic Unionism are therefore the same as those of revolutionary and democratic Socialism. Occasionally organizations that represent the revolutionary movement politically or economically may deviate from these tactics temporarily by attempting to abandon Socialist principles, or by trying to use them to justify semi-anarchistic activities. But all such deviations are merely temporary. That political party which is based chiefly on the masses of unskilled labor, will be compelled by its members to support revolutionary Unionism. And that labor organization which represents these same masses must necessarily be guided and bound in the long run by the principles of revolutionary Socialism.

TO ARTURO GIOVANNATTI

BY JOHN MACY.

Welcome, Arturo, into the sunlight,
Out of the jail;
Into the splendid, creative sun,
Into the light that man was born to,
Out of the darkness man has made,
Out of the hideous walls that kill the soul.

Yet even in those walls light does not die;
The light of life has burned in breasts like yours,
Unquenchable, within the deepest dungeons,
Praise to those heavy walls that closed upon your heart
And pressed the streams of song!
Praise to the spirit of man that in the dark
Can smile and see the sun, can bleed and sing!

All this great world is made of jails and sun,
Of day-destroying walls and life-giving day.
Arturo, ever, ever you and Joe
And all the resolute lovers of liberty
Shall batter at the obdurate walls of jails
And let in the sun.

Ever must we strike, demolishing to build anew,
Until we take the bricks of all the jails,
And all the courts, and all the palaces,
And build them into pleasant homes for men.

What key, what key will turn in the wards
Of all those frightful locks?
What sledge shall break them?
What file outtrick their cunning?
One key, our key, new-shaped, but of old métal,
Stronger than iron bars or granite blocks,
Our key of universal union,

The melting and solidifying sun,
The unobscurable sun of brotherhood.

How long must we wait before the sun of thought
Thrusts his great fingers through the prison bars?
Nay, thought seems to the hot and tortured heart
Not like the serene and ever-burning sun—
The passionate sun, yet steady and deliberate—
But rather like creeping time and stealthy weather
That eats the hard cement of prison stones.
What have impatient souls like to the sun,
So old, remote and permanent and slow?

The glorious sun! How many droop for want of it!--
The servile worker taught to walk head down,
His soul debased and cringing to authority;
The overweighted worker bent by toil;
The crafty, harried worker sneaking to the mill
While his stouter brothers close ranks and endure;
The blinded boss, oppressor and oppressed,
Warped by the burden of the owner's greed,
And for his wage crushing the lesser slave;
The owner, vicious, hard, or but a fool
Ignorant of the looms that weave his silk
(I know one child, a golden girl,
Into whose lily hands,
Unweeting as the vine that sucks the tree,
Drops the sweat-polished wealth of a thousand hands):
All these, all these are suffering for the sun.

Jails! Jails! Jails!
The world is full of jails:
The dirty hovel, infested with disease,
Where man cannot hold up a true man's head;
The school where cowards teach our children folly;
The church, where priests in the name of one
Brave, beaten and bewildered Jewish rebel,
Deny the truth, trap the unwary soul,
Sap the young man's courage,
Delude the maiden and corrupt the child;
The daily press whose looms of type
Weave lies to shroud the mind:
The factory where each wheel that turns
Cuts off a crust to feed the worker's mouth
And flings the fat loaf in the owner's lap;
The factory that crushes the woman's womb,
Kills life before life has its chance,
Converts the robust father to the pallid serf,
Unfit to procreate, unfit to think;
The factory that cramps and dwarfs the child,
Deforms the little hand that ought to grow
To good work, sweet caresses, beauty, joy;
The factory which pampered millionaires

So long regard as theirs, with all its slaves,
That they are lost as human souls; they stare
So hard at rows of figures in their ledgers
That tired men and women and senile children
Become as ciphers in the book of greed.
Our houses, schools, churches, factories
Are jails with locks seven-fold and sinister,
Jails of the hardest steel fashioned by man,
Man's greed and cowardice and ignorance.

We must break those jails, must shatter them,
Those pitiless, stupid jails;
We must break them with our love and understanding.
That is the coldest, darkest cell of all.
Where love and understanding, our best gifts,
Are prisoned like the felon,
Where thought is thrown by the policeman's hand,
And love is flung by hate.

We love, we understand, Arturo!
We love hard stone when it keeps the wind away;
We love true steel when it is forged to generous use;
We love fine brass when it is fashioned
Into a pen wherewith to write the truth,
Or wire to convey an honest thought;
We love a court when Law takes off its mask;
We love a loom when it weaves cloth, not woe;
We love all things man makes
That are turned to the good of man;
We love creative and benevolent skill;
We love the sun and hate all jails that are.

The sun! The jail!
Send the sun into every jail,
Till there be no more jails,
Till man triumph in the fruitful sun—
The sun, the great free worker, obedient to all true laws,
But never obedient to the laws of greed,
Never to the laws of murder and of rapine
That wear the sleek deceitful robe of Justice,
Never obedient to the laws of man's poor Gods,
Those deified ventriloquists that speak
The will of tyrants and their minion priests!—
The sun, the sun, arch-enemy of jails,
Whose face no prison walls can shut away
Save the bleak walls of man's idolatry—
The sun, the sun,
Health-giver, laborer of laborers,
Master of masters, impartial, prodigal
The promise of a jailless world,
Where men shall be free to work and love and sing.

CHARLES AUSTIN NEEDHAM

A POET IN PIGMENTS

BY J. WILLIAM LLOYD

145 East 23d St.

At the far end of a long, narrow passageway there is a door with a stained glass window, and if you are admitted there you probably find yourself in the presence of two men, brothers and lovers—one a man of venerable and saintly beauty, of white locks and flowing beard, Dr. George Gordon Needham, and the other the subject of this sketch, Charles Austin Needham, a name that will yet be immortal. For in this dim and dusky studio, with its big pot stove and its two skylights in the roof, lives and dreams and creates one of the most inspired, inspiring and versatile artists in the world. These two men of Quaker ancestry and serene eye are the sons of that Needham who pioneered the piano-player and made famous organs in his day, and who knows how much of their idealism these brothers inherit from him and how much of his father's absorbed and assimilated music Charles puts into those marvelous colors that so sing and throb on his canvases.

For this man, water-colorist, painter in oils, etcher, sculptor, wood-carver, what you will, is a poet in pigments, whose sonatas and symphonies in color-tone vibrate through your nerves with all the moods and passions of anthem and dance and song.

This dreamer of sixty-eight years, who looks but fifty, gentle, quiet, alert; with the deep-set, drooping, smiling eyes and the serene, unreadable, smiling mouth; whose hands are so deft, whose brain is such a fountain of visions; is not to be known and gauged in a moment. He is elusive, contradictory and inexhaustible as life, or his own work.

Out from some shadowed corner of the atelier he brings a canvas and sets it before you. Perhaps it is a still-life of such startling and satisfying realism that you can see the glaze on the old china, the texture of a brocade, the very dust on that antique, leather-covered volume. Or it may be a clove in the hills, with a sky so pure and full of summer that your eyes know that they are seeing heaven itself. It is Nature photographed by a brush with utter perfection of accuracy. But here is a landscape of hill and village and fields, just as real, but with a haze and distance that begin to draw Nature's veil of mystery. Now it is an old dock, with its canal boat and tawny warehouses, sleepy as Holland and with an atmosphere truly Dutch. And now it is a ridge of dun and mysterious mountain, with no finished lines to inform the eye, but above it burns a sky of wonderful and glorious blue, with just one flash of spotless cloud breaking over like a white wave over a breakwater.

The mystery is beginning to talk now. Picture after picture comes on, in oil, in water, in charcoal, in pastel; on canvas, on wood, on paper; tiny or medium or large; passing in procession before you, as this wizard with the boy's heart moves them; and you know you are in the presence of a mystic, watching the fruitage of his soul. He can be finished as a miniature maker, he is often rough as Rodin, grotesque and weird as Dore, or misty and ethereal as Dabo, but you soon come to recognize that he is too original for comparisons, and that there is some subtle, ungraspable, sphinx-like quality in all his work that challenges, mocks, eludes, suggests, inspires, yet strangely satisfies. It is the quality all his own, the aroma and climate of this man's soul, that permeates and exudes from all he does. He is mystic and yet humorous. His moods are infinite, but all masterful, and all alive with opalescent transmutation.

Consider his titles:—"The Cry of the Widow-Bird," "Embers," "Scarlet Tanager," "Robe of Grass," "Aeolian Echoes," "Ecstasy," "Distant Chimes," "Silent Rivers," "March of the Stars," "Stream of Memories," "Heart Stories," and a hundred others—and you feel the poet. But the mystery is not in these, but in this that you will usually, or often, be able to see but little connection between these alluring captions and the work above them—nor does he, with his inscrutable smile, essay to explain it. If in the "Cry of the Widow Bird" you see only a glory of autumn color, and if in the "Scarlet Tanager" you see no tanager and no scarlet, you can only wonder whether there is a meaning deeper than the solving stream that flows over the dull stratum of your stupidity, or whether it is all delicious fooling and foiling by an idealist with an inner laugh.

His pictures might perhaps be roughly yet pretty accurately classified into several groups as "Real-Lives," "Singing-Palettes," "Keramics," "Sublimes," "Weirds," etc. Yet like all such arrangements this one is defective because the varieties run together and overlap. In the "Keramics" there is wonderful depth and mystery in the mere pigment, secured by the superimposition of colors and glazes, or some such process unknown to me, until the effect is like that of Rookwood pottery. In the "Singing Palettes" the paint is laid on in massive daubs, thick and rough as the bark of a tree and spotted in all glowing colors of a bed of tulips, yet off at the right distance all pulls together and a strange singing harmony of form and meaning asserts itself. In a subdivision of these which I have sometimes called "Color-Poems," there is usually only a faint suggestion of form and composition, but the very colors, by jewel-like beauty and suggestive co-ordination, fill the mind with musical and poetic images. Here is perhaps his most original work. In the "Sublimes" there are great massive,

simple bulks of rock and mountain and beyond these are skies so gloriously, terribly beautiful, awe-inspiring and spiritual that you feel this man a god of mystery in the very act of creation. Or perhaps a sea-side, with a lonely curve of beach, a wandering shade on its shore, a blending of ocean and cloud and fog in a green and misty melancholy that can be felt, yet soothes and rests. Of this class "Verging the Infinite," "Hills of Dream," "Star of Evening," "Mystery of Night" are appropriately named. "Cloud-Castles" is also most fittingly named, but this is a thinly-washed work, more dainty and dreamy than sublime, despite its simplicity.

Of the "Keramics" no one should miss "Music of the Winds," "Iron Weed," "Tales of a Brook," "Pool of Dreams," but several of the best of this class are yet unnamed. "Joe Pye Weed" and "Golden Rod" perhaps belong here and are supremely lovely. I doubt if this artist has ever been surpassed in the gem-like quality of much of his color.

Of the "Palettes" some of the best are nameless, but "Water Petals" and "Pool of Flame" are typical.

The classification is difficult. Nearly all his weirdest pictures are also sublime. Many of his loveliest color-poems are so strange with weedy trees, lurking, peeping figures, whirling clouds and whorls of lawless color that they are truly weird, perhaps grotesque. Like all great originals he is anarchistic in his creations. His "Keramics," too, are often weird with unfathomable shadows, inextricable forms and pools of depth, till their mystery fascinates like a goblin's eyes. Some utterly elude analysis, explanation or understanding. He himself does not understand them, but stands before them in rapture, for what parent does not glory in the child greater than himself. The charcoals are usually mystical in the extreme.

Around the studio are always examples of his plastic art, also, ranging from the most realistic, as in his "Trouts," to the most mystical, as in "Jekyll and Hyde." A magnificent bust of his brother's head is now there and an unfinished one of his own. All this work in sculpture is of quite recent date.

To a Socialist it is not ill to know that both these brothers are Socialistic in sympathy. They are readers, thinkers, liberals, disciples of Whitman.

Charles Austin Needham has had but little recognition so far. He is too emancipated, too original, too self-true and rebellious for the academic world to appreciate and applaud. The men and women of the New Time are the ones who must give him the seeing eye, the feeling hand and his meed of praise. One of these, a Miss Gulbrandsen of Brooklyn, writing with the true Scandinavian enthusiasm and temperament, has in a prose-poem in the Open Road given Needham his best tribute yet penned.

But his genius will yet be acclaimed by all the world.