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In a new book, **Professor Robert J. Steinfeld** looks at work and coercion in the 19th century

HIRE POWER

You think your job is tough? Be glad you were not working in 19th century England or the Northern United States. In a new book, UB Law Professor Robert J. Steinfeld makes the case that many workers in that time were subject to coercion – from imprisonment in England to draconian wage-forfeiture laws in the United States – in order to compel them to keep working.

The situation, he says, though obviously not as severe as the horrors of slavery that were an accepted fact in the South, can be placed along the same continuum. That is, though economists have long understood such laborers to be “free wage workers” selling their services in a “free market,” the truth was not so well-defined.

“This book should change everyone’s opinion of what wage labor was like in the 19th century,” Steinfeld says of *Coercion, Contract, and Free Labor in the Nineteenth Century*, published by Cambridge University Press. “The line really does begin to blur between free and unfree labor.”

For example, he says, England’s Master and Servant Acts allowed for police enforcement of contracts, oral or written, that were made between employers and the skilled artisans they would employ on a temporary basis. A worker who did not perform as quickly or as well as expected, or who left early one day or just took off because he did not like the working conditions, could be hunted down by the authorities and imprisoned. The effect, Steinfeld argues, was to give employers enormous power in keeping the employees they wanted to keep (at a time when employment hovered as low as 4 percent), while crippling the workers’ ability to shop their services around to the highest bidder.

In the Northern United States, he says, “because of the different political landscape,” such police assistance was not available to employers. So they turned to economic coercion – if an employee did not perform up to snuff or left before



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the work contract had run its course, the employer could withhold the entirety of his wages for the contracted time period. In effect, the workers were being held hostage by the threat of losing their entire wages, in an era when the working class lived a largely hand-to-mouth existence.

“That gave the employer a functionally similar means of control,” Steinfeld says. “Losing one’s wages was a disagreeable alternative to continuing to work.”

These coercive practices by employers ended in England when, after union agitation won the vote for working-class non-landowners, Parliament voted in 1875 to end the use of criminal sanctions against work-contract violators. In the United States, the wage-forfeiture laws were gradually overturned by a succession of state legislatures from the 1870s to the 1930s.

His principal contention, Steinfeld says, is that “our modern system of truly free labor is not the result of the move toward free markets, but rather a result of political action.”

The research, he says, took him to the case law – mostly appellate decisions – from England and the United States, some of which were in the UB Law Library, some borrowed from other institutions. Additionally, he read contemporary British newspapers on microfilm, and studied the text of parliamentary papers and debates. “We have wonderful law librarians,” he says. “It truly is one of the great unsung resources of the Law School.”

The book, out in both hardcover and paperback versions, has drawn praise from fellow labor historians. Said Robert W. Gordon of Yale Law School: “No other book I know of conveys in such rich and revealing detail the constantly shifting meanings that workers, employers, courts and legislatures gave to ‘free labor’ and ‘free contract’ when they used those words.” The University of Rochester’s Stanley Engerman called the book “important not only for its examination of employee-employer behavior in labor markets, but also for its discussion of the meaning of freedom in the modern world.”