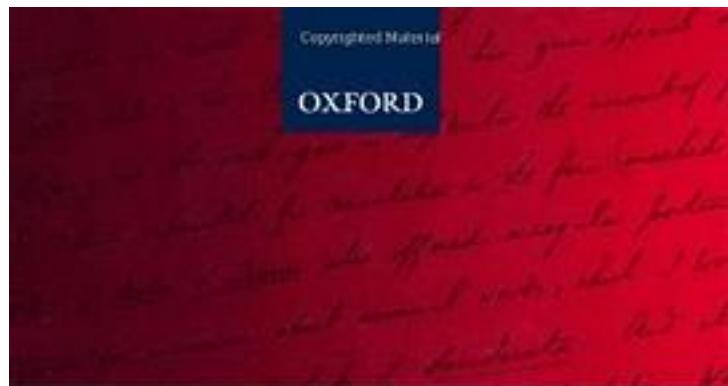


Governments, Labour, and the Law in Mid-Victorian Britain



GOVERNMENTS, LABOUR, AND THE LAW IN MID-VICTORIAN BRITAIN

THE TRADE UNION LEGISLATION OF THE 1870S

MARK CURTHOYS

OXFORD HISTORICAL MONOGRAPHS

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This is a study of how governments and their specialist advisers, in an age of free trade and the minimal state, attempted to create a viable legal framework for trade unions and strikes. It traces the collapse, in the face of judicial interventions, of the regime for collective labour devised by the Liberal Tories in the 1820s, following the repeal of the Combination Acts. The new arrangements enacted in the 1870s allowed collective labour unparalleled freedoms, contended by the newly-founded Trades Union Congress. This book seeks to reinstate the view from government into an account of how the settlement was brought about, tracing the emergence of an official view - largely independent of external pressure - which favoured withdrawing the criminal law from peaceful industrial relations and allowing a virtually unrestricted freedom to combine. It reviews the impact upon the Home Office's specialist advisers of contemporary intellectual trends, such as the assaults upon classical and political economy and the historicized critiques of labour law developed by Liberal writers. Curthoys offers an historical context for the major court decisions affecting the security of trade union funds, and the freedom to strike, while the views of the judges are integrated within the terms of a wider debate between proponents of contending views of 'free trade' and 'free labour'. New evidence sheds light on the considerations which impelled governments to grant trade unions a distinctive form of legal existence, and to protect strikers from the criminal law. This account of the making of labour law affords many wider insights into the nature and inner workings of the Victorian state as it dismantled the remnants of feudalism (symbolized by the Master and Servant Acts) and sought to reconcile competing conceptions of citizenship in an age of franchise extension. After the repeal of the Combination Acts in the 1820s collective labour enjoyed limited freedoms. When this regime collapsed under judicial challenge, governments were obliged to devise a new legal framework for trade unions and strikes, enacted between 1871 and 1876. Drawing extensively upon previously unused governmental sources, this study affords many wider insights into the nature and inner workings of the mid-Victorian state, tracing the impact upon policy-makers of contemporary assaults upon classical political economy, and of the historicized critiques of labour law developed by Liberal writers. As contending views of 'free trade' and 'free labour' came into collision, an official view was formed which favoured allowing an unrestricted freedom to combine and sought to withdraw the criminal law from peaceful industrial relations.

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